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Symbol Key †

† Indicates entries since last publication of the Virginia Register

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **VR 120-99-04. Regulation for the Control of Motor Vehicle Emissions in the Richmond Area.** The purpose of the proposed action is to develop a regulation for the testing of emissions from motor vehicles located in or primarily operated in the Richmond area which conforms to state law and federal requirements.

Public Meeting: A public meeting will be held by the department in the Board Room, Department of Environmental Quality, Innsbrook, 4900 Cox Road, Glen Allen, Virginia, at 7 p.m. on May 18, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than May 4, 1994.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by close of business May 18, 1994, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be on the group, you are encouraged to attend the public meeting mentioned above.

Public Hearing Plans: After publication in The Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation drafted pursuant to this notice.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary

focus of this proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the air react together in the presence of sunlight. VOCs are chemicals contained in gasoline, polishes, paints, varnishes, cleaning fluids, inks, and other household and industrial products. NOx emissions are a byproduct from the combustion of fuels and industrial processes.

The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas according to new provisions of the Act.

States are required to develop plans to ensure that areas will come into compliance with the federal health standard. Failure to develop adequate programs to meet the ozone air quality standard: (i) will result in the continued violations of the standard; (ii) may result in assumption of the program by EPA at which time the Commonwealth would lose authority over matters affecting its citizens; and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent control requirements.

More vehicle emissions inspection programs, known as inspection and maintenance (I/M) programs, are an integral part of the effort to reduce mobile source air pollution. Cars and trucks create about half of the ozone air pollution. Of all highway vehicles, passenger cars and light trucks emit most of the vehicle-related carbon monoxide and ozone-forming hydrocarbons. Tremendous progress has been made in reducing these pollutants; however, total vehicle emissions remain high. This is because the number of vehicle miles travelled on our highways has doubled in the last 20 years, offsetting much of the technological progress in vehicle emission control over the same two decades. Ongoing efforts to reduce emissions from individual vehicles will be necessary to achieve our air quality goals.

Notices of Intended Regulatory Action

I/M programs achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions and requiring them to be repaired. Minor malfunctions in the emissions control system can increase emissions significantly. The average car on the road can emit three to four times the carbon monoxide and hydrocarbons allowed by new car standards if emission control systems are malfunctioning. Unfortunately, rarely is it obvious which cars have malfunctions as the emissions themselves may not be noticeable and emission control malfunctions do not necessarily affect vehicle driveability. I/M programs provide a way to check whether the emission control systems on a vehicle are working correctly. All new passenger cars and trucks sold in the United States today must meet stringent air pollution standards and those standards became more stringent in model year 1994, but they can only retain this low-polluting profile if the emission controls and engine are functioning properly. An I/M program is designed to ensure that vehicles stay clean in actual use. This, in turn, can substantially reduce the amount of volatile organic compounds, carbon monoxide, and nitrogen oxides emitted to the ambient air, thereby reducing the formation of ozone and lowering ozone concentrations.

Alternatives:

1. Draft new regulations which will provide for implementation of a motor vehicle emissions testing program that meets the provisions of the state code, federal Clean Air Act and associated EPA regulations and policies.
2. No regulatory alternatives to a basic I/M program have been promulgated by EPA as meeting the requirements of the Act. Adopting an unapprovable program will result in sanctions being imposed by EPA.
3. Take no action to develop the regulations and risk sanctions by EPA.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Federal Requirements: The 1990 Amendments to the Clean Air Act represent the most comprehensive piece of clean air legislation ever enacted to address air quality planning requirements for areas that had not attained the federal air quality standard for ozone (that is, nonattainment areas). The new Act established a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. Nonattainment areas are classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower

classifications plus the more stringent requirements of its own class. Virginia's ozone nonattainment areas are classified as marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area.

The Richmond area has an ozone air pollution problem classified by the EPA as "moderate." The problem is a result of emissions from both industrial sources and motor vehicles. The Act requires that all areas classified as moderate must implement a vehicle inspection and maintenance program, commonly referred to as I/M.

The Act requires that basic I/M programs be implemented as expeditiously as practicable. The program implemented by the state must achieve emission reductions equivalent to or greater than those resultant from the EPA model program having the following characteristics:

- Centralized testing,
- Annual testing,
- Idle emission test,
- Testing of 1968 and later model year vehicles,
- Testing of light duty vehicles,
- Twenty percent emission test failure rate among pre-1981 model year vehicles,
- Zero percent waiver rate, and
- One hundred percent compliance rate.

However, the state has the flexibility to design its own program and demonstrate that it is as effective as the EPA model program in reducing emissions. Legislation was passed by the General Assembly of Virginia in 1993 and 1994 that provides authority for a basic I/M program to be implemented in the Richmond nonattainment area. The program will apply to motor vehicles that have actual gross weights of 8,500 pounds or less registered in the affected counties and cities. Key provisions of the legislation include:

- A biennial inspection;
- An inspection fee cap of \$17;
- A minimum repair cost of \$75 for pre-1981 vehicles and \$200 for 1981 and newer vehicles to qualify for a waiver;
- Motor vehicles being titled for the first time may be registered for up to two years without being subject to an emissions inspection;
- An exemption for any of the following vehicles: (i)

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vehicles powered by a diesel engine; (ii) motorcycles; (iii) vehicles which, at the time of manufacture were not designed to meet emission standards set or approved by the federal government; or (iv) any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730;

- The requirement for the inspection to apply to all vehicles registered and/or operated in the affected area including (i) vehicles owned by government entities; (ii) vehicles owned by military personnel residing in the affected areas; and (iii) vehicles owned by leasing or rental companies; and

- The program shall be a basic, test and repair program with the greatest number of inspection facilities consistent with the consumer protection and fee provisions in accordance with the Clean Air Act.

The legislation directs the State Air Pollution Control Board to adopt regulations to implement the program.

Statutory Authority: § 46.2-1180 of the Code of Virginia.

Written comments may be submitted until close of business May 18, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Mary E. Major, Policy Analyst Senior, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4423.

VA.R. Doc. No. R94-757; Filed March 30, 1994, 10:55 a.m.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to consider amending regulations entitled: **VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed action is to amend the current licensure and registration requirements and standards of practice and conduct. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Written comments may be submitted until May 18, 1994.

Contact: Willie Fobbs, III, Assistant Director, Department of Professional and Occupational Regulation, 3600 W.

Broad St., Richmond, VA 23230, telephone (804) 367-8514.

VA.R. Doc. No. R94-743; Filed March 28, 1994, 12:24 p.m.

VIRGINIA EMPLOYMENT COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider amending regulations entitled: **VR 300-01-1. Definitions and General Provisions.** The purpose of the proposed action is to conduct the annual review of existing regulations. The agency intends to hold a public hearing after publication of the proposed amendments.

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

Written comments may be submitted until April 21, 1994.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

VA.R. Doc. No. R94-632; Filed February 28, 1994, 12:32 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider amending regulations entitled: **VR 300-01-2. Unemployment Taxes.** The purpose of the proposed action is to conduct the annual review of existing regulations. The agency intends to hold a public hearing after publication of the proposed amendments.

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

Written comments may be submitted until April 21, 1994.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

VA.R. Doc. No. R94-633; Filed February 28, 1994, 12:32 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider amending regulations entitled: **VR 300-01-3. Benefits.** The purpose of the proposed action is to conduct the annual review of existing regulations. The agency intends to hold a public hearing after publication of the proposed amendments.

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

Notices of Intended Regulatory Action

Written comments may be submitted until April 21, 1994.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

VA.R. Doc. No. R94-634; Filed February 28, 1994, 12:32 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider amending regulations entitled: **VR 300-01-4. Adjudication.** The purpose of the proposed action is to conduct the annual review of existing regulations. The agency intends to hold a public hearing after publication of the proposed amendments.

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

Written comments may be submitted until April 21, 1994.

Contact: Michael P. Maddox, Legislative Analyst, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, telephone (804) 786-1070.

VA.R. Doc. No. R94-635; Filed February 28, 1994, 12:32 p.m.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Environmental Quality intends to consider promulgating regulations entitled: **VR 304-03-01. Regulation for the Early Retirement of Older Motor Vehicles.** The purpose of the proposed action is to develop procedures for the early, voluntary retirement of older motor vehicles in order to reduce mobile source air pollution in exchange for a voucher worth cash or trade-in value. The regulation will contain eligibility criteria, processing requirements and procedures for establishing mobile source air pollution reduction credits which can be banked or traded.

Public Meeting: A public meeting will be held in the Board Room of the Virginia Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia, at 7 p.m. on March 30, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva

Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than March 15, 1994.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by the close of business on April 22, 1994, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants by May 13, 1994. If you are interested in being on the group, you are encouraged to attend the public meeting. The primary function of the group is to develop a recommended regulation for department consideration through the collaborative approach of regulatory negotiation and consensus to the extent permitted by law.

Public Hearing Plans: The department will hold at least one public hearing to provide opportunity for public comment on any regulation drafted pursuant to this notice.

Need: The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. Ozone is formed when volatile organic compounds and nitrogen oxides in the ambient air react together in the presence of sunlight. When concentrations of ozone in the ambient air exceed the EPA standard the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas according to new provisions of the 1990 Clean Air Act (Act); therefore, over 3.5 million Virginia citizens are being exposed to air quality that does not meet the federal health standard for ozone.

Air pollution from vehicles contributes as much as half of the total man-made pollution which forms ozone. A disproportionate amount of that pollution comes from older cars which were either not designed to burn fuel efficiently or have deteriorated to the point that they pollute heavily. According to the U.S. Congress Office of Technology Assessment, cars of 1971 or earlier vintage made up only 3.4% of the national fleet in 1990 and were driven only 2.0% of the miles. EPA estimates they created at least 6.0% of the hydrocarbon emissions, 7.5% of the carbon monoxide, and 4.7% of nitrogen oxides. They also have poor fuel economy.

In Virginia's nonattainment areas (currently Northern Virginia, Richmond and Hampton Roads), the percentage of pre-1972 cars ranges between 3.4% and 4.4% of the total vehicle population according to 1991 data from the Department of Motor Vehicles. These vehicles produce 10% to 12% of the total VOC emissions from cars and

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trucks weighing up to 8,500 pounds. Pre-1981 model years, ranging from 21% to 27% of the vehicle population, produce 45% to 50% of the total VOC emissions. The percentage of older cars in the vehicle population and the pollution from those cars will decrease annually as cars are retired naturally. Estimates are that approximately 20% of the pre-1981 vehicles are retired by their owners each year.

Vehicle retirement programs remove these vehicles from service, and destroy the emission system components and engine, by offering to purchase them from willing owners. The programs reduce pollution by taking these older, higher-polluting vehicles off the road sooner than they would normally have been retired. The benefits in pollution reduction and fuel savings are immediate; there may be safety benefits as well. However, the benefits are short-lived because the vehicle is being removed from service only a few years sooner, on average, than would have occurred normally. There is also the question of what amount of driving is then transferred to another vehicle and how much net pollution reduction results from replacing one vehicle with another.

In order for a motor vehicle retirement program to demonstrate an air pollution reduction benefit, it must be carefully constructed to target high-polluting vehicles which are in regular operation. Removing vehicles from operation which are not operated regularly does little to reduce pollution and is therefore not cost effective. Further, removal of vehicles in geographic areas which do not have significant air pollution problems is also not cost effective.

Alternatives:

1. Draft a new regulation according to the requirements in the 1993 Acts of Assembly which will provide for implementation of a motor vehicle retirement or "scrapage" program which assigns pollution reduction credit value based on EPA guidance.
2. Draft a new regulation according to the requirements in the 1993 Acts of Assembly which will provide for implementation of a motor vehicle retirement or "scrapage" program which assigns pollution reduction credit value based on calculations from actual emissions testing of vehicles retired and replacement vehicles.
3. Take no action to draft a regulation, which would be contrary to the intent of the 1993 Acts of Assembly.

Costs and benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Federal Requirements: The 1990 amendments to the Clean Air Act represent the most comprehensive piece

of clean air legislation ever enacted and for the first time delineates nonattainment areas as to the severity of the pollution problem. Nonattainment areas are now classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification is subject to successively more stringent control measures. Areas with higher classifications of nonattainment must meet the requirements of all the areas in lower classifications. Virginia's nonattainment areas are classified as marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area.

Virginia must submit an air quality plan for each of these areas which shows how, and when, we will go about attaining and maintaining these air quality standards. The plans contain multiple control strategies and also must contain contingency measures should the strategies prove insufficient. Realistically, it is also important to prevent areas with relatively clean air from becoming nonattainment areas. Voluntary, proactive programs such as a motor vehicle retirement program could prove beneficial in the short term in reducing pollution generated by motor vehicles.

Some federal guidance exists for designing such programs; however, there is no federal law or regulation on this specific subject. Additional federal guidance exists regarding the generation, banking and trading of actual pollution reductions, called "pollution credits."

Statutory Authority: §§ 46.2-1802, 46.2-1804, and 46.2-1805 of the Code of Virginia.

Written comments may be submitted until the close of business on April 22, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: David J. Kinsey, Policy Analyst, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4432.

V.A.R. Doc. No. R94-567; Filed February 2, 1994, 10:04 a.m.



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 amending regulations entitled: **VR 355-20-100 (formerly VR 355-20-01). Virginia Radiation**

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Protection Regulations. The proposed action is to adopt the 1991 version of the "Suggested State Regulations for Control of Radiation" published by the Conference of Radiation Control Program Directors, Inc.; revise the protection standards resulting from changes to 10 CFR 20; and consider adoption of comments solicited from the public. The agency intends to hold a public hearing on the proposed regulation after publication.

Purpose: The purpose of this Notice of Intended Regulatory Action is to solicit public comments regarding revisions to the Virginia Radiation Protection Regulations. The agency intends to adopt the model regulations contained in the document, "Suggested State Regulations for Control of Radiation," published by the Conference of Radiation Control Program Director, Inc. (CRCPD) and available from CRCPD, 205 Capital Avenue, Frankfort, Kentucky 40601, telephone (502) 227-4543. The revisions also include replacing Part V, radiation protection standards, with the new federal Part 10 CFR 20 standards.

A summary of changes proposed by the agency's staff follows:

1. Update regulations from the latest version of the "Suggested State Regulations for Control of Radiation."
2. Implement Code of Virginia provisions for bonding of radioactive material licensees.
3. Remove all references to radioactive materials regulated by NRC and NRC Agreement states in Part IV.
4. Adopt the new federal 10 CFR 20 in Part V, radiation protection standards.
5. Adopt provisions of the Mammography Quality Standards Act.

The agency requests public comment for the following issues:

1. What qualifications should private inspectors have? Should individuals be allowed to work as interns and the supervisor not be on site for all of the surveys performed by the intern?
2. Should there be other categories of private inspectors besides diagnostic x-ray and radiation therapy machines, such as mammography, dental, CT, or others? What qualifications should they have?
3. Should the agency specify equipment used by private inspectors and require proof of equipment calibrations?
4. What data should private inspectors report to the agency for it to certify x-ray machines?
5. Should there be any difference in what data the

private inspector provides the agency for compliant machines versus noncompliant machines?

6. Should the inspection procedures be prescriptive, or should the agency provide guidance for the conduct of the inspection, or should the inspection procedure be left to the private inspector's judgment?

7. Should x-ray equipment manufactured prior to September 1974 (the date that the U.S. FDA began certification of x-ray machines manufactured for use in the healing arts) be certified for use in the healing arts after the year 2000?

8. Should portable x-ray machines be used as fixed machines in dental and medical facilities?

9. Should stretch cords be allowed for dental intraoral and panoramic machines?

10. Should dosimetry be eliminated for dental facilities that use machines with stretch cords or have open bay operatories?

11. How should the agency address the issue of exposure versus dose that is reported for occupational workers while performing interventional diagnostic procedures?

12. What limits should be placed on fluoroscopic x-ray machines that have an output rate exceeding 20 R/min?

13. Should nonimage-intensified fluoroscopic machines be certified for use in the healing arts?

14. What elements should a quality assurance program have at a facility with x-ray equipment used in the healing arts? Examples are processor temperature and time, fog measurements, sensitometric measurements, phantom exposure trends, and phantom image scores.

15. How frequently should analytical x-ray diffraction equipment and industrial x-ray equipment be inspected?

16. Should the shielding design of linear accelerators producing beam energies greater than 18 MeV be required to include calculations of neutron production or should the facility measure the neutron production for evaluating the effectiveness of the shielding design?

Any individual or organization interested in participating in the development of specific rules and regulations should also contact the Bureau of Radiological Health and ask to be placed on the interested parties list.

The Radiation Advisory Board will review all public comments and assist the agency in the review and development of the regulations for the Board of Health.

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Statutory Authority: § 32.1-299 of the Code of Virginia.

Written comments may be submitted until June 17, 1994.

Contact: Leslie P. Foldesi, Director, Bureau of Radiological Health, 1500 E. Main St., Room 104A, Richmond, VA 23219, telephone (804) 786-5932, FAX (804) 786-6979 or toll-free 1-800-468-0138.

V.A.R. Doc. No. R94-755; Filed March 30, 1994, 10:19 a.m.

† 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 amending regulations entitled: **VR 355-30-102. Virginia State Medical Facilities Plan: Perinatal Services.** The purpose of the proposed action is to amend the criteria and standards for approval of projects for establishment of neonatal special care services. A public hearing is planned during the public comment period to commence with the publication of the regulations.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Written comments may be submitted until May 30, 1994.

Contact: Paul E. Parker, Director, Office of Resources Development, Department of Health, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

V.A.R. Doc. No. R94-741; Filed March 25, 1994, 1:15 p.m.

† 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 amending regulations entitled: **VR 355-30-104. Virginia State Medical Facilities Plan: General Surgical Services.** The purpose of the proposed action is to amend the criteria and standards for approval of projects involving surgical services and facilities. A public hearing is planned during the public comment period to commence with the publication of the regulations.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Written comments may be submitted until May 30, 1994.

Contact: Paul E. Parker, Director, Office of Resources Development, Department of Health, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

V.A.R. Doc. No. R94-740; Filed March 25, 1994, 1:15 p.m.

† 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 amending regulations entitled: **VR 355-30-107. Virginia State Medical Facilities Plan: Medical Rehabilitation Services.** The purpose of the proposed action is to amend the criteria and standards for approval of projects which involve medical rehabilitation services and facilities. A public hearing is planned during the public comment period to commence with the publication of the regulations.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Written comments may be submitted until May 30, 1994.

Contact: Paul E. Parker, Director, Office of Resources Development, Department of Health, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

V.A.R. Doc. No. R94-744; Filed March 28, 1994, 11 a.m.

† 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 amending regulations entitled: **VR 355-30-111. Virginia State Medical Facilities Plan: Radiation Therapy Services.** The purpose of the proposed action is to amend the criteria and standards for approval of projects which involve radiation therapy services. A public hearing is planned during the public comment period to commence with the publication of the regulations.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Written comments may be submitted until May 30, 1994.

Contact: Paul E. Parker, Director, Office of Resources Development, Department of Health, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

V.A.R. Doc. No. R94-742; Filed March 28, 1994, 9:05 a.m.

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 amending regulations entitled: **VR 355-33-100 (formerly 355-33-01). Rules and Regulations for the Licensure of Nursing Homes in Virginia.** The purpose of the proposed action is to review and update the existing regulations governing the activities and services of nursing homes and include criminal record checks for employees in keeping with § 32.1-126.01 of the Code of Virginia and the rights and responsibilities of patient discharge and transfer in keeping with § 32.1-138.1 of the Code of Virginia. A public hearing will be held in the future at an announced location and time.

Statutory Authority: §§ 32.1-12, 32.1-127, 32.1-126.01, and

Notices of Intended Regulatory Action

32.1-138.1 of the Code of Virginia.

Written comments may be submitted until April 29, 1994, to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Connie Kane, Long-Term Care Service Director, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2100.

VA.R. Doc. No. R94-651; Filed March 2, 1994, 10:35 a.m.

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 amending regulations entitled: **VR 355-33-200 (formerly VR 355-33-02). Regulations for the Licensure of Home Health Agencies.** The purpose of the proposed action is to amend the existing home health agency regulations to require each home health agency to develop and implement policies and procedures requiring criminal records checks for employees in keeping with § 32.1-162.9:1 of the Code of Virginia. A public hearing will be held in the future at an announced location and time.

Statutory Authority: §§ 32.1-12, 32.1-162.12, and 32.1-162.9:1 of the Code of Virginia.

Written comments may be submitted until April 21, 1994, to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2100.

VA.R. Doc. No. R94-653; Filed March 2, 1994, 10:35 a.m.

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 amending regulations entitled: **VR 355-33-300 (formerly VR 355-33-03). Regulations for the Licensure of Hospices.** The purpose of the proposed action is to amend existing hospice regulations to require each hospice to develop and implement policies and procedures requiring criminal records checks for employees in keeping with § 32.1-162.9:1 of the Code of Virginia. A public hearing will be held in the future at an announced location and time.

Statutory Authority: §§ 32.1-12, 32.1-162.5, and 32.1-162.9:1 of the Code of Virginia.

Written comments may be submitted until April 21, 1994,

to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2102.

VA.R. Doc. No. R94-652; Filed March 2, 1994, 10:35 a.m.

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 amending regulations entitled: **VR 355-33-500. Rules and Regulations for the Licensure of Hospitals in Virginia.** The purpose of the proposed action is to amend the existing hospital licensure regulations to:

A. Establish designated levels of care, with attendant standards, for the provision of neonatal services in licensed hospitals within the Commonwealth.

B. Develop a policy that prohibits offering or paying remuneration to any practitioner for referring patients to the hospital in keeping with § 32.1-135.2 of the Code of Virginia.

C. Require each hospital to develop a protocol to disseminate patient rights to patients in keeping with § 32.1-127 of the Code of Virginia.

D. Require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance abusing, postpartum women and their infants.

E. Include regulations that require that each licensed hospital in the Commonwealth establish a routine contact protocol to ensure that families of suitable organ and tissue donors are offered the opportunity to consider organ, tissue and eye donation.

A public hearing will be held in the future at an announced time and location.

Statutory Authority: §§ 32.1-12, 32.1-127, and 32.1-135.2 of the Code of Virginia.

Written comments may be submitted until April 21, 1994, to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Stephanie A. Sivert, Director, Division of Acute Care Services, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2104.

Notices of Intended Regulatory Action

VA.R. Doc. No. R94-654; March 2, 1994, 10:35 a.m.

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 355-33-600. Rules and Regulations for the Licensure of Outpatient Maternity Hospitals.** The purpose of the proposed action is to promulgate regulations governing the activities and services of outpatient maternity hospitals. This action will establish outpatient maternity hospitals under a separate set of regulations. A public hearing will be held in the future at an announced location and time.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Written comments may be submitted until April 21, 1994, to Nancy Hofheimer, Director, Office of Health Facilities Regulation, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Office of Health Facilities Regulation, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2102.

VA.R. Doc. No. R94-657; Filed March 2, 1994, 10:36 a.m.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **VR 370-01-003. Virginia Health Services Cost Review Council Patient Level Data System.** The purpose of the proposed action is to amend regulations regarding patient level data which must be submitted by acute care hospitals for inpatient discharges and by the Virginia Department of Medical Assistance Services and the Virginia Department of Health for outpatient care data. A public hearing will be held at noon on June 28, 1994, at Blue Cross/Blue Shield of Virginia, 2015 Staples Mill Road, Richmond, Virginia.

Statutory Authority: §§ 9-164 and 9-166.5 of the Code of Virginia.

Written comments may be submitted until April 22, 1994.

Contact: John A. Rupp, Executive Director, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

VA.R. Doc. No. R94-649; Filed March 1, 1994, 3:37 p.m.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Housing and Community Development intends to consider amending regulations: **VR 394-01-107. Procedures for Allocation of Low Income Housing Tax Credits.** The purpose of the proposed action is to modify the existing allocation plan to reflect changes in scoring criteria and other administrative procedures. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-139 of the Code of Virginia, Governor's Executive Order No. Forty (91), and § 42 of the Internal Revenue Code.

Written comments may be submitted until May 20, 1994.

Contact: H. Graham Driver, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7122.

VA.R. Doc. No. R94-776; Filed March 30, 1994, 11:31 a.m.

COUNCIL ON HUMAN RIGHTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Council on Human Rights intends to consider promulgating regulations entitled: **VR 402-01-01:1. Public Participation Guidelines.** The purpose of the proposed regulation is to comply with the Administrative Process Act to ensure public participation. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Written comments may be submitted until May 18, 1994.

Contact: Sandra D. Norman, Executive Assistant, Council on Human Rights, 1100 Bank Street, 12th Floor, Richmond, VA 23219, telephone (804) 225-2292 or toll free 1-800-633-5510.

VA.R. Doc. No. R94-774; Filed March 30, 1994, 11:53 a.m.

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

Notices of Intended Regulatory Action

Assistance Services intends to consider promulgating regulations entitled: **VR 460-04-~~8.16~~. DMAS-122 Adjustments**. The purpose of the proposed regulation is to establish regulatory authority for guidelines for the process of adjusting the amount due from Medicaid recipients in long-term care facilities (the **DMAS-122 Adjustment Process**). This agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until April 20, 1994, to Mary Chiles, Manager, Division of Quality Care Assurance, 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.

VA.R. Doc. No. R94-621; Filed February 23, 1994, 12:47 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **VR 460-04-~~8.17~~. Kids Care**. The purpose of the proposed regulation is to establish the Kids Care Program under the administration of the Medicaid program to expand coverage for the limited benefit package of preventive and primary care services provided to uninsured children from birth to age three who have a family income between 133% and 200% of the federal poverty level who are currently not eligible for Medicaid. The agency does not intend to conduct public hearings regarding this regulatory action.

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

Written comments may be submitted until May 4, 1994, to Janet Kennedy, Policy Analyst, 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) 786-7933.

VA.R. Doc. R94-678; Filed March 11, 1994, 9:35 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **VR 460-10-2500. Medicaid Financial Eligibility Requirements - Families and Children**. The purpose of the proposed action is to promulgate

regulations which describe the methods and procedures to be used in setting standards and determining eligibility for aid to families with dependent children-related medical assistance. The agency does not intend to hold public hearings regarding this regulatory action.

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

Written comments may be submitted until May 4, 1994, to Ann Cook, 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) 786-7933.

VA.R. Doc. No. R94-679; Filed March 10, 1994, 10:17 a.m.

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-06-1. Correctional Health Assistants**. The purpose of the proposed action is to amend the educational requirements and other areas pertaining to qualifications necessary for licensure. There will be no public hearing unless requested; the amended regulations address changes in the institutions where care is provided.

Statutory Authority: §§ 54.1-2400, 54.1-2949, 54.1-2950, 54.1-2951, and 54.1-2952 of the Code of Virginia.

Written comments may be submitted until May 6, 1994, to Hilary H. Connor, M.D., 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717.

Contact: Eugenia Dorson, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-7197/TDD ☎.

VA.R. Doc. No. R94-726; Filed March 15, 1994, 4:40 p.m.

REAL ESTATE BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Board intends to consider amending regulations entitled: **VR 585-01-3. Virginia Real Estate Time-Share Regulations**. The purpose of the proposed action is to review and seek public comment on the registration and disclosure requirements of time-shares and related products offered and/or disposed of in the Commonwealth of Virginia. Other changes to the regulations which may be necessary

Notices of Intended Regulatory Action

will be considered. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 55-396 of the Code of Virginia.

Written comments may be submitted until May 20, 1994.

Contact: Emily O. Wingfield, Property Registration Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8510.

V.A.R. Doc. No. R94-775; Filed March 30, 1994, 10:42 a.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Withdrawal of Proposed Regulations

The Virginia Housing Development Authority has **withdrawn** the proposed amendments to the regulations entitled "VR 400-01-0001, Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority," published in 10:11 VA.R. 2841-2845 February 21, 1994.

VA.R. Doc. No. R94-732; Filed March 29, 1994, 11:12 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 615-25-01:1. **Minimum Standards for Licensed Family Day Homes.**

Statutory Authority: §§ 63.1-196 and ~~63.1-202~~ of the Code of Virginia.

Public Hearing Date: May 10, 1994 - 5:30 p.m.

Written comments may be submitted through June 17, 1994.

(See Calendar of Events section for additional information)

Basis: Section 63.1-196 of the Code of Virginia, as amended by the 1993 General Assembly, requires the licensure of a family day home. Section 63.1-202 provides the statutory basis for the State Board of Social Services to promulgate general standards for family day homes.

Purpose: The purpose of the proposed amended regulation is to clarify or revise certain existing licensing requirements for family day homes to ensure the reasonableness and enforceability of these standards while continuing to safeguard protections to children in care. The provisions of this regulation are expected to become effective on September 22, 1994.

Substance: The key provisions of this regulation are explained as follows:

1. The definition for a "substitute provider" is revised to eliminate the need for the department to approve this provider and to clarify that this provider is in the home on an occasional basis;
2. A requirement is added for at least one extra care giver to be present in the family day home at all

times who is able to speak, read, and write in English as necessary to meet the requirements of this regulation, and deletes the requirement that all care givers have this ability (§ 2.2 subdivision 2 and § 2.3);

3. The regulation clarifies and designates that providers and substitute providers shall obtain either Infant and Child First Aid certification or Community First Aid and Safety certification (§ 2.6);

4. Clarification is provided that all members of the family day household who are required to have a criminal record check conducted must comply with the requirements of the Regulation for Criminal Record Checks for Child Welfare Agencies (§ 3.2);

5. The use of playpens and double decker cribs are prohibited for consistency with child day center standards (§ 4.37);

6. The regulation clarifies and revises § 5.13 by adding the requirement that children shall be supervised by a care giver at all times. As a result, this requirement is deleted from § 5.7;

7. Clarification is provided that providers or assistants are responsible for ensuring that they and vehicles meet certain motor vehicle statutes whenever transporting enrolled children (§ 5.22 subdivision 1); and

8. Breakfast is included as a meal that is required to be served if it is provided by the family day provider (§ 5.37).

Issues: The amended regulation incorporates current policy related to certain licensing requirements in family day homes including personnel, household, physical environment and equipment, and care of children. The advantages of the regulation are that the amended standards minimize any programmatic hardship imposed by the existing requirements and further improve the safety and well-being of children in care. The department anticipates no disadvantages as a result of the proposed amendments.

Impact:

A. Regulated entities: As of January, 1994, there were 650 family day homes licensed by the Department of Social Services. They have a licensed capacity of 6,038 children. All existing and newly licensed family day homes and enrolled children will be affected by this regulation.

Proposed Regulations

B. Projected costs to regulated entities: Changes to the existing regulation are primarily for clarity and are not expected to have an additional impact on family day homes.

C. Projected costs to the agency: The Department of Social Services will incur minimal cost for printing and mailing the amended regulation to the affected parties. Otherwise, there is no additional cost impact to implement the regulation. Amendments to the regulation are expected to be self-explanatory and will require no on-site training of licensing staff or licensees.

D. Sources of funds: The funding sources for family day homes to implement the provisions of the regulation will vary. These sources may include:

- Payment from parents
- USDA CACFP reimbursements
- Payment for all or a portion of child care tuition by local departments of social services through AFDC Day Care, Fee System At-Risk and Fee System/Block Grant Day Care, JOBS Day Care, Transitional Day Care, and FSET Associate credentials administered by the Department of Social Services
- Grants from the Dependent Care Grant which is administered by the Department of Social Services
- Grants from the Council on Child Day Care and Early Childhood Programs, which may include funds from the Child Care and Development Block Grant

The regulatory activities of the Department of Social Services are currently supported primarily by General Funds.

Summary:

The proposed amended regulation clarifies or revises certain existing licensing requirements to ensure the reasonableness and enforceability of these standards while safeguarding protections to children in care. This regulation also incorporates current policy related to licensing requirements in family day homes including personnel, household, physical environment and equipment, and care of children in licensed family day homes. The provisions of this regulation are expected to become effective on September 22, 1994.

The key provisions of this regulation are summarized as follows:

1. The definition for a "substitute provider" is revised to eliminate the need for the department to approve this provider and to clarify that this provider is in the home on an occasional basis;

2. A requirement is added for at least one extra care giver to be present in the family day home at all times who is able to speak, read, and write in English as necessary to meet the requirements of this regulation, and deletes the requirement that all care givers have this ability;

3. The regulation clarifies and designates that providers and substitute providers shall obtain either Infant and Child First Aid certification or Community First Aid and Safety certification;

4. Clarification is provided that all members of the family day household who are required to have a criminal record check conducted must comply with the requirements of the Regulation for Criminal Record Checks for Child Welfare Agencies;

5. The use of playpens and double decker cribs are prohibited for consistency with child day center standards;

6. The regulation clarifies and revises § 5.13 by adding the requirement that children shall be supervised by a care giver at all times. As a result, this requirement is deleted from § 5.7;

7. Clarification is provided that providers or assistants are responsible for ensuring that they and vehicles meet certain motor vehicle statutes whenever transporting enrolled children; and

8. Breakfast is included as a meal that is required to be served if it is provided by the family day provider.

VR 615-25-01:1. Minimum Standards for Licensed Family Day Homes.

PART I. GENERAL.

Article 1. Definitions.

§ 1.1. Definitions.

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

"Accessible" means capable of being entered, reached, or used.

"Adult" means any individual 18 years of age or older.

"Age appropriate" means suitable to the chronological ages and developmental characteristics of children.

"Care giver" means the provider, substitute provider or assistant.

Proposed Regulations

"*Child*" means an individual under 13 years of age for purposes of child day programs.

"*Child day program*" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"*Child Protective Services Central Registry*" means the name index of individuals involved in child abuse and neglect reports maintained by the Virginia Department of Social Services.

"*Child with special needs*" means a child with diagnosed physical, mental, or emotional disabilities such as but not limited to cerebral palsy, sensory impairment, learning disabilities, behavior disorders, chronic illnesses, deficit in social functioning, mental retardation or emotional disturbance and who may require special monitoring or specialized programs, interventions or facilities.

"*Commissioner*" means the Commissioner of Social Services, also known as the Director of the Virginia Department of Social Services.

"*Cooling device*" means a mechanism used to cool a room such as an electric fan or air conditioner.

"*Department*" means the Virginia Department of Social Services.

"*Department's representative*" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.

"*Family day home*" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13 exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. From July 1, 1993, until July 1, 1996, family day homes serving nine through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. Effective July 1, 1996, family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

"*Family day home assistant*" or "*assistant*" means an

individual who is 14 years of age or older and who helps the family day home provider or substitute provider in the care, protection, supervision and guidance of children in the home.

"*Family day home provider*" or "*provider*" means an individual who is 18 years of age or older and who is issued the family day home license by the Department of Social Services and has primary responsibility in providing care, protection, supervision and guidance for children in the family home.

"*Family day home standards*" means the Minimum Standards for Licensed Family Day Homes or the requirements for family day homes subject to licensure.

"*Good character and reputation*" means findings have been established and knowledgeable and objective people agree that the individual (i) maintains business/professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and dependability, and (ii) has a history or pattern of behavior that demonstrates that the individual is suitable and able to care for, supervise, and protect children. Relatives by blood or marriage, and persons who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"*Inaccessible*" means not capable of being entered, reached, or used.

"*Infant*" means a child from birth through 15 months of age.

"*Licensee*" means the person or persons to whom the license is issued.

"*Major accident*" or "*major injury*" means an accident or injury that requires emergency care or treatment.

"*Minor accident*" or "*minor injury*" means an accident or injury that does not require emergency care or treatment but may require first aid or medical attention.

"*Parent*" means the biological, foster or adoptive parent, legal guardian, or any individual with responsibility for, or custody of a child enrolled or in the process of being enrolled in a family day home.

"*Physician*" means an individual licensed to practice medicine.

"*Substitute provider*" means an individual 18 years of age or older who meets the qualifications for family day providers care givers, is designated by the family day home provider and approved by the department, and who is readily available to provide substitute child care in the family day provider's home on an occasional basis.

"*Time out*" means a discipline technique in which a child is moved for a brief time away from the stimulation

and reinforcement of ongoing activities and other children in the group to allow the child to regain composure when losing self-control.

"Ventilating device" means a mechanism used to provide fresh air and to circulate air in a room.

Article 2. Legal Base.

§ 1.2. Basis.

Section 63.1-196 of the Code of Virginia requires the licensure of certain family day homes. A family day home which is subject to licensure shall be licensed before it begins to provide day care and the license shall be posted in a conspicuous place at the licensed premises as cited in § 63.1-196 C of the Code of Virginia. A family day home is required to be licensed when nine through 12 children, exclusive of the provider's own children and any children who reside in the home, are provided care at any one time. Effective July 1, 1996, a family day home is subject to licensure when six through 12 children, exclusive of the provider's own children and any children who reside in the home, are provided care at any one time.

§ 1.3. Application of Child Day Center Standards.

If 13 or more children, exclusive of the provider's own children and children who reside in the home, are receiving care at any one time in a family day home that is subject to licensure, Child Day Center Standards shall apply.

PART II. PERSONNEL.

Article 1. Qualifications for Family Day Providers, Substitute Providers, and Assistants.

§ 2.1. Knowledge of VR 615-25-01.1.

Care givers shall be able to understand and carry out responsibilities and requirements of the Minimum Standards for Licensed Family Day Homes.

§ 2.2. Care giver attributes.

Care givers shall have the following attributes:

1. An understanding of the varying capabilities, interests, needs, and problems of children in care; the ability to relate to children with courtesy, respect, patience, and affection; and an understanding and respect for the families of children in care;
2. The ability to speak, read, and write in English as necessary to meet the requirements of this regulation;
3. The ability to provide activities and experiences

daily that reflect the cultural and ethnic diversity of enrolled children, and that will enhance the total development of children; and

4. The ability to understand instructions on prescription and nonprescription medicines, handle emergencies with dependability and sound judgment, and communicate effectively with emergency personnel.

§ 2.3. English requirement.

At least one care giver shall be present in the family day home at all times who is able to speak, read, and write in English as necessary to meet the requirements of this regulation.

§ 2.4. Character.

Care givers shall be responsible, of good character and reputation, and shall display behavior that demonstrates emotional stability and maturity.

§ 2.5. Conviction of crime.

No person listed in the Child Protective Services Central Registry or convicted of a crime involving child abuse, child neglect, or any other offenses specified in § 63.1-198.1 of the Code of Virginia shall be a care giver.

§ 2.6. First aid certification.

Providers and substitute providers in a home licensed before the effective date of this regulation shall ~~obtain pediatric first aid certification~~ be certified in *Infant and Child First Aid*, including rescue breathing and first aid for choking, or *Community First Aid and Safety*. Providers or substitute providers in a home licensed after the effective date of this regulation shall obtain such a certification within six months of licensure or employment or by May 31, 1994, if currently licensed and . Providers and substitute providers shall thereafter maintain a current ~~pediatric~~ first aid certificate in one of the two designated courses endorsed by ~~or from~~ :

1. The American Red Cross;
2. The American Heart Association;
3. The National Safety Council for First Aid Training Institute; or
4. Have successfully completed, within the past three years, a ~~pediatric~~ first aid course equivalent to the curriculum which has been approved by the State Board of Health.

Exception: A provider who is a RN or LPN with a current license from the Board of Nursing shall not be required to obtain first aid certification.

Proposed Regulations

~~§ 2-6.~~ § 2.7. *Additional training.*

In addition to first aid training, care givers shall obtain a minimum of six hours of training annually in areas such as physical, intellectual, social, and emotional child development, behavior management and discipline techniques, health and safety in the family day home environment, art and music activities for children, nutrition, child abuse detection and prevention, or recognition and prevention of the spread of communicable diseases.

~~§ 2-7.~~ § 2.8. *Documentation of required certification and training.*

Written documentation of ~~pediatric~~ first aid certification in one of the two designated courses and annual training received by care givers shall be maintained on file in the family day home for the period of licensure. Written documentation shall include the name of the training session, the date and total hours of the session, and the name of the organization or person who sponsored the training.

Article 2.

~~Ratio of Adults to Children~~ *Capacity and Staffing Requirements.*

~~§ 2-8.~~ § 2.9. *Maximum licensed capacity.*

The licensee shall ensure that the total number of children receiving care at any one time does not exceed the maximum licensed capacity of the home. When at least one child receives care for compensation, all children, exclusive of the provider's own children who reside in the home, who are in the care and supervision of a care giver shall be included in the licensed capacity.

~~§ 2-9. Staffing.~~ § 2.10. *Ratio of adults to children.*

A. In determining the need for an assistant, the following fixed adult-to-child ratios shall be maintained for children receiving care. This ratio includes the provider's own and resident children under eight years of age:

1. 1:4 children from birth through 15 months of age;
2. 1:5 children from 16 months through 23 months of age;
3. 1:8 children from two years through four years of age;
4. 1:16 children from five years through nine years of age; and
5. Children who are 10 years of age and older shall not count in determining the ratio of adults to children for staffing purposes.

B. When children are in mixed age groups, the provider

shall apply the following point system in determining the need for an assistant. Each care giver shall not exceed 16 points. The provider's own and resident children under eight years of age count in point maximums:

1. Children from birth through 15 months of age count as four points each;
2. Children from 16 months through 23 months of age count as three points each;
3. Children from two years through four years of age count as two points each;
4. Children from five years through nine years of age count as one point each; and
5. Children who are 10 years of age and older count as zero points.

Exception: The point maximums for mixed age groups or the fixed adult-to-child ratios may be exceeded in one age group for no more than one child for up to one month from the date of the child's enrollment during transitional periods when there is turnover in children receiving care and when the ages of the child leaving and the child entering care do not match.

~~§ 2-10.~~ § 2.11. *Staffing for child with special needs.*

The provider and parent or parents of a child with special needs shall mutually determine a recommendation for the level of staffing necessary to care for, supervise, and protect a child in care with special needs based on the child's age, type of special need, and degree of disability. If subsidized care is provided for the child, the provider shall consult with the community services board worker or the local department of social services worker to review the recommendation. The provider shall report this recommendation to the department on a form provided by the department. The department's representative shall make a final determination of the level of staffing or any capacity limitations necessary to care for, supervise, and protect all children in care when a child with special needs is receiving care. The recommendation on the level of staffing shall be reviewed annually by all involved parties.

~~§ 2-11.~~ § 2.12. *Compliance with local ordinances and Uniform Statewide Building Code.*

The family day home shall comply with local child day program ordinances, where such exist, and any limitations which may be placed by the Uniform Statewide Building Code on the number of children for whom care may be offered.

PART III.
HOUSEHOLD.

§ 3.1. *Character of household members.*

All members of the family day household 14 years of age and older including relatives, lodgers, and employees, shall be responsible, of good character and reputation, and shall display behavior that demonstrates emotional stability.

§ 3.2. *Criminal record check.*

All adult members of the family day household including relatives, lodgers, care givers, and employees shall not have been convicted of a crime involving child abuse, child neglect or any other offenses specified in § 63.1-198.1 of the Code of Virginia, and shall have a criminal record check conducted ~~no more than 90 days before the date of initial application~~ as required by the Regulation for *Criminal Record Checks for Child Welfare Agencies (VR 615-36-01)*.

§ 3.3. *Child Protective Services Central Registry.*

A. All members of the family day household 14 years of age and older including relatives, lodgers, care givers and employees shall not be listed in the Child Protective Services Central Registry, and shall have a Child Protective Services Central Registry clearance conducted no more than 90 days before the date of initial application.

~~§ 3.4.~~ B. All members of a currently licensed family day household 14 years of age and older including relatives, lodgers, care givers, and employees shall have had a Child Protective Services Central Registry clearance conducted ~~no later than January 31, 1994~~.

~~§ 3.5.~~ § 3.4. *Smoke-free environment.*

The licensee shall ensure that a smoke-free environment is provided in rooms accessible to children while children are in care.

PART IV. PHYSICAL ENVIRONMENT AND EQUIPMENT.

Article 1. Physical Environment.

§ 4.1. *Cleanliness and safety.*

The physical facilities and furnishings of the home and grounds shall be kept clean and safeguarded from open and obvious hazards to the health and safety of children, such as but not limited to loose carpeting, lead paints, choking hazards, sharp objects, plastic bags, and poisonous plants accessible to children.

§ 4.2. *Ventilation and temperature.*

All rooms used by children shall be ventilated, heated in winter, and cooled in the summer to maintain adequate air exchange and required temperatures.

1. When windows and doors are used for ventilation, they shall be screened securely.

2. During winter months, a draft-free temperature of 65°F to 75°F at no more than two feet above floor level shall be maintained in all rooms used by children. During summer months, if the temperature in rooms used by children exceeds 80°F, a cooling device shall be used.

§ 4.3. *Lighting.*

All rooms, halls, and stairways used by children in care shall be well lighted.

§ 4.4. *Storage of firearms and ammunition.*

Firearms shall be stored unloaded and apart from ammunition. Firearms and ammunition shall be stored in a locked area with keys out of reach of children.

§ 4.5. *Protective barriers.*

Protective barriers including but not limited to safety gates shall be installed securely at the top or bottom of open stairways on the floor where the stairways are accessible to children under two years of age and children over two years of age who are not developmentally ready to climb or descend stairs without supervision. Gates used shall meet the current American Society for Testing Materials standards for juvenile products.

§ 4.6. *Handrails.*

All interior and exterior stairways with over three risers that are used by children shall have handrails within the normal grasp of the children or banisters with vertical posts between the handrails and each step, which can be safely grasped by children.

§ 4.7. *Accessibility of stairways to children.*

When stairways have banisters with vertical posts between the handrails and each step and the distance between the vertical posts is greater than 3 1/2 inches, these stairways shall be accessible to children only when supervised by a care giver.

§ 4.8. *Glass panel doors.*

Doors with clear glass panels that reach within 18 inches of the floor shall be clearly marked with decorative objects such as pictures, art work or decals near the child's eye level to prevent accidents.

§ 4.9. *Pest control.*

The home shall be kept free from rodents and insect infestation.

§ 4.10. *Toilet facilities.*

Proposed Regulations

The home shall have indoor running water and a bathroom. The bathroom shall be easily accessible to children two years of age and older. The bathroom shall be kept clean and have a working toilet and sink, tissue, and soap. Either paper towels or individually assigned cloth towels shall be provided. If cloth towels are used, they shall be laundered when soiled and at least once a week.

§ 4.11. *Entrance and exit.*

Entrance and exit ways shall be unobstructed and well lighted.

§ 4.12. *Toxic supplies.*

Cleaning agents, disinfectants and deodorizers, plant-care chemicals, pesticides, and other poisonous materials or supplies shall be stored in areas inaccessible to children or in a cabinet or drawer with child-resistant locks.

§ 4.13. *Water supply.*

When water is not obtained from a municipal supply and the house is not connected to a municipal sewer line, the water supply and septic system of the family day home shall be inspected and approved by the local health official or a private laboratory if there are open and obvious symptoms of water or sewage system problems, such as evidence of cloudy, murky, or muddy water, or sewage back up. Family day homes that are connected to a municipal water supply and sewer line and have open and obvious symptoms of water or sewage system problems shall have the problems corrected within a time frame agreed upon by the department and the provider.

Article 2.

Fire and Shock Prevention and Emergency Procedures.

§ 4.14. *Electrical outlets.*

Electrical outlet safety plugs shall be placed in all outlets that are accessible to children. These outlets shall be covered with protective or child-resistant receptacle covers or spring-loaded offset cover plates. Protective coverings and outlet plugs shall be larger than 1 1/4 inches in diameter.

§ 4.15. *Electrical devices.*

No electrical device accessible to children shall be placed so that it could be plugged into an electrical outlet while in contact with a water source, such as a sink, tub, shower area, toilet, or swimming or wading pool.

§ 4.16. *Electrical cords.*

Electrical cords and electrical appliances and equipment with cords that are frayed and have exposed wires shall not be used. Electrical cords shall not be overloaded or

placed under carpets or stapled down to be kept in place.

§ 4.17. *Flammable and combustible materials.*

All flammable and combustible materials, including matches, lighters, lighter fluid, petroleum distillates, such as kerosene, turpentine and automotive products, aerosol cans, and alcohol shall be stored in an area inaccessible to children or in a cabinet or drawer with child-resistant locks.

§ 4.18. *Inspection of alternative heating devices.*

All alternate heating devices such as oil stoves, wood burning stoves, and fireplaces, and associated chimneys ; and ventilating devices shall be inspected annually by a qualified inspector to verify that the devices are properly installed, maintained and cleaned as needed. Documentation of the completed inspection and any necessary cleaning shall be maintained by the licensee.

§ 4.19. *Accessibility of heating devices to children.*

Radiators, oil and wood burning stoves, floor furnaces, portable electric space heaters, fireplaces, and similar heating devices used in areas accessible to children shall have barriers or screens and be located at least three feet from combustible materials.

§ 4.20. *Portable liquid fuel burning heaters.*

Portable liquid fuel burning heaters shall not be used in areas accessible to children when children are in care.

§ 4.21. *Fire extinguishers.*

An operable type AB, BC, or, multipurpose, 2A10BC rated fire extinguisher shall be kept near the kitchen area, out of the reach of children, away from the stove, and near an exit. Instructions for use of the extinguisher shall be posted on it or be easily accessible.

§ 4.22. *Smoke detectors.*

An operable smoke detector, either battery operated or with battery backup, that has a UL approved or equivalent mark, shall be placed on each floor of the home. Battery operated detectors shall have the batteries tested at least monthly and replaced at least annually. Documentation of the dates when batteries are tested and replaced shall be maintained by the licensee.

§ 4.23. *Emergency escape plan.*

There shall be a written posted emergency escape plan in the event of a fire or natural disaster which shall be taught to all care givers and to children in care who are developmentally able to understand. The escape plan shall be practiced with all care givers and children in care on a monthly basis to the point of exit from the home.

Proposed Regulations

§ 4.24. *Documentation of escape plan.*

Documentation shall be maintained of practiced emergency escape plans, which shall include the date of the event, the number and ages of children involved, and the approximate evacuation time. Records of monthly practiced procedures shall be maintained until the license is renewed.

§ 4.25. *Telephone.*

The home shall have a working telephone. If the telephone number is unlisted, providers shall ensure that parents and the department have been given the unlisted number in writing. When changes of telephone numbers occur, providers shall inform the department within 48 hours and parents within 24 hours of the new telephone number.

§ 4.26. *Posting of emergency phone numbers.*

The following telephone numbers shall be posted in a visible area close to the telephone:

1. A physician or hospital;
2. An ambulance or rescue squad service;
3. The local fire department;
4. The local police department;

NOTE: If there is a generic emergency number such as, but not limited to, 911 operable in the locality, that number may be posted instead of the above numbers.

5. A regional poison control center.

§ 4.27. *Flashlight and radio.*

An operable flashlight and battery operated radio shall be kept in a designated area and available at all times.

§ 4.28. *Fire hazards.*

If there are open and obvious fire hazards, the local fire prevention officials may be contacted by the department's representative. The provider shall comply with the requirements or recommendations made by the fire prevention officials to eliminate fire hazards.

Article 3.

Small Appliances and Kitchen Equipment.

§ 4.29. *Electrical appliances.*

All small electrical appliances, such as, but not limited to, curling irons, toasters, blenders, can openers, and irons, shall be unplugged and placed in an area inaccessible to children unless being used by the care giver or with

children under close supervision, e.g., when children are using these appliances in planned activities.

§ 4.30. *Kitchen utensils.*

Sharp kitchen utensils shall be placed in an area inaccessible to children or in a cabinet or drawer with child-resistant latches, unless being used by the care giver or with children under close supervision, e.g., when children are using these objects in planned activities.

§ 4.31. *Fans.*

Electrical fans used in rooms accessible to children shall have protective shields and be placed out of the reach of children.

Article 4.

Space and Equipment for Children.

§ 4.32. *Play space.*

The home shall provide each child with adequate space to allow free movement and active play indoors and outdoors.

§ 4.33. *Storage of child's personal items.*

Each child two years of age and older shall have access to an individual location in which to keep clothing, toys, and belongings together. Children under the age of two shall also have an individual location for this purpose that is accessible to the care giver and parent.

§ 4.34. *Rest area.*

Each child shall be provided with a designated crib, cot, rest mat, or bed for resting or napping. Rest mats that are used shall have at least an inch of cushioning and be sanitized at least weekly and as needed.

1. Clean linen suitable to the season, and assigned for individual use, shall be used each time children sleep on beds of family members.

2. Clean linen suitable to the season shall be used and washed at least weekly and as needed.

§ 4.35. *Cribs.*

Cribs that meet the current Consumer Product Safety Commission standards for cribs shall be provided for children from birth through 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot, rest mat, or bed.

1. ~~Double decker cribs and play pens shall not be used;~~

2. 1. Crib slats shall be no more than 2-3/8 inches apart;

Proposed Regulations

~~3.~~ 2. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when the care giver is giving the child immediate attention;

~~4.~~ 3. Mattresses shall fit snugly next to the crib so that no more than two fingers can be inserted between mattresses and the crib; and

~~5.~~ 4. Cribs with end panel cut-outs shall be of a size that prevents head entrapment.

§ 4.36. High chairs and carrier seats.

High chairs and infant carrier seats shall meet the American Society for Testing Materials (ASTM) standards for juvenile products and when occupied by a child a safety strap shall be used and securely fastened.

§ 4.37. Prohibited items.

Infant walkers, playpens, and double decker cribs shall not be used.

§ 4.38. Pools.

A. Any swimming and wading pools shall be set up and maintained according to manufacturer instructions. Outdoor swimming pools shall be enclosed by safety fences or barriers and gates with child-resistant locks and wading. Wading pools shall be emptied and stored away when not in use during the normal family day home hours of operation.

~~§ 4.39. Any swimming and wading pools shall be set up and maintained according to manufacturer instructions. B. No home shall maintain any receptacle or pool, whether natural or artificial, containing water in such condition that insects breeding therein may become a menace to the public health.~~

PART V. CARE OF CHILDREN.

Article 1. Program and Services.

§ 5.1. Interaction between care givers and child.

The provider shall establish a daily routine so that there is sufficient time included to talk with, play with, and offer physical comfort to children in care.

§ 5.2. Provision of age appropriate activities.

Age appropriate activities shall be provided for children in care throughout the day and shall be based on the physical, social, emotional and intellectual needs of the children.

§ 5.3. Age appropriate activities.

Daily age appropriate activities shall include:

1. Opportunities for alternating periods of indoor active and quiet play depending on the ages of the children;

2. Opportunities for vigorous outdoor play daily, depending upon the weather, the ages, and the health of the children;

3. Opportunities for one or more regularly scheduled rest or nap periods. Children unable to sleep shall be provided time and space for quiet play;

4. Opportunities for children to learn about themselves, others and the world around them;

5. Opportunities for children to exercise initiative and develop independence in accordance with their ages; and

6. Opportunities for structured and unstructured play time and provider-directed and child-initiated learning activities.

§ 5.4. Toys.

A sufficient supply and variety of developmentally appropriate play materials, toys, and equipment shall be available and accessible to children in care.

§ 5.5. Treatment of children.

Children in care shall not be shaken or bounced vigorously at any time.

§ 5.6. Television.

Television shall be used with discretion and not as a substitute for planned activities. The amount of time children watch television and the type of programs viewed shall be monitored closely by care givers.

Article 2. Supervision.

§ 5.7. Supervision, generally.

~~Children shall be supervised by a care giver at all times.~~ Children shall not be left alone in the care of an assistant under 18 years of age while in care.

§ 5.8. Responding to infants.

Care givers shall promptly respond to infants' needs for food and comfort.

§ 5.9. Supervision of child in carrier seat or high chair.

Children using infant carrier seats or high chairs shall be supervised closely at all times.

Proposed Regulations

§ 5.10. *Infant play space.*

Play spaces for infants shall offer a diversity of experiences for the infant and provide frequent opportunities to creep, crawl, toddle and walk. The designated sleeping space for infants shall be used infrequently as a play space if it is used at any time for this purpose.

§ 5.11. *Infant sleeping space.*

An infant who falls asleep in a play space other than his own sleeping space shall be moved promptly to his designated sleeping space if the safety or comfort of the infant is in question.

§ 5.12. *Infant stimulation.*

Stimulation shall be regularly provided for infants in a variety of ways including, but not limited to, being held, cuddled, talked to, and played with by the family day home provider or assistant.

§ 5.13. *Care giver awareness.*

Children shall be supervised by a care giver at all times in a manner which ensures that the care giver is aware of what the children are doing at all times and can promptly assist or redirect activities when necessary. In deciding how closely to supervise children, providers shall consider the following:

1. Ages of the children;
2. Individual differences and abilities;
3. Layout of the house and play area;
4. Neighborhood circumstances or hazards; and
5. Risk activities children are engaged in.

§ 5.14. *Swimming and wading activities.*

When children are permitted to swim and wade, a care giver shall be present at all times and able to supervise the children and respond immediately to emergencies. A minimum of two care givers shall be present and able to supervise the children when three or more children are in the water, with the exclusion of wading pools.

Article 3.

Diapering, Toileting, and Waste Disposal.

§ 5.15. *Wet or soiled clothing or diapers.*

When a child's clothing or diaper becomes wet or soiled, it shall be changed promptly.

§ 5.16. *Diapering procedures.*

The following steps shall be used for diapering:

1. Diapers shall be changed on a nonabsorbent surface. Children shall not be left unattended during diapering.
2. During each diaper change the child's genital area shall be thoroughly cleaned with a moist disposable wipe or a moist, clean individually assigned cloth, if the child is allergic to disposable wipes.
3. Soiled disposable diapers and wipes shall be discarded in a lined container, with a tight-fitting lid, operated by a foot pedal (step can). Soiled cloth diapers and wipes shall be put in a plastic bag and stored in individually labeled diaper bags to be taken home. The container and diaper bags shall be kept clean, free of soil build up and odor, and shall not be accessible to children.
4. Care givers shall wash their hands with soap or germicidal cleansing agents and water after each diaper change and after helping a child with toileting.
5. The diaper changing surface shall be cleaned with soap and water, and disinfected by lightly spraying with a germicidal or water and chlorine bleach solution, i.e., one tablespoon of bleach to one quart of water. The disinfectant shall be spread evenly with a paper towel over the diaper changing surface and the surface shall be allowed to air dry after each diaper change. When a bleach and water solution is used, it shall be made fresh daily and stored out of the reach of children.
6. Surfaces used for children's activities or meals shall not be used for changing diapers.

§ 5.17. *Toilet chairs.*

Toilet chairs shall be emptied promptly, rinsed and disinfected after each use.

§ 5.18. *Hand washing.*

Children's hands shall be washed with soap and water after toileting.

§ 5.19. *Privacy.*

Children five years of age and older shall be permitted privacy when toileting.

§ 5.20. *Waste disposal.*

Garbage and rubbish shall be removed from rooms occupied by children on a daily basis and removed from the premises at least once weekly. There shall be a sufficient number of waste and diaper containers to hold all of the waste that accumulates between periods of removal.

Proposed Regulations

§ 5.21. *Refuse storage area.*

Children shall not be allowed access to refuse storage areas. Such areas shall be free of litter, odor, and uncontained waste.

Article 4. Transportation.

§ 5.22. *Transportation.*

Whenever the provider or assistant transports enrolled children they shall:

1. Ensure that ~~they and~~ any vehicle used to transport children ~~meets meet~~ the standards set by *motor vehicles statutes of Title 46.2 of the Code of Virginia* and is equipped with the proper ~~including the requirements for child restraining restraint~~ devices required by law to correspond with the ages of the children being transported ;
2. Have a first aid kit, including an ice or chemical cold pack, in the vehicle used for transporting;
3. Have a copy of the parents' written authorization to transport the children;
4. Have the name, address and phone number of the family day home in the vehicle used for transportation; and
5. Have a copy of the children's emergency contact and medical information in their possession.

Article 5. Behavior and Guidance.

§ 5.23. *Behavioral rules and limits.*

The provider shall discuss with each child's parent or parents the rules and limits used to encourage desired behavior and discourage undesired behavior of children in care.

§ 5.24. *Positive methods of discipline.*

The care givers shall use positive methods of discipline. Discipline shall be constructive in nature and include techniques such as:

1. Using limits that are fair, consistently applied and appropriate and understandable for the child's level of development;
2. Providing children with reasons for limits;
3. Giving positively worded direction;
4. Modeling and redirecting children to acceptable behavior;

5. Helping children to constructively express their feelings and frustration to resolve conflict; and

6. Arranging equipment, materials, activities, and schedules in a way that promotes desirable behavior.

§ 5.25. *Prohibited disciplinary measures.*

The following behavior shall be prohibited as methods of discipline by all care givers;

1. Corporal punishment, including hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain;
2. Forcing, withdrawing, or threatening to force or withdraw food, rest, or bathroom opportunities;
3. Abusive or profane language;
4. Any form of public or private humiliation, including threats of physical punishment; and
5. Any form of emotional abuse, including rejecting, terrorizing, or corrupting a child.

§ 5.26. *Physical restraint.*

Children shall not be physically restrained except as necessary to ensure their own safety or that of others, and then only for as long as is necessary for control of the situation.

§ 5.27. *Time out.*

When time out is used as a discipline technique, it shall be used sparingly and be brief and appropriate to the child's developmental level and circumstances. The child who is separated from the group shall be in a safe, lighted, well-ventilated place and shall be within hearing and vision of the provider or substitute provider. The child shall not be left alone inside or outside of the home while separated from the group.

Note: If time out is enforced by a care giver, it shall not exceed one minute for each year of the child's age. Time out shall not be used with infants.

§ 5.28. *Confinement.*

No child, for punishment or any other reason, shall ever be confined in any space that the child cannot open, such as closets, locked rooms, latched pantries, or containers.

§ 5.29. *Child punishing another child prohibited.*

The provider or substitute provider shall not give a child authority to punish another child nor shall ~~provider~~ they consent to a child punishing another child.

§ 5.30. *Punishment for toileting accidents prohibited.*

Proposed Regulations

Children shall not be punished for toileting accidents.

Article 6. Nutrition and Food Services.

§ 5.31. *Lunch and dinner.*

Foods served to children for lunch and dinner shall consist of a variety of items selected from each of the following food groups:

1. Meat or meat alternates
2. Fruits and vegetables
3. Bread or bread alternates, e.g., pasta, rice, noodles, and cereal
4. Milk unless a child is allergic to milk or milk products

Note: Providers shall supplement meals *provided* from home that do not meet this standard or inform parents who provide meals from home that meals served to children must consist of a variety of foods from the four food groups.

§ 5.32. *Breakfast and snacks.*

Breakfast and snacks that are served to children shall include a variety of foods from two or more food groups.

§ 5.33. *Prohibited food.*

To assist in preventing choking, food that is hard, round, small, thick and sticky, and smooth and slippery such as whole hot dogs or hot dogs sliced into rounds, nuts, seeds, raisins, uncut grapes, uncut raw carrot, peanuts, chunks of peanut butter, hard candy, and popcorn shall not be served to children under four years of age, unless it is prepared before being served in a manner that will reduce the risk of choking, i.e., hot dogs cut lengthwise, grapes cut in small pieces, and carrots cooked or cut lengthwise.

§ 5.34. *Leftover food.*

Leftover food shall be discarded from individual plates following a meal or snack.

§ 5.35. *Serving size.*

Children shall be served small size portions and permitted to have additional servings.

§ 5.36. *Drinking water.*

Water shall be available for drinking and shall be offered on a regular basis to all children in care.

§ 5.37. *Time of day that meals and snacks are served.*

Meals and snacks *that are served to children* shall be served in accordance with the times children are in care, which include:

1. Between the hours of 7 a.m. and 6 p.m., breakfast, *when provided*, lunch, and snacks shall be served.
2. Between the hours of 2 p.m. and 10 p.m., an afternoon snack, supper and a bed time snack shall be served.
3. Between the hours of 8 p.m. and 8 a.m. a bed time snack and breakfast, *when provided*, shall be served.

§ 5.38. *Posting of meals.*

When meals are provided by the family day home, menus shall be planned, written, dated and placed or posted at least a day in advance in an area accessible to parents.

§ 5.39. *Handwashing requirements for children.*

Children's hands shall be washed with soap and water before eating meals or snacks.

§ 5.40. *Handwashing requirements for care givers.*

Care givers' hands shall be washed with soap or germicidal cleansing agent and water before handling or serving food. Care givers shall use sanitary practices when handling and preparing foods.

§ 5.41. *Infant feeding.*

Infants shall be fed on demand unless parents provide other written instructions. Infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

§ 5.42. *Labeling of infant formula.*

Prepared infant formula shall be labeled with the individual child's name and kept in the refrigerator when not in use.

§ 5.43. *Heating of infant formula.*

If infant formula is heated in a microwave oven, precautions shall be taken to prevent scalding. Only refrigerated formula shall be heated. When formula is heated in the bottles, the bottles shall be upright and uncovered. Heating time shall be no more than 30 seconds for four ounce bottles and no more than 45 seconds for eight ounce bottles. After heating and replacing nipples, bottles shall be turned up and down 10 times and the temperature tested by dropping milk on the top of the hand. The temperature of the milk shall be cool on the hand.

§ 5.44. *When eating or drinking prohibited.*

Proposed Regulations

Children shall not be allowed to eat or drink while walking, running, playing, lying down, or riding in vehicles.

§ 5.45. *Eating utensils and dishes.*

A. Eating utensils shall be appropriate in size for children to handle and chipped or cracked dishes shall not be used.

§ 5.46. B. Eating utensils and dishes shall be properly cleaned by prerinsing, washing and air drying or using a dishwasher. Eating utensils and dishes shall be stored in a clean dry place, and protected from contamination.

§ 5.47. C. If disposable eating utensils and dishes are used, they shall be sturdy enough to prevent spillage or other health and safety hazards. Disposables shall be used once and discarded.

§ 5.48. § 5.46. *Temperature in refrigerator and freezer.*

Temperatures shall be maintained at or below 40°F in refrigerator compartments and at or below 0°F in the freezer compartments. The provider shall have an operable thermometer available to monitor these temperatures.

§ 5.49. § 5.47. *Refrigeration of perishable food and drinks.*

All perishable foods and drinks used for children in care, except when being prepared and served, shall be kept in the refrigerator.

§ 5.50. § 5.48. *Milk and milk products.*

All milk and milk products shall be pasteurized. Powdered milk shall be used only for cooking.

PART VI. PHYSICAL HEALTH.

Article 1.

Health Requirements for Family Day Household Members and Care Givers.

§ 6.1. *Maintenance of health information.*

Health information shall be maintained on the care givers and any other adult household members who come in contact with children or handle food served to children, as described below:

1. Initial tuberculosis examination and report.

a. Within 90 days prior to licensure, employment, or contact with children, each individual shall obtain a tuberculin skin test indicating the absence of tuberculosis in a communicable form.

b. Each individual shall submit a statement that he is free of tuberculosis in a communicable form,

including the type of test used, the date the test was given, and the test results.

c. The statement shall be signed and dated by a physician, the physician's designee, or an official of a local health department.

d. The statement shall be filed in the individual's record maintained at the family day home.

Exception: An individual may delay obtaining the tuberculosis test if a statement from a physician is provided that indicates the test is not advisable for specific health reasons. This statement shall include an estimated date for when the test can be safely administered. The individual shall obtain the test no later than 30 days after this date.

2. Subsequent evaluations.

a. An individual who had a nonsignificant (negative) reaction to an initial tuberculin skin test shall obtain additional screening every two years thereafter.

b. An individual who had a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis shall obtain chest x-rays on an annual basis for the following two years.

(1) The individual shall submit statements documenting the date of the chest x-rays and certifying freedom from tuberculosis in a communicable form.

(2) The statements shall be signed and dated by a licensed physician, the physician's designee, or an official of a local health department.

(3) The statements shall be filed in the individual's record maintained at the family day home.

(4) Following the two-year period during which chest x-rays are required annually, additional screening shall be obtained every two years.

c. Any individual who comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms shall, within 30 days of exposure or development, receive an evaluation in accordance with subdivision 1 of this section.

§ 6.2. *Request for report of examination.*

At the request of the provider or the Department of Social Services, a report of examination by an approved physician shall be obtained when there is an indication that the safety of children in care may be jeopardized by the physical or mental health of a specific individual.

§ 6.3. *Removal from contact with children.*

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Any individual who, upon examination or as a result of tests, shows indication of physical or mental condition(s) which may jeopardize the safety of children in care:

1. Shall be removed immediately from contact with children and food served to children; and
2. Shall not be allowed contact with children or food served to children until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

Article 2. Health Requirements for Children.

§ 6.4. Timing and frequency of medical reports.

A. Each child accepted for care shall obtain a physical examination and immunization record by or under the direction of a licensed physician prior to enrollment (as outlined below) or within 30 days after enrollment:

1. Within 60 days prior to enrollment for children six months of age or younger.
2. Ninety days prior to enrollment for children aged seven months through 18 months.
3. Six months prior to enrollment for children aged 19 months through 24 months.
4. Twelve months prior to enrollment for children two years of age through five years of age.
5. Twenty-four months prior to enrollment for children six years of age and above.

EXCEPTIONS:

1. A new physical examination is not required for children transferring from one facility licensed or registered by the Virginia Department of Social Services, certified by a local department of public welfare or social services, or approved by a licensed family day system.
2. Physical examinations are not required for any child whose parent objects on religious grounds. The parent shall submit a statement noting that the parent objects on religious grounds and certifying that, to the best of the parent's knowledge, the child is in good health and free from communicable and contagious disease.
3. A child may delay obtaining immunizations if a statement from a physician is provided that indicates they are not advisable for specific health reasons. This statement shall include an estimated date for when immunizations can be safely administered. The child shall obtain the immunizations no later than 30 days after this date.

B. Medical reports after enrollment : *shall be obtained as follows:*

1. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.
2. Updated information on immunizations received shall be obtained once between each child's fourth and sixth birthdays.

EXCEPTION: Documentation of immunizations received is not required for any child whose parent submits an affidavit to the provider stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices.

§ 6.5. Form and content of medical reports.

A. The current form approved by the Virginia Department of Health, or any other form which provides all of the same information, shall be used to record immunizations received and the results of the required physical examination.

B. Each report shall include the date of physical examination or dates immunizations were received.

C. Each report shall be signed by a licensed physician, the physician's designee, or an official of a local health department.

Article 3. Illness, Injury, and Death.

§ 6.6. *Exclusion from family day home.*

Unless otherwise approved by a child's health care professional, a child shall be excluded from the family day home if the child exhibits the following symptoms:

1. An oral body temperature of 101°F or greater or an axillary (armpit) temperature of 100°F or greater; or
2. Recurrent vomiting or diarrhea; or
3. Symptoms of a communicable disease as delineated in the current Communicable Disease Chart recommendation for the exclusion of sick children.

§ 6.7. *Development of illness symptoms.*

If a child in care develops symptoms of an illness defined in § 6.6 of this regulation, the following shall apply:

1. The parents or designated emergency contact shall be contacted immediately so that arrangements can be made to remove the child from the home as soon as possible, and

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2. The child shall remain in a quiet, designated area within sight or sound of the care giver and where the care giver can respond immediately to the child until the child leaves the home.

§ 6.8. *Exposure to reportable diseases.*

When a child in care has been exposed or is suspected to have been exposed to a reportable communicable disease, all parents of enrolled children shall be informed on the same day contact occurs or is suspected.

§ 6.9. *Reporting of major and minor injuries.*

Major injuries to the head, other parts of the body, and major accidents shall be reported immediately to the child's parent or parents. Minor injuries and accidents shall be reported to the child's parent or parents on the same day they occur.

§ 6.10. *Documentation and parental notification of injury or accident.*

An injury or accident sustained by a child while at the family day home that required first aid or medical attention shall be recorded in the child's record. Information recorded shall include the date and nature of injury or accident, action taken and verification of parental notification.

§ 6.11. *Accident, injury, or illness resulting in death.*

The provider shall report to the department within 24 hours any accident, injury or illness that occurred while a child was in care which results in death. A written report shall be completed and submitted to the department within five working days.

§ 6.12. *Lost or missing children.*

The provider shall report a lost or missing child who was under the supervision of a care giver to the department within 24 hours when it was necessary to seek assistance from local emergency or police personnel.

§ 6.13. *Suspected abuse or neglect.*

The provider shall verbally notify the local department of social services or call the toll free number for the Bureau of Child Protective Services (1-800-552-7096/TDD) immediately whenever there is reason to suspect that a child has been or is being subjected to any kind of child abuse or neglect by any person.

Article 4.

Medication and First Aid Supplies.

§ 6.14. *Administering medication.*

Prescription and nonprescription drugs shall only be given to a child as directed by the prescription label or

by the instructions on the original container and when the provider has the parent's written consent.

§ 6.15. *Storage of medicine.*

All medicines shall be stored in an area inaccessible to children. All medicine shall be returned to parents when no longer needed. Prescription medicines shall be dated and kept in the original container with the prescription label and the child's first and last names attached.

§ 6.16. *Over-the-counter medicine.*

Any over-the-counter medication brought into the home for use by a specific child shall be kept in the original container and shall be labeled with the following information: the date; the child's first and last names; and specific, legible instructions for administration and storage.

§ 6.17. *Storage of medicine.*

All medications, refrigerated or unrefrigerated, shall be kept out of reach of children, shall be kept in an orderly fashion, and shall be stored at the proper temperature. Medication shall not be used beyond the date of expiration.

§ 6.18. *Medication record.*

The provider shall keep a medication record on each child which shall include:

1. A statement acknowledging parental consent to administer medication to the child;
2. The amount and name of medication administered to the child;
3. The day and time the medication was administered to the child; and
4. The name of the provider or adult assistant administering the medication. (Assistants under the age of 18 shall not administer medication.)

§ 6.19. *Accessibility of first aid supplies.*

First aid supplies shall be readily accessible to the care giver(s) and inaccessible to children. The required first aid supplies which shall be available are:

1. Scissors;
2. Tweezers;
3. Sterile nonstick gauze pads;
4. Adhesive or bandage tape;
5. Band-aids, assorted sizes;

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6. Sealed packages of alcohol wipes or an antiseptic cleaning agent;
7. An antibacterial ointment;
8. Thermometer;
9. Chemical cold pack, if ice pack not available;
10. First aid instructional manual or cards;
11. Insect bite or sting preparation;
12. One triangular bandage;
13. Syrup of Ipecac, to be used only when instructed by the regional poison control center or child's physician and before the expiration date;
14. Flexible roller or stretch gauze;
15. Disposable nonporous gloves; and
16. Eye dressing or pad.

Article 5. Animals.

§ 6.20. *Family pets.*

Family pets shall not be allowed on any surfaces where food is prepared or served.

§ 6.21. *Health.*

Any pet or animal present at the home, indoors or outdoors, shall be in good health, and show no evidence of carrying any disease.

§ 6.22. *Immunizations.*

Dogs or cats, where allowed, shall be immunized for rabies and shall be treated for fleas, ticks, or worms as needed.

§ 6.23. *Supervision of children exposed to animals.*

Care givers shall closely supervise children when children are exposed to animals at the home. Children shall be instructed on safe procedures to follow when in close proximity to these animals, e.g., not to provoke or startle them or remove their food. Potentially dangerous animals shall not be in contact with children.

§ 6.24. *Litter boxes.*

Animal litter boxes shall not be located in areas accessible to children. All animal litter must be removed promptly from children's areas and disposed of properly.

§ 6.25. *Handwashing.*

Care givers' and children's hands shall be washed after handling animals or animal wastes.

PART VII. RECORD KEEPING RESPONSIBILITY.

§ 7.1. *Inspection of provider records.*

The provider's records shall be open for inspection by authorized representatives of the department.

§ 7.2. *Maintenance of records on children.*

The family day home shall maintain a record for each enrolled child.

§ 7.3. *Content of child's record.*

Each child's record shall include:

1. The following identifying information:

a. The child's full name, nickname (if any), address and birthdate;

b. The name, address, and telephone number of each parent;

c. The name, address, and telephone number of each parent's place of employment and work hours;

d. The name, office address, and telephone number of the child's physician;

e. The name, address, and telephone number of ~~one or more~~ a designated person or persons to contact in case of an emergency if the parent cannot be reached;

f. The names of persons authorized to visit, call or pick up the child as well as those who are not to visit, call or pick up the child. Appropriate custodial paperwork shall be requested and maintained when a parent requests that the provider not release the child to the other parent; and

g. The date of enrollment and withdrawal, when appropriate;

h. Any known or suspected allergies and any chronic or recurrent diseases or disabilities;

i. The name of the parent's hospitalization plan and number or medical assistance plan and number, if applicable;

j. Results of the health examination and up-to-date immunization records of the child or a record of medical or religious exemption from these requirements; and

Proposed Regulations

k. A record of any accidents or injuries sustained by the child while at the family day home that required first aid or medical attention.

2. The parent's signed authorization to use a substitute provider as necessary.

3. Completed written agreements.

a. Written agreements shall be made between the provider and the parent or parents for each child in care. A signed copy shall be maintained with the record and one copy shall be given to the parent or parents.

b. Agreements shall cover:

(1) Hours of care per day, week, or month; cost of care per day, week, or month; frequency and amount of payment per day, week, or month; general daily routine; and any special services to be provided by either party to the agreement;

(2) Provisions that the care giver will notify the parent whenever the child becomes ill and the child will be picked up as soon as it is feasible for the parent or other responsible person to do so;

(3) Procedures for emergency care in case of illness or injury, written authorization to provide or arrange for emergency transportation, and written authorization for emergency medical treatment if parents cannot be located immediately;

(4) A statement acknowledging a review of the discipline policy including acceptable and unacceptable discipline methods;

(5) Written authorization for the child to participate in specific classes, clubs, field trips, including trips outside of the immediate community, or other activities, when feasible, indicating the activity, time of departure and estimated time for returning, method of transportation to the activity, and written consent for a ~~designated person~~ care giver other than the provider to transport the child; and

(6) A statement acknowledging that there shall be an open-door policy which permits parents to visit and pick up their children at any time.

§ 7.4. *Disclosure of information.*

The provider shall not disclose or permit the use of information pertaining to an individual child or family unless the parent or parents of the child ~~has~~ have granted written permission to do so.

§ 7.5. *Availability of emergency contact information.*

A. The emergency contact information listed in

subdivision 1 e of § 7.3 shall be made available to a physician, hospital, or emergency care unit in the event of an *emergency due to* a child's illness or injury.

§ 7.6. *B. Whenever the provider leaves the home with the children, the provider shall have copies of the emergency contact and medical information listed in subdivisions 1 b through 1 e and 1 h through 1 j of § 7.3.*

§ 7.7. *§ 7.6. Sharing information with parents.*

The provider shall agree to share information daily with parents about their children's health, development, behavior, adjustment, or needs.

VA.R. Doc. No. R94-758; Filed March 30, 1994, 11:33 a.m.

Commonwealth of Virginia
Department of Social Services

REQUIRED INFORMATION TO BE SUBMITTED WITH A NEW APPLICATION FOR LICENSE TO OPERATE A FAMILY DAY HOME
(attach additional sheets as needed)

I. IDENTIFYING DATA		
A. Name of Applicant to Whom License is to be issued (First, Middle/Birth Name, Last)		B. Birth Date of Applicant
C. Street Address		D. Zip Code
E. Mailing Address (if different from street address)		F. Zip Code
G. Area Code/Telephone Number	H. Is the Telephone in Your Home? ____ YES ____ NO	I. Is the Telephone Number Listed? ____ YES ____ NO
J. DIRECTIONS (Give specific directions for reaching your home from central point of the nearest or main highway)		

II. ADMINISTRATION

A. REQUESTED LICENSE CAPACITY (number of children for which you wish to be licensed) Requested Capacity: Age Range: From: Through:		B. CURRENT CAPACITY (number of children receiving child care in your home now) Current Capacity: Age Range: From: Through:	
C. Have you had any previous experience in caring for other people's children? ____ YES ____ NO		D. Name of Assistant(s), if any:	
E. Name of Substitute Provider(s), if any:			
F. State below the source of your income or other type of financial resources available to you: (Code of Virginia, Section 63.1-198)			
G. Days and Hours of Normal Operation:			

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Commonwealth of Virginia
Department of Social Services

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III. INFORMATION ABOUT THE HOME		
A. Number of Rooms used for Child Care Activities:	B. Number of Toilets Inside Home:	C. Number of Outdoor Toilets:
D. Source of Water Supply Public Private Owned by: _____		E. Is there a septic tank? ____ YES ____ NO

IV. INFORMATION ABOUT OCCUPANTS OF THE HOME

A. Family Members Living in Your Home		
Full Name	Birth Date	Relationship to You

B. List Everyone Else Living in your Home			
Full Name	Birth Date	Relationship to You	If placed by an agency give name of agency

Proposed Regulations

Commonwealth of Virginia
Department of Social Services

REQUIRED INFORMATION TO BE SUBMITTED FOR RENEWAL OF A LICENSE TO OPERATE A FAMILY DAY HOME

I. IDENTIFYING DATA	
A. Name of Applicant to Whom License is to be issued (First, Middle/Initial Name, Last)	B. Birth Date of Applicant
C. Street Address	D. Zip Code
E. Mailing Address (if different from street address)	F. Zip Code

II. ADMINISTRATION	
A. REQUESTED LICENSE CAPACITY (number of children for which you wish to be licensed)	B. CURRENT CAPACITY (number of children receiving child care in your home now)
Requested Capacity: Age Range: From: Through: From: Through:	Current Capacity: Age Range: From: Through:
C. Name of Assistant (S), if any:	D. Name of Substitute Provider(S), if any:
E. State below the source of your income or other type of financial resources available to you: (Code of Virginia, Section 63.1-198)	F. Days and Hours of Normal Operation:

III. INFORMATION ABOUT THE HOME	
A. Number of Rooms used for Child Care Activities:	B. Number of Toilets inside home:
C. Number of Outdoor Toilets	D. Source of Water Supply: Public _____ Private _____ Owned by: _____
E. Is there a septic tank?	YES _____ NO _____

032-05-3350/3 (6/93)

Commonwealth of Virginia
Department of Social Services

V. REFERENCES	
A. List the names, addresses, and telephone numbers of three persons not related to you by blood or marriage who know of your character and reputation.	Full Address and Telephone Number
B. Have you, any adult living in your home, or any adult helping you care for children been convicted of a crime involving child abuse, child neglect, or any other offense specified in Section 63.1-198.1 of the Code of Virginia?	YES _____ NO _____
C. Are you, any member of your home 14 years of age and older, or any person helping you care for children listed in the Child Protective Services Central Registry?	YES _____ NO _____
D. Name and address of any agency that may have placed children in your home in the past five years.	

VI. REQUIRED ATTACHMENT	
A list of indoor and outdoor developmentally appropriate play equipment, materials, toys, and supplies available to children.	

VII. OPTIONAL ATTACHMENTS	
The following attachments are not required. However, providing these attachments would assist in expediting the processing of the application. It will enable the Licensing Specialist to review these documents along with the application rather than during a future on-site visit.	
1. Describe provision(s) for communication with parents. Submit copies of written information to be shared with parents. The Information and Agreement Form provided by the Department of Social Services may be used.	
2. Indicate samples of all forms developed, such as an application form, agreement form, etc., if different from the model forms provided by the Department of Social Services.	

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Commonwealth of Virginia
Department of Social Services

VI. GENERAL INFORMATION

A. Describe in detail any pertinent changes in your home situation since your last application, such as: any additions or improvements, or major changes in the health of household members, financial changes, or new job assignment, type of materials.

B. If present, describe in general terms, with specificity, what has been done to bring your home into compliance with the Minimum Standards for Licensed Family Day Homes.

032-05-336/3 (8/93)

Commonwealth of Virginia
Department of Social Services

IV. INFORMATION ABOUT OCCUPANTS OF THE HOME

A. Family Members Living in Your Home

Full Name	Birth Date	Relationship to You

B. List Everyone Else Living in your Home

Full Name	Birth Date	Relationship to You	If placed by an agency give name of agency

V. REFERENCES

A. Have you, any adult living in your home, or any adult helping you care for children been convicted of a crime involving child abuse, child neglect, or any other offenses specified in (Section) 63.1-126.1 of the Code of Virginia?
 YES _____ NO _____

B. Are you, any member of your home 14 years of age and older, or any person helping you care for children listed in the Child Protective Services Central Registry?
 YES _____ NO _____

Proposed Regulations

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

INFORMATION AND AGREEMENT

THIS FORM COMPLIES WITH THE MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES. THE COMPLETED FORM SHALL BE KEPT IN THE CHILD'S RECORD AT THE FAMILY DAY HOME. A COPY OF PART I AND PART III SHALL BE GIVEN TO THE PARENT(S) OR GUARDIAN.

CHILD'S FULL NAME: _____

NICKNAME: _____

ADDRESS: _____

BIRTHDATE: _____

CITY, STATE, ZIP: _____

HOME PHONE: () _____

A. _____ MOTHER

FATHER

NAME: _____

NAME:

ADDRESS (IF DIFFERENT): _____

ADDRESS (IF DIFFERENT):

CITY, STATE, ZIP _____

CITY, STATE, ZIP

HOME TELEPHONE (IF DIFFERENT) _____

HOME PHONE (IF DIFFERENT)

WORK TELEPHONE & HOURS _____

WORK TELEPHONE & HOURS

NAME OF PERSON HAVING LEGAL CUSTODY OF CHILD (THIS INFORMATION IS RECOMMENDED BUT NOT REQUIRED) _____

NAME OF PERSON HAVING LEGAL CUSTODY OF CHILD (THIS INFORMATION IS RECOMMENDED BUT NOT REQUIRED)

B. NAME OF DESIGNATED EMERGENCY CONTACT IF PARENT(S) CANNOT BE REACHED. _____

C. PHYSICIAN'S NAME

ADDRESS _____

ADDRESS

CITY, STATE, ZIP _____

CITY, STATE, ZIP

TELEPHONE _____

TELEPHONE

D. INFORMATION ABOUT SPECIAL NEEDS - ALLERGIES, FOOD HABITS (SPECIAL DIET) OR PARTICULAR PROBLEMS, CHRONIC OR RECURRENT DISEASES, AND ANY CHILDHOOD DISEASES THAT THIS CHILD HAS HAD. _____

E. PERSON(S) AUTHORIZED TO CALL, VISIT, OR PICK UP THE CHILD. _____

F. PERSON(S) NOT AUTHORIZED TO CALL, VISIT, OR PICK UP THE CHILD. NOTE: A COPY OF CUSTODIAL AGREEMENTS SHALL BE MAINTAINED ON FILE AT THE FAMILY DAY HOME. WHEN A PARENT REQUESTS THAT THE PROVIDER NOT RELEASE THE CHILD TO THE OTHER PARENT. _____

032-05-011/A (Rev. 3/94)

PART II: AGREEMENT TO BE COMPLETED BY PARENT(S) OR GUARDIAN

A. I, THE _____ MOTHER, _____ FATHER, _____ GUARDIAN OF _____, HEREBY AGREE TO PLACE _____ CHILD IN THE CARE OF _____ BETWEEN THE HOURS OF _____ A.M. AND _____ P.M., OR _____ A.M. AND _____ P.M. (BEFORE SCHOOL) AND _____ P.M. AND _____ P.M. (AFTER SCHOOL) FOR _____ DAYS A _____ WEEK, _____ MONTHS.

B. I AGREE TO PAY THE SUM OF \$ _____ PER _____ DAY, _____ WEEK, _____ MONTH FOR THE CARE OF THIS CHILD. PAYMENTS ARE TO BE PAID _____ DAILY, _____ WEEKLY, _____ MONTHLY.

C. I AGREE TO ARRANGE FOR THE NECESSARY MEDICAL EXAMINATION AND IMMUNIZATIONS FOR MY CHILD BEFORE OR AFTER ENROLLMENT IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES. (MEDICAL OR RELIGIOUS EXEMPTION COMPLETED) _____ YES _____ NO (N/A).

D. IN ADDITION, I AGREE TO PROVIDE THE FOLLOWING (SPECIFY): _____

E. I AGREE TO PICK UP OR ARRANGE TO HAVE MY CHILD PICKED UP AS SOON AS POSSIBLE WHEN NOTIFIED THAT HE OR SHE DEVELOPS SYMPTOMS OF AN ILLNESS AS DEFINED IN PART VI, ARTICLE 3 OF THE STANDARDS FOR LICENSED FAMILY DAY HOMES.

I UNDERSTAND THAT THE FAMILY DAY PROVIDER MAY GIVE NONPRESCRIPTION MEDICATION ONLY AS DIRECTED BY THE INSTRUCTIONS ON THE ORIGINAL CONTAINER AND WITH MY WRITTEN CONSENT.

I UNDERSTAND THAT THE FAMILY DAY PROVIDER MAY GIVE PRESCRIPTION MEDICATION ONLY AS DIRECTED BY THE AUTHENTIC PRESCRIPTION LABEL AND WITH MY WRITTEN CONSENT.

F. I UNDERSTAND THAT IN CASE OF AN EMERGENCY DUE TO ILLNESS OR MAJOR INJURY THE PROVIDER WILL CONTACT THE PARENT(S) OR GUARDIAN; IF THE PARENT(S) OR GUARDIAN IS NOT AVAILABLE OR CANNOT BE REACHED, THE PROVIDER WILL NOTIFY THE DESIGNATED EMERGENCY CONTACT.

I AUTHORIZE THE FAMILY DAY PROVIDER TO OBTAIN IMMEDIATE MEDICAL CARE FOR MY CHILD IF AN EMERGENCY OCCURS AND I CANNOT BE LOCATED IMMEDIATELY. I HAVE COMPLETED, SIGNED, AND DATED THE CHILD'S EMERGENCY MEDICAL AUTHORIZATION FORM.

I AUTHORIZE THE FAMILY DAY PROVIDER TO PROVIDE OR ARRANGE FOR EMERGENCY TRANSPORTATION TO _____ OR THE NEAREST EMERGENCY MEDICAL FACILITY IF AN EMERGENCY OCCURS AND I CANNOT BE LOCATED IMMEDIATELY.

G. I _____ AUTHORIZE MY CHILD TO PARTICIPATE IN CERTAIN COMMUNITY ACTIVITIES. LIST SUCH ACTIVITIES, TIMES, AND METHODS OF TRANSPORTATION: _____

H. I _____ DO NOT AUTHORIZE MY CHILD TO PARTICIPATE IN CERTAIN COMMUNITY ACTIVITIES. LIST SUCH ACTIVITIES, IF APPLICABLE: _____

I. AUTHORIZATION FOR OUT OF TOWN FIELD TRIPS WILL BE GIVEN ON AN INDIVIDUAL BASIS.

J. I AUTHORIZE THAT A CARE GIVER OTHER THAN THE FAMILY DAY PROVIDER MAY TRANSPORT MY CHILD.

K. I HAVE REVIEWED THE DISCIPLINE POLICY INCLUDING THE ACCEPTABLE AND UNACCEPTABLE DISCIPLINE METHODS WITH THE FAMILY DAY PROVIDER.

L. I AUTHORIZE THE FAMILY DAY PROVIDER TO USE A SUBSTITUTE PROVIDER AS NECESSARY.

M. OTHER AGREEMENTS OR ACKNOWLEDGEMENTS: _____

SIGNATURE OF PARENT(S) OR LEGAL GUARDIAN: _____

DATE: _____

PART III: AGREEMENT TO BE COMPLETED BY LICENSED FAMILY DAY PROVIDER

A. I, _____ LICENSED BY THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES TO CARE FOR CHILDREN IN MY FAMILY DAY HOME, AGREE TO PROVIDE CHILD CARE FOR _____ (CHILD'S FULL NAME) BEING ENROLLED ON THE _____ DAY OF _____, 19____ DURING THE HOURS SPECIFIED IN PART II.

B. IN ADDITION TO CARING FOR THIS CHILD DURING THE HOURS SPECIFIED IN PART II, I AGREE TO PROVIDE THE FOLLOWING SERVICES LISTED BELOW, I.E. MEAL, TRANSPORTATION TO AND FROM SCHOOL OR SUPERVISION FOR THE CHILD TO GET ON AND OFF THE SCHOOL BUS):

AS LONG AS THE SUM OF \$_____ IS PAID _____ DAILY, _____ WEEKLY, _____ MONTHLY.

C. I AGREE TO NOTIFY THE PARENT(S) OR GUARDIAN IF THEY CAN BE LOCATED, OR THE DESIGNATED EMERGENCY CONTACT NAMED IN PART I, IMMEDIATELY UPON RECEIVING INFORMATION OF AN EMERGENCY AS DEFINED IN PART VI, ARTICLE 3 OF THE STANDARDS FOR LICENSED FAMILY DAY HOMES OR IF AN EMERGENCY OCCURS DUE TO ILLNESS OR MAJOR INJURY.

I AGREE TO OBTAIN IMMEDIATE MEDICAL CARE FOR THE CHILD IF AN EMERGENCY OCCURS AND THE PARENT(S) OR GUARDIAN CANNOT BE LOCATED IMMEDIATELY.

I AGREE TO PROVIDE OR ARRANGE FOR EMERGENCY TRANSPORTATION TO _____ OR THE NEAREST EMERGENCY MEDICAL FACILITY IF AN EMERGENCY OCCURS AND THE PARENT(S) OR GUARDIAN CANNOT BE LOCATED IMMEDIATELY.

D. I AGREE TO GIVE NONPRESCRIPTION MEDICATION ONLY AS DIRECTED BY THE INSTRUCTIONS ON THE ORIGINAL CONTAINER AND WITH WRITTEN CONSENT FROM THE PARENT(S) OR GUARDIAN.

I AGREE TO GIVE PRESCRIPTION MEDICATION ONLY AS DIRECTED BY THE AUTHENTIC PRESCRIPTION LABEL AND WITH WRITTEN CONSENT FROM THE PARENT(S) OR GUARDIAN.

E. I HAVE REVIEWED THE DISCIPLINE POLICY INCLUDING THE ACCEPTABLE AND UNACCEPTABLE DISCIPLINE METHODS WITH THE PARENT(S) OR GUARDIAN.

F. I AGREE TO PROVIDE THE PARENT(S) OR GUARDIAN WITH THE GENERAL DAILY ROUTINE OF THE FAMILY DAY HOME.

G. I AGREE TO REQUIRE WRITTEN PERMISSION FROM THE PARENT(S) OR GUARDIAN EACH TIME BEFORE I TAKE THE CHILD ON A FIELD TRIP.

H. I AGREE THAT THE FAMILY DAY HOME HAS AN OPEN-DOOR POLICY WHICH PERMITS THE PARENT(S) OR GUARDIAN TO VISIT AND PICK UP THE CHILD AT ANY TIME.

I. OTHER AGREEMENTS OR ACKNOWLEDGEMENTS:

SIGNATURE OF LICENSED FAMILY DAY PROVIDER: _____ DATE _____

ADDRESS: _____

DATE CHILD WITHDRAWN FROM HOME: _____

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Title of Regulation: VR 130-01-1. Public Participation Guidelines (REPEALED).

Title of Regulation: VR 130-01-01:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1, 54.1-201 and 54.1-404 of the Code of Virginia.

Effective Date: June 1, 1994.

Summary:

The Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Public Participation Guidelines (PPG's) mandate public participation in the formulation, adoption and amendments to new and existing regulations governing the licensure, certification and registration of architects, professional engineers, land surveyors, landscape architects and interior designers. The Department of Professional and Occupational Regulation (the agency) will maintain a mailing list of persons and organizations to notify of any intended regulatory action by the board. The agency will mail such documents as "Notice of Intended Regulatory Action," "Notice of Comment Period," and a notice that final regulations have been adopted. The PPG's outline the necessary procedures for being placed on or deleted from the mailing list. The "Notice of Intended Regulatory Action" will provide for a comment period of at least 30 days and will state whether or not the agency will hold a public hearing. Specific instances are given as to when the agency must hold a public hearing and when the agency must reevaluate the effectiveness and continued need of the regulations. The PPG's also establish the procedures for the formulation and adoption of regulations and the guidelines for when substantial changes are made prior to final adoption of regulations, and include the formation of an appointed advisory committee for input regarding board regulations. Finally, the PPG's specify what meetings and notices will be published in *The Virginia Register*.

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

Agency Contact: Copies of this regulation may be obtained

from Willie Fobbs, III, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8514. There may be a charge for copies.

VR 130-01-01:1. 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:

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

["Agency" or "board" means the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects.

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

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

"Person" means one or more individuals.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.]

§ 2. Mailing list.

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 [, amend] 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.

§ 3. Placement on the mailing 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 § 2. Individuals and organizations [periodically] 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.

§ 4. Petition for rulemaking.

Any person may petition the agency to [~~adopt or amend~~ consider or review] 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.

§ 5. Notice of intent.

At least 30 days prior to [the] filing [of] the "Notice of Comment Period" and [the] 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] the agency intends to hold a public hearing. The agency is required to hold a hearing on [the] proposed regulation upon request by [(i)] the Governor or [~~from~~ (ii)] 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 [of Regulations] .

§ 6. 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.

§ 7. 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 of Regulations 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~~ receives] 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.

§ 8. Advisory committees.

The [~~board~~ agency] 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:

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.

§ 9. Applicability.

Sections [2 through 4, 6, and 8 2, 3, 4, 6 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. Nos. R94-765 and R94-780; Filed March 30, 1994, 10:41 a.m.

* * * * *

Title of Regulation: VR 130-01-2. Board for Architects,

Final Regulations

Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

Statutory Authority: §§ 54.1-113 and 54.1-404 of the Code of Virginia.

Effective Date: May 19, 1994.

Summary:

The regulation applies directly to approximately 24,000 licensed, certified or registered architects, professional engineers, land surveyors, landscape architects and interior designers and the professional corporations, limited liability companies and business entities that offer those professional services in Virginia. The substantive changes in the regulation are increases in application, examination and renewal fees for architects, professional engineers, land surveyors and landscape architects; application and renewal fees for professional corporations, limited liability companies and business entities in order to assure the board's compliance with the requirements of § 54.1-113 of the Code of Virginia; implementation of new minimum procedures for land surveyors relating to conducting property location surveys that show physical improvements to real property; and the addition of a new section which establishes registration requirements for limited liability companies and professional limited liability companies, formerly included in emergency regulations effective October 1992.

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 Willie Fobbs, III, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514. There may be a charge for copies.

VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

PART I. GENERAL DEFINITIONS.

§ 1.1. As used in these regulations, unless the context requires a different meaning:

"Direct control and personal supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision.

"Full time" means 60% or more of a licensee's gainfully

employed time.

"Good moral character" shall include, but shall not be limited to, compliance with the standards of practice and conduct as set forth in these regulations.

"Place of business" means any location which offers to practice or practices through licensed or certified professionals the services of architecture, professional engineering, land surveying and landscape architecture. A temporary field office set up for construction-related or land surveying services is not a place of business.

"Professional" means licensed architect, licensed professional engineer, licensed land surveyor, certified landscape architect or certified interior designer.

"Regulant" means licensee, certificate holder or registrant.

"Responsible charge" means the direct control and personal supervision of the practice of architecture, professional engineering, land surveying and certified landscape architecture.

PART II. GENERAL ENTRY REQUIREMENTS.

§ 2.1. Application requirements.

A. Fully documented applications with the noted exception shall be submitted by applicants seeking consideration for licensure, certification or registration with the appropriate fee(s) (check or money order only made payable to the Treasurer of Virginia) to be received in the board's office no later than 120 days prior to the scheduled examination. Applicants for the Fundamentals of Engineering examination enrolled in an ABET accredited curriculum who are within 12 months of completion of degree requirements may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination. The date the completely documented application and fee are received in the board's office shall determine if an application has been received by the deadline set by the board. All applications should be completed according to the instructions contained herein. Applications are not considered complete until all required documents, including but not limited to references, employment verifications and verification of registration are received by the board. All applications, accompanying materials and references are the property of the board.

B. Applicants shall meet applicable entry requirements at the time application is made.

C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for licensure, certification or registration

are met within a period of three years from the date the original application is received by the board. After such period, a new application shall be required.

D. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc., to confirm or amplify information supplied. The board may also require a personal interview with the applicant.

E. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

F. Applicants shall be held to the same standards of practice and conduct as set forth in these regulations.

G. National council information.

1. Architect applicants may obtain information concerning NCARB certification and the Intern Development Program from:

National Council of Architectural Registration Boards
(NCARB)
1735 New York Avenue, N.W., Suite 700
Washington, DC 20006
(202) 783-6500

2. Engineer and land surveyor applicants may obtain information concerning NCEES certificates from:

National Council of Examiners for Engineering and
Surveying
(NCEES)
P.O. Box 1686
Clemson, South Carolina 29633-1686
(803) 654-6824

3. Landscape architect applicants may obtain information concerning CLARB registration from:

Council of Landscape Architectural Registration Boards
(CLARB)
Suite 110, 12700 Fair Lakes Circle
Fairfax, Virginia 22033
(703) 818-1300

4. Interior design applicants may obtain information concerning NCIDQ examination and certification from:

National Council for Interior Design Qualification
(NCIDQ)
118 East 25th Street 50 Main Street
New York, New York 10010 White Plains, New York
10606-1920
(212) 473-1188 (914) 948-9100

§ 2.2. Determining qualifications of applicants.

In determining the qualifications of an applicant for a license as an architect, a majority vote of only the architect members of the board shall be required. In determining the qualifications of an applicant for a license as a professional engineer, a majority vote of only the professional engineer members of the board shall be required. In determining the qualifications of an applicant for a license as a land surveyor, a majority vote of only the land surveyor members of the board shall be required. In determining the qualifications of an applicant for certification as a landscape architect, a majority vote of only the certified landscape architect members shall be required, and in determining the qualifications of an applicant for certification as an interior designer, a majority vote of only the certified interior designed members shall be required.

§ 2.3. Good standing of comity applicants.

An applicant licensed, certified or registered to practice architecture, professional engineering, land surveying, landscape architecture or interior design in another jurisdiction shall be in good standing in every jurisdiction where licensed, certified or registered, and shall not have had a license certificate or registration suspended, revoked or surrendered in connection with a disciplinary action or who has been the subject of discipline in another jurisdiction prior to applying for licensure, certification or registration in Virginia.

§ 2.4. Transfer of scores to other boards.

The board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various examinations given under the board's jurisdiction to any other duly constituted registration board for use in evaluating such applicant's eligibility for registration within such board's jurisdiction or evaluation of such applicant's national certification. The applicant shall state his reason for requesting transfer and such transfer shall terminate the applicant's application pending before the board.

§ 2.5. Replacement of wall certificate.

Any licensee or certificate holder may obtain a replacement for a lost, destroyed, or damaged wall certificate only upon submission of a \$20 fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.

§ 2.6. Modifications to examination administration.

Requests for modifications to the examination administration to accommodate physical handicaps must be made in writing and received in the board office no less than 120 days prior to the first day of the examination. Such a request must be accompanied by a physician's report or a report by a diagnostic specialist, along with supporting data, confirming to the board's satisfaction the

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nature and extent of the handicap. After receipt of the request from the applicant, the board may require that the applicant supply further information or that the applicant appear personally before the board, or both. It shall be the responsibility of the applicant to timely supply all further information as the board may require. The board shall determine what, if any, modifications will be made.

§ 2.7. Dishonored checks.

In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge specified in the regulations.

PART III.

QUALIFICATIONS FOR LICENSING OF ARCHITECTS.

§ 3.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$	45	60
Renewal		75	80
ARE Exam (all divisions)		135	
Architect Registration Exam (ARE) (all divisions)			570
Division A	82	[87	100]
Division B written	67	[87	100]
Division B graphic	102	[112	125]
Division C	140	[150	165]
Division D/F	77	[87	95]
Division E	62	[87	95]
Division G	83	[88	95]
Division H	84	[89	95]
Division I	81	[86	95]
Out of State proctor	[50	100]
Dishonored checks		25	

§ 3.2. Character.

Applicants must be of good moral character.

§ 3.3. Education.

[A. All applicants shall obtain five years of professional education or equivalent education credits. Education

credits shall be calculated in accordance with Table I.]

[B.] On or after January 1, 1993, [On or after January 1, 1993,] all applicants shall hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after termination of enrollment.

§ 3.4. Experience.

A. All applicants shall have three years of training in the essential areas of architectural practice as defined below *[as described in this subsection]*. Evidence shall be *[in the form of official records of a structured internship verified through the Intern Architect Development Program of the National Council of Architectural Registration Boards (NCARB) or a program approved by the board, or incorporated in the candidate's application and verified by employers. Experience shall include:]*

[1. A minimum of 18 months in the area of design and construction documents directly related to the practice of architecture; and

2. A minimum of five months in the area of construction administration directly related to the practice of architecture; and

3. A minimum of three months in the area of office management directly related to the practice of architecture.

Training credits shall be calculated in accordance with Table I.]

B. The Intern-Architect Development Program (IDP) shall be required of all applicants ~~on or after January 1, 1993~~. An applicant shall be enrolled in IDP for a period of one year or more prior to submitting an application for examination in Virginia. *[An applicant submitting an application for examination on or after January 1, 1995, shall be enrolled in IDP for a period of two years or more. As of January 1, 1996, all applicants shall be enrolled in IDP for a period of three or more years prior to submitting an application for examination in Virginia.]* IDP training requirements shall be in accordance with *[NCARB standards, Part II of Table I,] except that all applicants must have a minimum of 36 months training prior to submitting an application for examination.*

§ 3.5. References.

Eligibility for licensure is determined in part by the applicant's demonstrated competence and integrity to engage in the practice of architecture. Applicants shall submit three references with the application, all of whom are licensed architects in a jurisdiction or territory of the United States. These professionals shall have personal knowledge of the applicant's architectural experience and

have known the applicant for at least one year. References shall be current for one year.

§ 3.6. Examination.

A. All applicants for original licensing in Virginia are required to pass an Architect Registration Examination (ARE) after meeting the education and training requirements as provided in these regulations.

B. The Virginia board is a member of the National Council of Architectural Registration Boards (NCARB) and as such is authorized to administer the NCARB examinations.

C. Grading of the examination shall be in accordance with the national grading procedure administered by NCARB. The board shall adopt the scoring procedures recommended by NCARB.

D. The Architect Registration Examination (ARE) will be offered at least once a year at a time designated by the board.

E. The board may approve transfer credits for parts of the examination taken prior to the 1983 ARE. Transfer of credits will be in accordance with national standards.

F. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

G. Examinees will be given specific instructions as to the conduct of each division of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

H. [Scores.] Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores and answer sheets.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 3.7. License by comity.

A. Any person licensed in another state, jurisdiction or territory of the United States or province of Canada may be granted a license without written examination, provided that:

1. The applicant meets all the requirements for licensing in Virginia or possesses an NCARB certificate; and

2. The applicant holds a currently active valid license in good standing in another state, jurisdiction or territory of the United States or province of Canada.

3. Applicants who were registered in their jurisdiction of original licensure without IDP must submit a verified record of experience [in accordance with § 3.4.]

B. Applicants licensed in foreign countries *other than a province of Canada* may be granted a license in Virginia based on an NCARB certificate.

[*C. Anyone licensed prior to January 1, 1993, shall have their education and experience evaluated in accordance with the standard in effect in Virginia at the time of original licensure in their original jurisdiction of licensure.*]

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TABLE I.

REQUIREMENTS FOR ARCHITECTURAL LICENSURE

PART I EDUCATION AND TRAINING REQUIREMENTS.	EDUCATION CREDITS			TRAINING CREDITS	
	First 2 Years	Succeeding Years	Max. Credit Allowed	Credit Allowed	Max. Credit Allowed
<p>EDUCATION AND TRAINING REQUIREMENTS RELEASED: JANUARY, 1990; THIS EDITION SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS.</p> <p>INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS REFER TO PART II FOR THEIR TRAINING REQUIREMENTS. (Complete information may be obtained from NCARB.)</p>					
<u>A-1</u> First professional degree in architecture, or credits toward the first professional degree, where the degree program has been approved by the board not later than two years after termination of enrollment.	75%	100%	5 years	---	
<u>A-2</u> First professional degree in architecture, or credits toward that degree, where the degree program has not been approved by the board.	75%	75%	4 years		See B-1.2
<u>A-3</u> Bachelor degree, or credits toward that degree, in architectural engineering, architectural technology, or in civil, mechanical, or electrical engineering, or in interior architecture, each of the above being approved by the board.	50%	75%	3 years		
<u>A-4</u> Any other bachelor degree.			2 years	----	
<u>A-5</u> Diversified experience in architecture as an employee in the offices of licensed architects.	50%	50%	5 years	100%	no limit
<u>A-6</u> Diversified experience in architecture as a principal practicing in the office of a licensed architect with a verified record of substantial practice.	50%	50%	5 years	100%	no limit
<u>A-7</u> Diversified experience in architecture as an employee of an organization (other than offices of registered architects) when the experience is under the direct supervision of a registered architect.	50%	50%	4 years	100%	2 years
<u>A-8</u> Experience directly related to architecture, when under the direct supervision of a licensed architect but not qualifying as diversified experience or when under the direct supervision of a professional engineer, landscape architect, interior designer, or planner.]			0	50%	1 year

[A-9

Experience, other than A-5, A-6, A-7 or A-8
experience, directly related to on-site building 0 50% 6 months
construction operations or experience involving
physical analyses of existing buildings

A-10 Other Education or Training Experience
(see B-3.2)]

[EXPLANATION OF REQUIREMENTS]

[B-1 Education Credits. Education Credits shall be subject to the following conditions:]

- [B-1 .1 No education credits may be earned prior to graduation from high school.]
- [.2 Applicants with the degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program. Applicants without the degree specified in A-1 or A-2 may not accumulate more than 3 years of education credits in the aggregate from all degree programs.]
- [.3 32 semester credit hours or 48 quarter hours are considered to be 1 year. Fractions of a year of one-half or greater will be considered one-half year, and smaller fractions will not be counted.]
- [.4 Foreign education credits will be granted only under classifications A-2 and A-4. Any cost of translation and evaluation will be borne by the applicant.]

[B-2 Training Credits] ~~[Part 4]~~ Training credits shall be subject to the following conditions:

- B-2 .1 No training credits may be earned prior to accumulating 2 1/2 education credits.
- .2 Every applicant must earn at least one year of training credit [under A-5 or A-6 and must earn it after earning 5 years of education credits.] ~~[gaining Diversified Experience in architecture as defined under the IDP Program as administered by NCARB as an employee in the offices of licensed architects or as a principal practicing in the offices of a licensed architect.]~~
- .3 No credit used as an education credit may be used as a training credit.
- .4 Organizations will be considered to be "offices of registered architects": (a) the architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal and the applicant works under the direct supervision of a registered architect, and (b) the organization is not engaged in construction, and (c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.
- .5 An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:
 - (a) providing labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation.
 - (b) agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.
- .6 A person practices as a "principal" by being a registered architect and the person in charge of the organization's architectural practice, either alone or with other registered architects.
- [.7 In evaluating training credits the Board may, prior to licensure, require the applicant to substantiate training experience by comparing this experience to the training requirements as indicated for the Intern-Architect Development Program (IDP). See IDP Training Requirements below.]

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B-3 General Evaluation Criteria

- B-3** .1 To earn full education or training credits under A-5, A-6, A-7, A-8 and A-9 an applicant must work at least 35 hours per week for a minimum period of ten consecutive weeks under A-5 or 6 consecutive months under A-6, A-7, A-8 or A-9. An applicant may earn one-half the credit specified under A-5 for work of at least 20 hours per week in periods of 6 or more consecutive months; no credit will be given for part-time work in any category other than A-5.
- .2 Other education and training may be substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.
- .3 In evaluating credits, the Board may, prior to registration, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth above.]

PART II TRAINING REQUIREMENTS FOR INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS

IDP Applicant Defined An IDP applicant for registration is a person who has completed the IDP training requirements [as administered by NCARB].

Training An IDP Applicant must acquire a [minimum] [total] of 700 value units (VU's) [and a full 36 months of approved training] to satisfy the training requirements. One VU equals 8 hours of acceptable activity. [See Part I for acceptable experience descriptions.]

CATEGORY A	CATEGORY C
Design and Construction Documents - Minimum VU's Required	Management
1. Programming - Client Contact.....10	13. Project Management.....15
2. Site & Environmental Analysis.....10	14. Office Management.....10
3. Schematic Design.....15	Minimum Total VU's Required 35*
4. Building Cost Analysis.....10	
5. Code Research.....15	*The difference between the minimum total VU's required in each of categories A, B and C and the sum of the minimums required for each training area within the category must be acquired by earning VU's from training areas within the same category.
6. Design Development.....40	
7. Construction Documents.....145	
8. Specifications & Materials Research.....15	
9. Documents Checking and Coordination.....15	
Minimum Total VU's Required 350*	CATEGORY D
	Related Activities
CATEGORY B	15. Professional & Community Service.....10
Construction Administration	Minimum Total VU's Required 10*
10. Bidding & Contract Negotiation.....10	
11. Construction Phase Office.....15	This listing of required minimums in categories A, B, C and D totals 465 VU's, allowing for 235 additional VU's to be acquired in any of the listed categories. All of the 235 additional VU's may be acquired in one category or distributed among the categories.
12. Construction Phase Observation.....15	
Minimum Total VU's Required 70*	

Explanation of Requirements

1. ~~VU's in categories A, B and C may be acquired only if the applicant meets the time requirements of B-3.1 of Part I. VU's may be acquired in category D only if the activity is substantial and continues.~~

~~Full VU credit is earned for acceptable full-time employment in the settings described in A-8 and A-9 of Part I, and for acceptable part-time employment in the setting described in A-5 of Part I.~~
2. ~~No VU's may be acquired prior to satisfactory completion of:~~
 1. ~~three years in an NAAB accredited bachelor degree program or,~~
 2. ~~the third year of a four year pre-professional degree program in architecture accepted for direct entry to a NAAB accredited master's degree program, or~~
 3. ~~one year in a NAAB accredited master's degree program, or~~
 4. ~~96 semester credit hours as evaluated by EESA in accordance with NCARB Circular of Information No. 3 of which no more than 60 hours can be in the general education category or~~
 5. ~~five education credits as of June 30, 1984.~~
~~32 semester credit hours or 48 quarter hours shall equal one year in an academic program.~~
3. ~~A master's or doctoral degree in architecture (except where the degree program is the first professional degree) qualifies for 235 VU's under category D.~~
4. ~~An IDP applicant may earn VU's by completing NCARB-approved supplementary education programs; credit to be in accordance with a table of credits established by NCARB. Supplementary education cannot be used to satisfy the minimum VU requirements in training areas 1-14. No VU's may be earned for supplementary education prior to meeting the requirements of A-1 of Part I or while enrolled in a second professional degree program in architecture.~~
5. ~~The VU's which may be earned under paragraph 3 and 4 may not exceed in the aggregate 235 VU's.~~
6. ~~To satisfy categories A and B of the training requirements, VU's (including VU's earned from supplementary education) in those categories must be acquired when employed in the settings described in A-5 or A-7 of Part I.~~
7. ~~A minimum of 235 VU's must be acquired in the setting described in A-5 of Part I after having satisfied A-1.~~
8. ~~In evaluating training, NCARB may, prior to certification, require substantiation of the quality and character of the training notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.~~
9. ~~For detailed descriptions of the IDP training categories and supplementary education requirements, see IDP Guidelines available through NCARB.~~

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PART IV. QUALIFICATIONS FOR LICENSING OF PROFESSIONAL ENGINEERS.

§ 4.1. Definitions.

The following definitions shall apply in the regulations relating to the licensing of professional engineers.

"*ABET*" means the Accreditation Board for Engineering and Technology.

"*Approved engineering curriculum*" means an engineering curriculum of four years or more approved by the board. ABET approved engineering curricula are approved by the board.

"*Approved engineering technology curriculum*" means an ABET approved engineering technology curriculum.

"*Approved [professional engineering] experience*" means a specific record of acceptable professional experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering.

"*Engineering examination*" means an eight-hour written examination in the Fundamentals of Engineering and an eight-hour written examination in the Principles and Practice of Engineering where required.

"*Engineer-in-training (EIT) designation*" means the designation of an applicant who completes any one of several combinations of education, or education and experience, and passes the Fundamentals of Engineering examination.

§ 4.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Fundamentals of Engineering

FE Application		\$ 25
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Principles of Engineering

PE Application	65	100
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Renewal	65	70
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FE Examination	45	55
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PE Examination	100	110 (7-1-92)	130
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PE Exam rescore		50
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FE/PE Out of State Proctor		50
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Oral Examination	100	(This fee will be deleted as of July 1, 1993)
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Dishonored check

25

§ 4.3. Character.

Applicants must be of good moral character.

§ 4.4. Requirements for Fundamentals of Engineering (FE) exam.

Applicants who are enrolled in an ABET accredited curriculum and are within 12 months of completion of degree requirements are eligible for the FE exam. Applications must be accompanied by a certificate of good standing from the dean of the engineering school.

All other applicants must meet the eligibility requirements in § 4.5 below.

§ 4.5. Requirements for engineer-in-training (EIT) designation.

The minimum education, experience and examination requirements for the engineer-in-training (EIT) designation are as follows:

1. An applicant who has graduated from an approved engineering or approved engineering technology curriculum of four years or more and has passed an eight-hour written examination in the Fundamentals of Engineering; or
2. An applicant who has graduated from a nonapproved engineering curriculum or a related science curriculum of four years or more, with a specific record of two or more years of approved professional experience and has passed the Fundamentals of Engineering examination; or
3. An applicant who has graduated from a nonapproved engineering technology curriculum or who has not graduated from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described, by self-study or otherwise, and has acquired six additional years of approved professional experience and has passed the Fundamentals of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience.

The engineer-in-training (EIT) designation shall remain valid indefinitely.

§ 4.6. Requirements for professional engineering license.

The minimum education, experience and examination requirements for licensing as a professional engineer are as follows:

1. An applicant who has graduated from an approved engineering curriculum, has passed the Fundamentals

of Engineering examination or an equivalent exam, has a specific record of at least four years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination, provided, however, any applicant who has been awarded both an ABET accredited undergraduate engineering degree and a doctorate degree in engineering from an engineering curriculum which is ABET accredited at the undergraduate level may have the Fundamentals of Engineering examination waived; or

2. An applicant who has graduated from a nonapproved engineering curriculum, a related science curriculum of four years or more, or an approved engineering technology curriculum, who has passed the Fundamentals of Engineering examination or an equivalent exam, has acquired a specific record of at least six years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination; or

3. An applicant who has not graduated from an approved engineering curriculum of four years or more but who has obtained the equivalent of such graduation by self-study or otherwise, has passed the Fundamentals of Engineering exam or an equivalent examination, has acquired 10 years of approved professional experience, and has passed the Principles and Practice of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience; or

4. An applicant who has graduated from an engineering, engineering technology or related science curriculum of four years or more, who has acquired a specific record of 20 years or more of approved progressive professional experience on engineering projects of a grade and character which the board judges to be pertinent to acquiring professional skills, such that the applicant may be competent to practice engineering, and has passed the examination in the Principles and Practice of Engineering ; or .

5. An applicant who has graduated from an engineering, engineering technology, or related science curriculum of four years or more, and who has acquired a specific record of 30 years or more of approved progressive professional experience on engineering projects of grade and character which the board judges to be pertinent to acquiring professional skills, demonstrating that the applicant is eminently qualified to practice engineering, shall pass an oral examination which indicates to the board that the applicant is eminently qualified to practice engineering. If the board has any doubt concerning an applicant's eminent qualifications, the applicant shall be reclassified as an examination candidate.

Applications from individuals qualifying under this section will be accepted by the board until July 1, 1993.

All applicants for oral examination must qualify on or before July 1, 1993.

§ 4.7. References.

A. References for Fundamentals of Engineering examination.

Applicants for the Fundamentals of Engineering examination only shall provide one reference from a professional engineer, or from the dean of the engineering school or a departmental professor in the school attended by the applicant, or an immediate work supervisor. Any reference provided shall be from a person who has known the applicant for at least one year. References may not also verify professional experience.

B. References for Principles and Practice of Engineering examination.

To be eligible for admission to the Principles and Practice of Engineering examination, an applicant must indicate competence and integrity to engage in the engineering profession by submitting three references with the application, all of whom shall be licensed professional engineers in a state or territory of the United States. The professional engineers providing the references shall have personal knowledge of the applicant's engineering experience and shall have known the applicant for at least one year. References shall be no more than one year old at the time the applicant is approved to take the requisite examination. References may not also verify professional experience.

§ 4.8. Education.

Any applicant who has ~~attended~~ *earned a degree from* an institution ~~not located in~~ *outside* the United States shall have ~~his~~ *the* degree evaluated by an educational *credential* evaluation service or by ABET if credit for such education is sought ; , *unless the applicant earned an equivalent or higher level engineering degree from a United States institution accredited by ABET.* The board reserves the right to reject any evaluation submitted by the applicant.

§ 4.9. Training and experience.

Professional engineering training and experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design, provided:

1. In general, experience in sales, drafting, estimating, field surveying, nonengineering military service, and inspection are considered nonqualifying;

2. Engineering experience gained by graduate engineering study or by engineering teaching as an instructor or higher in an institution approved by the board may be deemed professional experience;

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3. Engineering experience gained during a board-approved co-op program may be deemed professional experience to a maximum of one year of credit;

4. The board, in its sole discretion, may permit partial credit, not to exceed 1/4 of that required, for approved professional experience obtained prior to graduation from an engineering curriculum.

§ 4.10. Language and comprehension.

Every applicant applying for licensure as a professional engineer shall be able to speak and write English. Such an applicant from a non-English speaking country or a country wherein the primary language is other than English shall submit to the board a TOEFL (Test of English as a Foreign Language) score report with a minimum score of 560, and a TSE (Test of Spoken English) score report with a minimum score of 255. Score reports shall not be over two years old at the time of application.

§ 4.11. Examinations.

A. The Virginia board is a member of the National Council of Examiners for Engineering and Surveying (NCEES) and as such is authorized to administer the NCEES examinations.

B. The Fundamentals of Engineering examination consists of an eight-hour test period on the fundamentals of engineering, and is given semiannually at times designated by the board.

C. The Principles and Practice of Engineering examination consists of an eight-hour test period on applied engineering and is given semiannually at times designated by the board.

D. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

E. A candidate eligible for admission to both parts of the examination must first successfully complete the fundamentals of engineering examination before being admitted to the principles and practice of engineering examination.

F. Examinees will be given specific instructions as to the conduct of each examination at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

G. The oral exam shall consist of a review of the

engineering background and examples of the work of the professional engineering candidate in the presence of the Professional Engineer Section of the board. This examination may encompass any facts appearing in the application and supporting papers of the candidate and such direct evidence as the candidate may desire to present to the board to substantiate the breadth and depth of professional engineering experience, primarily in experience in engineering design and analysis.

1. Substantiating evidence shall be in the form of drawings, sketches, reports, specifications, calculations, published articles, textbooks, or other suitable information demonstrating the engineering experience of the candidate. Based upon this information, the candidate will be subject to questions regarding principles of engineering followed in the execution of such work.

2. The candidate shall demonstrate that the experience record is of a professional level and shall leave no doubt as to the ability to protect the public in the practice of engineering. Failure to demonstrate this ability shall result in reclassification.

H. Grading.

G. Grading of the examinations shall be in accordance with national grading procedures established by NCEES.

Each part of the written examination will have a value of 100. A passing score shall be 70 and above. Candidates will be notified of passing or failing and their actual scores.

I. H. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

J. Examination reviews.

I. The Fundamentals of Engineering examination may not be reviewed by the candidates. Examination scores are final and are not subject to change.

Upon written request to the board within 30 days of receiving exam results, candidates for the Principles and Practice of Engineering examination will be permitted to review only their own failed examination. Score appeals may be accepted in accordance with board policy.

§ 4.12. License by comity.

A person holding a license to engage in the practice of engineering, issued to the applicant by another state, territory or possession of the United States, *Canada* or the District of Columbia, based on requirements that do not conflict with and are at least as vigorous as these regulations and supporting statutes of this board, may be licensed without further examination. No person shall be so licensed, however, who has not passed a written

examination in another jurisdiction which is substantially equivalent to that administered by the board.

PART V. QUALIFICATIONS FOR LICENSING AND STANDARDS OF PROCEDURE FOR LAND SURVEYORS.

§ 5.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application for Fundamentals of Surveying	\$ 60	105
Application for Principles of Surveying	95	130
Renewal	155	180
Fundamentals of Surveying Examination	65 80 (7-1-92)	120
Principles of Surveying Examination	65 85 (7-1-92)	125
Principles (AM) and/or Colonial Domain Exam	65	
Virginia State Examination	30	75
Application for Land Surveyor B Examination for Land Surveyor B	95	140
Out of State Proctor		50
Dishonored check		25

§ 5.2. Character.

Applicants must be of good moral character.

§ 5.3. Requirements for land surveyor-in-training.

The education or experience, or both, and examination requirements for land surveyor-in-training status are as follows:

1. An applicant who has graduated from a surveying or surveying technology curriculum of four years or more approved by the board as being of satisfactory standing shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if ~~he~~ *the applicant* is otherwise qualified.

2. An applicant who has graduated from a curriculum related to surveying of four years or more as approved by the board and with a specific record of two years of progressive, approved [~~professional land surveying~~] experience [~~in land surveying~~] shall be admitted to an eight-hour examination in the Fundamentals of Land Surveying. Upon passing such

examination, the applicant shall be enrolled as a land surveyor-in-training, if ~~he~~ *the applicant* is otherwise qualified.

3. An applicant who has ~~graduated from an~~ *earned at least a four-year bachelors degree in a field* unrelated to surveying curriculum of four years or more as ~~acceptable to~~ *may be approved by* the board with a specific record of four years of approved [~~professional land surveying~~] experience [~~in land surveying~~] of which three of these years shall be progressive ; . *The applicant* shall be admitted to an eight-hour examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if ~~he~~ *the applicant* is otherwise qualified.

4. An applicant who has graduated from a surveying curriculum of two years or more approved by the board with a specific record of six years of approved [~~professional land surveying~~] experience [~~in land surveying~~] of which four of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if ~~he~~ *the applicant* is otherwise qualified.

5. An applicant who has successfully completed a survey apprenticeship program approved by the board with at least 480 hours of surveying related classroom instruction with a specific record of eight years of approved [~~professional land surveying~~] experience [~~in land surveying~~] of which six of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if ~~he~~ *the applicant* is otherwise qualified.

6. An applicant who has graduated from high school with evidence of successful completion of courses in algebra, geometry and trigonometry with a specific record of ten years of approved [~~professional land surveying~~] experience [~~in land surveying~~] of which eight of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Applicants who have accumulated college credits may apply credit hours approved by the board to help meet the experience requirement. One year of experience credit will be given for 40 semester hours of approved college credit. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if ~~he~~ *the applicant* is otherwise qualified.

§ 5.4. Requirements for a licensed land surveyor.

A land surveyor-in-training with a specific record of four

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years of approved [~~professional~~ *land surveying*] experience, of which a minimum of three years of progressive experience has been on land surveying projects under the supervision of a licensed land surveyor, shall be admitted to ~~an eight-hour~~ *a six-hour* written examination in the Principles and Practice of Land Surveying *and a two-hour Virginia state examination*. Upon passing such examination the applicant shall be granted a license to practice land surveying, provided the applicant is otherwise qualified.

§ 5.5. Requirements for a licensed land surveyor B.

A. An applicant shall hold a valid license as a land surveyor and present satisfactory evidence of two years of progressive [~~professional~~ *land surveying*] experience in land surveyor B professional land surveying, as defined in § 54.1-408 of the Code of Virginia, under the supervision and direction of a licensed land surveyor B or professional engineer.

B. An applicant shall also present satisfactory evidence of having passed college level courses in hydraulics, acceptable to the board.

C. An applicant shall pass an eight-hour written examination as developed by the board. Upon passing such examination the applicant shall be granted a license as a Land Surveyor B, if he is otherwise qualified.

§ 5.6. Education.

Any applicant who has attended an institution not located in the United States shall have his degree evaluated by an education evaluation service if credit for such education is sought. The board reserves the right to reject any evaluation submitted by the applicant.

§ 5.7. Experience standards.

A. "Approved [~~professional~~ *land surveying*] experience" means diversified training in land surveying under the supervision and direction of a licensed land surveyor [*or under the supervision and direction of an individual authorized by statute to practice land surveying*]. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative and professional skill in the office and field. Experience may be gained either prior to or after education is obtained. [*Notwithstanding the definition of "approved land surveying experience," the requirements set forth in § 5.4 shall not be waived.*]

B. An applicant shall submit written verification from a licensed land surveyor [*or an individual authorized by statute to practice land surveying*] of work experience from each employment engagement utilized as [~~professional~~ *land surveying*] experience on forms provided by the board.

§ 5.8. Examinations [; *grading; reexamination*].

A. The examination for land surveying under § 54.1-400 of the Code of Virginia shall consist of two parts, each part being of eight hours duration. Part I shall consist of an eight-hour examination in the Fundamentals of Land Surveying. Part II shall consist of a ~~four-hour~~ *six-hour* examination in the Principles and Practice of Land Surveying ; a ~~three-hour~~ *Colonial Domain examination*, and a ~~one-hour~~ *two-hour* Virginia state examination. These examinations shall be given semiannually at times designated by the board.

B. The examination for land surveying under § 54.1-408 of the Code of Virginia (Land Surveyor B) shall be of eight hours duration and shall be given annually at a time designated by the board.

C. Unless otherwise stated, applicants approved to sit for an examination must register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

D. Grading.

D. Candidates shall be notified of passing or failing but shall not be notified of actual scores. Only the board and its staff shall have access to examination papers, scores and answer sheets. Examinations may not be reviewed.

1. Part I of the written examination shall have a value of 100. The passing grade shall be 70 or above.

2. Each portion of the Part II of the written examination shall have a value of 100. The passing grade shall be 70 or above.

3. For the Land Surveyor B examination, each applicant must obtain a minimum passing grade of 75 out of 100 for the entire eight-hour examination.

E. [~~Reexamination.~~] Upon payment of a reexamination fee, an applicant may retake parts of the written examination which may have been failed. Should the applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 5.9. Licensure by comity.

A person holding a license to engage in the practice of land surveying issued on comparable qualifications from a state, territory or possession of the United States and experience satisfactory to the board, will be given comity consideration. Full credit will be given to an applicant who has passed the NCEES examinations for surveyors in other jurisdictions as required in Virginia. However, the applicant may be required to take such examinations as the board deems necessary to determine his qualifications, but in any event, ~~he~~ *the applicant* shall be required to pass a written Virginia State examination of not less than ~~one hour~~ *two hours* in duration. The examination shall

include questions on law, procedures and practices pertaining to land surveying in Virginia.

§ 5.10. Minimum standards and procedures for land boundary surveying practice.

The following minimum standards and procedures are to be used for boundary surveys performed in the Commonwealth of Virginia. The application of the professional's seal and signature and date as required by these regulations shall be evidence that the boundary survey or other land survey to be used for conveyance of title or mortgage purposes is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures.

A. Research procedure.

The professional shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The professional shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known. Evidence found, from all sources, shall be carefully compared with that located and found in the field survey in order to establish aid in the establishment of the correct boundaries of the land being surveyed. The professional shall clearly note [~~any inconsistency~~ inconsistencies] found in the [~~research of~~ common boundaries between the land being surveyed and the adjoining land. It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

B. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted transit type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned at a given station or corner will be the number which, in the judgment of the professional, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or lines of the boundary surveys survey shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

3. Field traverse and boundary closure. The maximum

permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one foot part in 5,000 feet or metric equivalent of perimeter length 10,000 (1/10,000). The attendant angular closure shall be that which will sustain the ~~1/5,000~~ feet one part in 10,000 (1/10,000) maximum error of closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one foot in 10,000 feet or metric equivalent of perimeter length part in 20,000 (1/20,000). The attendant angular closure shall be that which will sustain the ~~1/10,000~~ feet one part in 20,000 (1/20,000) maximum error of closure.

4. Monumentation. As a requisite for completion of the work product, each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive road rights-of-way; and each such monument, other than a natural monument, shall, when feasible, be identified by a temporary witness stake (which may be wooden). Where it is not feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location of each shall be shown on the plat or map of the boundary.

All boundaries, both exterior and interior, of the original survey for any division or partition of land shall be monumented in accordance with the provisions of this subdivision, when such monumentation is not regulated by the provisions of a local subdivision ordinance.

C. Office procedures.

1. Computations. The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

2. Plats and maps. The following information shall be shown on all plats or maps, or both, used to depict the results of the boundary survey:

a. The title of the boundary plat identifying the land surveyed and showing the district and county or city in which the land is located and scale of drawing.

b. The owner's name name of owner of record and deed book referenced where the acquisition was recorded.

c. Names of all adjacent owners adjoining owners of record with deed book references, or subdivision lot designations.

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d. Names of highways and roads with route number, and widths of right-of-way, or distance to the center of the physical pavement and pavement width, name of railroads, streams adjoining or running through the land, and other prominent or well-known objects or areas which are informative as to the location of the boundary survey : including but not limited to a distance to the nearest road intersection, or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude must be provided.

e. Bearings of all property lines and meanders to nearest 10 seconds of arc , or metric equivalent.

f. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or metric equivalent.

g. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.

h. Area to the nearest square foot or decimal thousandth (0.001) of an acre or metric equivalent for urban located surveys.

i. North arrow and source of meridian used for the survey.

j. On interior surveys, a reference bearing and distance to a property corner of an adjoining owner [or other prominent object including, but not limited to, intersecting streets or roads] .

k. Tax map designation of parcel number if available.

l. ~~Each~~ Description of each monument found and each monument set by the professional.

m. A statement that the boundary survey shown is based on a current field survey. *The application of the land surveyor's seal, signature and date shall constitute compliance with all the current standards of a boundary [survey] as of the date of the application of signature unless otherwise clearly stated in the title of the plat that it is to be construed otherwise.*

n. If the land boundaries shown on the plat are the result of a compilation from deed or plats, or both, or based on a survey by others, that fact will be clearly stated and the title of the plat shall clearly depict that the plat does not represent a current boundary survey.

o. Name and address of the ~~professional~~ land surveyor .

3. *Metes and bounds description. The professional shall prepare a metes and bounds description in*

narrative form, if requested by the client or their agent, for completion of any newly performed boundary survey. The description shall reflect all metes and bounds, the area of the property described, all pertinent monumentation, names of record owners or other appropriate identification of all adjoining, and any other data or information deemed as warranted to properly describe the property. Customarily, the metes and bounds shall be recited in a clockwise direction around the property. For subdivisions, the professional shall prepare a metes and bounds description in narrative form for only the exterior boundaries of the property.

No metes and bounds description shall be required for the verification or resetting of the corners of a lot or other parcel of land in accordance with a previously performed boundary survey, such as a lot in a subdivision where it is unnecessary to revise the record boundaries of the lot.

§ 5.11. *Minimum standards and procedures for surveys determining the location of physical improvements [; field procedures; office procedures] .*

A. *The following minimum standards and procedures are to be used for surveys determining the location of physical improvements on any parcel of land or lot containing less than five acres or metric equivalent (sometimes also known as "building location survey," "house location surveys," "physical surveys," etc.) in the Commonwealth of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the survey determining the location of physical improvements is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures set forth in this section.*

B. *The professional shall determine the position of the lot or parcel of land in accordance with the intent of the original survey [; to the satisfaction of the land surveyor,] and shall set or verify permanent monumentation at each corner of the property, consistent with the monumentation provisions of subdivision B 4 of § 5.10 of these regulations; all such monumentation other than natural monumentation, shall, when feasible, be identified by temporary witness markers (which may be wooden).*

When the professional finds discrepancies of sufficient magnitude to warrant, in his opinion, the performance of a land boundary survey (pursuant to the provisions of § 5.10), he shall so inform the client or the client's agent that such boundary survey is deemed warranted as a requisite to completion of the physical improvements survey.

The location of the following shall be determined in the field:

1. [~~All~~] *Fences in the near proximity to the*

boundary lines and other fences which may reflect lines of occupancy or possession.

2. [~~Any~~] Other physical improvements on the property and all man-made or installed structures, including buildings, stoops, porches, chimneys, visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), power lines and poles, and telephone lines and poles.

3. Cemeteries, if known or disclosed in the process of performing the survey; roads or travelways crossing the property which serve other properties; and streams, creeks, and other defined drainage ways.

4. [~~Any~~] Other visible evidence of physical encroachment on the property.

C. The plat reflecting the work product shall be drawn to scale and shall show the following, unless requested otherwise by the client and so noted on the plat:

1. The bearings and distances for the boundaries and the area of the lot or parcel of land shall be shown in accordance with record data, unless a current, new boundary survey has been performed in conjunction with the physical improvements survey. If needed to produce a closed polygon, the meander lines necessary to verify locations of streams, tidelands, lakes and swamps shall be shown. All bearing shall be shown in clockwise direction, unless otherwise indicated.

2. North arrow, in accordance with record data.

3. [~~Any~~] Fences in the near proximity to the boundary lines and other fences which may reflect lines of occupancy or possession.

4. [~~Any~~] Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.

5. [~~Any~~] Physical encroachment, including fences, across a property line shall be identified and dimensioned with respect to the property line. When monumentation is not required, the surveyor shall clearly note on the plat "no corner markers set" and the reason to include name of insurers.

6. On parcels where compliance with restriction is in question, provide the closest dimension (to the nearest 0.1 foot) or metric equivalent from the front property line, side property line, and if pertinent, rear property line to the principal walls of each building. Also, all principal building dimensions (to the nearest 0.1 foot) or metric equivalent.

7. Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed.

8. Stoops, decks, porches, chimneys, balconies, floor projections, and other similar type features.

9. Street name(s), as posted or currently identified, and as per record data, if different from posted name.

10. Distance to nearest intersection, based upon record data. If not available from record data, distance to nearest intersection may be determined from best available data, and so qualified.

11. Building restriction line(s) per restrictive covenants, if shown on the record subdivision plat.

12. The caption or title of the plat shall include the type of survey performed; lot number, block number, section number, and name of subdivision, as appropriate, or if not in a subdivision, the name(s) of the record owner; town or county, or city; date of survey; and scale of drawing.

13. Adjoining property identification.

14. [~~Any~~] Easements and other encumbrances set forth on the record subdivision plat, and those otherwise known to the professional.

15. A statement as to whether or not a current title report has been furnished to the professional.

16. Professional's seal, signature and date.

D. Notwithstanding the monumentation provisions of [~~subdivision~~ subsection] B of this section or any other provision of these regulations, a professional, in performing a physical improvements survey, shall not be required to set corner monumentation on any property when corner monumentation is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.1-465 of the Code of Virginia, or by subdivision A 7 of § 15.1-466 of the Code of Virginia, or where the placing of such monumentation is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty.

E. Moreover, notwithstanding the monumentation provisions of subdivision B of this section or any other provisions of these regulations, a professional, in performing a physical improvements survey, shall not be required to set corner monumentation on any property (i) when corner monumentation has been set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.1-465 of the Code of Virginia, or by subdivision A 7 of § 15.1-466 of the Code of Virginia or (ii) when the owner or contract purchaser, or a legal agent therefore, agrees in writing when the survey is ordered that such corner monumentation shall not be provided in connection with such physical improvements survey. When corner monumentation is not provided, pursuant to such agreement, the land surveyor shall clearly reference on the plat the existing monumentation utilized to perform

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the physical improvements survey. The provisions of this subsection shall apply only to property located within the counties of Arlington, Fairfax, King George, Loudoun, Prince William, Spotsylvania, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas and Manassas Park.

F. In no event may these regulations be interpreted or construed to require the professional to perform work of a lesser quality or quantity than that deemed by the professional to be prudent or warranted under the existing field conditions and circumstances.

D. Monumentation.

1. Each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes in direction on the boundary with the exceptions of meanders of streams, tidelands, swamps, and roads. Where it is not feasible to set actual corners, appropriate reference markers shall be set, preferably on line, and the location of each shown on the plat or map of the boundary.

2. Original subdivision surveys shall be monumented in accordance with subdivision 1 above. Corner monuments are required to be set on subdivision lots or parcels of land to be used for conveyance of title or mortgage purposes, or, if found to be correctly in place, identified by witness stakes. The plat of such survey shall show corner monuments found and those set.

§ 5.12. Geodetic surveys.

All geodetic surveys, including the determination and publication of horizontal and vertical values utilizing Global Positioning Systems, which relate to the practice of land surveying as defined in § 54.1-400 of the Code of Virginia, shall be performed under the direct control and personal supervision of a licensed land surveyor as defined in Part I of these regulations.

PART VI. QUALIFICATIONS FOR CERTIFICATION OF LANDSCAPE ARCHITECTS.

§ 6.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

		June 1994		
Application	\$ 75			200
Renewal	105			225
UNE Examination	(1992) 375	(1993) 405		525
Landscape Architect Registration Exam				

Test	Section 1	40	44	65
Test	Section 2	45	49	70
Test	Section 3	90	95	120
Test	Section 4	85	90	115
Test	Section 5	105	110	130
Test	Section 6	95	100	120
Test	Section 7	60	62	85
	Out of State Proctor			50
	Dishonored checks			25

§ 6.2. Character.

Applicants must be of good moral character.

§ 6.3. Requirements for certification.

The education or experience, or both, and examination requirements for certification as a landscape architect are as follows:

1. An applicant who has graduated from an accredited landscape architecture curriculum approved by the board shall be admitted to a [~~written examination~~ CLARB prepared examination or equivalent]. Upon passing such examination, the applicant shall be certified as a landscape architect, if he is otherwise qualified.

2. An applicant who has obtained eight years of combined education and experience, evaluated in accordance with Table II, shall be admitted to a [~~written examination~~ CLARB prepared examination or equivalent] approved by the board. Upon passing such examination, the applicant shall be certified as a landscape architect, if he is otherwise qualified.

§ 6.4. Experience standard.

Professional landscape architectural training and experience shall be progressive in complexity and based on a knowledge of natural, physical and ~~mathematic~~ mathematical sciences, and the principles and methodology of landscape architecture.

§ 6.5. Examination.

A. All applicants for original certification in Virginia are required to pass a ~~Uniform National Examination (UNE)~~ the Landscape Architect Registration Examination (LARE) [or equivalent] after meeting the education and experience requirements as provided in these regulations.

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and as such is authorized to administer the CLARB

examinations.

C. The ~~Uniform National Examination (UNE)~~ *Landscape Architect Registration Examination (LARE)* will be offered at least once per year at a time designated by the board.

D. Grading of the examination shall be in accordance with the national grading procedures established by CLARB. The board shall adopt the scoring procedures recommended by CLARB.

E. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board, ~~no later than 75 days before the next administration of the examination.~~ Applicants not properly registered shall not be allowed into the examination site.

F. Examinees will be given specific instructions as to the conduct of each section of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

G. Examinees will be advised only of ~~passing or failing the examination of their passing or failing score and the CLARB minimum passing or failing score~~. Only the board and its staff shall have access to examination papers, scores and answer sheets.

H. [~~Examination reviews.~~] Upon written request to the board within 30 days of receiving examination results, examinees will be permitted to ~~view~~ individually ~~view only~~ their own ~~failed~~ performance problems for ~~informational purposes failed sections~~ only. Examination appeals for ~~grade changes~~ are ~~not~~ permitted in accordance with the *CLARB score verification process*.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 6.6. Certification by comity.

Any applicant who has passed an examination in another jurisdiction of the United States or province of Canada comparable to the examination required by these regulations or who is CLARB certified and who is currently licensed or certified in another jurisdiction of the United States or province of Canada may have the required Virginia examinations waived, provided that he meets all other qualifications *are met*.

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TABLE II.
TABLE OF EQUIVALENTS FOR EDUCATION AND EXPERIENCE
FOR CERTIFIED LANDSCAPE ARCHITECTS.

DESCRIPTION	EDUCATION CREDITS			EXPERIENCE CREDITS	
	FIRST 2 YEARS	SUCCEEDING YEARS	MAXIMUM CREDIT ALLOWED	CREDIT ALLOWED	MAXIMUM CREDIT ALLOWED
A-1. Credits toward a degree in landscape architecture from an accredited school of landscape architecture.	100%	100%	4 years		
A-2. Degree in landscape architecture or credits toward that degree from a non-accredited school of landscape architecture.	100%	100%	4 years		
A-3. Degree or credits toward that degree in an allied professional discipline, i.e., architecture, civil engineering, environmental science, approved by the board.	75%	100%	3 years		
A-4. Any other bachelor degree, or credits toward that degree.	50%	75%	2 years		
A-5. Diversified experience in landscape architecture under the direct supervision of a certified landscape architect.				100%	no limit
A-6. Diversified experience directly related to landscape architecture when under the direct supervision of an architect, civil engineer, or "credentialed" planner.				50%	4 years

EXPLANATION OF REQUIREMENTS

B-1 Education Credits. Education credits shall be subject to the following conditions:

- B-1.1. Applicants with a degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program.
- .2. With a passing grade, 32 semester credit hours or 48 quarter hours is considered to be one year. Fractions greater than one-half year will be counted one-half year and smaller fractions will not be counted.

B-2 Experience Credits. Experience credits shall be subject to the following conditions:

- B-2.1. Every applicant must earn at least two years of experience credit under category A-5.

PART VII. QUALIFICATIONS FOR CERTIFICATION OF INTERIOR DESIGNERS.

§ 7.1. Definitions.

The following definitions shall apply in the regulations relating to the certification of interior designers:

"Diversified experience" includes the identification, research and creative solution of problems pertaining to the function and quality of the interior environment.

"Monitored experience" means diversified experience in interior design under the supervision of a person eligible for certification as an interior designer, a certified or licensed interior designer, an architect or a professional engineer.

§ 7.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	[\$	150		115]
Renewal	[150		90]
<i>Dishonored check</i>				25	

§ 7.3. Character.

Applicants must be of good moral character.

§ 7.4. Experience standard.

~~Experience in interior design shall be diversified~~ *Diversified experience shall be gained* in accordance with these regulations. Monitored experience gained under the supervision of a professional engineer shall be discounted at 50% with a maximum credit of six months. Periods of self-employment shall be verified with a list of projects, dates, scope of work and letters of verification by at least three clients.

§ 7.5. References.

Applicants shall submit three references from persons who know of the applicant's work and have known the applicant for at least one year. Persons supplying references may be persons eligible to be certified interior designers, certified or licensed interior designers, architects or professional engineers.

PART VIII. QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL CORPORATION.

§ 8.1. Definitions.

"Employee" of a corporation, for purposes of stock ownership, is a person regularly employed by the

corporation who devotes 60% or more of his gainfully employed time to that of the corporation.

§ 8.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$	90		180
Designation for branch office		25		50
Renewal		100		150
Renewal of branch office				25
Reinstatement of branch office				25
<i>Dishonored check</i>				25

§ 8.3. Application requirements.

A. All applicants shall have been incorporated in the Commonwealth of Virginia, or, if a foreign professional corporation, shall have obtained a certificate of authority to do business in Virginia from the State Corporation Commission, in accordance with § 13.1-544.2 of the Code of Virginia.

B. Each application shall include certified true copies of the articles of incorporation, bylaws and charter, and, if a foreign professional corporation, the certificate of authority issued by the State Corporation Commission.

C. Articles of incorporation and bylaws.

The following statements are required:

1. The articles of incorporation or bylaws shall specifically state that cumulative voting is prohibited.
2. The bylaws shall state that at least 2/3 of the capital stock must be held by persons duly licensed or certified to render the services of an architect, professional engineer, land surveyor or landscape architect. The remainder of the stock may be issued only to and held by individuals who are employees of the corporation.
3. The bylaws shall state that nonlicensed or noncertified individuals will not have a voice or standing in any matter affecting the practice of the corporation requiring professional expertise or considered professional practice, or both.

D. Board of directors.

A corporation may elect to its board of directors not more than 1/3 of its members who are employees of the corporation and are not authorized to render professional services.

At least 2/3 of the board of directors shall be licensed or certified to render the services of architecture,

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professional engineering, land surveying or landscape architecture, or any combination thereof.

At least one director currently licensed or certified in each profession offered or practiced shall devote substantially full time to the business of the corporation to provide effective supervision and control of the final professional product.

E. Joint ownership of stock.

Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated.

F. Branch offices.

If professional services are offered or rendered in a branch office(s), a separate branch office designation form shall be completed for each branch office located in Virginia. Persons in responsible charge shall be designated in accordance with these regulations.

§ 8.4. Certificates of authority.

Certificates of authority shall be issued in two categories, general or limited. A general certificate of authority will entitle the corporation to practice the professions of architecture, professional engineering, land surveying and landscape architecture. A limited certificate of authority will permit a corporation to practice only the professions shown on its certificate of authority, architecture, engineering, land surveying, landscape architecture or in any combination thereof.

§ 8.5. Foreign corporations.

In addition to these regulations, the bylaws shall state that the corporation's activities shall be limited to rendering the services of architecture, professional engineering, land surveying and landscape architecture, or any combination thereof.

The corporation shall provide the name and address of each stockholder of the corporation who will be providing the professional service(s) in Virginia and whether such stockholder is licensed or certified to perform the professional service(s) in Virginia.

§ 8.6. Amendments and changes.

A. Amendments to charter, articles of incorporation or bylaws.

A corporation holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within 30 days of its adoption, a certified true copy of any amendment to the articles of incorporation, bylaws or

charter.

B. Change in directors or shareholders.

In the event there is a change in corporate directors or shareholders, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses or certificates held by the remaining directors and shareholders of the corporation. Unless otherwise provided, in the event that such change results in noncompliance with these regulations and applicable statutes, the certificate of authority shall be automatically suspended until such time as the corporation comes into compliance with these regulations. The corporation shall notify the board within 30 days of any such change.

C. Change of name, address and place of business.

Any change of name (including assumed names) address, place of business in Virginia, or person(s) in responsible charge of the profession(s) practiced or offered at each place of business shall be reported to the board within 30 days of such an occurrence.

PART IX.

QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL LIMITED LIABILITY COMPANY.

§ 9.1. Definitions.

"Professional limited liability company" means a limited liability company organized in accordance with Chapter 13 (§ 13.1-1100 et seq.) of Title 13.1 of the Code of Virginia for the sole and specific purpose of rendering the professional services of architecture, professional engineering, land surveying and landscape architecture.

"Manager" is a person or persons designated by the members of a limited liability company to manage the limited liability company as provided in the articles of organization or an operating agreement, and who is duly licensed or otherwise legally authorized to render the professional services of architecture, professional engineering, land surveying and landscape architecture in the Commonwealth of Virginia.

"Member" means an individual or professional business entity that owns an interest in a limited liability company, and who is duly licensed or otherwise legally authorized to render the professional services of architecture, professional engineering, land surveying and landscape architecture in the Commonwealth of Virginia.

§ 9.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application \$ 125

Renewal 70

Dishonored check 25

§ 9.3. Application requirements.

A. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign professional limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission, in accordance with § 13.1-1105 of the Code of Virginia.

B. Each application shall include a certified true copy of the certificate of organization or, if a foreign professional limited liability company, a certificate of registration issued by the State Corporation Commission.

C. Each application shall be accompanied by a written affirmative affidavit that attests to the following inclusions to the articles of organization or operating agreement.

1. The articles of organization or operating agreement shall state the specific purpose of the professional limited liability company.

2. The articles of organization or operating agreement shall attest that membership is composed of two or more individuals or professional business entities, and at least 2/3 of which are duly licensed to render professional services within the Commonwealth of Virginia. The remaining membership interest may be held only by employees of the company whether or not they are licensed or otherwise legally authorized to render professional services.

3. The articles of organization or operating agreement shall attest that all members, managers, employees and agents who render professional services of architecture, professional engineering, land surveying or landscape architecture are duly licensed to provide those services.

4. The person executing the document shall sign it and state beneath his signature his name and the capacity in which he signs.

D. Unless the articles of organization or an operating agreement provides for management of a professional limited liability company by a manager or managers, management of a limited liability company shall be vested in its members, all of which must be duly licensed or otherwise legally authorized to render the professional services within the Commonwealth for which the company was formed.

The manager must be an individual or professional business entity duly licensed or otherwise legally authorized to render the same professional services within the Commonwealth for which the company was formed.

§ 9.4. Certificates of authority.

A certificate of authority shall be issued by the board in two categories, general or limited. A general certificate of authority will permit a professional limited liability company to practice the professions of architecture, professional engineering, land surveying and landscape architecture. A limited certificate of authority will permit a professional limited liability company to practice only the professions shown on its certificate of authority, architecture, professional engineering, land surveying, landscape architecture, or any combination thereof.

§ 9.5. Foreign professional limited liability companies.

In addition to the requirements of these regulations, the articles of organization or operating agreement shall state that the professional limited liability company's activities shall be limited to rendering the professional services of architecture, professional engineering, land surveying and landscape architecture, or any combination thereof.

The professional limited liability company shall provide the name and address of each manager or member who will be providing the professional service(s) in Virginia and whether such manager or member is licensed or certified to perform the professional service(s) in Virginia.

§ 9.6. Amendments to articles of organization, operating agreements or certificate of organization; change in managers or members; change in name, address and place of business.

A. A professional limited liability company holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within 30 days of its adoption, a certified true copy of any amendment to the articles of organization, operating agreement or certificate of organization.

B. In the event there is a change of professional limited liability company managers or members, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses or certificates held by the remaining managers or members of the professional limited liability company. Unless otherwise provided, in the event that such change results in noncompliance with these regulations and applicable statutes, the certificate of authority shall be automatically suspended until such time as the professional limited liability company comes into compliance with these regulations. The professional limited liability company shall notify the board within 30 days of any such change.

No member of the professional limited liability company may transfer or sell its membership interest in the company, except to the company, or unless at least 2/3 of

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the remaining membership interest is held by individuals or professional business entities duly licensed or otherwise authorized to render the professional services of the company.

C. Any change of name (including assumed names), address, place of business in Virginia, registered agent or person(s) in responsible charge of the profession(s) practiced or offered shall be reported to the board within 30 days of such an occurrence.

PART ~~IX~~ X.
**QUALIFICATIONS FOR REGISTRATION AS A
BUSINESS ENTITY - OTHER THAN A
PROFESSIONAL CORPORATION AND
PROFESSIONAL LIMITED LIABILITY COMPANY.**

§ ~~9-1~~ 10.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$ 75	125
Designation for branch office	25	45
Renewal	55	70
Renewal of branch office		25
Reinstatement of branch office		25
Dishonored check		25

§ ~~9-2~~ 10.2. Application requirements.

A. In accordance with § 54.1-411 of the Code of Virginia, applicants shall register with the board on a form approved by the board.

B. If a partnership, a copy of the partnership agreement shall be included with the application. Not less than 2/3 of the general partners shall be licensed professionals.

C. If a corporation, the application shall include certified true copies of the articles of incorporation, bylaws and charter, and if a foreign corporation, a certificate of authority issued by the State Corporation Commission.

D. If a limited liability company, the application shall include a certified true copy of the certificate of organization issued by the State Corporation Commission, and, if a foreign limited liability company, a certified true copy of the certificate of authority issued by the State Corporation Commission.

~~D.~~ Branch offices:

E. If professional services are offered or rendered in a branch office(s), a separate branch office designation form shall be completed for each branch office located in Virginia. Persons in responsible charge shall be designated

in accordance with these regulations.

§ ~~9-3~~ 10.3. Registration certification.

The application shall contain an affidavit by an authorized official in the corporation, partnership, sole proprietorship, *limited liability company*, or other entity unit that the practice of architecture, professional engineering, land surveying or certified landscape architecture to be done by that entity shall be under the direct control and personal supervision of the licensed or certified full-time employees identified in the application as responsible for the practice. In addition, the licensed or certified employees responsible for the practice shall sign their names indicating that they are full-time employees and in responsible charge, and that they understand and shall comply with all statutes and regulations of the board.

§ ~~9-4~~ 10.4. Change of status.

Any changes of status, including but not limited to change in entity, name (including assumed names), address, place of business or persons in responsible charge of the professions practiced or offered at each place of business, shall be reported to the board within 30 days of such an occurrence.

In the event there is a change in the licensed or certified employees in responsible charge, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the registration shall be automatically modified to be limited to that professional practice permitted by the remaining licensed or certified employees, or shall be automatically suspended until such time as the entity comes into compliance with these regulations.

PART ~~X~~ XI.
RENEWAL AND REINSTATEMENT.

§ ~~10-1~~ 11.1. Expiration and renewal.

A. Prior to the expiration date shown on the license, certificate or registration, licenses, certificates or registrations shall be renewed for a two-year period upon completion of a renewal application and payment of a fee established by the board. An applicant must certify that he continues to comply with the Standards of Practice and Conduct as established by the board. Registrations for professional corporations and business entities shall expire on December 31 of each odd-numbered year. Branch offices may not renew until the main office registration is properly renewed.

B. Failure to receive a renewal notice and application shall not relieve the regulant of the responsibility to renew. If the regulant fails to receive the renewal notice, a copy of the license, certificate or registration may be submitted with the required fee as an application for renewal, accompanied by a signed statement indicating that the applicant continues to comply with the Standards

of Practice and Conduct of the board under whose authority the license, certificate or registration is issued.

C. Board discretion to deny renewal.

The board may deny renewal of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

D. If the renewal fee is not received by the board within 30 days following the expiration date noted on the license, certificate or registration, a late renewal fee equal to the regular fee plus \$100 shall be required, unless a reinstatement fee is otherwise noted.

§ 10.2: 11.2. Reinstatement.

~~A. If the renewal fee is not received by the board within 30 days following the date noted on the license, certificate or registration, a reinstatement fee equal to the renewal fee plus \$ 100 shall be required, unless a reinstatement fee is otherwise noted.~~

B. A. If the license, certificate or registration has expired for six months or more, but less than five years, the regulant shall be required to submit a new application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a *reinstatement* fee equal to the regular renewal fee plus \$100 \$250 , times the number of renewal eyes the license, certificate or registration has expired shall be required ; unless a reinstatement fee is otherwise noted .

C. B. If the license, certificate or registration has expired for five years or more, the regulant will be required to submit a new application, meet current entry requirements, and submit a *reinstatement* fee equal to the regular renewal fee plus \$100, times the number of renewal eyes the license, certificate or registration has expired. In no event shall an applicant be required to pay fees for more than four renewal eyes. \$250. In addition, the board may require the applicant to submit to an examination.

D. C. Board discretion to deny reinstatement.

The board may deny reinstatement of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

E. D. The date the renewal application and fee are received in the office of the board shall determine whether a license, certificate or registration shall be renewed without *late renewal* or reinstatement , or shall be subject to reinstatement application procedures.

PART XI: XVII.
STANDARDS OF PRACTICE AND CONDUCT.

§ 11.1: 12.1. Responsibility to the public.

The primary obligation of the professional is to the public. If the professional judgment of the regulant is overruled under circumstances when the safety, health, property and welfare of the public are endangered, the professional shall inform the employer or client of the possible consequences and notify appropriate authorities.

§ 11.2: 12.2. Public statements.

The professional shall be truthful in all professional matters.

A. When serving as an expert or technical witness, the professional shall express an opinion only when it is based on an adequate knowledge of the facts in the issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the professional shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice which are inspired or paid for by an interested party or parties, unless the regulant has prefaced the comment by disclosing the identities of the party or parties on whose behalf the professional is speaking, and by revealing any self-interest.

B. A professional shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his application for licensure, certification, registration, renewal or reinstatement.

C. A professional shall not knowingly make a materially false statement or fail to deliberately disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure, certification, registration, renewal or reinstatement.

§ 11.3: 12.3. Conflicts of interest.

The professional shall promptly and fully inform an employer or client of any business association, interest, or circumstances which may influence the professional's judgment or the quality of service.

A. The professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed in writing to all parties of current interest.

B. The professional shall neither solicit nor accept financial or other valuable consideration from suppliers for specifying their products or services.

C. The professional shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in

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connection with work for which the professional is responsible.

§ 11-4. 12.4. Solicitation of work.

In the course of soliciting work:

1. The professional shall not bribe.
2. The professional shall not falsify or permit misrepresentation of the professional's work or an associate's academic or professional qualifications, nor shall the professional misrepresent the degree of responsibility for prior assignments. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.

§ 11-5. 12.5. Competency for assignments.

A. The professional shall undertake to perform professional assignments only when qualified by education or experience and licensed or certified in the profession involved. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be the responsibility of licensed or certified associates, consultants or employees.

B. A professional shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

C. The professional shall adhere to all minimum standards and requirements pertaining to the practice of his own profession as well as other professions if incidental work is performed.

§ 11-6. 12.6. Professional responsibility.

A. The professional shall not knowingly associate in a business venture with, or permit the use of the professional's name or firm name by any person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

B. A professional who has direct knowledge that another individual or firm may be violating any of these provisions, or the provisions of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, shall immediately inform the secretary of the board in writing and shall cooperate in furnishing any further information or assistance that may be required.

C. The professional shall, upon request or demand, produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his possession

concerning a transaction covered by these regulations, and shall cooperate in the investigation of a complaint filed with the board against a licensee.

D. A professional shall not knowingly use the design, plans or work of another professional without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility may be assumed.

§ 11-7. 12.7. Good standing in other jurisdictions.

A professional licensed or certified to practice architecture, professional engineering, land surveying, landscape architecture or interior design in other jurisdictions shall be in good standing in every jurisdiction where licensed or certified, and shall not have had a license or certificate suspended, revoked or surrendered in connection with a disciplinary action or who has been the subject of discipline in another jurisdiction.

§ 11-8. 12.8. Use of seal.

A. The application of a professional seal shall indicate that the professional has exercised complete direction and control over the work to which it is affixed. Therefore, no regulant shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person or firm unless such work was performed under the direction and supervision of the regulant while under the regulant's contract or while employed by the same firm as the regulant. If a regulant is unable to seal completed professional work, such work may be sealed by another regulant only after thorough review and verification of the work has been accomplished to the same extent that would have been exercised if the work had been done under the complete direction and control of the regulant affixing the professional seal.

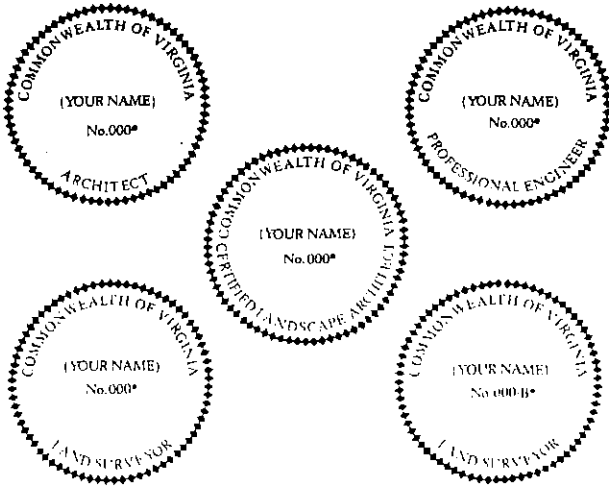
B. A principal or authorized licensed or certified employee shall apply a stamp or preprinted seal to final and complete cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the regulant or someone under his direct control and personal supervision.

1. All seal imprints on final documents shall bear an original signature and date.
2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified and need not be sealed or signed.
3. All plans, drawings or plats prepared by the regulant shall bear the regulant's name or firm name, address and project name.
4. The seal of each regulant responsible for each

profession shall be used.

5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.

6. The seal shall conform in detail and size to the design illustrated below: (Size has been reduced for publication.)



* The number referred to is the six digit number as shown on the license, certificate or registration. The number is permanent.

§ 11-9. 12.9. Organization and styling of practice.

Nothing shall be contained in the name, letterhead or other styling of a professional practice implying a relationship, ability or condition which does not exist.

An assumed, fictitious or corporate name shall not be misleading as to the identity, responsibility or status of those practicing thereunder.

§ 11-10. 12.10. Licensee required at each place of business.

A. Corporations, partnerships, firms or other legal entities maintaining a place of business in the Commonwealth of Virginia for the purpose of offering to provide architectural, engineering, land surveying or certified landscape architectural services practiced at another location shall have an authorized full-time licensed or certified architect, professional engineer, land surveyor or landscape architect in that place of business.

B. Corporations, partnerships, firms or other legal entities maintaining any place of business in the Commonwealth of Virginia for the purpose of practicing architecture, engineering, land surveying or certified landscape architecture at that location, shall have in responsible charge at each place of business a full-time resident licensed or certified architect, professional

engineer, land surveyor or landscape architect exercising supervision and control of work in each profession being practiced.

§ 11-11. 12.11. Sanctions.

A. No license, certification, registration or regulant shall be fined, suspended or revoked unless a majority of the members of the entire board and a majority of the board members of the profession involved vote for the action. The board may fine, suspend or revoke any license, certification, certificate of authority or registration, if the board finds that:

1. The license, certification or registration was obtained or renewed through fraud or misrepresentation; or
2. The regulant has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or found guilty regardless of adjudication or deferred adjudication of any felony or misdemeanor which, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline; or
3. The regulant is guilty of professional incompetence or negligence; or
4. The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected; or
5. The regulant violates any standard of practice and conduct, as defined in these regulations; or
6. The regulant violates or induces others to violate any provision of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated or any provision of these rules and regulations.

B. If evidence is furnished to the board which creates doubt as to the competency of a regulant to perform professional assignments in a technical field, the board may require the regulant to prove competence by interview, presentation or examination. Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the board shall be basis for revocation or suspension of the license, certification or registration.

NOTICE: The forms used in administering the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and

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Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia, 23230-4917 or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Application for Architect Licensure (Form 308, 7/1/93)
Applicant Check-Off Form (7/1/93)
Instruction Sheet (DPOR Form A-1, 7/1/93)
State Verification of Registration Form (DPOR Form A-2, 7/1/93)
Reference Form (DPOR Form A-4, 7/1/93)
Written Examination Schedule for 1993-1994

Application for Licensing as a Professional Engineer (DPOR Form E-1, 7/1/93)
Reference Form (DPOR Form E-2, 7/1/93)
Verification of Degree Granted Form (DPOR Form E-3, 7/1/93)
Letter of Instruction (DPOR Form E-4, 7/1/93)
Verification of Registration Form (DPOR Form E-5, 7/1/93)
Written Examination Schedule for 1994-1995

Application for Registration as an Engineer-in-Training (DOC Form EIT-1, 8/15/91)
Reference Form (DOC Form EIT-2, 8/15/91)
Verification of Degree Granted (DOC Form EIT-3, 8/15/91)
Application for Engineer-in-Training (DOC Form EIT-4, 8/15/91)
Engineer Examination Schedule Form (DOC Form EIT-5, 8/15/91)
Written Examination Schedule for 1992-1994

Application for Licensing as a Land Surveyor (DOC Form L-2, 4/1/92)
Applicant Check-Off Form (4/1/92)
Instruction Sheet (DOC Form L-1, 4/1/92)
Verification of Registration (DOC Form L-3, 4/1/92)
Reference Form (DOC Form L-4, 4/1/92)
Experience Verification Form (DOC Form L-5, 4/1/92)
Written Examination Schedule for 1992-1994

Application for Certification as a Landscape Architect (DOC Form LA-1, 3/16/92)
Applicant Check-Off Form (3/16/92)
Instruction Sheet (DOC Form LA-2, 3/16/92)
Verification of Registration (DOC Form LA-3, 3/16/92)
Verification of Degree Granted (DOC Form LA-4, 3/16/92)
Reference Form (DOC Form LA-5, 3/16/92)
Experience Verification Form (DOC Form LA-6, 3/16/92)
Written Examination Schedule for 1992-1993

Application for a Certificate of Authority to Practice Architecture, Professional Engineering, Land Surveying and Landscape Architecture as a Professional Corporation (7/1/93)

Application for Registration to Provide Professional

Services as a Business Entity (4/1/92)

Application for Interior Design Certification (DPOR Form ID-1, 7/1/93)
Applicant Check-Off Form (7/1/93)
Instruction Sheet (DPOR Form ID-2, 7/1/93)
Verification of Registration (DPOR Form ID-3, 7/1/93)
Request Memo to NCIDQ for Verification of Written Examination (Form ID-4, 7/1/93)
Reference Form (DPOR Form ID-5, 7/1/93)
Experience Verification Form (DPOR Form ID-6, 7/1/93)

VA.R. Doc. No. R94-759; Filed March 30, 1994, 12:12 p.m.

VIRGINIA BOARD FOR ASBESTOS LICENSING

Title of Regulation: VR 137-01-1. Public Participation Guidelines.

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

Effective Date: June 1, 1994.

Summary:

The Asbestos Contractors and Workers Public Participation Guidelines (PPG's) mandate public participation in the promulgation process of asbestos licensing regulations. The Department of Professional and Occupational Regulation (the agency) will maintain a mailing list to notify persons and organizations of intended regulatory action. The agency will mail such documents as "Notice of Intended Regulatory Action," "Notice of Comment Period" and a notice that final regulations have been adopted. The PPG's outline the necessary procedures for being placed on or deleted from the mailing list. The "Notice of Intended Regulatory Action" will provide for a comment period of at least 30 days and will state whether or not a public hearing will be held. The PPG's give specific instances on when the agency must hold a comment period and when the agency must reevaluate the regulations. The PPG's establish the procedures for formulation and adoption of regulations and the procedures to be taken when substantial changes have been made prior to final adoption of the regulations. The use of and input from advisory committees to formulate regulations are established in the PPG's. The PPG's specify what meetings and notices will be published in The Virginia Register.

Since publication as proposed regulation, minor revisions to language to enhance clarity have been made and a definition section has been added at the direction of the Office of the Attorney General and the Registrar of Regulations.

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 Peggy McCreery, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2194. There may be a charge for copies.

VR 137-01-1. Public Participation Guidelines.

[§ 1. Definitions.

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

"Person" means one or more individuals.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.]

[§ 2. Mailing list.

The [~~Virginia Asbestos Licensing Board (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 [, amend] 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.

[§ 3. Placement on the [mailing] 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 § [2] . Individuals and organizations [periodically] 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.

[§ 4. 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.

[§ 5. Notice of intent.

At least 30 days prior to [~~the publication of filing~~] 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~~ the agency intends] to hold a public hearing. The agency is required to hold a hearing on [the] proposed regulation upon request by [(i)] the Governor or [~~from~~ (ii)] 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 [of Regulations] .

[§ 6. 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 the 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.

[§ 7. 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~~ receives] 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 the 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.

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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- 8.] Advisory committees.

The [~~board~~ agency] 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 the 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- 9.] Applicability.

Sections [~~7~~, ~~8~~, ~~9~~, 5 2, 3, 4, 6] 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. R94-762; Filed March 30, 1994, 10:44 a.m.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: VR 173-01-00:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-2103 of the Code of Virginia.

Effective Date: May 20, 1994.

Summary:

This action is necessary to replace existing emergency Public Participation Guidelines with permanent guidelines which will comply with new provisions of the Administrative Process Act (APA) enacted by the 1993 General Assembly. The amendments establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment in a meaningful, timely fashion during all phases of

the regulatory process. The amendments are consistent with those of other agencies within the Natural Resources Secretariat.

The amendments contain a number of new provisions. Specifically, they include a definition for "participatory approach" which means the methods for the use of an ad hoc advisory group or panel, standing advisory committee, consultation with groups or individuals or a combination of methods; require the use of the participatory approach upon receipt of written requests from five persons during the associated comment period; expand the board's procedures for establishing and maintaining lists of persons expressing an interest in the adoption, amendment or repeal of regulations; expand the information required in the Notice of Intended Regulatory Action to include a description of the subject matter and intent of the planned regulation and to include a statement inviting comment on whether the agency should use the participatory approach to assist in regulation development; expand the information required in the Notice of Public Comment to include the identity of localities particularly affected by the proposed regulation and to include a statement on the rationale or justification for the new provisions of the regulation from the standpoint of the public's health, safety or welfare; and require that a draft summary of comments be sent to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

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 Scott Crafton, Chesapeake Bay Local Assistance Board, 805 East Broad Street, Suite 701, Richmond, VA 23219, telephone (804) 225-3440. There may be a charge for copies.

VR 173-01-00:1. 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:

"Act" means the Chesapeake Bay Preservation Act, Chapter 21 (§ 10.1-2100 et seq.) of Title 10.1 of the Code of Virginia.

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Agency" means the Chesapeake Bay Local Assistance Department established pursuant to the Chesapeake Bay Preservation Act.

"Board" means the Chesapeake Bay Local Assistance Board established pursuant to the Chesapeake Bay Preservation Act.

"Director" means the executive director of the Chesapeake Bay Local Assistance Department or his designee.

"Formal hearing" means agency processes other than those informational or factual inquiries of an informal nature provided for in § 9-6.14:7.1 of the Administrative Process Act, and includes only opportunity for private parties to submit factual proofs in evidential hearings as provided in § 9-6.14:8 of the Administrative Process Act.

"Locality particularly affected" means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

"Participatory approach" means a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with other groups or individuals registering interest in working with the agency, or (iv) any combination thereof in the formation and development of regulations for agency consideration. When an ad hoc advisory group is formed, the group shall include representatives of the regulated community and the general public. The decisions as to the membership of the group shall be at the discretion of the director.

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

"Public hearing" means an informal proceeding held in conjunction with the Notice of Public Comment and similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, held to afford persons an opportunity to submit views and data relative to regulations on which a decision of the board is pending.

"Public meeting" means an informal proceeding conducted by the agency in conjunction with the Notice of Intended Regulatory Action to afford persons an opportunity to submit comments relative to intended regulatory actions.

Unless specifically defined in the Chesapeake Bay Preservation Act 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. At the discretion of the board or the agency, the procedures in § 3 may be supplemented to provide additional public participation in the regulation adoption process or as necessary to meet federal requirements.

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 otherwise adopted in accordance with this regulation.

D. C. Any person may petition the board for 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; and
7. Supporting documents, as applicable.

The board shall provide a written response to such a 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. Any person wishing to be placed on any list may do so by writing the agency. In addition, the agency, at its discretion, may add to any list any person, organization or publication it believes will be interested in participating in the promulgation of regulations. Individuals and organizations may be requested periodically to indicate their desire to continue to receive documents or be deleted from a list. When mail is returned as undeliverable, individuals and organizations may be deleted from any list at the discretion of the agency.

B. Whenever the board 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.

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C. The agency shall form an ad hoc advisory group or utilize a standing advisory committee to assist in the drafting and formation of the proposal unless the board specifically authorizes the agency to proceed without utilizing an ad hoc advisory group or standing advisory committee. When an ad hoc advisory group is formed, such ad hoc advisory group shall include representatives of the regulated community and the general public. The agency shall use the participatory approach to assist in the development of the proposal or use one of the following alternatives:

1. Proceed without using the participatory approach if the board specifically authorizes the agency to proceed without using the participatory approach.

2. Include in the Notice of Intended Regulatory Action (NOIRA) a statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of the proposal. If the agency receives written responses from at least five persons during the associated comment period indicating that the agency should use the participatory approach, the agency will use the participatory approach requested. Should different approaches be requested, the director will determine the specific approach to be used.

D. The agency shall issue a notice of intended regulatory action (NOIRA) whenever it considers the adoption, amendment or repeal of any regulation.

1. The NOIRA shall include at least the following:

a. A description of the subject matter of the planned regulation.

b. A description of the intent of the planned regulation.

c. A brief statement as to the need for regulatory action.

d. A brief description of alternatives available, if any, to meet the need.

e. 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 development of any proposal.

f. A request for comments on the costs and benefits of the stated alternatives or other alternatives.

g. A statement of the agency's intent to hold at least one public hearing on the proposed regulation after it is published in The Virginia Register of Regulations.

h. A statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of any proposal. Including this statement shall only be required when the agency makes a decision to pursue the alternative provided in subdivision C 2 of this section.

2. The agency shall hold at least one public meeting whenever it considers the adoption, amendment or repeal of any regulation unless the board specifically authorizes the agency to proceed without holding a public meeting.

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 of Regulations, 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 of Regulations.

E. The agency shall disseminate the NOIRA to the public via the following:

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 prepare complete the draft proposed regulation and any supporting documentation required for review. If an ad hoc advisory group has been established the participatory approach is being used, the draft regulation shall be developed in consultation with such group the participants. A summary or copies of the comments received in response to the NOIRA shall be distributed to the ad hoc advisory group participants 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 board.

G. Upon approval of the draft proposed regulation by the board, 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, location where copies of the draft may be obtained and 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. 2. A request for comments on the costs and benefits of the proposal.

3. *The identity of any locality particularly affected by the proposed regulation.*

4. 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: ~~why the regulation is proposed and the desired end result or objective of the regulation~~ *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) ~~Number~~ *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 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.*

e. f. 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. g. A schedule setting forth when, after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

5. The date, time and place of at least one public hearing 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 of the Code of Virginia.)~~ *The public hearing(s) may be held at any time during the public comment period and, whenever practicable, no less than 10 15 days prior to the close of the public comment period. The public hearing(s) may be held in such location(s) as the agency determines will best facilitate input from interested persons. In those cases where the agency elects to conduct a formal hearing, the notice shall indicate that the formal hearing will be held in accordance with § 9-6.14:8 of the Code of Virginia.*

I. The public comment period shall close no less than 60 days after publication of the NOPC in The Virginia Register of Regulations.

J. The agency shall disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:

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 commenters 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 board. 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 board, 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 board, the agency shall present to the board for their consideration a recommendation and rationale for the

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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.

A. All regulatory actions for which a NOIRA has been published in The Virginia Register of Regulations prior to ~~January 1, 1993~~, [~~the effective date of this regulation May 20, 1994,~~] shall be processed in accordance with the ~~VR 173-01-00 emergency amendments to VR 173-01-00:1 Public Participation Procedures Guidelines which are effective from June 30, 1993, until June 29, 1994, unless sooner modified or vacated or superseded by permanent regulations.~~

B. This regulation [~~when effective~~] shall supersede and repeal emergency amendments to VR 173-01-00:1 Public Participation Guidelines which became effective on June 30, 1993. All regulatory actions for which a NOIRA has not been published in The Virginia Register of Regulations prior to ~~January 1, 1993~~, [~~the effective date of this regulation May 20, 1994,~~] shall be processed in accordance with this regulation (VR 173-01-00:1).

VA.R. Doc. No. R94-752; Filed March 29, 1994, 4:52 p.m.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

REGISTRAR'S NOTICE: The amendments to the following regulation filed by the Department of Education are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

Title of Regulation: VR 270-01-0014. Management of the Student's Scholastic Record.

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

Effective Date: April 7, 1994.

Summary:

Two changes must be made to the current regulations. One entails the addition of a section to the regulations, the other requires the revision of language in an already existing section in the regulations.

Part VIII sets forth policies and procedures relative to disclosure of information from a student's scholastic record. Under both Virginia and federal regulations, certain information from a student's file cannot be released without permission of the parent. The United States Department of Education (USDOE) has directed that language be added to Virginia's regulations

regarding procedures which would be used in the event a parent refused to give consent for disclosure of information from the student's file.

Thus, the new regulation section sets forth policy when consent is required prior to disclosure of information from a student's record and the parent refuses to provide the necessary consent.

Part IX of the regulations governs destruction of scholastic records. Section 9.2 specifically pertains to destruction of information upon parental request. USDOE has directed the inclusion of language in the Virginia regulations clarifying that documentation would be destroyed upon parental request only "when no longer needed."

Therefore, the second change involves the addition of language requiring that documentation be destroyed only when "no longer needed." The language in this section was revised to include this language and to comport more closely with the federal language.

The language in both of these sections has been submitted to the United States Department of Education and has been approved.

VR 270-01-0014. Management of the Student's Scholastic Record.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Access to records" – See definition of "Disclosure."

"Days" are specified as either "calendar days" or "administrative working days." "Administrative working days" means days exclusive of Saturdays, Sundays, and officially designated holidays of the local school division. "Calendar days" means consecutive days, inclusive of Saturdays, Sundays, and officially designated holidays at the local school division level. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday or school holiday, the period of time of taking such action under this procedure shall be extended to the next day, not a Saturday, Sunday or school holiday.

"Destruction" means physical destruction or the removal of personal identifiers from information so that information is no longer personally identifiable.

"Disclosure" means permitting access or the release, transfer, or other communication of education (scholastic) records of the student or the personally identifiable information contained therein, orally or in writing, or by

electric means, or by any other means to any party.

(i) 1. Disclosure, through access, means the right to inspect, review and copy.

(ii) 2. Disclosure, through release, means the surrender of specific information, orally or in writing, or electronically, upon receipt of a proper request.

(iii) 3. Disclosures, through transfer, means the surrender of the entire record when transfer occurs within a local school division. It may also mean the surrender of a transcript of the record when transfer occurs between local school divisions or between a local school division and a postsecondary institution or another educational agency or institution.

"Educational records" - See definition of "Scholastic Records."

"Eligible student" means a student who has attained 18 years of age or is attending an institution of postsecondary education. The permission or consent required of and the rights accorded to parents relative to scholastic records shall be accorded to said students.

"Financial aid" means payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual which is conditioned on the individual's attendance at an educational agency or institution.

"Local Education Agency" (LEA) or *"LEA"* means the local school division or other public agencies responsible for providing educational services to students.

"Parent" includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. An educational agency or institution may presume the parent has the authority to exercise the rights inherent in the Act unless the agency or institution has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

"Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained.

"Party" means an individual, agency, institution or organization.

"Personally identifiable data" means (i) name of student; the student's parent(s), or other family member; (ii) the address of the student; (iii) personal identifier, such as the student's social security number or student number; (iv) a list of personal characteristics which would make it possible to identify the student with reasonable certainty; or (v) other information which would permit reasonably certain identification of the student.

"Public notice" means the process by which certain information is made available to the general public. Public notice procedures may include, but not be limited to, newspaper advertisements, radio announcements, television features and announcements, handbills, brochures and other methods which are likely to succeed in providing information to the public.

"Release of data from records" - See definition of "Disclosure."

"Scholastic records," identified in federal legislation as "education records," means those records that are:

1. Directly related to another student; and
2. Maintained by an educational agency or institution or by a party acting for the agency or institution.

The term does not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Such information or data may be recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche. Such records are classified in two categories:

"Category I (Cumulative)" means continuous and current records of significant factual information pertinent to the educational growth and development of individual students as they progress through school.

"Category II (Confidential)" means reports written by professional staff of the local school division for the express use of other professionals within the local school division; appropriate confidential information from the records of such cooperating individuals or agencies as psychiatrists, child welfare agencies, hospitals, or juvenile courts; and other confidential information.

"Student" means any individual for whom the LEA maintains scholastic records. The term does not include an individual who has not been in attendance at an LEA.

"Substitutes" means an individual who performs on a temporary basis the duties of the individual who made the record.

"Third party" means any person other than the first party (subject of the record) or the second party (custodian of the record).

"Transfer of record data" - See definition of "Disclosure."

"Written notice" means direct communication to the student's home in the form of written statements in

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English and in the primary language of the home.

PART II. RESPONSIBILITIES OF LOCAL EDUCATIONAL AGENCY.

§ 2.1. *Establishment of policies and procedures.*

Each local educational agency shall adopt a written policy and establish procedures for management of scholastic records consistent with minimum state and federal requirements.

PART III. MANAGEMENT OF SCHOLASTIC RECORD.

§ 3.1. *Management procedures; generally.*

The management procedures adopted by each local educational agency (LEA) shall relate specifically to the collection, maintenance, security, use, disclosure and content of the individual student's scholastic record.

~~A~~ § 3.2. Scholastic record.

~~1~~ A. The LEA shall require that all records (cumulative and confidential) maintained on an individual student be considered the student's official school record. Such record shall hereinafter be called scholastic record(s) or educational record(s).

~~a~~ 1. The LEA shall require that an accurate and complete individual, permanent, and cumulative record be maintained for each student enrolled in the LEA. Such record shall be called the Category I (cumulative) file.

~~b~~ 2. The LEA shall require that a separate confidential record be developed and maintained apart from the cumulative record for certain students (i.e., those requiring differentiated programs or special services, such as gifted, handicapped, and students with special needs). Such records shall be called the Category II (confidential) file.

~~2~~ B. The LEA shall ensure the protection of confidentiality of personally identifiable information of the scholastic records during collection, storage, disclosure and destruction.

~~3~~ C. The LEA shall require that a notation be made in the Category I (cumulative) file to indicate the location of the Category II (confidential) file. Notations in the Category I (cumulative) file indicating the location of the Category II (confidential) file shall not contain personally identifiable information (such as "File located in Office of Special Education Administrator" is not permissible).

~~4~~ D. The LEA shall maintain a Category II (confidential) file for those handicapped children who have not yet become students, i.e., preschool or unserved.

~~5~~ E. The LEA should maintain all scholastic records in a central location accessible to professional personnel within the school or LEA, or both, who have legitimate educational interests in the student(s).

~~6~~ F. The LEA shall require that the superintendent or designee be responsible for the collection, maintenance, security, use, disclosure and content of the scholastic record.

~~B~~ § 3.3. Management procedures.

~~1~~ A. The LEA management procedure for scholastic records shall:

~~a~~ 1. Specify the types of student data to be collected and recorded;

~~b~~ 2. Establish responsibilities for collection, maintenance and security of scholastic records;

~~e~~ 3. Identify the parties to whom scholastic record data may be disclosed, the types of data to be disclosed, and the circumstances for disclosure;

~~d~~ 4. Specify the criteria for determining which of the above parties are "school officials" and what is considered to be "legitimate educational interest";

~~e~~ 5. Specify methods to challenge, amend, correct and expunge information found in scholastic record(s);

~~f~~ 6. Provide for the periodic evaluation of scholastic records by professional personnel and the removal of data no longer educationally useful;

~~g~~ 7. Require the superintendent or designee to be present for scholastic record interpretation and explanation as follows:

~~1~~ a. When all parties have access to Category I (cumulative) file, with the exception of professional (see § 8.6 13 and adult clerical (see § 8.6 2) personnel of the LEA.

~~2~~ b. When all parties have access to Category II (confidential) file with the exception of adult clerical personnel (see § 8.6 2) of the LEA.

~~h~~ 8. Specify a schedule of fees for disclosure of scholastic records as follows:

~~(1)~~ a. The LEA may charge a fee for copies of the scholastic record(s) at reasonable cost, not to exceed the cost of reproduction.

~~(2)~~ b. Such fee shall not effectively prevent the parents, or their designee, from exercising their right to inspect and review said records. However, no fee may be charged for a copy of the Individualized Education Program (IEP).

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~~(9)~~ c. The LEA may not charge a fee for search and retrieval.

~~i~~ 9. Apply to each public and private agency providing educational or related services, or both, to handicapped children and to any other participating agency which collects, maintains, or uses personally identifiable information or from which such information is obtained.

~~j~~ 10. Require all LEA personnel to be informed of such policy and procedures.

~~k~~ 11. Ensure that all persons collecting or using personally identifiable information in scholastic records receive training or instruction regarding state's policies and procedures.

~~l~~ 12. Require notification to all parents and students of their rights relative to the scholastic record. Parents and eligible students shall have an opportunity for a hearing to challenge the content of their child's records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide in opportunity for the correction or deletion of inaccurate, misleading, or inappropriate information therein and for the insertion of a written explanation of the parents respecting the content of the records. Conditions and procedures for amending the content of the student's scholastic record are outlined in the Amendment Procedure (see Part VI).

~~m~~ 13. Require notification at least annually, to the parents of students in attendance (including those parents identified as having primary or home language other than English) and eligible students in attendance by such means as are reasonably likely to inform them of their rights as follows:

~~(1)~~ a. The types and location of scholastic records and information maintained therein;

~~(2)~~ b. The title and address of the official responsible for the maintenance of scholastic records, the parties to whom data may be disclosed, and the purpose for disclosure;

~~(3)~~ c. The policies for reviewing and expunging scholastic records;

~~(4)~~ d. The policy and procedures for disclosure of data from scholastic records;

~~(5)~~ e. The right of parents and eligible students to challenge the content of scholastic records and to file with the Family Educational Rights and Privacy Act Office a complaint concerning an alleged failure by the LEA to comply with 20 U.S.C. 1232g;

~~(6)~~ f. The fee, if any, to the parent or eligible

student for reproducing copies of scholastic records;

~~(7)~~ g. The data designated as directory information; and

~~(8)~~ h. The right of parents and eligible students to obtain, upon request, a copy of the LEA written policy and procedure on the management of the scholastic records and the location of same.

~~n~~ 14. Inform local agencies cooperating with the LEA in the student's educational development of such policy and procedures.

~~o~~ 15. Maintain for the public inspection a current listing of names and positions of employees within the LEA who have access to personally identifiable data in scholastic records.

PART IV. CONTENT OF THE SCHOLASTIC RECORD.

§ 4.1. The content of the scholastic record shall be limited to data needed by the LEA to assist the student in his personal, social, educational, and career development and his educational and vocational placement.

§ 4.2. The content of the scholastic record shall not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

§ 4.3. The specific types of data to be included in the Category I (cumulative) and the requirements for collection, maintenance and disposition are charted as follows:

A. Required.

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<u>DATA</u>	<u>COLLECTION</u>	<u>MAINTENANCE/ DISPOSITION</u>
1. Record Data Disclosure Form	All students	Retain permanently
2. Name and address of student	All students	Retain permanently
3. Birth Date	All students	Retain permanently
4. Name and address of parent	All students	Retain permanently
5. Program of studies plan	All students	Retain permanently
6. Scholastic work completed	All students	Retain permanently
7. Level of achievement	All students	Retain permanently
a. Grades	All students	Retain permanently
b. Grade point average	Secondary students, as appropriate	Retain permanently
8. Type of diploma	Secondary students, as appropriate	Retain permanently
9. Attendance	All students	Retain permanently
10. Test data		
a. Results of Normative Tests, such as achievement batteries from a secondary school, completes a program adopted by the Board of Education, or	All students, as required by the State and/or local school division	Retain State required test scores permanently; destroy test profiles and results of inventories five years after student graduates and leaves school.
b. Results of Literacy Testing Program, prescribed and provided by the Board of Education	Required students as appropriate	Retain permanently
11. Cumulative Health record, including pre-school physical examination report, and school entrance examination report	All students	Destroy when no longer educationally useful or five years after student graduates or leaves school.
12. Certificate of Immunization	All students	Retain permanently
13. Record of employment counseling and placement	All secondary students	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education, or leaves school.
14. Social Security Number (unless waiver is granted)	All students	Retain permanently
B. Recommended:		
1. Results of other standardized group tests and inventories	Students tested or inventoried	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
2. School, community activities; work experiences	Students who engage in such activities	Destroy when no longer educationally useful or five years after a student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

3. Employment evaluations	All students in co-operative vocational programs	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
4. Record of counseling interviews (date, reason, etc., not content)	All students interviewed	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
5. Citizenship status if other than United States	Student with such status	Retain permanently

§ 4.4 The specific types of data to be included in the Category II (Confidential) file and the requirements for collection, maintenance, and disposition are charted as follows:

A. Required (all students as appropriate)

<u>DATA</u>	<u>COLLECTION</u>	<u>MAINTENANCE/ DISPOSITION</u>
1. Records of referral	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
2. Reports of assessment—both initial and periodic—as follows:	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
a. Educational assessment	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
b. Physiological assessment, to include medical examination and assessment of speech, hearing, and vision	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
c. Psychological assessment (including results of individual tests)	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
d. Sociological assessment, including the adaptive behavior checklist	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

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e. Other assessments, as appropriate	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program approved by the Board of Education or leaves school.
3. Other pertinent reports as follows:		
a. Permission for initial testing	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
b. Permission for initial placement	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
c. Record of parent conference to discuss special education placement (if policy of LEA)	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
d. Summary of minutes of eligibility committee findings for special education students	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
e. Permission for release of information, if appropriate	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
f. Report of annual review of placement (if policy of LEA)	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
g. Reports of appeals, if appropriate	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
4. Individualized Education Program (IEP)	All students, as appropriate	Review annually. Expired IEPs must be retained for five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

B. Recommended (students requiring differentiated programs or special needs students)

<u>DATA</u>	<u>COLLECTION</u>	<u>MAINTENANCE/ DISPOSITION</u>
1. Social histories	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
2. Legal, psychological and medical reports	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
3. Record of sensitive physical problems	Students with such problems	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
4. Verified reports of serious or recurrent atypical behavior patterns	Students with such problems	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
5. Reports from institutions and agencies such as juvenile court, social welfare, etc.	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
6. Counselor or teacher case studies	Students with such studies	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
7. Confidential interviews and/or recommendations	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
8. Vocational assessment data	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

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PART V. DIRECTORY INFORMATION.

§ 5.1. Personally identifiable information in a student's scholastic record may be classified as directory information. Data which may be directory information is as follows:

1. Name of student in attendance or no longer in attendance;
2. Address;
3. Date and place of birth;
4. Telephone listing;
5. Dates of attendance;
6. Participation in officially recognized activities and sports;
7. Height and weight, if member of athletic team;
8. Awards and honors received; and
9. Other similar information.

§ 5.2. Should the LEA elect to designate and make public directory information, it shall give annual written and public notice indicating those categories of data designated as directory information for its students and the right of refusal for the disclosure of such data.

§ 5.3. After such notice has been given, a reasonable time—not more than 15 days—shall be allowed for a parent or eligible student to notify the LEA in writing that any part of or all such information about the student shall not be disclosed without prior consent.

§ 5.4. In the absence of parent or eligible student request for nondisclosure, the LEA may disclose directory information in accordance with the LEA policy.

§ 5.5. The LEA is not required to maintain a record of the disclosure of directory information.

PART VI. AMENDMENT PROCEDURE.

§ 6.1. The parent or eligible student who believes that information in the scholastic record of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the LEA which maintains the record amend it regardless of when the information was entered in the record.

§ 6.2. The LEA shall decide whether to amend the scholastic record in accordance with the request within a reasonable period of time—no more than 15 days after the receipt of the request. If the LEA agrees to amend, then

the amendment shall be made in writing, inserted in the student's scholastic record, and maintained in accordance with maintenance and disposition.

§ 6.3. The LEA may utilize informal attempts to reconcile differences; however, the parent or eligible student may exercise the right to a hearing without benefit of the decision from any informal proceeding.

§ 6.4. If the LEA decides to refuse to amend the scholastic record of the student in accordance with the request, it shall, within 15 days inform the parent or eligible student of the refusal and advise of the right to a hearing.

§ 6.5. The LEA shall on written request provide an opportunity for a hearing to enable the parent or eligible student to challenge information in the scholastic record to ensure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student.

§ 6.6. If, as a result of the hearing, the LEA decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the scholastic record of the student accordingly and so inform the parent or eligible student in writing.

§ 6.7. If, as a result of the hearing, the LEA decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place in the scholastic record of the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the LEA.

§ 6.8. Any such explanation placed in the scholastic record of the student shall:

1. Be maintained by the LEA as part of the scholastic record of the student as long as the record or contested portion thereof is maintained; and
2. Be disclosed by the LEA when the scholastic record of the student or the contested portion thereof is disclosed to any party.

§ 6.9. A hearing held under § 6.5 shall be conducted according to the procedures as follows:

1. The hearing shall be held within 45 calendar days after the LEA has received the written request. The parent or the eligible student shall be given written notice by the LEA of the date, place, and time of the hearing;
2. The hearing may be conducted by any party, including an official of the LEA who does not have a direct interest in the outcome of the hearing;
3. The parent or the eligible student shall be afforded

a full and fair opportunity to present evidence relevant to the issues and to question the person(s) who have entered the information;

4. The parent or eligible student may be assisted or represented by individuals of his choice at his expense, including an attorney;

5. The LEA shall make its decision in writing within a reasonable period of time after the conclusion of the hearing;

6. The decision of the LEA shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision; and

7. The evidence shall become a permanent part of the student's scholastic record.

PART VII. ACCESS.

§ 7.1. Each The LEA shall permit parents or eligible student to inspect and review scholastic records relating to the student which are collected, maintained or used by the LEA The LEA shall comply with a request without unnecessary delay and in no case more than 14 calendar days after the request has been made.

§ 7.2. The LEA shall comply with a request to inspect and review scholastic records before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or educational placement of the student or provision of a free appropriate public education.

§ 7.3. The right to inspect and review scholastic records includes:

1. The right to a response from the LEA to reasonable requests for explanations and interpretations of the scholastic records;

2. The right to request that the LEA provide copies of the scholastic records containing the information, if failure to provide the copies would effectively prevent the parent from exercising the right to inspect and review the scholastic records; and

3. The right to have a representative of the parent inspect and review the scholastic records.

§ 7.4. An LEA may presume that both parents have the authority to inspect and review records relating to the student unless the LEA has been advised that both parents do not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

§ 7.5. Each LEA shall keep a record of parties obtaining access to scholastic records collected, maintained, or used.

(See § 8.3 and Record Data Disclosure Form)

§ 7.6. If any scholastic record includes information on more than one student, the parents of those students shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

§ 7.7. When requested, each LEA shall provide parents or eligible student with a list of the types and locations of scholastic records collected, maintained, or used by the LEA.

PART VIII. DISCLOSURE.

§ 8.1. When a request for disclosure of scholastic record data is made, such a request shall be granted immediately, if practicable, but in no case more than five administrative working days after the date of the request. If the LEA determines that it is practically impossible to provide the requested records or to determine whether they are available within the five administrative working days, the LEA shall inform the requesting party and shall have an additional seven administrative working days to provide the requested records.

§ 8.2. An LEA may disclose, upon student transfer, information from scholastic records to another LEA without parental consent, unless prohibited by other applicable law.

§ 8.3. The LEA shall keep permanently with the student's cumulative and confidential files a Record Data Disclosure Form showing:

1. The parties who have requested or obtained scholastic record data disclosure, with the exception of adult clerical and professional personnel within LEA; the parent or eligible student; and the parties receiving directory information;

2. The agency or institution represented, if appropriate;

3. The date of the disclosure;

4. The specific legitimate interest of such disclosure and the purpose for which the data will be used; and

5. The signature of the superintendent or designee.

§ 8.4. The record data disclosure form shall be available to the parent or eligible student, to school officials responsible for record maintenance, and to parties authorized.

§ 8.5. Personally identifiable information from scholastic records, with the exception of directory information shall be disclosed to a third party only on the condition that such party will not redisclose such information without the

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written consent of the parent or eligible student. Such disclosure shall be accompanied by a written statement explaining the above stated condition.

If the third party is an institution, agency, or organization, the disclosed personal information may be used by its officers, employees and agents, but only for purposes for which the disclosure was made.

§ 8.6. When parental consent is required in order to release a student's records, and the parent refuses to give such consent, the LEA must use informal means to secure the consent. If the parent continues to refuse to give consent, the LEA must provide written notification to the person/agency requesting the information that parental consent is required and has been refused. If the LEA wishes to disclose information and has been unable to secure the necessary consent through informal means, the LEA may use more formal measures, as appropriate, to effect the release of the information.

~~§ 8.6.~~ 8.7. Parties to whom scholastic record data shall be disclosed, upon request, and the conditions of such disclosures are charted as follows: (x indicates disclosure is permitted)

Party	Category I (Cumulative) file	Category II (Confidential) file
<p><u>1. Accrediting Organization</u> Without prior written consent of the parent or eligible student, data shall be disclosed to accrediting organizations in order to carry out their accrediting functions.</p>	x	
<p><u>2. Adult Clerical Personnel</u> Without prior written consent of the parent or eligible student, adult clerical personnel charged with record maintenance responsibility shall have access to scholastic records for maintenance purposes only.</p>	x	x
<p><u>3. Eligible Student Who is Subject of Record</u> Without prior written consent of the parent, data shall be disclosed to the eligible student, subject to the following limitations:</p> <p>a. Following eligible student notification of the right to disclosure of data from his record, if a waiver of this right to disclosure of confidential letters and statements of recommendation has been obtained, the eligible student shall not have access confidential letters and statements of recommendation relative to admission to an educational agency or institution, applications for employment, and the receipt of an honor or honorary recognition.</p> <p>b. Where the waiver is applied, the eligible student shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended. Said waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.</p> <p>c. If any record includes data on more than one student, the eligible student shall have the right to inspect and review only that data relating to himself, or to be informed of that specific data.</p>	x	x
<p><u>4. Emergency—Appropriate Persons in Connection With:</u> Without prior written consent of the parent or eligible student, data shall be disclosed to appropriate persons, in connection with emergency and subject to regulations of the U.S. Secretary of Education, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The factors to be taken into account in determining whether record data may be disclosed are the following:</p> <p>a. the seriousness of the threat to the health or safety of the student or other persons;</p> <p>b. the need for such records to meet the emergency;</p> <p>c. whether the persons to whom such records are released are in a position to deal with the emergency; and</p> <p>d. the extent to which time is of the essence in dealing with the emergency.</p>	x	x
<p><u>5. Financial Aid—Appropriate Persons Concerned with Student's Application</u> Without prior written consent of the parent or eligible student, personally identifiable information from the student's record shall be disclosed to appropriate persons concerned with the student's application for financial aid only for such purposes as may be necessary for the following:</p> <p>a. to determine the student's eligibility for financial aid, the amount of such aid, and the conditions to be imposed regarding the aid; and</p> <p>b. to enforce the terms or conditions of financial aid.</p>	x	

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Party	Category I (Cumulative) file	Category II (Confidential) file
<p>6. Governmental and Educational Auditors, Evaluators, and Researchers</p> <p>Without prior written consent of the parent or eligible student, disclosure of record data shall be made to authorized representatives of the Comptroller General of the United States; the United States Secretary of Education; the United States Commissioner of Education, or the Assistant Secretary for Education; the LEA superintendent; and State Educational authorities needing information for the audit and evaluation of State and Federally supported education programs or the enforcement of Federal legal requirements related to such programs. Data collected shall exclude identifiable information on students or parents unless such information is authorized by Federal law or is needed by the Board of Education for such projects as student follow-up studies. Personally identifiable data collected shall be destroyed when no longer needed for the purposes stated above.</p>	x	x
<p>7. Officer, United States</p> <p>Without prior written consent of the parent or eligible student, record data about a student who is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien shall be disclosed to an officer or employee of the United States seeking such information in the course of his duties. The school may furnish the following information about such student: name and address, daily attendance record, grades received in school subjects, parent's name, date and place of birth, names and addresses of other school attended.</p>	x	
<p>8. Officials, Authorities—State and Local</p> <p>a. Without prior written consent of the parent or eligible student, record data shall be disclosed to State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.</p> <p>b. Data shall be disclosed to the State Department of Corrections.</p> <p>c. Without prior written consent of the parent or eligible student, record data shall be disclosed to a State or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board seeking information in the course of his duties. (The local law enforcement agency and the LEA should designate specific law enforcement personnel to whom such information will be disclosed.)</p> <p>d. An employee or official of the State or local health department shall have access to the pre-school physical examination report, the immunization record and the school entrance health examination form.</p> <p>e. Without prior written consent of the parent or eligible student, record data shall be disclosed to an officer or employee of a city or county agency responsible for protective services to children, as to a student referred to that agency as a minor requiring investigation or supervision by that agency. (The city or county agency and the LEA should designate specific agency personnel to whom such information will be disclosed.)</p> <p>f. Without prior written consent of the parent or eligible student, the record of a student's daily attendance shall be open for inspection and reproduction to an employee of a local department of welfare or social services who needs the record to determine the eligibility of the student's family for public assistance.</p>	x	x
<p>9. Organizations, Agencies Conducting Studies</p> <p>a. Without prior written consent of the parent or eligible student, data shall be disclosed to organizations conducting studies for, or on behalf of educational agencies or institutions for the purpose of developing, validating, or</p>	x	x

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Party	Category I (Cumulative) file	Category II (Confidential) file
<p>administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it was collected. The term "organization" includes, but is not limited to federal, state, and local agencies and independent organizations.</p>		
<p>b. At the discretion of the LEA superintendent, record data shall be released to the staff of a college, university, or educational research and development organization or laboratory without prior written consent of the parent or eligible student under the following conditions:</p> <p>(1) if such information is necessary to a research project or study conducted, sponsored or approved by the college, university, or educational development organization or laboratory, and</p> <p>(2) if no student will be identified by name in the information submitted for research.</p>	x	x
<p>10. Parent Data shall be disclosed to the parent or guardian of the student including a non-custodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access until the student is 18 years of age or is enrolled in an institution of post-secondary education subject to the following limitations:</p> <p>a. Following parental notification of right to disclosure of data from student's record, if a waiver of this right to access to confidential letters and statements of recommendation has been obtained, the parent shall not have access to confidential letters and statements of recommendation relative to admission to an educational agency or institution, applications for employment, and the receipt of an honor or honorary recognition.</p> <p>b. Where the waiver is applied, the parent shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended.</p> <p>c. This waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.</p> <p>d. If any record includes data on more than one student, the parent shall have the right to inspect and review only that data relating to his child, or to be informed of that specific data.</p>	x	x
<p>11. Parents of Dependent Student (See Internal Revenue Code) Data shall be disclosed. No prior written consent is required.</p>	x	x
<p>12. Principal/Designee of School <u>Student Plans to Attend and/or Appropriate Official of Post-Secondary Institution</u> <u>Student Plans to Attend</u></p> <p>a. <u>Transfer of Record Data within a School Division</u> When a student moves from grade to grade or school to school within the LEA, his entire record shall follow him to indicate educational/developmental patterns. Prior written consent of parent or eligible student is not required for this transfer.</p>	x	x

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Party	Category I (Cumulative) file	Category II (Confidential) file
<p>b. <u>Other Transfer</u> - When a student transfers to another LEA, or post-secondary education, a transcript of his record—to include academic achievement, standardized test data, cumulative health-physical fitness record, medical records, other pertinent information, etc., where appropriate—shall be sent promptly, upon request, to the appropriate official of the LEA or school in which he seeks or intends to enroll. The LEA transferring the data shall make a reasonable effort to notify the parent or eligible student of such a transfer and shall provide him with a copy of the record, if desired, and an opportunity for a hearing to challenge the content of the record. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose cumulative record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.</p>	x	x
<p>13. <u>Professional Personnel Within School or School Division</u> Without prior written consent of the parent of eligible student, data shall be disclosed to those professionals determined by the LEA to have legitimate educational interests in the student. (Professional personnel who copy data shall protect the confidentiality of such data.)</p>	x	x
<p>14. <u>Public, Private School, College, University, Military</u> Without prior consent of the parent or eligible student, names and addresses of present and former students may be disclosed to the following for the purpose of informing students and former students of available educational and career opportunities:</p> <ul style="list-style-type: none"> a. any officer or employee of a public or private school, college or university; b. an official of a private business or professional school or college; and c. any official recruiting representative of the military forces of the Commonwealth and the United States. <p>All school divisions electing to disclose the aforementioned information to parties named in 14 a. and 14 b. shall provide disclosure on the same basis to the parties named in 14.</p>	x	
<p>15. <u>State Superintendent of Public Instruction or Member of his Staff</u> See Governmental and Educational Auditors, Evaluators, and Researchers.</p>	x	x

Party	Category I (Cumulative) file	Category II (Confidential) file
<p>16. <u>Student (under eighteen) Who Is Subject of Record</u> Record data shall be disclosed to the student (under eighteen) who is the subject of the record with these limitations:</p>	x	x
<p>a. Written consent of the parent may be required by the LEA for access of the student under eighteen years of age except in instances where the student is an emancipated minor or is enrolled in an institution of higher education.</p>		
<p>b. Students, including those enrolled in institutions of postsecondary education, shall not have access to financial records of the parents.</p>		
<p>c. Following student notification of right of access to his record, the student may waive his right to inspect and review confidential letters and confidential statements for admission to an educational agency or institution; application for employment; and/or the receipt of an honor.</p>		
<p>d. An educational agency or institution may request, but may not require that a parent or a student waive his rights.</p>		
<p>e. To be valid, a waiver must be in writing and signed by the parent or student, as appropriate.</p>		
<p>(1) Where the waiver is applied the student shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended. Should such recommendations be used for a different purpose, the waiver becomes void and the student has the right to inspect and review the recommendation.</p>		
<p>(2) The waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.</p>		
<p>17. <u>Other Parties</u></p>		
<p>a. With prior written consent of the parent or eligible student, disclosure shall be made to a party or class of parties other than those listed in the foregoing paragraphs 1 - 16 subject to the following conditions:</p>	x	x
<p>(1) The written consent must specify records to be disclosed, the reasons for such disclosure, and the party or class of parties to which information shall be disclosed; and shall be signed and dated by the parent or eligible student.</p>		
<p>(2) A copy of the records shall be made available, upon request, to the parent or eligible student, and to the student who is not an eligible student if so requested by the student's parents.</p>		
<p>b. Following reasonable effort to notify, in advance, the parent or eligible student, disclosure shall be made in compliance with judicial order or pursuant to any lawfully issued subpoena.</p>	x	x
<p>c. Unless the parent or eligible student has submitted a written request for non-disclosure, directory information may be disclosed to others upon request at the option of the LEA.</p>	x	

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PART IX. DESTRUCTION.

§ 9.1. The LEA shall inform parents or eligible student when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student;

§ 9.2. ~~When personally identifiable information on a handicapped concerning a student may be retained permanently unless the parents or eligible student request that it be destroyed. The information with disabilities is no longer needed, it must be destroyed at the request of the parents or eligible student; however, a permanent record of a (except that the student's name, address, telephone number, his grades, attendance record, classes attended, grade-level completed, and year completed may be maintained without time limitation) . If parents do not request the destruction of the personally identifiable information, it may be retained permanently.~~

Destruction of scholastic records is the best protection against improper and unauthorized disclosure; however, the scholastic records may be needed for other purposes. When informing parents or eligible student about their rights under this section, the LEA should remind them that the scholastic records may be needed by the student or the parents for social security benefits or other purposes. If the parents or eligible student request that the information be destroyed, then the LEA shall retain only that information required under state law and regulations.

§ 9.3. Prior to destruction of data, a reasonable effort shall be made by the LEA to notify parents or eligible student that they have a right to be provided with a copy of data.

V.A.R. Doc. No. R94-722; Filed March 16, 1994, 11:33 a.m.

STATE EDUCATION ASSISTANCE AUTHORITY

Title of Regulation: VR 275-00-1. *Public Participation Guidelines for the Development and Promulgation of Regulations* .

Statutory Authority: §§ 9-6.14:7.1 and 23-38.33:1 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

These regulations finalize emergency regulations promulgated on June 30, 1993. The amendments address methods for the identification and notification of interested parties, and any specific means of seeking input from persons or groups which the authority intends to use in addition to the Notice of Intended Regulatory Action.

The amendments provide for the use of a standing advisory board and consultation with groups and individuals registering interest in working with the agency. The amendments address the circumstances in which the agency will utilize recommendations from advisory groups or other interested parties.

Preamble:

The General Assembly, at its 1993 Session, adopted a comprehensive revision of procedures for the promulgation of regulations by the administrative agencies or political subdivisions of the Commonwealth of Virginia. It is the intent of the State Education Assistance Authority to comply with the applicable provisions of the Code of Virginia and regulations of the Commonwealth for the development and promulgation of regulations by the Authority.

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 Marvin L. Ragland, Jr., Virginia Student Assistance Authorities, 411 East Franklin Street, Suite 300, Richmond, VA 23219, telephone (804) 775-4048. There may be a charge for copies.

VR 275-00-1. Public Participation Guidelines.

§ 1. Definitions.

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Authority" means the State Education Assistance Authority.

"Board of Directors" means the Board of Directors of the [State Education Virginia Student] Assistance [Authority Authorities] .

§ 2. Public participation procedures.

In order to comply with the *APA Administrative Process Act* the authority agrees to adhere to the following steps for the adoption, amendment and repeal of regulations:

1. *The authority will obtain approval from the Board of Directors to proceed with publication of proposed regulations.*

2. *The authority will first publish a notice of proposed action Notice of Intended Regulatory Action in The Virginia Register [and in the authority's newsletter of Regulations. In addition, the authority will publish a notice in the authority's newsletter or*

send a written notice to schools and lenders] ; the SEAAALINE, in order to give the public an opportunity to comment on the proposal and on the text of the proposed regulations. These comments may be accepted orally or in writing, in order to alert interested individuals or groups of the purpose of the regulatory action and allow them at least 30 days to provide input by submitting oral or written comments to the authority. If required, this Notice of Intended Regulatory Action shall state whether or not the authority intends to hold a public hearing on the proposed regulations. If the authority elects not to hold a public hearing, a hearing will be held if the Governor directs that a hearing be held or if at least 25 persons request a public hearing. The SEAA School/Lender Advisory Board, comprising consisting of a representative sample of individuals from various types and sizes of participating schools and lenders, may also be utilized for input at this stage of regulation regulatory development. This advisory board provides the authority guidance on general and specific policies and operational requirements impacting school and lender administration of the student loan program. The authority will consider recommendations from this board in advance of any Notice of Intended Regulatory Action. Interested representatives of other state agencies or other citizens may participate in advisory board meetings held by the authority.

2. 3. Sixty days prior to action on the proposal, the authority will publish a notice of comment period and a notice of public hearing (scheduled no sooner than 60 days after the publication date) in No earlier than 30 days following publication of the Notice of Intended Regulatory Action the authority will publish a notice to obtain public comments. The notice to obtain public comment will be published in the following: The Virginia Register of Regulations , in a newspaper in general circulation in the state capital (for which the Registrar of Regulations will coordinate and publish the needed information), in the SEAAALINE authority's newsletter or a letter to Virginia schools and lenders participating in the authority's loan programs, and other interested parties as determined by the authority. addressing those on the SEAAALINE address list (comprising participating lenders, schools and other interested parties), and in any other media the authority deems appropriate, requesting comments in writing or at the public hearing. At the authority's discretion, it may publish the notice for public comments in newspapers outside the state capital and issue press releases or other media notices. The public comment period will conclude no earlier than 60 days following the publication of the notice for comments.

During this time, the Governor and the General Assembly will review the proposed regulations. Upon receipt of the Governor's comments on a proposed regulation, the authority may (i) adopt the proposed

regulation if the Governor has no objection to the regulation; (ii) modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions; or (iii) adopt the regulation without changes despite the Governor's recommendations for change. Within 21 days after receipt by the authority of a legislative objection, the authority will file a response with the Registrar, the objecting legislative Committee, and the Governor.

3. At the end of the 60 days of public comment period, the authority will conduct a public hearing for final public comments before final action is taken.

4. When After final action is taken upon by the Board's Board of Directors, a copy of the final regulations will be submitted to the Registrar of Regulations for publication as soon as practicable. All changes to the proposed regulations shall be highlighted in the final regulations and substantial changes shall be explained. Once published by the Registrar, the regulations shall be effective no earlier than 30 days after publication or at a later date specified by the authority. vote for adoption of the regulation, the authority will again publish the text of the regulation as adopted, highlighting and explaining any substantial changes in the final regulation, at which time, a 30-day final adoption period will begin. During this time, the Governor will review the final regulation and forward any objections to the authority and the Registrar. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for an additional 30 days and require the authority to solicit additional public comments on the substantial changes.

5. A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any later date specified by the authority, 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 21-day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for the solicitation of additional public comment, in which event, unless withdrawn, the regulation becomes effective on the date specified which shall be after the period for which the Governor has suspended the regulatory process. Upon adoption of the regulation, the authority will submit to the Registrar of Regulations:

- a. A copy of the final regulation with substantial changes highlighted and explained.
- b. A current statement of basis, purpose, and impact.
- c. A summary of public comments and the authority's reply to those comments.

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d. A statement of any special effective or termination dates.

e. A signed statement that regulations are full, true, and correctly dated.

f. A statement of prior regulations repealed, modified, or supplemented (optional).

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

If the authority determines that an emergency situation exists, it will request the Governor's approval to issue an emergency regulation. The regulation becomes operative upon its adoption and filing with the Registrar of Regulations. Emergency regulations are limited in time to 12 months unless a later date is specified and will be published as quickly as possible in the Register. During the time that the emergency status is in effect, the authority may take action to adopt the regulations as permanent through the usual procedures.

VA.R. Doc. No. R94-761; Filed March 30, 1994, 10:57 a.m.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title of Regulation: VR 304-01-01. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-1191 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

This action is necessary to replace existing emergency Public Participation Guidelines with permanent guidelines which comply with new provisions of the Administrative Process Act (APA) enacted by the 1993 General Assembly. These guidelines establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment in a meaningful, timely fashion during all phases of the regulatory process. The guidelines are consistent with those of the other agencies within the Natural Resources Secretariat.

The regulation contains a number of new provisions. Specifically, they include a definition for "participatory approach" which means the methods for the use of an ad hoc advisory group or panel, standing advisory committee, consultation with groups or individuals or a combination of methods; require the use of the participatory approach upon the receipt of written requests from five persons during the associated comment period; expand DEQ's procedures for establishing and maintaining lists of persons expressing an interest in the adoption,

amendment or repeal of regulations; expand the information required in the Notice of Intended Regulatory Action to include a description of the subject matter and intent of the planned regulation and to include a statement inviting comment on whether the agency should use the participatory approach to assist in regulation development; expand the information required in the Notice of Public Comment to include the identity of localities affected by the proposed regulation and to include a statement on the rationale or justification for the new provisions of the regulation from the standpoint of the public's health, safety or welfare; and require that a draft summary of comments be sent to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 304-01-01. 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:

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Agency" means the Department of Environmental Quality including staff, etc., established pursuant to Virginia law that implements programs and provides administrative support to the approving authority.

"Approving authority" means the Director of the Department of Environmental Quality established pursuant to Virginia law as the legal authority to adopt regulations.

"Director" means the Director of the Department of Environmental Quality or his designee.

"Environmental Protection Law" means the provisions found in Virginia statutory law authorizing the approving authority, director or agency to make regulations or containing procedural requirements thereof.

"Formal hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in § 9-6.14:7.1 of the Administrative

Process Act and includes only opportunity for private parties to submit factual proofs in formal proceedings as provided in § 9-6.14:8 of the Administrative Process Act.

"Locality particularly affected" means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

"Participatory approach" means a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the agency, or (iv) any combination thereof in the formation and development of regulations for agency consideration. When an ad hoc advisory group is formed, the group shall include representatives of the regulated community and the general public. The decisions as to the membership of the group shall be at the discretion of the director.

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

"Public hearing" means an informal proceeding, held in conjunction with the Notice of Public Comment and similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, to afford persons an opportunity to submit views and data relative to regulations on which a decision of the approving authority is pending.

"Public meeting" means an informal proceeding conducted by the agency in conjunction with the Notice of Intended Regulatory Action to afford persons an opportunity to submit comments relative to intended regulatory actions.

Unless specifically defined in the Virginia 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 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 director for 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; and
7. Supporting documents, as applicable.

The director 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. Any person wishing to be placed on any list may do so by writing the agency. In addition, the agency, at its discretion, may add to any list any person, organization or publication it believes will be interested in participating in the promulgation of regulations. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from a list. Individuals and organizations may be deleted from any list at the request of the individual and organization, or at the discretion of the agency when mail is returned as undeliverable.

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 agency shall use the participatory approach to assist in the development of the proposal or use one of the following alternatives:

1. Proceed without using the participatory approach if the approving authority specifically authorizes the agency to proceed without using the participatory approach.
2. Include in the Notice of Intended Regulatory Action (NOIRA) a statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of the proposal. If the agency receives written responses from at least five persons during the associated comment period

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indicating that the agency should use the participatory approach, the agency will use the participatory approach requested. Should different approaches be requested, the director shall determine the specific approach to be utilized.

D. The agency shall issue a NOIRA whenever it considers the adoption, amendment or repeal of any regulation.

1. The NOIRA shall include the following:

- a. A description of the subject matter of the planned regulation.
- b. A description of the intent of the planned regulation.
- c. A brief statement as to the need for regulatory action.
- d. A brief description of alternatives available, if any, to meet the need.
- e. A request for comments on the intended regulatory action, to include any ideas to assist the agency in the development of any proposal.
- f. A request for comments on the costs and benefits of the stated alternatives or other alternatives.
- g. A statement of the agency's intent to hold at least one public hearing on the proposed regulation after it is published in *The Virginia Register of Regulations*.
- h. A statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of any proposal. Including this statement shall only be required when the agency makes a decision to pursue the alternative provided in subdivision C 2 of this section.

2. The agency shall hold at least one public meeting whenever it considers the adoption, amendment or repeal of any regulation unless the director specifically authorizes the agency to proceed without holding a public meeting.

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 of Regulations*, 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 of Regulations*.

E. The agency shall disseminate the NOIRA to the public via the following:

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 the participatory approach is being used, the draft regulation shall be developed in consultation with the participants. A summary or copies of the comments received in response to the NOIRA shall be distributed to the participants 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, location of where copies of the draft may be obtained and name, address and telephone number of the individual to contact for further information about the proposed regulation.
2. A request for comments on the costs and benefits of the proposal.
3. The identity of any locality particularly affected by the proposed regulation.
4. 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 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.

f. 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.

g. A schedule setting forth when, after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

5. The date, time and place of at least one public hearing held in accordance with § 9-6.14:7.1 of the Code of Virginia to receive comments on the proposed regulation. The public hearing(s) may be held at any time during the public comment period and, whenever practicable, no less than 15 days prior to the close of the public comment period. The public hearing(s) may be held in such location(s) as the agency determines will best facilitate input from interested persons. In those cases where the agency elects to conduct a formal hearing, the notice shall indicate that the formal hearing will be held in accordance with § 9-6.14:8 of the Code of Virginia.

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:

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 commenters 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.

A. All regulatory actions for which a NOIRA has been published in The Virginia Register of Regulations prior to [the effective date of this regulation May 18, 1994,] shall be processed in accordance with the emergency Public Participation Guidelines VR 304-01-01 which are effective from June 29, 1993, until June 28, 1994, unless sooner modified or vacated or superseded by permanent regulations.

B. This regulation [when effective] shall supersede and repeal the emergency Public Participation Guidelines (VR 304-01-01) which became effective June 29, 1993. All regulatory actions for which a NOIRA has not been published in The Virginia Register of Regulations prior to [the effective date of this regulation May 18, 1994,] shall be processed in accordance with this regulation.

VA.R. Doc. No. R94-760; Filed March 30, 1994, 10:54 a.m.

DEPARTMENT OF FORESTRY

Title of Regulation: VR 312-01-01. Public Participation Guidelines (REPEALED).

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Title of Regulation: VR 312-01-1:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-1101 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

The department has repealed VR 312-01-01 and adopted VR 312-01-1:1 to replace the emergency Public Participation Guidelines. This regulation outlines the procedure in which the department will solicit the input of interested parties in the formation and development of regulations.

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 Harold L. Olinger, Department of Forestry, New Kent Forestry Center, 11301 Pocahontas Trail, Providence Forge, VA 23140, telephone (804) 977-6555. There may be a charge for copies.

VR 312-01-1:1. Public Participation Guidelines.

§ 1. Definitions.

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

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

"Department" means the Department of Forestry, including staff, etc., established pursuant to Virginia law (§§ 9-6.14:7.1 and 10.1-1101) that implements programs and provides administrative support to the State Forester.

"State Forester" means the head of the Department of Forestry who has been established pursuant to Virginia law as the legal authority to adopt regulations.

"Virginia law" means the provisions found in the Code of Virginia or the Virginia Acts of Assembly authorizing the department to make regulations or decide cases or containing procedural requirements thereof.

"Governor's Executive Order" means any policy or procedure issued by the Governor under § 2.1-41.1 or § 9-6.14:9.1 A of the Code of Virginia establishing the administrative policy and procedures for gubernatorial review of regulatory actions governed by the Administrative Process Act.

["Secretary" means person responsible for the Governor's cabinet function of Commerce and Trade.]

B. Unless specifically defined in Virginia law or in this regulation, terms used shall have the meanings commonly ascribed to them.

§ 2. General.

A. The procedures of § 3 of this regulation shall be used for soliciting the input of interested parties in the formation and development or repeal of regulations and any revisions thereto in accordance with the Administrative Process Act. These procedures shall not only be utilized prior to the formation and drafting of regulations, but shall be utilized during the entire formation, promulgation and final adoption process.

The guidelines for public participation are based on the principle that citizens have both a right and a responsibility to take part in the governmental processes, that government functions best when it provides for participation by the public, and that department regulations should impose only those requirements which are necessary and do not unreasonably burden private businesses or individual citizens.

B. At the discretion of the State Forester, the procedures in § 3 may be supplemented by any means and in any manner to gain additional public participation in the regulation adoption process or as necessary to meet federal requirements, provided such means allow for balanced participation by the interested parties.

C. The failure of any person or organization to receive any notice or copies of any documents shall not affect the validity of any regulation otherwise adopted in accordance with the Administrative Process Act and Governor's Executive Order.

D. Any person may petition the department to request the department to develop a new regulation, or amend or repeal an existing regulation. The State Forester shall respond to the petition within 180 days or as required under the Administrative Process Act.

§ 3. Public participation procedures.

A. The department shall establish and maintain a list or lists consisting of interested citizens, organizations, associations and industry expressing an interest in the adoption, amendment or repeal of regulations.

B. Whenever the State Forester so directs, the department may commence the regulation adoption process and proceed to draft a proposal according to these procedures.

C. The department may form an ad hoc advisory group to assist in the drafting and formation of the proposal. When an ad hoc advisory group is formed, it shall be

formed so as to give a balanced representation of interested parties.

D. The department regulatory coordinator shall prepare the draft regulatory review package [~~specified in § 1(B)(1)(b) of Executive Order Twenty-Three (90) (Revised)~~] and hold in the department's office for the inspection of the Secretary of Commerce and Trade at least 30 days before the department anticipates submitting the proposed Notice of Intended Regulatory Action (NOIRA) to The Virginia Register of Regulations, the Governor, the Department of Planning and Budget and the Board of Forestry. Also, at least 30 days before the anticipated date of submission of the NOIRA, the department regulatory coordinator shall deliver to the secretary all requirements of the office of the secretary.

E. The department shall consult with the Attorney General's office before and during the regulatory process.

F. The department shall issue a NOIRA for all regulatory proposals in accordance with the Administrative Process Act.

1. The NOIRA shall include, in addition to the requirements of the Registrar of Regulations, the following:

a. A brief statement as to the need for regulatory action.

b. A request for comments on the intended regulatory action, to include any ideas to assist the department in the drafting and formation of any proposed regulation developed pursuant to the NOIRA.

2. The department shall hold at least one public meeting when considering the adoption of new regulations. In the case of amendments to or repeal of existing regulations, the necessity for holding at least one public meeting shall be decided by the State Forester.

In those cases where at least one public meeting has been determined to be necessary, the NOIRA shall also include the date, not to be less than 30 days after publication in The Virginia Register [of Regulations] , 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 in The Virginia Register [of Regulations] .

G. The department shall disseminate the NOIRA to the public via the following:

1. Distribution to the Registrar of Regulations for publication in The Virginia Register [of Regulations]

2. Distribution by mail to parties on the list(s) established under subsection A of this section.

3. Distribution by mail to the Governor, the Department of Planning and Budget and the Board of Forestry.

H. After consideration of public input, the department may prepare the draft proposed regulation and prepare the Notice of Public Comment (NOPC) and any supporting documentation required for review by the Administrative Process Act, Governor's Executive Order, and the Secretary of Commerce and Trade. The State Forester shall notify the secretary by telephone and in writing of any substantive differences between what was reviewed and approved by the secretary [as a proposed regulation in the NOIRA] and what was actually proposed [at least 24 hours] prior to filing the proposed regulation with the Governor, the Department of Planning and Budget, The Virginia Register [of Regulations] and the Board of Forestry. If an ad hoc advisory group has been established, the draft regulation shall be developed in consultation with such group. A summary or copies of the comments received in response to the NOIRA shall be distributed to the ad hoc advisory group during the development of the draft regulation.

1. The NOPC shall include, in addition to the requirements of the Registrar of Regulations, the following:

1. The notice of the opportunity to comment on 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. A statement that an analysis of the following has been conducted by the department and is available to the public upon request:

a. A statement of purpose: why the regulation is proposed and the desired end result or objective of the regulation.

b. A statement of estimated impact:

(1) Number and types of regulated entities or persons affected.

(2) Projected cost to regulated entities (and to the public, if applicable) for implementation and compliance. In those instances where the department is unable to quantify projected costs, it shall offer qualitative data, if possible, to help define the impact of the regulation. Such qualitative

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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 department for implementation and enforcement.

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 or organizations in Virginia.

e. A discussion of alternative approaches that were considered to meet the need the proposed regulation addresses, the department assurance that the proposed regulation is the least burdensome available alternative.

f. A schedule setting forth when, within two years after a regulation is promulgated, the department will evaluate it for effectiveness and continued need.

5. The date, time and place of at least one public hearing to receive comments on the proposed regulation. The hearings may be held at any time during the public comment period. The hearings may be held in Charlottesville or in such locations as the department determines will best facilitate input from interested parties.

J. The public comment period shall close no less than 60 days after publication of the NOPC in *The Virginia Register* [of Regulations] .

K. Upon approval of the draft proposed regulation by the State Forester, the department may publish the proposal for public comment.

L. The department shall disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:

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 department may deem appropriate.

2. Distribution by mail to parties on the list(s) established under subsection A of this section.

3. Distribution by mail to the Department of Planning and Budget and the Board of Forestry.

4. Distribution by mail to the office of the Governor.

M. The regulatory coordinator shall prepare a summary of comments received in response to the NOPC and submit them to the State Forester for approval. Both the summary and the comments shall become a part of the department file. The State Forester or designated representative shall inform the secretary in accordance with requirements [~~24 hours~~] prior to filing the final regulation with *The Virginia Register* [of Regulations] , the office of the Governor, the Department of Planning and Budget and the Board of Forestry.

N. If one or more changes are made to the proposed regulations from the time it is published as a proposed regulation to the time it is published as a final regulation, any person may petition the department within 30 days from the publication of the final regulation to request an opportunity for oral and written submittals on changes to the regulation. If 25 or more persons submit requests for an opportunity to submit oral or written comments, the department shall suspend the regulatory process for 30 days to solicit additional public comment.

O. Regulations may be formally and finally adopted by the signed order of the State Forester. A 30-day final adoption period for regulations shall commence upon the publication of the final regulation in *The Virginia Register* [. The Governor shall review the final regulation during this 30-day final adoption period and if the Governor objects to any portion or all of the regulation, the Governor may file a formal objection to the regulation, suspend the effective date of the regulation, or both.

If no objection is filed during the 30-day final period, the regulation shall become effective at the conclusion of the 30-day final adoption period or at a later date specified by the State Forester.

V.A.R. Doc. Nos. R94-747 and R94-752; Filed March 28, 1994, 12:12 p.m.

BOARD FOR GEOLOGY

Title of Regulation: VR 335-01-1. Public Participation Guidelines (REPEALED).

Title of Regulations: 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 Date: June 1, 1994.

Summary:

The Board for Geology Public Participation Guidelines (PPG's) mandate public participation in the promulgation process of geology certification. The

Department of Professional and Occupational Regulation will maintain a mailing list to notify persons and organizations of intended regulatory action. The department will mail such documents as "Notice of Intended Regulatory Action," "Notice of Comment Period" and a notice that final regulations have been adopted. The PPG's outline the necessary procedures for being placed on or deleted from the mailing list. The "Notice of Intended Regulatory Action" will provide for a comment period of at least 30 days and will state whether or not a public hearing will be held. The PPG's give specific instances on when the department must hold a comment period and when the department must reevaluate the regulations. The PPG's establish the procedures for formulation and adoption of regulations and the procedures to be taken when substantial changes have been made prior to final adoption of the regulations. The use of and input from advisory committees to formulate regulations are established in the PPG's. The PPG's specify what meetings and notices will be published in The Virginia Register.

Since publication as proposed regulation, minor revisions to language to enhance clarity have been made and a definition section has been added at the direction of the Office of the Attorney General and the Registrar of Regulations.

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 Peggy McCreary, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2194. There may be a charge for copies.

VR 335-01-1:1. Public Participation Guidelines.

[§ 1. Definitions.

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

"Person" means one or more individuals.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.]

§ [2.] 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 [, amend] 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.

§ [3.] Placement on the [mailing] 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 § [2] . Individuals and organizations [periodically] 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.

§ [4.] 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.

§ [5.] Notice of intent.

At least 30 days prior to [the publication of filing] 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 the agency intends] to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by [(i)] the Governor or [from (ii)] 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 [of Regulations] .

§ [6.] 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 the existing regulation. Notice of such proceedings shall be transmitted

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to the Registrar for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

§ [6. 7.] Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of a 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~~ receives] 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 the 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. 8.] Advisory committees.

The [~~board~~ agency] 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 the 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. 9.] Applicability.

Sections [~~1, 2, 3, 5~~ 2, 3, 4, 6] 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. Nos. R94-764 and R94-781; Filed March 30, 1994, 10:43 a.m.

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: Rules and Regulations Governing the Maternal and Neonatal High-Risk Hospitalization Program (REPEALED).

Statutory Authority: § 32.1-12 of the Code of Virginia.

The regulation entitled "Rules and Regulations Governing the Maternal and Neonatal High-Risk Hospitalization Program (REPEALED)," published in the Final Regulation section of The Virginia Register in 10:13 VA.R. 3400 March 21, 1994, is being TEMPORARILY WITHDRAWN until the Governor has had an opportunity to comment on the regulation. The repeal of this regulation will not become effective until after the Governor has commented and the regulation is republished in The Virginia Register. Therefore, the published effective date of April 20, 1994, is incorrect.

VA.R. Doc. No. R94-754; Filed March 30, 1994, 10:17 a.m.

* * * * *

REGISTRAR'S NOTICE: The Virginia Voluntary Formulary Board in formulating recommendations regarding amendments to the Formulary pursuant to § 32.1-81 of the Code of Virginia is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish the Formulary.

Title of Regulation: ~~VR 355-01-02.~~ VR 355-01-300. Virginia Voluntary Formulary.

Statutory Authority: §§ 32.1-12 and 32.1-81 of the Code of Virginia.

Effective Date: March 30, 1994.

Summary:

The amendments to the Virginia Voluntary Formulary add to and delete from the Formulary generic drugs available to pharmacists, physicians, and dentists for use in Virginia when dispensing a product other than the brand name product desired. These amendments are made to the February 17, 1993, edition of the Formulary.

VR 355-01-300. Virginia Voluntary Formulary.

INSTRUCTIONS TO PHYSICIANS, DENTISTS,

PHARMACISTS, AND THE PUBLIC CONCERNING USE OF THE VIRGINIA VOLUNTARY FORMULARY

This revision of the Virginia Voluntary Formulary replaces the February 1, 1992, revision of the Formulary and any supplement to that revision.

The Virginia Voluntary Formulary Board has reviewed data related to production quality control which have been submitted by manufacturers on a voluntary basis. When determined necessary, the board has required the submission of bioavailability data. The State Board of Health, acting upon recommendations of the board, has adopted the Virginia Voluntary Formulary. Drug products determined by the board to be interchangeable have been listed in this Formulary in alphabetical order by drug and manufacturer.

Legislation enacted during the 1992 session of the General Assembly changed the format of prescription blanks from two signature lines to one signature line with two boxes, one of which can be checked to prohibit or permit use of the Virginia Voluntary Formulary. The statement, "If neither box is marked, a Voluntary Formulary product must be dispensed" must also appear on the blank. This statement should be interpreted as follows:

- (1) If neither box is marked and the drug prescribed is listed in the Formulary (example - Vibramycin 100mg capsules), any Formulary-listed doxycycline hyclate 100mg capsule may be dispensed.
- (2) If neither box is marked and the drug prescribed is not listed in the Formulary (example - Theo-Dur 300mg tablets), Theo-Dur 300mg tablets would have to be dispensed unless specific authorization is obtained from the prescriber.

Legislation enacted during the 1993 session of the General Assembly postponed the date when the new prescription blank format must be used from January 1, 1993, to July 1, 1993. The new legislation also provides that if no Virginia Voluntary Formulary product is immediately available, or if the patient objects to the dispensing of a generic drug, the pharmacist may dispense a brand name drug.

When a prescriber authorizes use of the Formulary and the pharmacist elects to dispense a product other than the brand name product prescribed, the pharmacist may dispense any distributor's product, provided that product is produced by a manufacturer whose product is listed in the Formulary. Distributors who have indicated that they will provide an approved manufacturer's product and who have requested that they be included in the Formulary are listed at the end of each category only as an aid to pharmacists in the procurement of Formulary approved products.

If a prescriber orders a drug listed in the Voluntary Formulary by its generic name and checks the "Voluntary Formulary Permitted" box, the pharmacist shall dispense a drug product from among those listed in the Formulary.

When a pharmacist dispenses a drug product other than the brand name product prescribed, § 32.1-87 of the Voluntary Formulary legislation requires the drug product dispensed to be a product listed in the Voluntary Formulary and to be sold at a lower retail price than that of the brand name product prescribed. Such retail price shall not exceed the usual and customary retail price charged by the pharmacist for such generic or equivalent drug product dispensed.

The selection of the drug product dispensed shall be the responsibility of the pharmacist dispensing the product and no employer, agent, or other person may require the dispensing of a particular drug product which in the professional judgement of the dispensing pharmacist is not in the best interest of the patient.

In the case of an oral prescription, the prescriber's oral dispensing instructions shall be followed. If the pharmacist dispenses a drug product other than the brand name prescribed, he shall so apprise the purchaser and shall indicate, unless otherwise directed by the prescriber, on both his permanent record and the prescription label, the brand name or, in the case of a generic drug product, the name of the manufacturer or distributor.

Pursuant to § 32.1-27 of the Code, violation of the above instructions is a Class 1 misdemeanor, punishable by a fine of up to \$1,000 and penalty of up to one year in jail.

The United States Department of Health and Human Services has declared that checking the "Dispense as Written" box on the prescription blank is unacceptable for the purpose of practitioner certification of "brand necessary" to override the HCFA upper limits (MAC) on prescribed drugs under the Medicaid program.

The federal regulations are very specific regarding the physician's certification for a specific brand for Medicaid patients. "Brand Necessary" must be in the certifying physician's handwriting directly on the prescription blank, and the physician must sign the certifications, including telephone orders.

VIRGINIA VOLUNTARY FORMULARY Drug Product Problem Report

1. Drug name, strength and dosage form:
2. Manufacturer:
3. Distributor (if different from manufacturer):
4. Brand name (if applicable):
5. Lot number(s):

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6. Description of problem encountered or suspected problem:
7. Has the manufacturer and distributor been notified?
8. Has a Drug Problem Report been filed with USP?
9. Has the problem been reported to the FDA?
10. Recommendation(s) for improving the Virginia Voluntary Formulary:

Date:

Name:

Address:

Telephone

Please return this report to the Virginia Department of Health, Bureau of Pharmacy Services, P.O. Box 2448, Richmond, Virginia 23218. Another Drug Product Problem Report form will be mailed to you.

ACETAMINOPHEN Capsules

Barr Labs., Inc.	500mg	
Chelsea Labs.	500mg	
Danbury Pharmacal, Inc.	500mg	
Geneva Pharm.	500mg	
Halsey Drug Co., Inc.	500mg	
KV Pharm.	500mg	
McNeil Labs., Inc.	325mg	Tylenol
Mutual Pharm.	500mg	
Ohm Labs.	500mg	
Pharmacaps Inc.	325mg	
Private Formulations, Inc.	500mg	
Sidmak Labs., Inc.	500mg	
West-ward Pharm.	500mg	
Zenith Labs., Inc.	500mg	

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Henry Schein, Lederle, Major, Rugby, Spencer-Mead, United Research, VHA Plus.

ACETAMINOPHEN Tablets

Barr Labs., Inc.	325mg	
Boots Labs., Inc.	325mg	
JMI Canton Pharm.	325mg	
Chase Chemical Co.	325mg 500mg	
Chelsea Labs.	325mg 500mg	
Danbury Pharmacal, Inc.	325mg	
Duramed Pharm.	325mg 500mg	
Geneva Pharm.	325mg 500mg	
Halsey Drug Co., Inc.	325mg	
ICN Pharm.	325mg	
Lederle Labs.	325mg	
McNeil Labs.	325mg 500mg	Tylenol
Mutual Pharm.	325mg 500mg	
Ohm Labs.	325mg 500mg	
Parke Davis/Warner Chilcott	325mg	
Rexall Drug Co.	325mg	
Richlyn Labs., Inc.	325mg	
A.H. Robins Co.	325mg	
Roxane Labs., Inc.	325mg	650mg

Sidmak Labs., Inc.	500mg
Smith Kline & French Labs.	325mg 650mg
E.R.Squibb & Sons, Inc.	325mg
Superpharm Corp.	325mg 500mg
West-ward Pharm.	325mg
Zenith Labs., Inc.	325mg

Distributors: Bioline, Geneva, Goldline, Henry Schein, Major Pharm., McKesson, PRL, Parmed, Rugby, Spencer-Mead, SuperX, United Research, Vanguard.

ACETAMINOPHEN Drops

McNeil Labs., Inc.	100mg/ml	Infant's Tylenol Drops
Mova Pharmaceutical	80mg/0.8ml	
Pharm. Basics, Inc.	100mg/ml	
Distributors: Mova Labs		

ACETAMINOPHEN Elixir

Barre-National Inc.	120mg/5ml	160mg/5ml
Halsey Drug Co., Inc.	120mg/5ml	
Ketchum Pharm.	120mg/5ml	
McNeil Labs., Inc.	120mg/5ml	160mg/5ml Tylenol
Mova Pharmaceutical		160mg/5ml
Naska Pharmacal Co.		160mg/5ml
Pharm. Basics, Inc.		160mg/5ml
Roxane Labs., Inc.		160mg/5ml
Smith Kline & French Labs	120mg/5ml	
E.R. Squibb & Sons	120mg/5ml	
West-ward Pharm.	120mg/5ml	

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Mova Labs, Parke Davis, Richie, Rugby, Henry Schein, Spencer Mead, Three P, United Research, Vanguard.

ACETAMINOPHEN with BUTALBITAL AND CAFFEINE Tablets

Halsey Drug Co.	325mg-50mg-40mg
Sandoz Pharm.	325mg-50mg-40mg Fioricet

Distributors: Bioline, Geneva, Goldline

ACETAMINOPHEN with CODEINE Capsules

Lemmon Co.	300mg-30mg
A.H. Robins Co.	300mg-30mg Phenaphen w/Codeine 3

Distributors: Bioline, Geneva, Goldline.

ACETAMINOPHEN with CODEINE Tablets

Barr Labs., Inc.	325mg-15mg	325mg-30mg	325mg-60mg
Boots Labs., Inc.		300mg-30mg	
Chelsea Labs., Inc.	300mg-15mg	300mg-30mg	300mg-60mg
D. Graham Labs., Inc.		325mg-30mg	
Geneva Pharm.		300mg-30mg	300mg-60mg
Halsey Drug Co.	300mg-15mg	300mg-30mg	300mg-60mg
K.V. Pharm. Co.		325mg-30mg	325mg-60mg
Lemmon Co.	300mg-15mg	300mg-30mg	300mg-60mg
McNeil Labs., Inc.	300mg-15mg		Tylenol #2
		300mg-30mg	Tylenol #3
		300mg-60mg	Tylenol #4
Mutual Pharm.	300mg-15mg	300mg-30mg	300mg-60mg
Parke Davis & Co.	300mg-15mg	300mg-30mg	
Purepac Pharm.		300mg-30mg	300mg-60mg
Roxane Labs., Inc.	325mg-15mg	325mg-30mg	325mg-60mg
Zenith Labs.		300mg-30mg	300mg-60mg

Distributors: J.J. Balan, Bioline, Carnrick, Drummer, Geneva,

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Goldline, Lederle, Major, H.L. Moore, Parmed, Professional Services, Purepac, Qualitest, Regal, Rugby, Smith Kline & French, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

ACETAMINOPHEN with CODEINE Elixir

Barre-National Inc.	120mg-12mg/5ml
McNeil Labs., Inc.	120mg-12mg/5ml Tylenol w/Codeine
Pharm. Basics, Inc.	120mg-12mg/5ml
Roxane Labs., Inc.	120mg-12mg/5ml

Distributors: Barre, Bioline, Geneva, Goldline, Major, Qualitest, Rugby, Henry Schein, Spencer-Mead, United Research.

ACETAMINOPHEN with HYDROCODONE BITARTRATE Capsules

Graham Labs.	500mg-5mg
HN Norton and Co.	500mg-5mg

Distributors: Carnrick

ACETAMINOPHEN with HYDROCODONE BITARTRATE Tablets

Barr Labs., Inc.	500mg-5mg	
Graham Labs.	500mg-5mg	
Halsey Drug Co.	500mg-5mg	
Knoll Pharm.	500mg-5mg	Vicodin
Knoll Pharm.	750mg-7.5mg	Vicodin ES
HN Norton and Co.	500mg-5mg	
Watson Labs., Inc.	500mg-5mg	750mg-7.5mg

Distributors: Bioline, Goldline, H.L. Moore, Qualitest, Russ.

ACETAMINOPHEN WITH OXYCODONE Capsules

Halsey Drug Co.	500mg-5mg
McNeil Pharm.	500mg-5mg Tylox

Distributors: Bioline, Goldline, Roxane.

ACETAMINOPHEN with OXYCODONE Tablets

Barr Labs., Inc.	325mg-5mg	
Dupont Pharm., Inc.	325mg-5mg	Percocet
Dupont Pharm., Inc.	500mg-5mg	
Halsey Drug Co.	325mg-5mg	
Roxane Labs., Inc.	325mg-5mg	500mg-5mg

Distributors: Goldline, Major, Purepac, Qualitest, Rugby, Smith Kline & French.

ACETAZOLAMIDE Tablets

Danbury Pharmacal, Inc.	250mg
Lederle Labs.	125mg 250mg Diamox
Mutual Pharm.	125mg 250mg

Distributors: Best Generics, Bioline, Columbia Medical, Geneva, Goldline, Major, H.L. Moore, Mutual, Parmed, Purepac, Qualitest, Regal, Rugbys, Henry Schein, Spencer Mead, Three P, Towne Paulsen, United Research, Vanguard.

ACETIC ACID Otic Solution

Barre-National, Inc.	2%
Bausch & Lomb/Pharmafair	2%
Thames Pharmacal, Co.	2%

Wallace Labs. 2% Vosol

Distributors: Barre, Bioline, Goldline, Qualitest, Rugby.

ACETIC ACID - HYDROCORTISONE Otic Solution

Barre-National, Inc.	2%-1%
Thames Pharmacal, Co.	2%-1%
Wallace Labs.	2%-1% Vosol HC

Distributors: Barre, Bioline, Goldline, Major, A.G. Marin, Qualitest, Rugby.

ACETOHEXAMIDE Tablets

Barr Labs.	250mg 500mg
Danbury Pharmacal Co.	250mg 500mg
Eli Lilly & Co.	250mg 500mg Dymelor

Distributor: Bioline, Geneva, Goldline.

ALBUTEROL SULFATE Inhalation Solution

Dey Labs.	EQ 0.083% Base	
Copley Pharm.	EQ 0.5% Base	
	EQ 0.083% Base	
Glaxo, Inc.	EQ 0.083% Base	EQ 0.5% Base Ventolin
Schering Corp.	EQ 0.083% Base	EQ 0.5% Base Proventil

Distributors: Adams.

ALBUTEROL SULFATE Syrup

Glaxo, Inc.	EQ 2mg Base/5ml	Ventolin
Lemmon Co.	EQ 2mg Base/5ml	
Schering Corp.	EQ 2mg Base/5ml	Proventil

Distributors: Goldline.

ALBUTEROL SULFATE Tablets

Biocraft Labs.	2mg 4mg
Danbury Pharmacal, Inc.	2mg 4mg
Geneva Pharm.	2mg 4mg
Lederle Labs.	2mg 4mg
Lemmon Co.	2mg 4mg
Mutual Pharm.	2mg 4mg
Mylan Pharm.	2mg 4mg
Schering Corp.	2mg 4mg Proventil
Schering Corp./Glaxo	2mg 4mg Ventolin
Sidmak Labs.	2mg 4mg

Distributors: Aligen, Bioline, Geneva, Goldline, Martec, Qualitest, Schein.

ALLOPURINOL Tablets

Barr Labs., Inc.	100mg 300mg
Boots Pharm., Inc.	100mg 300mg
Burroughs Wellcome Co.	100mg 300mg Zylloprim
Danbury Pharmacal, Inc.	100mg 300mg
Geneva Pharm.	100mg 300mg
Mutual Pharm.	100mg 300mg
Mylan Pharm.	100mg 300mg
Par Pharm.	100mg 300mg

Distributors: Best Generics, Bioline, Boots, Geneva, Goldline, Lederle, Martec, H.L. Moore, Mutual, Parmed, Purepac, Qualitest, Rugby, United Research.

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ALPRAZOLAM Tablets

Alphapharm Party Ltd. 0.25mg 0.5mg 1mg
 Greenstone Ltd. 0.25mg 0.5mg 1mg 2mg
 Lederle Laboratories 0.25mg 0.5mg 1mg 2mg
 Upjohn Company 0.25mg 0.5mg 1mg 2mg Xanax

Distributors: Geneva, Par.

AMANTADINE HYDROCHLORIDE Capsules

Dupont Pharm. 100mg Symmetrel
 Pharm. Basics/Formutec/Chase Chemical 100mg
 Solvay Pharm./Scherer, Inc. 100mg

Distributors: Bioline, Bolar, Geneva, Goldline, International, Major, Martec, H.L. Moore, Purepac, Qualitest, Rugby, United Research.

AMANTADINE HYDROCHLORIDE Syrup

Barre-National, Inc. 50mg/5ml
 Copley Pharm. 50mg/5ml
 Dupont Pharm. 50mg/5ml Symmetrel

AMILORIDE HYDROCHLORIDE Tablets

Merck, Sharp & Dohme 5mg Midamor
 Par Pharm. 5mg

Distributors: Bioline, Goldline, H.L. Moore, Qualitest.

AMILORIDE HYDROCHLORIDE WITH HYDROCHLOROTHIAZIDE Tablets

Barr Labs. 5mg-50mg
 Biocraft Labs. 5mg-50mg
 Geneva Pharm. 5mg-50mg
 Merck Sharp & Dohme 5mg-50mg Moduretic 5-50
 Mylan Pharm. 5mg-50mg
 Par Pharm. 5mg-50mg
 Royce Labs. 5mg-50mg

Distributors: Bioline, Geneva, Goldline, Lederle, Qualitest, United Research.

AMILORIDE WITH HYDROCHLOROTHIAZIDE Tablets

West Point Pharma/Merck and Co. 5mg-50mg

AMINOPHYLLINE Tablets

Duramed Pharm., Inc. 100mg 200mg
 Geneva Pharm. 100mg 200mg
 Halsey Drug Co. 100mg
 Richlyn Labs., Inc. 100mg 200mg
 Roxane Labs., Inc. 100mg 200mg
 Searle Labs. 100mg 200mg
 West-ward Pharm. 100mg 200mg

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Major, H.L. Moore, Parmed, Professional Services, PRL, Purepac, Qualitest, Regal, Rugby, Spencer-Mead, Three P, Towne Paulsen, Unit Dose, United Research, Vanguard.

AMINOPHYLLINE Solution

Barre-National, Inc. 105mg/5ml
 Fisons Corp. 105mg/5ml Somophyllin

Pharm. Basics, Inc. 105mg/5ml
 Roxane Labs., Inc. 105mg/5ml

Distributor: Barre, Qualitest, United Research.

AMITRIPTYLINE HYDROCHLORIDE Tablets

Biocraft Labs., Inc. 10, 25, 50, 75, 100mg
 Chelsea Labs., Inc. 10, 25, 50, 75, 100mg
 Geneva Pharm. 10, 25, 50, 75, 100, 150mg
 MD Pharm. Inc. 10, 25, 50, 75, 100, 150mg
 Merck, Sharp & Dohme 10, 25, 50, 75, 100, 150mg Elavil
 Mutual Pharm. 10, 25, 50, 75, 100, 150mg
 Mylan Pharm., Inc. 10, 25, 50, 75, 100, 150mg
 Purepac Pharm. Co. 10, 25, 50, 75, 100mg
 Roxane Labs., Inc. 10, 25, 50, 75, 100, 150mg
 Sidmak Labs. 10, 25, 50, 75, 100, 150mg

Distributors: Aligen, Bioline, Columbia Medical, Geneva, Goldline, Lederle, Lemmon, McKesson, Major, Martec, H.L. Moore, Mutual, Parmed, Professional Svs, Purepac, Qualitest, Regal, Rugby, Smith Kline & French, Spencer-Mead, Steri-Med, Three P, United Research, Unit Dose, Vanguard, West-ward.

AMITRIPTYLINE HYDROCHLORIDE with PERPHENAZINE Tablets

Danbury Pharmacal, Inc. 10mg-2mg 10mg-4mg
 25mg-2mg 25mg-4mg
 50mg-4mg
 Geneva Pharm. 10mg-2mg 10mg-4mg
 25mg-2mg 25mg-4mg
 50mg-4mg
 Merck, Sharp & Dohme 10mg-2mg 10mg-4mg Triavil
 25mg-2mg 25mg-4mg
 50mg-4mg
 Mylan Pharm., Inc. 10mg-2mg 10mg-4mg
 25mg-2mg 25mg-4mg
 50mg-4mg
 Par Pharm. 10mg-2mg 10mg-4mg
 25mg-2mg 25mg-4mg
 50mg-4mg
 Schering Corp. 10mg-2mg 10mg-4mg Etrafon
 25mg-2mg 25mg-4mg
 Royce Labs. 2mg-10mg 2mg-25mg
 4mg-10mg 4mg-25mg
 Zenith Labs. 10mg-2mg 10mg-4mg
 25mg-2mg 25mg-4mg
 50mg-4mg

Distributor: Bioline, Geneva, Goldline, Lederle, Martec, H.L. Moore, Qualitest, Rugby, United Research.

AMOXAPINE Tablets

Danbury Pharmacal, Inc. 25mg 50mg 100mg 150mg
 Geneva Pharm. 25mg 50mg 100mg 150mg
 Lederle Labs. 25mg 50mg 100mg 150mg Asendin
 Watson Labs. 25mg 50mg 100mg 150mg

Distributors: Bioline, Geneva, Goldline, Qualitest, United Research.

AMOXICILLIN Capsules

Beecham Labs. 250mg 500mg Amoxil
 Biocraft Labs. 250mg 500mg
 Bristol Labs. 250mg 500mg Polymox
 Clonmel Chemicals Co. 250mg 500mg
 Laboratorios Atral 250mg 500mg
 Lemmon Co./Teva 250mg 500mg
 Mylan Pharm., Inc. 250mg 500mg
 Novopharm, Ltd. 250mg 500mg

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Parke Davis & Co. 250mg 500mg
 Roche Labs., Inc. 250mg 500mg
 E.R. Squibb & Sons, Inc. 250mg 500mg Trimox
 Wyeth Labs. 250mg 500mg

Distributors: Apoteco, Bioline, Geneva, Goldline, Laboratory A, Major, Martec, McKesson, H.L. Moore, Mutual, Parmed, Purepac, Qualitest, Regal, A.H. Robins, Rugby, Spencer-Mead, Three P, United Research, Vanguard, Warner Chilcott.

AMOXICILLIN Chewable Tablets

Beecham Labs. 250mg Amoxil
 Biocraft Labs. 250mg

AMOXICILLIN Suspension

Beecham Labs. 125mg/5ml 250mg/5ml Amoxil
 Biocraft Labs., Inc. 125mg/5ml 250mg/5ml
 Bristol Labs. 125mg/5ml 250mg/5ml Polymox
 Clonmel Chemicals Co. 125mg/5ml 250mg/5ml
 Mylan Labs. 125mg/5ml 250mg/5ml
 Novopharm, Ltd. 125mg/5ml 250mg/5ml
 Parke Davis & Co. 125mg/5ml 250mg/5ml
 Roche Labs., Inc. 125mg/5ml 250mg/5ml
 E.R. Squibb & Sons 125mg/5ml 250mg/5ml Trimox
 Wyeth Labs. 125mg/5ml 250mg/5ml

Distributors: Apoteco, Bioline, Geneva, Goldline, Lyphomed, Major, McKesson, Martec, H.L. Moore, Mutual, Purepac, Qualitest, Regal, A.H. Robins, Rugby, Spencer-Mead, Three P, United Research, Vanguard, Warner Chilcott.

AMPICILLIN TRIHYDRATE Capsules

Beecham Labs. 250mg 500mg Totacillin
 Biocraft Labs., Inc. 250mg 500mg
 Bristol Labs. 250mg 500mg Polycillin
 Clonmel Chemical Co. 250mg 500mg
 Mylan Pharm., Inc. 250mg 500mg
 Parke Davis & Co. 250mg 500mg
 E.R. Squibb & Sons, Inc. 250mg 500mg Principen
 Wyeth Labs. (Anhydrous) 250mg 500mg
 Zenith Labs. 250mg 500mg

Distributors: Apoteco, Bioline, Columbia Medical, Geneva, Goldline, Interstate, Lederle, Major, McKesson, H.L. Moore, Mutual, Parmed, Purepac, Qualitest, Rexall, Roxane, Rugby, Spencer-Mead, Steri-Med, Three P, United Research, Vanguard, Warner Chilcott.

AMPICILLIN TRIHYDRATE Drops

Ayerst Labs. 100mg/ml Penbritin
 Bristol Labs. 100mg/ml Polycillin
 Wyeth Labs. (Anhydrous) 100mg/ml

Distributor: Apoteco, Smith Kline & French Labs.

AMPICILLIN TRIHYDRATE Suspension

Ayerst Labs. 125mg/5ml 250mg/5ml Penbritin
 Beecham Labs. 125mg/5ml 250mg/5ml Totacillin
 Biocraft Labs. 125mg/5ml 250mg/5ml
 Bristol Labs. 125mg/5ml 250mg/5ml Polycillin
 Mylan Pharm., Inc. 125mg/5ml 250mg/5ml
 Parke Davis & Co. 125mg/5ml 250mg/5ml
 E.R. Squibb & Sons, Inc. 125mg/5ml 250mg/5ml Principen
 Wyeth Labs. (Anhydrous) 125mg/5ml 250mg/5ml

Distributors: Apoteco, Bioline, Columbia Medical, Goldline, Interstate, Lederle, Major, McKesson, H.L. Moore, Murray, Mutual, Pfizer, Qualitest, Regal, Rexall, Rugby, Spencer-Mead, Smith Kline & French, Three P, United Research, Vanguard Labs.

ASPIRIN with CAFFEINE and BUTALBITAL Capsules

Chelsea Labs. 325mg-40mg-50mg
 Sandoz Pharm. 325mg-40mg-50mg Fiorinal

Distributor: Rugby.

ASPIRIN with CAFFEINE and BUTALBITAL Tablets

Boots Labs., Inc. 325mg-40mg-50mg
 Chelsea Labs., Inc. 325mg-40mg-50mg
 Geneva Pharm. 325mg-40mg-50mg
 Halsey Drug Co. 325mg-40mg-50mg
 Purepac Pharm. Co. 325mg-40mg-50mg
 Sandoz Pharm. 325mg-40mg-50mg Fiorinal
 West-ward Pharm. 325mg-40mg-50mg
 Zenith Labs., Inc. 325mg-40mg-50mg

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Parmed, Qualitest, Rugby, United Research.

ASPIRIN with CODEINE Tablets

Barr Labs. 325mg-15mg 325mg-30mg 325mg-60mg
 Burroughs Wellcome Co. 325mg-15mg 325mg-30mg 325mg-60mg
 Empirin w/Codeine
 Geneva Pharm. 325mg-30mg 325mg-60mg
 Halsey Drug Co., Inc. 325mg-15mg 325mg-30mg 325mg-60mg
 Parke Davis 325mg-15mg 325mg-30mg 325mg-60mg
 Towne-Paulson & Co. 325mg-30mg 325mg-60mg
 Zenith Labs. 325mg-30mg 325mg-60mg

Distributors: Geneva, Goldline, H.L. Moore, Major, Parmed, Purepac, Qualitest, Rugby Labs, United Research.

ASPIRIN with OXYCODONE Tablets

Barr Labs. 325mg-4.5mg-0.38mg
 DuPont Pharm. 325mg-4.5mg-0.38mg Percodan
 Halsey Drug Co. 325mg-4.5mg-0.38mg
 Roxane Labs., Inc. 325mg-4.5mg-0.38mg

Distributors: Goldline, Qualitest, Towne Paulsen.

ATENOLOL Tablets

Apoteco 50mg 100mg
 Danbury Pharmacal, Inc. 50mg 100mg
 Geneva Pharm. 25mg 50mg 100mg
 ICI Pharm. 25mg 50mg 100mg Tenormin
 IPR Pharm. 50mg 100mg
 Lederle Labs. 25mg 50mg 100mg
 Mylan Pharm. 50mg 100mg

Distributors: Goldline

ATENOLOL WITH CHLORTHALIDONE Tablets

Danbury Pharmacal, Inc. 50mg-25mg 100mg-25mg
 ICI Pharm. 50mg-25mg Tenoretic-50
 IPR Pharm. 50mg-25mg 100mg-25mg Tenoretic-100
 Mutual Pharmaceutical 50mg-25mg 100mg-25mg

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ATROPINE SULFATE Ophthalmic Solution

Optopics Labs. 1%
Paco Research Corp. 1%
Steris Labs. 1%

Distributors: Geneva, Goldline, Hygeia, Martec, Orbis.

BACITRACIN Ointment

Altana, Inc. 500u/Gm
Biocraft Labs., Inc. 500u/Gm
Clay Park Labs., Inc. 500u/Gm
NMC Labs., Inc. 500u/Gm
Thames Pharmacal Co. 500u/Gm

Distributors: Bioline, Fougera, Geneva, Goldline, Major, Parmed, Pharmaderm, Rugby, United Research.

BACITRACIN Ophthalmic Ointment

Altana, Inc. 500 units/Gm
Eli Lilly & Co. 500 units/Gm
Pharmafair, Inc. 500 units/Gm

Distributors: Fougera, Pharmaderm.

BACITRACIN, NEOMYCIN SULFATE, POLYMYXIN B SULFATE (Each gram contains Bacitracin 500 units, Neomycin Sulfate 5 mg. Polymyxin B Sulfate 5000 units) Ointment

Altana, Inc.
Ambix Labs.
Biocraft Labs., Inc.
Burrroughs Wellcome Co.
Clay Park Labs, Inc.
MK Labs., Inc.
NMC Labs., Inc.
Rexall Drug Co.
Thames Pharmacal Co.

Neosporin

Distributors: Bioline, Fougera, Geneva, Goldline, Major, McKesson, Parmed, Pharmaderm, Rugby, United Research, Vanguard.

BACITRACIN ZINC, NEOMYCIN SULFATE, POLYMYXIN B SULFATE Ophthalmic Ointment

Altana, Inc. 400u-3.5mg(Base)-10,000u/Gm
Bausch & Lomb/Pharmafair 400u-3.5mg(Base)-10,000u/Gm
Burrroughs Wellcome Co. 400u-3.5mg(Base)-10,000u/Gm
Neosporin

Distributors: Bioline, Fougera, Goldline, Pharmaderm, Qualitest, United Research.

BACITRACIN ZINC-NEOMYCIN SULFATE-HYDROCORTISONE-POLYMYXIN B SULFATE Ophthalmic Ointment

Bausch & Lomb/Pharmafair 400u-3.5mg(Base)-1%-10,000u/Gm
Burrroughs Wellcom Co. 400u-3.5mg(Base)-1%-10,000u/Gm
Cortisporin

Distributors: Bioline, Goldline, Qualitest.

BACITRACIN ZINC, POLYMYXIN B SULFATE Ophthalmic Ointment

Bausch & Lomb/Pharmafair 500u-10,000u/Gm
Burrroughs Wellcome Co. 500u-10,000u/Gm Polysporin

BACLOFEN Tablets

Biocraft Labs. 10mg 20mg
Danbury Pharmacal, Inc. 10mg 20mg
Geigy Pharm. 10mg Lioresal
20mg Lioresal DS
Zenith Labs., Inc. 10mg 20mg

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Qualitest, SquibbMark, United Research

BENZONATATE Capsules

Inwood Labs 100mg
Forrest Pharmaceuticals 100mg Tessalon
Pharmacaps, Inc. 100mg

BENZOYL PEROXIDE Gel (Hydroalcoholic Base)

Rhone-Poulenc Rorer 5% 10%
Stiefel Labs., Inc. 5% 10%

Distributors: Dermik, Glades.

BENZTROPINE MESYLATE Tablets

Invamed, Inc. 0.5mg 1mg 2mg
Merck Sharp & Dohme 0.5mg 1mg 2mg Cogentin
Mutual Pharm. 1mg 2mg
Par Pharm. 0.5mg 1mg 2mg
Sidmak Labs. 0.5mg 1mg 2mg

Distributors: Aligen, Bioline, Geneva, Goldline, H.L. Moore, Lederle, Major Pharm., Martec, Mutual, PRL, Qualitest, Rugby, United Research, Vanguard.

BETAMETHASONE DIPROPIONATE Cream

Altana, Inc./Fougera 0.05%
Clay Park Labs. 0.05%
Lemmon Co. 0.05%
NMC Labs., Inc. 0.05%
Schering Corporation 0.05% Diprosone
Thames Pharmacal Co. 0.05%

Distributors: Bioline, Fougera, Geneva, Goldline, H.L. Moore, Pharmaderm, Qualitest, Savage.

BETAMETHASONE DIPROPIONATE Lotion

Altana, Inc. 0.05%
Barre-National, Inc. 0.05%
Lemmon Co. 0.05%
NMC Labs., Inc. 0.05%
Schering Corporation 0.05% Diprosone

Distributor: Barre, Bioline, Fougera, Geneva, Goldline, Pharmaderm, Savage.

BETAMETHASONE DIPROPIONATE Ointment

Altana, Inc. 0.05%
Clay Park Labs. 0.05%
Lemmon Co. 0.05%
NMC Labs., Inc. 0.05%
Schering Corporation 0.05% Diprosone

Distributors: Bioline, Fougera, Goldline, H.L. Moore,

Pharmaderm, Savage.

BETAMETHASONE VALERATE
Cream

Altana, Inc./Fougera	0.1%
Clay Pack Labs	0.1%
Lemmon Co.	0.1%
NMC Labs., Inc.	0.1%
Schering Corporation	0.1% Valisone
Taro Pharm.	0.1%
Thames Pharm. Co.	0.1%

Distributors: Bioline, D-M, Fougera, Geneva, Goldline, H.L. Moore, Major, Parmed, Pharmaderm, Qualitest, Rugby, Savage, United Research.

BETAMETHASONE VALERATE
Lotion

Altana, Inc./Fougera	0.1%
Barre-National, Inc.	0.1%
Lemmon Co.	0.1%
Schering Corporation	0.1% Valisone

Distributors: Barre, Bioline, Fougera, Goldline, Pharmaderm, Savage, United Research.

BETAMETHASONE VALERATE
Ointment

Altana, Inc./Fougera	0.1%
Clay Park Labs.	0.1%
Lemmon Co.	0.1%
NMC Labs., Inc.	0.1%
Schering Corporation	0.1% Valisone

Distributors: Bioline, Fougera, Geneva, Goldline, H.L. Moore, Major, Pharmaderm, Qualitest, Savage, United Research.

BETHANECHOL CHLORIDE
Tablets

Danbury Pharmacal, Inc.	5, 10, 25, 50mg
Merck Sharp & Dohme	5, 10, 25, 50mg Urecholine
Sidmak Labs., Inc.	5, 10, 25, 50mg

Distributors: Aligen, Bioline, Geneva, Goldline, Martec, H.L. Moore, Major, McKessons, Mutual, Parmed, Qualitest, Regal, Rugby, Towne Paulsen, Unit Dose, United Research.

BISACODYL
Enteric Coated Tablets

B.V. Phorbata	5mg
Boehringer-Ingelheim	5mg Dulcolax

Distributors: Medicopharma, Qualitest.

BISACODYL
Suppositories

Boehringer-Ingelheim	10mg Dulcolax
Clay Park Labs.	10mg

BROMODIPHENHYDRAMINE HYDROCHLORIDE with CODEINE PHOSPHATE
Syrup

Barre-National, Inc.	12.5mg-10mg/5ml
Forrest Pharm., Inc.	12.5mg-10mg/5ml Ambenyl
Pharm. Basics, Inc.	12.5mg-10mg/5ml

Distributors: Barre, Bioline, Goldline, Major, Qualitest.

BROMPHENIRAMINE MALEATE

Tablets

Danbury Pharmacal Inc.	4mg
Duramed Pharm., Inc.	4mg
Geneva Pharm.	4mg
Pioneer Pharm., Inc.	4mg
A.H. Robins Co.	4mg Dimetane

Distributors: Goldline, Major, H.L. Moore, PRL, Parmed, Professional Services, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

BROMPHENIRAMINE MALEATE
Elixir

Barre-National, Inc.	2mg/5ml
Geneva Pharm.	2mg/5ml
Halsey Drug Co.	2mg/5ml
Naska Pharmacal Co.	2mg/5ml
Pharm. Basics, Inc.	2mg/5ml
A.H. Robins Co.	2mg/5ml Dimetane

Distributors: Barre, Bioline, Geneva, Major, H.L. Moore, Rugby, United Research, Vanguard.

BROMPHENIRAMINE MALEATE WITH PHENYLPROPANOLAMINE HYDROCHLORIDE
Controlled Release Tablets

Copley Pharm., Inc.	12mg-75mg
A.H. Robins	12mg-75mg Dimetapp

BROMPHENIRAMINE MALEATE with PHENYLPROPANOLAMINE HYDROCHLORIDE
Elixir

Barre-National, Inc.	2mg-12.5mg/5ml
Hi-Tech Pharmacal	2mg-12.5mg/5ml
A.H. Robins Co.	2mg-12.5mg/5ml Dimetapp
Mova Pharmaceutical	2mg-12.5mg/5ml
Pharm. Basics	2mg-12.5mg/5ml

Distributors: Ascot Pharm., Barre, Bioline, Cooper, Glenlawn, Goldline, Lederle, Major, H.L. Moore, Mova Labs, Parmed, Henry Schein.

BROMPHENIRAMINE MALEATE with PHENYLPROPANOLAMINE HCL and CODEINE PHOSPHATE
Syrup

Barre-National, Inc.	2mg-12.5mg-10mg/5ml
Pharm. Basics, Inc.	2mg-12.5mg-10mg/5ml
A.H. Robins Co.	2mg-12.5mg-10mg/5ml Dimetane DC

Distributors: Barre, Bioline, Goldline, Lederle, Major, R.A. McNeil, H.L. Moore, Rugby, H. Schein, United Research.

BROMPHENIRAMINE MALEATE WITH PSEUDOEPHEDRINE HCL AND DEXTROMETHORPHAN HYDROBROMIDE
Syrup

Pharm. Basics, Inc.	2mg-30mg-10mg/5ml
A.H. Robins Co.	2mg-30mg-10mg/5ml Dimetane DX

Distributors: Geneva

BUTABARBITAL SODIUM
Tablets

Halsey Drug Co., Inc.	15mg 30mg
Lannett Co., Inc.	15mg 30mg
Marshal Pharmacal Corp.	15mg 30mg
Wallace Laborat	15mg 30mg Butisol
West-ward Pharm.	15mg 30mg
Zenith Labs.	30mg

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Distributors: J.J. Balan, Geneva, Goldline, Major, H.L. Moore, Parmed, Professional Services, Qualitest, Henry Schein, Spencer-Mead, United Research, Vangard.

BUTABARBITAL SODIUM Elixir

Barre-National, Inc. 30mg/5ml
Pharm. Basics, Inc. 30mg/5ml
Wallace Labs., Inc. 30mg/5ml Butisol

Distributors: Barre, Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, United Research, Vangard.

CARBAMAZEPINE Tablets

Geigy Pharm. 200mg Tegretol
Parke Davis/Warner Chilcott 200mg
Purepac Pharm. Co. 200mg
Sidmak Labor 200mg
Teva Pharm./Lemmon Co. 200mg

Distributors: Aligen, Bioline, Goldline, Lederle, Lemmon, Martec, H.L. Moore, Mutual, Purepac, Qualitest, United Research.

CARBAMAZEPINE Chewable Tablets

Geigy Pharm. 100mg Tegretol
Warner Chilcott 100mg

Distributors: Goldline

CARBIDOPA WITH LEVODOPA Tablets

Lemmon Co./Teva 10-100mg 25-100mg 25-250mg
Merck Sharp & Dohme 10-100mg 25-100mg 25-250mg Sinemet
Purepac Pharm. Co. 10-100mg 25-100mg 25-250mg

CARISOPRODOL Tablets

Chelsea Labs, Inc. 350mg
Danbury Pharmacal, Inc. 350mg
Eon Labs 350mg
Geneva Pharm. 350mg
Mutual Pharm. 350mg
Pioneer Pharm. 350mg
Wallace Labs 350mg Soma

Distributors: Best Generics, Bioline, Geneva, Goldline, Major, H.L. Moore, Parmed, Purepac, Qualitest, Rugby, Towne Paulsen, United Research.

CARISOPRODOL with ASPIRIN Tablets

Par Pharm. 200mg-325mg
Wallace Labs 200mg-325mg Soma Compound

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Qualitest, United Research.

CEFADROXIL Capsules

Biocraft Labs. 500mg
Bristol Labs. 500mg Ultracef
Mead Johnson 500mg Duricef
Zenith Labs. 500mg

Distributors: Bioline, Geneva, Goldline, United Research.

CEFADROXIL Tablets

Bristol Labs. 1 Gm Ultracef
Zenith Labs. 1 Gm

CEFADROXIL For Oral Suspension

Biocraft Labs. 125mg/5ml 250mg/5ml
Mead Johnson 125mg/5ml 250mg/5ml Duricef

CEPHALEXIN Capsules

Barr Labs., Inc. 250mg 500mg
Biocraft Labs. Inc. 250mg 500mg
Bristol Meyers 250mg 500mg
Jerome Stevens 250mg 500mg
Laboratorios Atral 250mg 500mg
Lemmon Co./Teva 250mg 500mg
Eli Lilly & Co. 250mg 500mg Keflex
M. J. Pharm. 250mg 500mg
Novopharm, Ltd. 250mg 500mg
SquibbMark 250mg 500mg
Yoshitomi Pharm. 250mg 500mg
Zenith Labs. Inc./Pralex Corp. 250mg 500mg

Distributors: Bioline, Danbury, Geneva, Goldline, Laboratory A, Leder Lyphomed, Martec, H.L. Moore, Par, Purepac, Qualitest, United Research Warner Chilcott.

CEPHALEXIN Tablets

Barr Labs., Inc. 250mg 500mg
Biocraft Labs. 250mg 500mg
Eli Lilly and Co. 250mg 500mg Keflet

Distributors: Bioline, Goldline, H.L. Moore.

CEPHALEXIN Suspension

Barr Labs., Inc. 125mg/5ml 250mg/5ml
Biocraft Labs., Inc. 125mg/5ml 250mg/5ml
Lemmon Co./Teva 125mg/5ml 250mg/5ml
Eli Lilly and Co. 125mg/5ml 250mg/5ml Keflex
Novopharm, Ltd. 125mg/5ml 250mg/5ml
SquibbMark 250mg/5ml

Distributor: Bioline, Geneva, Gold Lederle, Martec, H.L. Moore, Qualitest, United Research.

CEPHRADINE Capsules

Barr Labs., Inc. 250mg 500mg
Biocraft Labs., Inc. 250mg 500mg
Smith Kline & French Labs 250mg 500mg Anspor
E.R. Squibb & Sons, Inc. 250mg 500mg Velosef
Zenith Labs., Inc. 250mg 500mg

Distributors: Bioline, Geneva, Gold Lederle, H.L. Moore, Purepac, Qualitest, United Research.

CEPHRADINE Suspension

Barr Labs., Inc. 125mg/5ml 250mg/5ml
Biocraft Labs., Inc. 125mg/5ml 250mg/5ml
Smith Kline & French Labs 125mg/5ml 250mg/5ml Anspor
E.R. Squibb & Sons, Inc. 125mg/5ml 250mg/5ml Velosef

Distributors: Bioline, Goldline.

CHLORAL HYDRATE Capsules

Banner Gelatin Products Corp.	500mg
Pharmacaps, Inc.	500mg
R.P. Scherer Inc./E.R. Squibb	500mg Noctec
R.P. Scherer Inc.	500mg

Distributors: Bioline, Geneva, Goldline, H.L. Major, Parke Davis, Parmed, Rexal, Rugby, Smith Kline & French, E.R. Squibb & Sons, Three P, Towne Paulsen, United Research.

CHLORAL HYDRATE Syrup

Barre-National, Inc.	500mg/5ml
MK Labs. Inc.	500mg/5ml
Pharm. Basics, Inc.	500mg/5ml
E.R. Squibb & Sons, Inc.	500mg/5ml Noctec

Distributors: Barre, Geneva, Major, McKesson, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

CHLORAMPHENICOL Capsules

Parke Davis & Co.	250mg Chloromycetin
Rachelle Labs., Inc.	250mg
Zenith Labs., Inc.	250mg

Distributors: Bioline, Goldline, Major, Qualitest, Rugby, Unit Dose.

CHLORAMPHENICOL Ophthalmic Ointment

Allergan Pharm. Inc.	1%
Bausch & Lomb/Pharmafair	1%
Parke Davis and Co.	1% Chloromycetin

Distributors: Major, Qualitest, United Research.

CHLORAMPHENICOL Ophthalmic Solution

Allergan Pharm. Inc.	5mg/ml
Bausch & Lomb/Pharmafair	5mg/ml
Parke Davis & Co.	5mg/ml Chloromycetin
Steris Labs.	5mg/ml

Distributors: Bioline, Danbury, Goldline, Hygeia, Major, H.L. Moore, Orbis, Qualitest, Rugby, United Research.

CHLORDIAZEPOXIDE HYDROCHLORIDE Capsules

Barr Labs.	5mg 10mg 25mg
Chelsea Labs., Inc.	5mg 10mg 25mg
Geneva Pharm.	5mg 10mg 25mg
Halsey Drug Co. Inc.	5mg 10mg 25mg
MK Labs. Inc.	5mg 10mg 25mg
Parke Davis & Co.	5mg 10mg 25mg
Pharm. Basics, Inc.	5mg 10mg 25mg
Rachelle Labs. Inc.	5mg 10mg 25mg
Richlyn Labs. Inc.	5mg 10mg 25mg
Roche Labs.	5mg 10mg 25mg Librium
Smith Kline & French Labs	5mg 10mg 25mg
West-ward Pharm.	5mg 10mg 25mg
Zenith Labs., Inc.	5mg 10mg 25mg

Distributors: J.J. Balan, Bioline, Columbia Medical, Geneva, Goldline, Interstate, Lederle, Major, McKesson, H.L. Moore, Parmed, Professional Services, Qualitest, Regal, Rexall, Rugby, Henry Schein, Solvay, Spencer-Mead, E.R. Squibb, Steri-Med, Three P, Thrift Drug, Towne Paulsen, United

Research, Vanguard.

CHLORDIAZEPOXIDE with AMITRIPTYLINE HCL Tablets

Barr Labs., Inc.	5mg-12.5mg 10mg-25mg
Danbury Pharmacal	5mg-12.5mg 10mg-25mg
Hoffman-LaRoche	5mg-12.5mg Limbitrol 5-12.5
	10mg-25mg Limbitrol 10-25
Mylan Pharm.	5mg-12.5mg 10mg-25mg
Par Pharm.	5mg-12.5mg 10mg-25mg

Distributors: Bioline, Geneva, Goldline, Lederle, Martec, H.L. Moore, Qualitest, United Research.

CHLOROQUINE PHOSPHATE Tablets

Biocraft Labs., Inc.	250mg
Danbury Pharmacal Inc.	250mg 500mg
Richlyn Labs., Inc.	250mg
West-ward Pharm.	250mg
Winthrop Labs.	500mg Aralen

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Mutual, United Research.

CHLOROTHIAZIDE Tablets

Chelsea Labs.	250mg
Danbury Pharmacal, Inc.	250mg
Merck Sharp & Dohme	250mg 500mg Diuril
Mylan Pharm., Inc.	250mg 500mg
West Point Pharma/Merck & Co.	250mg 500mg
West-ward Pharm.	250mg 500mg

Distributors: Best Generics Bioline, Geneva, Goldline, Interstate Drug, Lederle, Major, McKesson, H.L. Moore, Mutual, Parmed, Purepac, Qualitest, Regal, Rexall, Rugby, H Schein, Smith Kline & French, Spencer-Mead, E.R. Squibb, Steri-Med, Three P, Thrift, Towne Paulsen, Unit Dose, United Research, Vanguard.

CHLOROTHIAZIDE with RESERPINE Tablets

Merck Sharp & Dohme	250mg-0.125mg 500mg-0.125mg Diupres
Mylan Pharm., Inc	250mg-0.125mg 500mg-0.125mg
West-ward Pharm.	250mg-0.125mg 500mg-0.125mg

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Mutual, Parmed, Qualitest, Rugby, United Research.

CHLORPHENIRAMINE MALEATE Controlled Release Capsules

Boots Labs., Inc.	8mg 12mg
Chelsea Labs., Inc.	8mg 12mg
Danbury Pharmacal, Inc.	8mg 12mg
Eon Labs	8mg 12mg
Geneva Pharm.	8mg 12mg
Menley & James Labs.	8mg 12mg Teldrin
HN Norton & Co.	8mg 12mg
USV Pharm. Corp.	8mg 12mg

Distributors: J.J. Balan, Geneva, Goldline, Lederle, Major, Qualitest, Parmed, Professional Services, Purepac, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

CHLORPHENIRAMINE MALEATE Tablets

Boots Labs., Inc.	4mg
Danbury Pharmacal, Inc.	4mg

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Duramed Pharm., Inc.	4mg
Eon Labs	4mg
Geneva Pharm.	4mg
Halsey Drug Co. Inc.	4mg
KV Pharm. Co.	4mg
Pioneer Pharm., Inc.	4mg
Richlyn Labs., Inc.	4mg
Roxane Labs., Inc.	4mg
Schering Corp.	4mg Chlor-Trimeton
West-ward Phamaceutical	4mg
Zenith Labs., Inc.	4mg

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Lederle, Major, H.L. Moore, PRL, Professional Services, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, Unit Dose, United Research, VHA Plus, Vanguard.

CHLORPHENIRAMINE MALEATE Controlled Release Tablets

Chelsea Labs., Inc.	8mg 12mg
Danbury Products, Inc.	8mg 12mg
Schering Corp.	8mg 12mg Chlor-Trimeton Repetabs

Distributors: Goldline, Major, McKesson, H.L. Moore, Parmed, Regal, Henry Schein, Spencer-Mead, Three P, United Research.

CHLORPHENIRAMINE MALEATE Syrup

Barre-National, Inc.	2mg/5ml
Pharm. Basics, Inc.	2mg/5ml
Schering Corp.	2mg/5ml Chlor-Trimeton

Distributors: Barre, Lederle, Major, H.L. Moore, Richie, Rugby, Henry Schein, Spencer-Mead, Three P.

CHLORPHENIRAMINE MALEATE WITH PHENYLPROPANOLAMINE HCL Controlled Release Capsules

Geneva Pharm.	12mg-75mg
Smith Kline & French Labs.	12mg-75mg Ornade

Distributors: Geneva

CHLORPROMAZINE HYDROCHLORIDE Tablets

KV Pharm. Co.	25, 50, 100, 200mg
Pharm. Basics Inc.	10, 25, 50, 100, 200mg
Smith Kline & French Labs	10, 25, 50, 100, 200mg Thorazine

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H. L. Moore, Mutual, Purepac, Qualitest, Rexall, Towne Paulsen, Vanguard, United Research.

CHLORPROMAZINE HYDROCHLORIDE Concentrate

Barre-National, Inc.	100mg/ml
Geneva Pharm.	30mg/ml 100mg/ml
Pharm. Basics, Inc.	30mg/ml 100mg/ml
Roxane Labs., Inc.	30mg/ml 100mg/ml
Smith Kline & French Labs	30mg/ml 100mg/ml Thorazine

Distributors: Bar Geneva, Lederle, Major, H.L. Moore, Parmed, Qualitest.

CHLORPROMAZINE HYDROCHLORIDE Syrup

Geneva Pharm.	10mg/5ml
Smith Kline & French Labs	10mg/5ml Thorazine

Distributors: Geneva, Lederle, Major.

CHLORPROPAMIDE Tablets

Barr Labs., Inc.	100mg 250mg
Chelsea Labs., Inc.	100mg
Danbury Pharmacal, Inc.	100mg 250mg
Duramed Pharm.	100mg 250mg
Geneva Pharm.	100mg 250mg
Halsey Drug Co.	100mg 250mg
Mylan Pharm., Inc.	100mg 250mg
Par Pharm., Inc.	100mg 250mg
Pfizer Labs.	100mg 250mg Diabinese
Sidmak Labs, Inc.	100mg 250mg
Zenith Labs.	100mg 250mg

Distributors: Aligen, Best Generics, Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Mutual, PRL, Purepac, Qualitest, Rugby, Towne Paulsen, United Research.

CHLORTHALIDONE Tablets

Barr Labs.	25mg 50mg
Chelsea Labs. Inc.	25mg 50mg
Danbury Pharmacal, Inc.	25mg 50mg
Geneva Pharm.	25mg 50mg
Lederle Labs.	25mg 50mg
Mutual Pharm.	25mg 50mg
Mylan Pharm., Inc.	25mg 50mg
Parke-Davis/Warner Chilcott	25mg 50mg
Pharm. Basics/Colmed Labs	25mg 50mg
Pioneer Pharmaceutic	50mg
Purepac Pharm. Co.	25mg 50mg
Rorer Pharm.	25mg 50mg Hygroton
Sidmak Labs, Inc.	25mg 50mg
Zenith Labs., Inc	25mg 50mg

Distributors: Aligen, Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Parmed, Professional Services, Qualitest, Regal, Rugby, Henry Schein, Searle, Unit Dose, United Research.

CHLORZOXAZONE Tablets

Barr Labs., Inc.	500mg
Danbury Pharmacal, Inc.	250mg 500mg
Geneva Pharm.	250mg 500mg
Lemmon Co.	500mg
McNeil Pharm.	250mg Paraflex
McNeil Pharm.	500mg Parafon Forte DSC
Mutual Pharm.	500mg
Par Pharm.	250mg
Pioneer Pharm.	250mg 500mg
Royce Labs.	500mg

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Qualitest, United Research.

CINOXACIN Capsules

Biocraft Labs., Inc.	500mg
Dista Products Co.	500mg Cinobac

CLEMASTINE FUMARATE Syrup

Copley Pharm.	EQ 0.5mg Base/5ml
Sandoz Pharm.	EQ 0.5mg Base/5ml Tavist

CLEMASTINE FUMARATE Tablets

Geneva Pharm.	1.34mg 2.68 mg
Lemmon Co.	1.34mg 2.68mg

Sandoz Pharm. 1.34mg Tavist-1
2.68mg Tavist

Able Labs., Inc. 3.75mg 7.5mg 15mg
Geneva Pharm. 3.75mg 7.5mg 15mg

Distributors: Goldline.

Distributors: Martec, H.L. Moore, Qualitest, Rugby.

CLINDAMYCIN HYDROCHLORIDE
Capsules

Biocraft Labs. 75mg 150mg
Danbury Pharmacal, Inc. 75mg 150mg
Upjohn Co. 75mg 150mg Cleocin

Distributors: Bioline, Geneva, Goldline, Qualitest.

CLINDAMYCIN PHOSPHATE
Topical Solution

Barre-National, Inc. EQ 1% Base
Copley Pharmaceutical EQ 1% Base
Greenstone Ltd. EQ 1% Base
Lemmon Company EQ 1% Base
Upjohn Company EQ 1% Base Celocin T

CLOFIBRATE
Capsules

Ayerst Labs, Inc. 500mg Atromid-S
Chase Chemical/Pharm. Basics 500mg
Chelsea Labs., Inc. 500mg
Geneva Pharm./Pharmacaps 500mg
Novopharm, Ltd. 500mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Martec, H.L. Moore, Pharm. Basics, Qualitest, Rugby, United Research.

CLOMIPHENE CITRATE
Tablets

Merrell-Dow Pharm. 50mg Clomid
Serono Labs./Teva 50mg (Correction to manufacturer designation)

CLONIDINE HYDROCHLORIDE
Tablets

Barr Labs., Inc. 0.1mg 0.2mg 0.3mg
Biocraft Labs., Inc. 0.1mg 0.2mg 0.3mg
Boehringer Ingelheim, Ltd. 0.1mg 0.2mg 0.3mg Catapres
Danbury Pharm. 0.1mg 0.2mg 0.3mg
Geneva Pharm. 0.1mg 0.2mg 0.3mg
Mylan Pharm., Inc. 0.1mg 0.2mg 0.3mg
Par Pharm., Inc. 0.1mg 0.2mg 0.3mg
Purepac Pharm. Co. 0.1mg 0.2mg 0.3mg
Warner Chilcott 0.1mg 0.2mg 0.3mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle, Martec, H.L. Moore, Mutual, Parke-Davis, Qualitest, United Research.

CLONIDINE with CHLORTHALIDONE
Tablets

Boehringer-Ingelheim 0.1mg-15mg 0.2mg-15mg 0.3mg-15mg
Combipres
Mylan Pharm. Inc. 0.1mg-15mg 0.2mg-15mg 0.3mg-15mg
Par Pharm. 0.1mg-15mg 0.2mg-15mg 0.3mg-15mg

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Qualitest, Warner Chilcott.

CLORAZEPATE DIPOTASSIUM
Capsules

Abbott Labs. 3.75mg 7.5mg 15mg Tranxene
(Dosage form discontinued by Abbott Labs)

CLORAZEPATE DIPOTASSIUM
Tablets

Abbott Labs. 3.75mg 7.5mg 15mg Tranxene
Able Labs. 3.75mg 7.5mg 15mg
Alra Labs. 3.75mg 7.5mg 15mg
Geneva Pharm. 3.75mg 7.5mg 15mg
Mylan Pharm., Inc. 3.75mg 7.5mg 15mg
Purepac Pharm. Co. 3.75mg 7.5mg 15mg
Watson Labs. 3.75mg 7.5mg 15mg
Warner Chilcott 3.75mg 7.5mg 15mg

Distributors: Bioline, Duramed, Geneva, Goldline, Lederle, Martec, H.L. Moore, Purepac, Qualitest, United Research.

CLOTRIMAZOLE
Cream

Miles Pharm. 1% Mycelex
Schering Corp. 1% Lotrimin

CLOTRIMAZOLE
Solution

Miles Pharm. 1% Mycelex
Schering Corp. 1% Lotrimin

CLOTRIMAZOLE
Vaginal Cream

Miles Pharm. 1% Mycelex G
Schering Corp. 1% Gyne-Lotrimin

CLOTRIMAZOLE
Vaginal Tablets

Miles Pharm. 100mg Mycelex G
Schering Corp. 100mg Gyne-Lotrimin

CLOXACILLIN SODIUM
Capsules

Beecham Labs. 250mg 500mg Cloxapen
Biocraft Labs., Inc. 250mg 500mg
Bristol Labs. 250mg 500mg Tegopen

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Mutual, Qualitest, Rugby, Squibbmark, United Research.

CLOXACILLIN SODIUM
Solution

Biocraft Labs., Inc. 125mg/5ml
Bristol Labs. 125mg/5ml Tegopen

Distributors: Bioline, Goldline, H.L. Moore, Rugby.

COLCHICINE
Tablets

Boots Labs., Inc. 0.6mg
Chelsea Labs., Inc. 0.6mg
Danbury Pharmacal, Inc. 0.6mg
West-ward Pharm. 0.6mg
Zenith Labs., Inc. 0.6mg

Distributors: Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Purepac, Qualitest, Rugby, Thrift, United Research, Vanguard.

CORTISONE ACETATE

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Tablets

Chelsea Labs., Inc.	25mg
Heather Labs., Inc.	25mg
Merck Sharp & Dohme	25mg Cortone Acetate
West-ward Pharm.	25mg

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Purepac, Rugby, United Research.

CYCLACILLIN
Tablets

Biocraft Labs.	250mg 500mg
Wyeth/Ayerst Labs.	250mg 500mg Cyclapen-W

CYCLOBENZAPRINE HYDROCHLORIDE
Tablets

Danbury Pharmacal, Inc.	10mg
Geneva Pharm.	10mg
Merck Sharp & Dohme	10mg Flexeril
Mylan Pharm., Inc.	10mg
Watson Labs.	10mg
West Point Pharma/Merck & Co.	10mg

Distributors: Bioline, Goldline.

CYCLOPENTOLATE
Ophthalmic Solution

Alcon Labs., Inc.	1% Cyclogyl
Bausch & Lomb/Pharmafair	1%

Distributor: United Research.

CYPROHEPTADINE
Tablets

Camall Co.	4mg
Chelsea Labs. Inc.	4mg
Danbury Pharmacal, Inc.	4mg
Duramed Pharm.	4mg
Geneva Pharm.	4mg
Halsey Drug Co.	4mg
Merck Sharp & Dohme	4mg Periactin
Mylan Pharm. Inc.	4mg
Par Pharmaceutica	4mg
Pioneer Pharm., Inc.	4mg
Sidmak Labs., Inc.	4mg
Zenith Labs., Inc.	4mg

Distributors: Aligen, Bioline, Camall, Geneva, Goldline, Major, Martec, H.L. Moore, Professional Services, Purepac, Qualitest, Rugby, Unit Dose, United Research.

CYPROHEPTADINE
Syrup

Barre-National, Inc.	2mg/5ml
Halsey Drug Co.	2mg/5ml
Merck, Sharp & Dohme	2mg/5ml Periactin
Pharm. Basics, Inc.	2mg/5ml

Distributor: Barre, Geneva, Goldline, H.L. Moore, Qualitest, Rugby.

DESIPRAMINE HYDROCHLORIDE
Tablets

Eon Labs	25mg 50mg 75mg 100mg
Geneva Pharm.	10mg 25mg 50mg 75mg 100mg 150mg
Merrell-Dow Pharm.	10mg 25mg 50mg 75mg 100mg 150mg
Sidmak Labs.	25mg 50mg 75mg

Norpramin

Distributors: Aligen, Bioline, Geneva, Goldline, Martec, H.L. Moore, Qualitest, SquibbMark, United Research.

DESOGESTREL WITH ETHINYL ESTRADIOL
Tablets

Organon, Inc.	0.15mg-0.03mg	Desogen
Ortho Pharmaceutical	0.15mg-0.03mg	Ortho-Cept

DESOXIMETASONE
Cream

Hoechst-Roussel Pharm.	0.05%	Topicort LP
Hoechst-Roussel Pharm.		0.25% Topicort
Taro Pharm.	0.05%	0.25%

Distributors: Goldline.

DEXAMETHASONE
Elixir

Barre-National, Inc.	0.5mg/5ml
Merck Sharp & Dohme	0.5mg/5ml Decadron
Naska Pharmacal	0.5mg/5ml
Pharm. Basics, Inc.	0.5mg/5ml

Distributors: Barre, Geneva, Goldline, Major, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

DEXAMETHASONE
Tablets

Merck Sharp & Dohme	0.5mg	0.75mg	1.5mg	4mg	Decadron
Roxane Laboratories	0.5mg	0.75mg	1.5mg	4mg	

DEXAMETHASONE-NEOMYCIN SULFATE-POLYMYXIN B SULFATE
Ophthalmic Ointment

Alcon Labs., Inc.	0.1%-3.5mg(Base)-10,000u/Gm
	Maxitrol
Bausch & Lomb/Pharmafair	0.1%-3.5mg(Base)-10,000u/Gm
Iolab	0.1%-3.5mg(Base)-10,000u/Gm

Distributors: Bioline, Goldline, H.L. Moore, Major, Qualitest, United Research.

DEXAMETHASONE-NEOMYCIN SULFATE-POLYMYXIN B SULFATE
Ophthalmic Suspension

Alcon Labs., Inc.	0.1%-3.5mg(Base)-10,000u/ml
	Maxitrol
Bausch & Lomb/Pharmafair	0.1%-3.5mg(Base)-10,000u/ml
Iolab	0.1%-3.5mg(Base)-10,000u/ml
Steris Labs.	0.1%-3.5mg(Base)-10,000u/ml

Distributors: Bioline, Goldline, Major, H.L. Moore, Qualitest, United Research.

DEXAMETHASONE SODIUM PHOSPHATE
Ophthalmic Ointment

Bausch & Lomb/Pharmafair	0.05%
Merck Sharp & Dohme	0.05% Decadron

Distributors: Major Pharm., H.L. Moore, Qualitest.

DEXAMETHASONE SODIUM PHOSPHATE
Ophthalmic Solution

Akorn, Inc.	0.1%
Bausch & Lomb/Pharmafair	0.1%
Merck Sharp & Dohme	0.1% Decadron
Steris Labs, Inc.	0.1%

Distributors: Danbury, Hygeia, Major, H.L. Moore, Orbis,

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Qualitest, United Research.

DEXAMETHASONE SODIUM PHOSPHATE with NEOMYCIN SULFATE
Ophthalmic Solution

Bausch & Lomb/Pharmafair 0.1%-3.5mg(Base)/ml
Merck Sharp & Dohme 0.1%-3.5mg(Base)/ml Neodecadron
Steris Labs. 0.1%-3.5mg(Base)/ml

Distributor: Bioline, Danbury, Goldline, Hygeia, Major, H.L. Moore, Orbis, Qualitest.

DEXCHLORPHENIRAMINE MALEATE
Syrup

Pharm. Basics, Inc. 2mg/5ml
Schering Corp. 2mg/5ml Polaramine

DIAZEPAM
Tablets

Barr Labs., Inc. 2mg 5mg 10mg
Danbury Pharmacal Inc. 2mg 5mg 10mg
Duramed Pharm., Inc. 2mg 5mg 10mg
Ferndale Labs., Inc. 2mg 5mg 10mg
Geneva Pharm. 2mg 5mg 10mg
Halsey Drug Co. 2mg 5mg 10mg
Hoffman-La Roche, Inc. 2mg 5mg 10mg Valium
Lederle Labs. 2mg 5mg 10mg
Mylan Pharm., Inc. 2mg 5mg 10mg
Par Pharm. 2mg 5mg 10mg
Parke-Davis/Warner Chilcott 2mg 5mg 10mg
Pioneer Pharm. 2mg 5mg 10mg
Purepac Pharm. Co. 2mg 5mg 10mg
Roxane Labs. 2mg 5mg 10mg
Zenith Labs., Inc. 2mg 5mg 10mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Parmed, Pharmaceutical Basics, Qualitest, Rugby, Towne Paulsen, United Research.

DICLOXACILLIN SODIUM
Capsules

Ayerst Labs. 250mg 500mg Veracillin
Beecham Labs. 250mg 500mg Dycill
Biocraft Labs., Inc. 250mg 500mg
Bristol Labs. 250mg 500mg Dynapen
Wyeth Labs. 250mg 500mg Pathocil

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Mutual, Qualitest, Rugby, Squibbmark, United Research.

DICLOXACILLIN SODIUM
Suspension

Bristol Labs. 62.5mg/5ml Dynapen
Wyeth Labs. 62.5mg/5ml Pathocil

DICYCLOMINE HYDROCHLORIDE
Capsules

Barr Labs., Inc. 10mg
Chelsea Labs., Inc. 10mg
Merrell-Dow Pharm., Inc. 10mg Bentlyl
Pioneer Pharm. 10mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Steri-Med, Three P, Thrift, Towne Paulsen, Unit Dose, United Research.

DICYCLOMINE HYDROCHLORIDE
Tablets

Barr Labs., Inc. 20mg

Chelsea Labs., Inc. 20mg
Merrell-Dow Pharm., Inc. 20mg Bentlyl
Pioneer Pharm. 20mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Qualitest, Regal, Rugbys, Henry Schein, Spencer-Mead, Steri-Med, Three P, Unit Dose, United Research, Vanguard.

DICYCLOMINE HYDROCHLORIDE
Syrup

Barre-National, Inc. 10mg/5ml
Merrell-Dow Pharm., Inc. 10mg/5ml Bentlyl

Distributors: Barre, Bioline, Goldline, Major, H.L. Moore, Qualitest, Rugby, Vanguard.

DIETHYLPROPION HYDROCHLORIDE
Controlled Release Tablets

Merrell-Dow Pharm., Inc. 75mg Tenuate Dospan
Riker Labs., Inc. 75mg Tepanil Ten-Tab
Riker Labs., Inc. 75mg

Distributors: Bioline, Geneva, Goldline, Major, M-D, H.L. Moore, Purepac, Qualitest, Rugby, Towne Paulsen, United Research.

DIETHYLPROPION HYDROCHLORIDE
Tablets

Camall Co. 25mg
Merrell-Dow Pharm., Inc. 25mg Tenuate
Riker Labs., Inc. 25mg Tepanil

Distributor: Rugby.

DIFLUNISAL
Tablets

Lemmon Co. 500mg
Merck Sharp & Dohme 500mg Dolobid

DIGOXIN
Elixir

Burroughs Wellcome, Co. 0.05mg/ml Lanoxin
Roxane Labs. 0.05mg/ml

DILTIAZEM HYDROCHLORIDE
Tablets

Blue Ridge Labs. 30mg 60mg 90mg 120mg
Copley Pharm. 30mg 60mg 90mg 120mg
Lederle Labs. 30mg 60mg 90mg 120mg
Marion-Merrell Dow 30mg 60mg 90mg 120mg Cardizem
Mylan Pharm. 30mg 60mg 90mg 120mg

Distributors: Goldline, Rugby.

DIMENHYDRINATE
Tablets

Amide Pharm. 50mg
Barr Labs., Inc. 50mg
Boots Labs., Inc. 50mg
Danbury Pharmacal, Inc. 50mg
Geneva Pharm. 50mg
Richlyn Labs., Inc. 50mg
Searle Labs. 50mg Dramamine
West-ward Pharm. 50mg
Zenith Labs., Inc. 50mg

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, McKesson, Parmed, Qualitest, Regal, Rugby, Henry Schein,

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Spencer-Mead, Towne Paulsen, United Research, Unit Dose, Vanguard.

DIMENHYDRINATE Elixir

Barre-National, Inc. 12.5mg/5ml
Searle Labs. 12.5mg/5ml Dramamine

Distributors: Barre, Goldline, Major, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, United Research, Vanguard.

DIPHENHYDRAMINE HYDROCHLORIDE Capsules

Barr Labs., Inc. 25mg 50mg
Chelsea Labs., Inc. 50mg
Danbury Pharmacal Inc. 25mg 50mg
Eon Labs 25mg 50mg
Geneva Pharmaceutica 25mg 50mg
Halsey Drug Co. 25mg 50mg
MK Labs., Inc. 25mg 50mg
Mutual Pharm. 25mg 50mg
Newtron Pharm., Inc. 25mg 50mg
Parke Davis & Co. 25mg 50mg Benadryl
Pioneer Pharm. 25mg 50mg
Purepac Pharm. Co. 25mg 50mg
Richlyn Labs., Inc. 25mg 50mg
Roxane Labs., Inc. 50mg
Smith Kline & French Labs. 25mg 50mg
Towne-Paulsen & Co. 25mg 50mg
West-ward Pharm. 25mg 50mg
Zenith Labs., Inc. 25mg 50mg

Distributors: Aligen, J.J. Balan, Bioline, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Parmed, Professional Services, Qualitest, Regal, Rugby, Three P, Unit Dose, United Research Labs, VHA Plus, Vanguard.

DIPHENHYDRAMINE HYDROCHLORIDE Elixir

Barre-National, Inc. 12.5mg/5ml
Cenci Labs. 12.5mg/5ml
Halsey Drug Co. Inc. 12.5mg/5ml
Hi-Tech Pharmacal 12.5mg/5ml
MK Labs, Inc. 12.5mg/5ml
Naska Pharmacal Co. 12.5mg/5ml
HN Norton & Co. 12.5mg/5ml
Parke Davis & Co. 12.5mg/5ml Benadryl
Pharm. Basics, Inc. 12.5mg/5ml
Purepac Pharm. Co. 12.5mg/5ml
Smith Kline & French Labs. 12.5mg/5ml

Distributors: Barre, Bioline, Columbia Medical, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

DIPHENHYDRAMINE HYDROCHLORIDE Syrup

Barre-National, Inc. 12.5mg/5ml
Halsey Drug Co., Inc. 12.5mg/5ml
HN Norton and Co. 12.5mg/5ml
Parke Davis & Co. 12.5mg/5ml Benylin
Pharm. Basics, Inc. 12.5mg/5ml

Distributors: Barre, Geneva, Goldline, Lederle, Major, H.L. Moore, Rugby, Henry Schein, Three P, Thrift, United Research, Vanguard.

DIPHENOXYLATE HYDROCHLORIDE with ATROPINE SULFATE Tablets

Barr Labs., Inc. 2.5mg-0.025mg
Boots Labs., Inc. 2.5mg-0.025mg
Chelsea Labs., Inc. 2.5mg-0.025mg
Geneva Pharm. 2.5mg-0.025mg
Halsey Drug Co. Inc. 2.5mg-0.025mg
MD Pharmaceuticals, Inc. 2.5mg-0.025mg
Mallinckrodt Chemical Works 2.5mg-0.025mg
Mylan Pharm., Inc. 2.5mg-0.025mg
Roxane Labs., Inc. 2.5mg-0.025mg
Searle Labs. 2.5mg-0.025mg Lomotil
Superpharm Corp. 2.5mg-0.025mg
West-ward Pharm. 2.5mg-0.025mg
Zenith Labs., Inc. 2.5mg-0.025mg

Distributors: J.J. Balan, Bioline, Geneva, Goldline, ICN, Lederle, Major, McKesson, Martec, H.L. Moore, Parmed, Professional Svs, Purepac, Qualitest, Regal, Rugby, Smith Kline & French, Spencer-Mead, Thrift Drug, Towne Paulsen, Unit Dose, United Research, Vanguard.

DIPHENOXYLATE HYDROCHLORIDE with ATROPINE SULFATE Liquid

Barre-National, Inc. 2.5mg-0.025mg/5ml
Geneva Pharm. 2.5mg-0.025mg/5ml
Mallinckrodt Chemical Works 2.5mg-0.025mg/5ml
Roxane Labs., Inc. 2.5mg-0.025mg/5ml
Searle Labs. 2.5mg-0.025mg/5ml Lomotil

Distributors: Barre, Geneva, Goldline, Major, H.L. Moore, Professional Svs, Qualitest, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

DIPYRIDAMOLE Tablets

Barr Labs., Inc. 25, 50, 75mg
Boehringer Ingelheim 25, 50, 75mg Persantine
Chelsea Labs., Inc. 25, 50, 75mg
Danbury Pharmacal Inc. 25, 50, 75mg
Geneva Pharm. 25, 50, 75mg
Mutual Pharm. 25, 50, 75mg
Par Pharm., Inc. 25, 50, 75mg
Purepac Pharm. Co. 25, 50, 75mg
Sidmak Labs. Inc. 25, 50, 75mg
Zenith Labs 25, 50, 75mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, PRL, Parmed, Professional Svs, Qualitest, Regal, Rugby, Smith Kline & French, Towne Paulsen, Unit Dose, United Research, Vanguard.

DISOPYRAMIDE PHOSPHATE Capsules

Barr Labs., Inc. 100mg (Base) 150mg (Base)
Biocraft Labs. 100mg (Base) 150mg (Base)
Danbury Pharmacal 100mg (Base) 150mg (Base)
Geneva Pharm. 100mg (Base) 150mg (Base)
Searle Labs. 100mg (Base) 150mg (Base) Norpace
Zenith Laboratories 100mg (Base) 150mg (Base)

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Purepac, Qualitest, Rugby, United Research.

DISOPYRAMIDE PHOSPHATE Controlled Release Capsules

KV Pharm. 150mg (Base)
Searle Labs. 150mg (Base) Norpace CR

Distributors: Geneva, H.L. Moore.

DOCUSATE CALCIUM Capsules

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Hoechst-Roussel Pharm. 240mg Surfak
Pharmacaps, Inc. 240mg

Distributors: Goldline, Major, PRL, United Research.

DOCUSATE SODIUM Capsules

Banner Gelatin Products Corp. 100, 250mg
Chase Chemical Co. 50, 100, 250mg
Chelsea Labs., Inc. 100, 250mg
Encapsulations, Inc. 50, 100, 250mg
Mead-Johnson & Co. 50, 100mg Colace
HN Norton & Co. 50, 100mg
Parke Davis/Warner Chilcott 50, 100mg
Pharmacaps, Inc. 100, 250mg
Richlyn Labs., Inc. 100, 250mg
R.P. Scherer Inc. 100, 250mg
Zenith Labs. 100, 250mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, PRL, Parmed, Rexall, Roxane, Rugby, Spencer-Mead, Three P, Towne Paulsen, Unit Dose, United Research, Vanguard, West-ward.

DOCUSATE SODIUM Liquid

Barre-National, Inc. 10mg/ml
Mead-Johnson & Co. 10mg/ml Colace
Naska Pharmacal Co. 10mg/ml

Distributor: Rugby.

DOCUSATE SODIUM Syrup

Barre-National, Inc. 20mg/5ml
Mead-Johnson & Co. 20mg/5ml Colace
Naska Pharmacal Inc. 20mg/5ml
Newtron Pharm. Inc. 20mg/5ml
Pharm. Basics, Inc. 20mg/5ml

Distributors: Barre, Columbia Medical, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

DOCUSATE SODIUM with CASANTHRANOL Capsules

Banner Gelatin Products Corp. 100mg-30mg
Chase Chemical Co. 100mg-30mg
Encapsulations, Inc. 100mg-30mg
Mead-Johnson & Co. 100mg-30mg Peri-Colace
Pharmacaps, Inc. 100mg-30mg
Richlyn Labs., Inc. 100mg-30mg
R.P. Scherer, Inc. 100mg-30mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Parmed, PRL, Roxane, Rugby, Three P, Towne Paulsen, United Research, Unit Dose, Vanguard, Warner Chilcott, West-ward.

DOCUSATE SODIUM with CASANTHRANOL Syrup

Barre-National, Inc. 60mg-30mg/15ml
Mead-Johnson & Co. 60mg-30mg/15ml Peri-Colace
Pharm. Basics, Inc. 60mg-30mg/15ml

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, United Research.

DOXEPIN HYDROCHLORIDE Capsules

Danbury Pharmacal, Inc. 10, 25, 50, 75, 100mg
Geneva Pharm. 10, 25, 50, 75, 100mg
Mylan Pharmacal, Inc. 10, 25, 50, 75, 100mg
Par Pharm., Inc. 10, 25, 50, 75, 100, 150mg
Pfizer Labs., Inc. 10, 25, 50, 75, 100, 150mg Sinequan
Royce Labs. 10, 25, 50mg
Smith Kline & French/Fisons 10, 25, 50, 75, 100mg Adapin

Distributors: Bioline, Fisons, Geneva, Goldline, Lederles, Martec, H.L. Moore, Mutual, Purepac, Qualitest, Rugby, United Research.

DOXEPIN HYDROCHLORIDE Concentrate

Copley Pharm. 10mg(Base)/ml
Pfizer Labs. 10mg(Base)/ml
Sinequan Pharm. Basics 10mg(Base)/ml

Sinequan

Distributors: Bioline, Geneva, Goldline.

DOXYCYCLINE HYCLATE Capsules

Barr Labs. 50mg 100mg
Chelsea Labs. 50mg 100mg
Danbury Pharmacal 50mg 100mg
Halsey Drug Co., Inc. 50mg 100mg
Heather Drug Co. 50mg 100mg
Lemmon Co. 50mg 100mg
Mutual Pharm. 50mg 100mg
Mylan Pharm., Inc. 50mg 100mg
Par Pharm. 50mg 100mg
Parke Davis/Warner Chilcott 50mg 100mg
Pfizer Labs. 50mg 100mg Vibramycin
Private Formulations 50mg 100mg
Purepac Pharm. Co. 50mg 100mg
Rachelle Labs., Inc. 50mg 100mg
Superpharm Corp. 100mg
West-ward Pharm. 50mg 100mg
Zenith Labs., Inc. 50mg 100mg

Distributors: Bioline, D-M, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, PRL, Parmed, Purepac, Qualitest, Rexall, Rugby, Smith Kline & French, Spencer-Mead, E.R. Squibb, Unit Dose, United Research, Vanguard.

DOXYCYCLINE HYCLATE Tablets

Barr Labs., Inc. 100mg
Danbury Pharmacal, Inc. 100mg
Heather Drug Co. 100mg
Lemmon Co. 100mg
Mutual Pharm. 100mg
Mylan Pharm., Inc. 100mg
Parke Davis/Warner Chilcott 100mg
Pfizer Labs. 100mg Vibra-tabs
B.V. Pharbata/Medico 100mg
Rachelle Labs. 100mg
Superpharm Corp. 100mg
Zenith Labs., Inc. 100mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle, Lemmon, Major, Martec, H.L. Moore, Parmed, Purepac, Qualitest, Rugby, Unit Dose, United Research.

DYPHYLLINE Tablets

Altana, Inc./Savage Labs 200mg 400mg
Wallace Labs. 200mg 400mg Lufyllin

Distributor: Savage Labs.

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EPHEDRINE SULFATE Capsules

Boots Labs., Inc.	25mg
Chelsea Labs., Inc.	25mg
Danbury Pharmacal Inc.	25mg
Richlyn Labs., Inc.	25mg
Zenith Labs., Inc.	25mg

Distributors: Geneva, Goldline, Major, Regal, Rugby, United Research, Vanguard.

ERGOCALCIFEROL Capsules

Pharmacaps, Inc.	50,000 units
Winthrop Labs.	50,000 units Drisdol

Distributors: Rugby, United Research.

ERGOLOID MESYLATES Tablets

Barr Labs., Inc.	1mg
Danbury Pharmacal Inc.	1mg
Mutual Pharm.	1mg
Sandoz Pharm.	1mg Hydergine

Distributors: Best Generics, Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Mutual, PRL, Parmed, Qualitest, Rugby, United Research.

ERGOLOID MESYLATES Sublingual Tablets

Barr Labs., Inc.	0.5mg
Chelsea Labs., Inc.	0.5mg 1mg
Danbury Pharmacal Inc.	0.5mg 1mg
KV Pharm. Co.	0.5mg 1mg
Mead-Johnson Labs.	1mg
Riker Labs.	0.5mg 1mg
Sandoz Pharm.	0.5mg 1mg Hydergine
Zenith Labs., Inc.	0.5mg 1mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, Mutual, Parmed, PRL, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, E.R. Squibb, United Research, Vanguard.

ERGOTAMINE TARTRATE with CAFFEINE Tablets

Geneva Pharm.	1mg-100mg
Sandoz Pharm.	1mg-100mg Cafergot

ERYTHROMYCIN Capsules (Delayed Release Pellets)

Abbott Labs.	250mg
Barr Labs., Inc.	250mg
FH Faulding & Co.	250mg
Parke Davis	250mg ERYC

Distributors: Bioline, Goldline, Purepac.

ERYTHROMYCIN BASE Enteric Coated Tablets

Abbott Labs.	250mg 333mg 500mg Ery-Tab
Barr Labs.	500mg
Upjohn Co.	250mg 333mg E-Mycin

ERYTHROMYCIN Ophthalmic Ointment

Altana, Inc./Fougera/Pharmaderm	5mg/Gm
Bausch & Lomb/Pharmafair	5mg/Gm
Dista Products Co.	5mg/Gm Ilotycin

Distributors: Bioline, Fougera, Goldline, Major, H.L. Moore, Pharmaderm, Qualitest.

ERYTHROMYCIN Topical Solution

Barre-National, Inc.	2%
Bausch & Lomb/Pharmafair	1.5% 2%
Clay Park Labs.	2%
Naska Pharmacal Co.	2%
Pharm. Basics, Inc.	2%
West-wood Pharm., Inc.	1.5% 2% Staticin 2% T-Stat

Distributors: Geneva, Qualitest, Rugby.

ERYTHROMYCIN ESTOLATE Capsules

Barr Labs.	250mg
Dista Products	250mg Ilosone

Distributors: Qualitest.

ERYTHROMYCIN ESTOLATE Suspension

Barre-National, Inc.	125mg(Base)/5ml 250mg(Base)/5ml
Dista Products	125mg(Base)/5ml 250mg(Base)/5ml Ilosone

Distributors: Goldline.

ERYTHROMYCIN ETHYLSUCCINATE Tablets

Abbott Labs.	400mg EES
Barr Labs.	400mg
Mylan Pharm.	400mg

Distributors: Geneva, Goldline, Lederle, Major, H.L. Moore, Qualitest, Rugby, United Research.

ERYTHROMYCIN ETHYLSUCCINATE Oral Suspension

Abbott Labs.	200mg/5ml	EES-200
Abbott Labs.	400mg/5ml	EES-400
Barre-National, Inc.	200mg/5ml 400mg/5ml	
Bausch & Lomb/Pharmafair	200mg/5ml 400mg/5ml	
KV Pharm. Co.	200mg/5ml 400mg/5ml	
Naska Pharmacal Co.	400mg/5ml	

Distributors: Barre, Bioline, Goldline, Lederle, Major, H.L. Moore, Qualitest, Rugby, United Research.

ERYTHROMYCIN ETHYLSUCCINATE Granules for Oral Suspension

Abbott Labs.	200mg/5ml EES
Barr Labs., Inc.	200mg/5ml
Ross Labs.	200mg/5ml Pediamycin

Distributors: Goldline, Schein.

ERYTHROMYCIN ETHYLSUCCINATE WITH SULFISOXAZOLE ACETYL Granules for Oral Suspension

Alra Labs., Inc.	200mg(Base)-600mg(Base)/5ml
Barr Labs., Inc.	200mg(Base)-600mg(Base)/5ml
Ross Labs.	200mg(Base)-600mg(Base)/5ml Pediazole

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Distributors: Bioline, Geneva, Goldline, Qualitest.

ERYTHROMYCIN STEARATE Tablets

Abbott Labs.	250mg	500mg	Erythrocin
Barr Labs.	250mg		
Bristol Labs.	250mg		
Mylan Pharm., Inc.	250mg	500mg	
Parke Davis/Warner Chilcott	250mg		
E.R. Squibb & Sons, Inc		500mg	
Wyeth Labs.	250mg	500mg	
Zenith Labs.	250mg	500mg	

Distributors: Columbia Medical, Geneva, Goldline, Interstate, Lederle, Major, H.L. Moore, McKesson, Mutual, Parmed, Qualitest, Regal, Rexall, Roxane, Rugby, Saron, Henry Schein, Smith Kline & French, Spencer-Mead, Steri-Med, Three P, Thrift, Towne Paulsen, United Research, Vangard.

ETHCHLORVYNOL Capsules

Abbott Labs.	500mg	750mg	Placidyl
Banner Gelatin	500mg	750mg	

Distributors: Bioline, Goldline, Pharm. Basics.

FENOPROFEN CALCIUM Capsules

Distia Products Co.	200mg (Base)	Nalfon	200
Distia Products Co.		300mg (Base)	Nalfon
Geneva Pharm.	200mg (Base)	300mg (Base)	
Halsey Drug Co.	200mg (Base)	300mg (Base)	
Par Pharm.	200mg (Base)	300mg (Base)	
Watson Labs., Inc.	200mg (Base)	300mg (Base)	

Distributors: Bioline, Duramed, Geneva, Goldline, Martec, Qualitest, United Research.

FENOPROFEN CALCIUM Tablets

Chelsea Labs., Inc.	600mg (Base)	
Danbury Pharmacal	600mg (Base)	
Distia Products Co.	600mg (Base)	Nalfon
Geneva Pharm.	600mg (Base)	
Halsey Drug Co.	600mg (Base)	
Lederle Labs.	600mg (Base)	
Mutual Pharm.	600mg (Base)	
Mylan Pharm., Inc.	600mg (Base)	
Par Pharm., Inc.	600mg (Base)	
Purepac Pharm. Co.	600mg (Base)	
Watson Labs., Inc.	600mg (Base)	
Zenith Labs.	600mg (Base)	

Distributors: Bioline, Duramed, Geneva, Goldline, Martec, H.L. Moore, Qualitest, Rugby.

FERROUS FUMARATE Tablets

JMI Canton Pharm.		300mg	
Mallickrodt Chemical Works	200mg		Toleron
Marion Labs.	200mg		Fumasorb
Richlyn Labs.		325mg	

Distributors: Goldline, Major, Rugby, Towne Paulsen, United Research.

FERROUS SULFATE Controlled Release Capsules

Chelsea Labs., Inc.	150mg
Danbury Pharmacal	150mg

Freshlabs, Inc.	250mg
Geneva Pharm.	150mg 250mg
Sidmak Labs., Inc.	250mg
Smith Kline & French Labs.	250mg Feosol
West-ward Pharm.	150mg

Distributors: J.J. Balan, Geneva, Major, Professional Svs, Rugby, United Research.

FERROUS SULFATE Tablets

Chase Chemical Co.	325mg
Chelsea Labs., Inc.	325mg
Duramed Pharm., Inc.	325mg
Eon Labs Manufacturing, Inc.	325mg
Geneva Pharm.	325mg
Halsey Drug Co. Inc.	325mg
KV Pharm. Co.	300mg
Ohm Labs.	325mg
Parke Davis/Warner Chilcott	300mg
Rexall Drug Co.	325mg
Richlyn Labs., Inc.	325mg
Roxane Labs., Inc.	300mg
Sidmak Labs., Inc.	300mg
Smith Kline & French Labs.	325mg Feosol
West-ward Phamraceutical	325mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Parmed, Qualitest, Rugby, Towne Paulsen, United Research, VHA Plus, Vangard.

FERROUS SULFATE Drops

Barre-National, Inc.	125mg/ml
Mead Johnson & Co.	125mg/ml Fer-In-Sol
Pharm. Basics, Inc.	125mg/ml

Distributors: Barre, Geneva.

FERROUS SULFATE Elixir

Barre-National, Inc.	220mg/5ml
Halsey Drug Co.	220mg/5ml
Naska Pharmacal Co.	220mg/5ml
Pharm. Basics, Inc.	220mg/5ml
Smith Kline & French Labs.	220mg/5ml Feosol

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Rugby, Henry Schein, Spencer-Mead, United Research.

FLUOCINOLONE ACETONIDE Cream

Altana Inc.	0.01%	0.025%
Clay Park Labs, Inc.	0.01%	0.025%
Herbert Labs.	0.01%	0.025% Fluonid
NMC Labs., Inc.	0.01%	0.025%
Syntex Labs., Inc.	0.01%	0.025% Synalar
Thames Pharmacal	0.01%	0.025%

Distributors: Bioline, Fougera, Geneva, Goldline, Interstate, Major, H.L. Moore, Pharmaderm, Qualitest, Rugby, United Research.

FLUOCINOLONE ACETONIDE Ointment

Altana, Inc.	0.025%
Herbert Labs., Inc.	0.025% Fluonid
Syntex Labs., Inc.	0.025% Synalar

Distributors: Fougera, Pharmaderm, Rugby.

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FLUOCINOLONE ACETONIDE Solution

Altana Inc.	0.01%
Barre-National, Inc.	0.01%
Herbert Labs., Inc.	0.01% Fluonid
Pharm. Basics, Inc.	0.01%
Syntex Labs., Inc.	0.01% Synalar
Thames Pharmacal	0.01%

Distributors: Barre, Fougere, Geneva, Goldline, Major, H.L. Moore, Pharmaderm, Qualitest, Rugby, United Research.

FLUOCINONIDE Cream

Clay Park Labs, Inc.	0.05%
Lemmon Co.	0.05%
Taro Pharm., Inc.	0.05%
Syntex Labs.	0.05% Lidex
Thames Pharmacal	0.05%

Distributors: Bioline, Geneva, Goldline, H.L. Moore, NMC, Qualitest, T.J. Roaco, United Research.

FLUOCINONIDE Cream (Emulsified Base)

Lemmon Co.	0.05%
Syntex Labs.	0.05% Lidex-E
Taro Pharm.	0.05%

Distributors: Goldline, NMC.

FLUOCINONIDE Gel

Lemmon Co.	0.05%
Syntex Labs.	0.05% Lidex

FLUOCINONIDE Ointment

Lemmon Co.	0.05%
Syntex Labs.	0.05% Lidex

FLUOCINONIDE Solution

Barre-National, Inc.	0.05%
Lemmon Co.	0.05%
Syntex Labs.	0.05% Lidex

FLUOCINONIDE Topical Solution

Thames Pharmacal 0.05%

FLUPHENAZINE HYDROCHLORIDE Concentrate

Schering Corp.	5mg/ml Permitil
E.R. Squibb & Sons	5mg/ml Prolixin

FLUPHENAZINE HYDROCHLORIDE Tablets

Geneva Pharm.	1, 2.5, 5, 10mg
Mylan Pharm.	1, 2.5, 5, 10mg
Par Pharm.	1, 2.5, 5, 10mg
Schering Corp.	2.5, 5, 10mg Permitil
E.R. Squibb & Sons, Inc.	1, 2.5, 5, 10mg Prolixin

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Qualitest, United Research.

FLURANDRENOLIDE Lotion

Barre-National, Inc.	0.05%
Dista Products Co.	0.05% Cordran

Distributors: Barre, Bioline, Goldline, Qualitest, Rugby, United Research.

FLURAZEPAM HYDROCHLORIDE Capsules

Barr Labs., Inc.	15mg 30mg
Chelsea Labs., Inc.	15mg 30mg
Danbury Pharmacal, Inc.	15mg 30mg
Geneva Pharm.	15mg 30mg
Halsey Drug Co.	15mg 30mg
Hoffman-LaRoche, Inc.	15mg 30mg Dalmane
Mylan Pharm., Inc.	15mg 30mg
Par Pharm.	15mg 30mg
Purepac Pharm. Co.	15mg 30mg
Superpharm Corp.	15mg 30mg
Warner Chilcott	15mg 30mg
West-ward Pharm.	15mg 30mg

Distributors: Bioline, Geneva, Goldline, Lederle, Martec, H.L. Moore, Purepac, Qualitest, Rugby, SquibbMark, United Research, VHA Plus.

FOLIC ACID Tablets

Charlotte Pharm., Inc.	1mg
Danbury Pharmacal, Inc.	1mg
Halsey Drug Co.	1mg
Lederle Labs.	1mg Folvite
MK Labs., Inc.	1mg
Pioneer Pharm.	1mg
Private Formulations, Inc.	1mg
Towne-Paulsen & Co.	1mg
West-ward Pharm.	1mg

Distributors: Bioline, Geneva, Goldline, Medicopharma, Parmed, Qualitest, Regal, Rugby, Thrift, United Research, VHA Plus, Vanguard.

FUROSEMIDE Tablets

Barr Labs, Inc.	20mg 40mg 80mg
Chelsea Labs.	20mg 40mg
Danbury Pharmacal, Inc.	20mg 40mg 80mg
Geneva Pharm.	20mg 40mg 80mg
Hoechst-Roussel Pharm.	20mg 40mg 80mg Lasix
Kalapharm	20mg 40mg
Lederle Labs.	20mg 40mg 80mg
Mylan Pharm., Inc.	20mg 40mg 80mg
Parke Davis/Warner Chilcot	20mg 40mg
Roxane Labs, Inc.	20mg 40mg 80mg
Superpharm Corp.	20mg 40mg
Watson Labs, Inc.	20mg 40mg 80mg
Zenith Labs., Inc.	20mg 40mg

Distributors: J.J. Balan, Best Generics, Bioline, Duramed, Geneva, Goldline, Heather, Lederle, Major, Martec, H.L. Moore, Mutual, Parmed, Professional Svs, Purepac, Qualitest, Rugby, Searle, Smith Kline & French Labs, United Research.

FUROSEMIDE Solution

Hoechst-Roussel Pharm.	10mg/ml Lasix
Pharm. Basics, Inc.	10mg/ml
Roxane Labs., Inc.	10mg/ml

Distributors: Geneva, Goldline, H.L. Moore.

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	GEMFIBROZIL Capsules		Upjohn Co.	1.25, 2.5, 5mg Micronase
			GRAMICIDIN with NEOMYCIN SULFATE and POLYMYXIN B SULFATE Ophthalmic Solution	
Mylan Pharm., Inc. Parke Davis	300mg 300mg Lopid		Burroughs Wellcome Co.	0.025mg-1.75mg(Base)-10,000u/ml Neosporin
	GEMFIBROZIL Tablets		Bausch & Lomb/Pharmafair Dow Pharm.	0.025mg-1.75mg(Base)-10,000u/ml 0.025mg-1.75mg(Base)-10,000u/ml Neo-Polycin
Parke Davis & Co. Warner Chilcott	600mg Lopid 600mg		Steris Labs	0.025mg-1.75mg(Base)-10,000u/ml
	GENTAMICIN SULFATE Cream		Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, United Research.	
Bausch & Lomb/Pharmafair Clay-Park Labs, Inc. NMC Labs., Inc. Schering Corp. Thames Pharmacal Co.	0.1% 0.1% 0.1% 0.1% Garamycin 0.1%		GRISEOFULVIN (ULTRAMICROCRYSTALLINE) Tablets	
			Herbert Labs/Allergan Schering Corp.	125mg 250mg Gris-PEG 125mg 250mg Fulvicin P/G
			Distributors: Bioline, Geneva, Goldline, Interstate, Major, H.L. Moore, Parmed, Qualitest, Rugby, Unit Dose, United Research.	
	GENTAMICIN SULFATE Ointment		GUAIFENESIN Syrup	
Bausch & Lomb/Pharmafair Clay-Park Labs, Inc. NMC Labs., Inc. Schering Corp. Thames Pharmacal Co.	0.1% 0.1% 0.1% 0.1% Garamycin 0.1%		Barre-National, Inc. Halsey Drug Co. Hi-Tech Pharmacal Mova Pharmaceutical Naska Pharmacal A.H. Robins Co.	100mg/5ml 100mg/5ml 100mg/5ml 100mg/5ml 100mg/5ml 100mg/5ml Robitussin
			Distributors: Barre, Goldline, Lederle, H.L. Moore, Mova Labs, Rugby.	
	GENTAMICIN SULFATE Ophthalmic Ointment		GUAIFENESIN with CODEINE Syrup	
Altana, Inc. Bausch & Lomb/Pharmafair Schering Corp.	3mg/Gm 3mg/Gm 3mg/Gm Garamycin		Barre-National, Inc. Cenci Labs. Halsey Drug Co. A.H. Robins Co.	100mg-10mg/5ml 100mg-10mg/5ml 100mg-10mg/5ml 100mg-10mg/5ml Robitussin AC
			Distributors: Goldline	
	GENTAMICIN SULFATE Ophthalmic Solution		GUAIFENESIN with DEXTROMETHORPHAN HBR Syrup	
Bausch & Lomb/Pharmafair Iolab Paco Research Corporation Schering Corp. Steris Labs., Inc.	3mg/ml 3mg/ml 3mg/ml 3mg/ml Garamycin 3mg/ml		Barre-National, Inc. Halsey Drug Co. Mova Pharmaceuticals A.H. Robins Co.	100mg-15mg/5ml 100mg-15mg/5ml 100mg-10mg/5ml 100mg-15mg/5ml Robitussin DM
			Distributors: Barre, Bioline, Goldline, Lederle, H.L. Moore, Mova Labs.	
	GENTAMICIN SULFATE Ophthalmic Solution		GUAIFENESIN with PSEUDOEPHEDRINE HCL AND CODEINE Syrup	
Bausch & Lomb/Pharmafair Iolab Paco Research Corporation Schering Corp. Steris Labs., Inc.	3mg/ml 3mg/ml 3mg/ml 3mg/ml Garamycin 3mg/ml		Halsey Drug Co. A.H. Robins Co.	100mg-30mg-10mg/5ml 100mg-30mg-10mg/5ml Robitussin DAC
			Distributors: Bioline, Danbury, Geneva, Goldline, Hygeia, Major, H.L. Moore, Orbis, Qualitest, Rugby, United Research.	
	GLUTETHIMIDE Tablets		HALOPERIDOL Tablets	
Danbury Pharmacal, Inc. Geneva Pharm. Halsey Drug Co. MD Pharm., Inc. Zenith Labs., Inc.	500mg 500mg 500mg 500mg 500mg		Barr Labs., Inc. Danbury Co. Duramed Pharm. Geneva Pharm. McNeil Pharm. Mylan Pharm. Par Pharmaceut Inc. Purepac Pharm. Co Roxane Labs. Searle Pharm.	0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg 0.5mg, 1mg, 2mg, 5mg 0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg 0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg 0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg Haldol 0.5mg, 1mg, 2mg, 5mg 0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg 0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg 0.5mg, 1mg, 2mg, 5mg, 10mg, 20mg
			Distributors: J.J. Balan, Bioline, Geneva, Goldline, Major, McKesson, H.L. Moore, Parmed, Professional Svs, Qualitest, Rugby, Henry Schein, Three P, United Research, Vanguard.	
	GLYBURIDE Tablets		Distributors: Bioline, Geneva, Goldline, Lederle, Martec.	
Hoechst-Roussel Pharm., Inc.	1.25, 2.5, 5mg Diabeta			

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H.L. Moore, Mutual, Qualitest, SquibbMark, United Research, Warner Chilcott.

HALOPERIDOL LACTATE Concentrate

Barre-National, Inc.	2mg (Base)/ml
Copley Pharm.	2mg (Base)/ml
Lemmon Co.	2mg (Base)/ml
McNeil Labs.	2mg (Base)/ml Haldol
Pharm. Basics, Inc.	2mg (Base)/ml
Roxane Labs., Inc.	2mg (Base)/ml
Searle Pharm.	2mg (Base)/ml

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Qualitest, Rugby.

HYDRALAZINE HYDROCHLORIDE Tablets

Barr Labs., Inc.	10, 25, 50, 100mg
Camall Co.	10, 25, 50, 100mg
Ciba Pharm. Co.	10, 25, 50, 100mg Apresoline
Danbury Pharmacal, Inc.	25, 50mg
Geneva Pharm.	10, 25, 50mg
Halsey Drug Co.	10, 25, 50, 100mg
Lederle Labs.	25, 50mg
Mutual Pharm.	10, 25, 50mg
Par Pharm., Inc.	10, 25, 50, 100mg
Sidmak Labs.	10, 25, 50, 100mg
Zenith Laborator	10, 25, 50mg

Distributors: Aligen, J.J. Balan, Bioline, Geneva, Goldline, Major, McKesson, Martec, H.L. Moore, Mutual, Parmed, Professional Svs, PRL, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Steri-Med, Thrift, Three P, Towne Paulsen, Unit Dose, United Research, Vanguard, West-ward.

HYDRALAZINE HYDROCHLORIDE with HYDROCHLOROTHIAZIDE Capsules

Ciba Pharm. Co.	25mg-25mg 50mg-50mg 100mg-50mg Apresazide
Par Pharm.	25mg-25mg 50mg-50mg 100mg-50mg
Solvay Pharm.	25mg-25mg 50mg-50mg
Zenith Labs.	25mg-25mg 50mg-50mg

Distributors: Best Generics, Bioline, Geneva, Goldline, International, Major, Martec, H.L. Moore, Parmed, Qualitest, Regal, Rugby, Unit Dose, United Research.

HYDROCHLOROTHIAZIDE Tablets

Abbott Labs., Inc.	25, 50mg
Barr Labs., Inc.	25, 50, 100mg
Boots Labs., Inc.	25, 50mg
Camall Co.	25, 50mg
Ciba Pharm. Co.	25, 50, 100mg Esidrix
Danbury Pharmacal, Inc.	50mg
Geneva Pharm.	25, 50mg
Halsey Drug Co.,	25, 50mg
Heather Drug Co. Inc.	50mg
Lederle Labs.	25, 50mg
Merck Sharp & Dohme	25, 50, 100mg HydroDiuril
Private Formulations	25, 50mg
Purepac Pharm. Co.	25, 50mg
Richlyn Labs.	25 50mg 100mg
Roxane Labs.	50mg
Smith Kline & French Labs.	25, 50mg
Superpharm Corp.	25, 50mg
Vitarine Pharm., Inc.	25, 50mg
West Point Pharma/ Merck & Co.	25, 50mg
West-ward Pharm.	25, 50mg
Zenith Labs.	25, 50, 100mg

Distributors: Bioline, Columbia Medical, Geneva, Goldline, ICN, Lederle, Major, Martec, Mayrand, H.L. Moore, Mutual, Parmed, Professional Svs, Purepac, Qualitest, Regal, Rexall, Roxane, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, E.R. Squibb, Thrift, Unit Dose, United Research, Warner Chilcott.

HYDROCHLOROTHIAZIDE with HYDRALAZINE HYDROCHLORIDE and RESERPINE Tablets

Barr Labs., Inc.	15mg-25mg-0.1mg
Camall Co.	15mg-25mg-0.1mg
Ciba Pharm. Co.	15mg-25mg-0.1mg Ser-Ap-Es
Danbury Pharmacal, Inc.	15mg-25mg-0.1mg
Solvay Pharm.	15mg-25mg-0.1mg
Zenith Labs.	15mg-25mg-0.1mg

Distributors: Bioline, Geneva, Goldline, International, Lederle, Major, H.L. Moore, Parmed, Qualitest, Richie, Rugby, H. Schein, Unit Dose, United Research.

HYDROCHLOROTHIAZIDE with RESERPINE Tablets

Boots Labs.	25mg-0.125mg 50mg-0.125mg
Ciba Pharm.	25mg-0.1mg Serpasil-Esidrix 1
Ciba Pharm.	50mg-0.1mg Serpasil-Esidrix 2
Danbury Inc.	25mg-0.1mg 50mg-0.1mg
Merck Sharp & Dohme	25mg-0.125mg Hydropres-25
Merck Sharp & Dohme	50mg-0.125mg Hydropres-50
West-ward Pharm.	50mg-0.125mg
Zenith Labs., Inc.	25mg-0.125mg 50mg-0.125mg

Distributors: Bioline, Geneva, Goldline, Major, Mayrand, H.L. Moore, Parmed, Qualitest, Regal, Roxane, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research.

HYDROCODONE BITARTRATE with HOMATROPINE METHYLBROMIDE Syrup

Barre-National, Inc.	5mg-1.5mg/5ml
Dupont Pharm.	5mg-1.5mg/5ml Hycodan
Halsey Drug Co.	5mg-1.5mg/5ml
Pharm. Basics, Inc.	5mg-1.5mg/5ml

Distributors: Geneva, Qualitest.

HYDROCODONE BITARTRATE with HOMATROPINE METHYLBROMIDE Tablets

Daniels Pharm.	5mg-1.5mg
Dupont Pharm.	5mg-1.5mg Hycodan

HYDROCORTISONE Tablets

Danbury Pharmacal, Inc.	20mg
Merck Sharp & Dohme	10mg 20mg Hydrocortone
Richlyn Labs.	20mg
Towne Paulsen & Co.	10mg 20mg
West-ward Pharm.	20mg

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Qualitest, Rugby, Schein, United Research.

HYDROCORTISONE Topical Cream

Altana, Inc.	0.5% 1% 2.5%
Bausch & Lomb/Pharmafair	1%
Biocraft Labs., Inc.	0.5% 1%
Clay Park, Inc.	0.5% 1% 2.5%
Dermick Labs.	1% 2.5%
Naska Pharmacal	0.5% 1% 2.5%

Final Regulations

NMC Labs., Inc.	0.5% 1% 2.5%
Pharm. Basics, Inc.	0.5% 1%
Solvay Pharm.	1%
Thames Pharmacal Co.	0.5% 1% 2.5%

Distributors: J.J. Balan, Bioline, Fougera, Geneva, Goldline, Interstate, Major, H.L. Moore, Parmed, Pharmaderm, Qualitest, Rugby, United Research, Vanguard.

HYDROCORTISONE Topical Lotion

Barre-National, Inc.	0.5%
Clay Park, Inc.	0.5% 1%
Dermick Labs.	1% 2.5%
Naska Pharmacal	0.5% 1%
Solvay Pharm.	0.5%
Stiefel Labs.	1% 2.5%
Thames Pharmacal Co.	0.5% 1%

Distributors: J.J. Balan, Barre, Bioline, Geneva, Goldline, Interstate, Major, H.L. Moore, Qualitest, Rugby, United Research.

HYDROCORTISONE Topical Ointment

Altana, Inc.	0.5% 1%
Clay Park, Inc.	0.5% 1% 2.5%
Dermick Labs.	1% 2.5%
Naska Pharmacal	0.5% 1%
NMC Labs., Inc.	0.5% 1%
Thames Pharmacal Co.	1%

Distributors: Bioline, Fougera, Geneva, Goldline, Interstate, Major, H.L. Moore, Pharmaderm, Rugby, United Research, Vanguard.

HYDROCORTISONE ACETATE WITH PRAMOXINE HYDROCHLORIDE Rectal Aerosol

Copley Pharm., Inc.	1%-1%
Reed & Carnrick	1%-1% Epifoam

Distributors: Bioline, Goldline, H.L. Moore.

HYDROFLUMETHIAZIDE Tablets

Ayerst Labs.	50mg Diucardin
Bristol Labs.	50mg Saluron
Par Pharm.	50mg

Distributors: Major, H.L. Moore, Parmed, Rugby.

HYDROFLUMETHIAZIDE with RESERPINE Tablets

Bristol Labs.	50mg-0.125mg Salutensin
Par Pharm.	50mg-0.125mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Major, H.L. Moore, Mutual, Qualitest, United Research.

HYDROMORPHONE Tablets

Halsey Drug Co.	2mg 4mg
Knoll Pharm.	2mg 4mg Dilaudid

Distributors: Goldline

HYDROXYZYNE HYDROCHLORIDE Tablets

Chelsea Labs., Inc.	10, 25, 50mg
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Danbury Pharmacal, Inc.	10, 25, 50mg
Eon Labs Mfg., Inc.	10, 25, 50mg
Geneva Pharm.	10, 25, 50mg
KV Pharm. Co.	10, 25mg
Mutual Pharm.	10, 25, 50mg
Par Pharm.	10, 25, 50mg
Roerig Pharm.	10, 25, 50mg Atarax
Sidmak Labs., Inc.	10, 25, 50mg
Zenith Labs., Inc.	10, 25, 50mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, PRL, Parmed, Purepac, Qualitest, Rugby, United Research, VHA Plus.

HYDROXYZYNE HYDROCHLORIDE Syrup

Barre-National, Inc.	10mg/5ml
Naska Pharmacal	10mg/5ml
Pharm. Basics, Inc.	10mg/5ml
Roerig Pharm.	10mg/5ml Atarax

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, H.L. Moore, Qualitest, Rugby.

HYDROXYZYNE PAMOATE Capsules

Barr Labs., Inc.	25, 50, 100mg
Chelsea Labs., Inc.	25, 50,
Danbury Pharmacal, Inc.	25, 50, 100mg
Duramed Pharm., Inc.	25, 50, 100mg
Eon Labs	25, 50mg
Geneva Pharm	25, 50, 100mg
Par Pharm., Inc.	25, 50, 100mg
Pfizer Labs.	25, 50, 100mg Vistaril
Zenith Labs., Inc.	25, 50mg

Distributors: Bioline, Geneva, Goldline, Henry Schein, Lederle, Major, Martec, H.L. Moore, Mutual, PRL, Parmed, Qualitest, Rugby, SquibbMark, Towne Paulsen, United Research.

IBUPROFEN Tablets

Alra Labs., Inc.	400, 600, 800mg
Barr Labs., Inc.	400, 600, 800mg
Boots Pharm., Inc.	400, 600, 800mg
B.V. Pharbita/Medicopharma	400mg
Danbury Pharmacal, Inc.	200, 400, 600, 800mg
Geneva Pharm.	200, 400, 600, 800mg
Halsey Drug Co.	200, 400, 600, 800mg
Lederle Labs.	600mg
Mutual Pharm.	200, 300, 400, 600, 800mg
Mylan Pharm., Inc.	400, 600, 800mg
HN Norton & Co.	400, 600, 800mg
Par Pharm.	300, 400, 600, 800mg
Private Formulations	200, 300, 400, 600, 800mg
Sidmak Labs.	400, 600, 800mg
Superpharm	600mg
Upjohn Co.	300, 400, 600, 800mg Motrin
Upjohn Co./Bristol Myers	200mg Nuprin
Whitehall Labs.	200mg Advil

Distributors: Aligen, Bioline, Boots, Geneva, Goldline, Lederle, Major, Martec, Medicopharma, H.L. Moore, PRL, Parmed, Purepac, Qualitest, Rugby, Schein, United Research.

IDOXURIDINE Ophthalmic Solution

Allergan Pharm., Inc.	0.1%
Smith Kline & French Labs.	0.1% Stoxil

IMIPRAMINE HYDROCHLORIDE Tablets

Final Regulations

Abbott Labs.	10, 25, 50mg
Biocraft Labs., Inc.	10, 25, 50mg
Eon Labs Mfg., Inc.	10, 25, 50mg
Geigy Pharm.	10, 25, 50mg Tofranil
Geneva Pharm.	10, 25, 50mg
Mutual Pharm.	10, 25, 50mg
Par Pharm.	10, 25, 50mg
Roxane Labs., Inc.	10, 25, 50mg
Smith Kline & French Labs	10, 25, 50mg

Distributors: Best Generics, Bioline, Columbia Medical, Geneva, Goldline, Lederle, Major, Martec, McKesson, H.L. Moore, Mutual, PRL, Parmed, Professional Svs, Purepac, Qualitest, Regal, A.H. Robins, Rugby Labs, Henry Schein, Spencer Mead, Three P, Thrift, Towne Paulsen, USV, Unit Dose, United Research, Vanguard.

INDAPAMIDE Tablets

Arcola Labs/Rhone Poulenc Rorer	2.5mg
Rhone Poulenc Rorer	2.5mg Lozol

INDOMETHACIN Capsules

Barr Labs., Inc.	25mg 50mg
Chelsea Labs., Inc.	25mg 50mg
Duramed Pharm., Inc.	25mg 50mg
Geneva Pharm.	25mg 50mg
Halsey Drug Co.	25mg 50mg
Lederle Labs.	25mg 50mg
Lemmon Co.	25mg 50mg
Merck Sharp & Dohme	25mg 50mg Indocin
Mutual Pharm., Inc.	25mg 50mg
Mylan Pharm., Inc.	25mg 50mg
Novopharm, Ltd.	25mg 50mg
Par Pharmaceuticals	25mg 50mg
Parke-Davis/Warner Chilcott	25mg 50mg
Pioneer Pharm.	25mg 50mg
Sidmak Labs.	25mg 50mg
Watson Labs, Inc.	25mg 50mg
West Point Pharma/Merck & Co.	25mg 50mg
Zenith Labs., Inc.	25mg 50mg

Distributors: Aligen, Bioline, Duramed, Geneva, Goldline, Lemmon, Lyphomed, Major, Martec, H.L. Moore, Mutual, Purepac, PRL, Parmed, Qualitest, Rugby, United Research.

INDOMETHACIN Controlled Release Capsules

Inwood Labs.	75mg
Merck, Sharp & Dohme	75mg Indocin SR
West Point Pharma/ Merck & Co.	75mg

Distributors: Goldline.

INDOMETHACIN Suspension

Merck, Sharp & Dohme	25mg/5ml Indocin
Roxane Labs., Inc.	25mg/5ml

IODINATED GLYCEROL Elixir

Barre-National, Inc.	60mg/5ml
Halsey Drug Co.	60mg/5ml
Naska Pharmacal	60mg/5ml
Wallace Labs.	60mg/5ml Organidin

Distributors: Rugby.

IODINATED GLYCEROL With CODEINE

Liquid

Barre-National, Inc.	30mg-10mg/5ml
Halsey Drug Co.	30mg-10mg/5ml
Naska Pharmacal	30mg-10mg/5ml
Wallace Labs.	30mg-10mg/5ml Tussi-Organidin

Distributors: Rugby.

IODINATED GLYCEROL With DEXTROMETHORPHAN HBR Liquid

Barre-National, Inc.	30mg-10mg/5ml
Halsey Drug Co.	30mg-10mg/5ml
Naska Pharmacal	30mg-10mg/5ml
Wallace Labs.	30mg-10mg/5ml Tussi-Organidin DM

Distributors: Rugby.

ISOETHARINE HYDROCHLORIDE Inhalation Solution

Roxane Labs., Inc.	1%
Winthrop Pharm.	1% Bronkosol

ISONIAZID Tablets

Barr Labs., Inc.	100mg 300mg
Danbury Pharmacal, Inc.	100mg 300mg
Duramed Pharm., Inc.	100mg 300mg
Eon Labs Mfg., Inc.	100mg 300mg
Halsey Drug Co. Inc.	100mg 300mg
Parke Davis & Co.	100mg
Richlyn Labs., Inc.	100mg
West-ward Pharm.	100mg 300mg

Distributors: Bioline, Geneva, Goldline, Major, McKesson, H.L. Moore, Parmed, Qualitest, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

ISOSORBIDE DINITRATE Tablets

Barr Labs., Inc.	5, 10, 20, 30mg
Danbury Pharmacal, Inc.	5, 10mg
Geneva Pharm.	5, 10, 20mg
Par Pharm.	5, 10, 20, 30mg
West-ward, Inc.	5, 10, 20mg
Wyeth Labs.	5, 10, 20, 30mg Isordil

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Mutual, PRL, Parmed, Professional Svs, Qualitest, Regal, Rugby, Solvay, Spencer-Mead, Towne Paulsen, United Research, Vanguard.

ISOSORBIDE DINITRATE Sublingual Tablets

Barr Labs., Inc.	2.5, 5mg
Danbury Pharmacal, Inc.	2.5, 5mg
Geneva Pharm.	2.5, 5mg
Stuart Pharm.	2.5, 5mg Sorbitrate
West-ward Pharm.	2.5, 5mg
Wyeth Labs.	2.5, 5mg Isordil

Distributors: Bioline, Geneva, Goldline, Lederle, H.L. Moore, Mutual, Qualitest, Regal, Rugby, Spencer-Mead, United Research, Vanguard.

ISOSORBIDE DINITRATE Chewable Tablets

Stuart Pharm.	10mg Sorbitrate
Wyeth Labs.	10mg Isordil

Final Regulations

KETOPROFEN
Capsules

Biocraft Labs. 25mg 50mg 75mg
Lederle Laboratories 25mg 50mg 75mg
Wyeth Ayerst Labs. 25mg 50mg 75mg Orudis

LABETALOL HYDROCHLORIDE
Tablets

Glaxo Inc. 100mg 200mg 300mg Trandate
Schering Corp. 100mg 200mg 300mg Normodyne

LABETALOL HYDROCHLORIDE WITH HYDROCHLOROTHIAZIDE
Tablets

Glaxo, Inc. 100mg-25mg 200mg-25mg Normozide
300mg-25mg 400mg-25mg
Schering Corp. 100mg-25mg 200mg-25mg Trandate-HCT
300mg-25mg 400mg-25mg

LACTULOSE
Syrup

Alra Labs. 10Gm/15ml
Barre-National, Inc. 10Gm/15ml
Merrell-Dow Pharm. 10Gm/15ml Cephalac/Chronulac
Pharm. Basics 10Gm/15ml
Solvay Pharm. 10Gm/15ml
Technilab, Inc. 10Gm/15ml
UDL Laboratories 10Gm/15ml

Distributors: Bioline, Geneva, Goldline, Qualitest, Schein, United Research.

LEUCOVORIN CALCIUM
Tablets

Barr Labs., Inc. 5mg 25mg
Burroughs Wellcome 5mg 25mg Wellcovorin
Lederle Labs. 5mg
Par Pharm. 5mg 25mg

Distributors: Geneva, Goldline, Lyphomed, H.L. Moore.

LEVOTHYROXINE SODIUM
Tablets

Daniels Pharm. 0.025mg 0.05mg 0.075mg
Daniels Pharm. 0.1mg 0.125mg 0.15mg 0.2mg 0.3mg
Flint Labs. 0.025mg 0.05mg 0.075mg
Flint Labs. 0.1mg 0.125mg 0.15mg 0.2mg 0.3mg Synthroid

LIDOCAINE HYDROCHLORIDE
Oral Solution

Astra Pharm. 2% Xylocaine Viscous
Barre-National, Inc. 2%
Pharm. Basics, Inc. 2%
Roxane Labs., Inc. 2%

Distributor: Barre, Bioline, Geneva, Goldline, Qualitest.

LIDOCAINE HCL
Topical Ointment

Altana, Inc./Fougera 5%
Astra Pharm. Products 5% Xylocaine
Thames Pharmacal Co. 5%

Distributor: Fougera, H.L. Moore.

LIDOCAINE HYDROCHLORIDE
Topical Solution

Astra Pharm. 4% Xylocaine

Pharm. Basics, Inc. 4%
Roxane Labs., Inc. 4%

Distributors: Geneva, H.L. Moore, Qualitest.

LINDANE
Topical Lotion

Barre-National, Inc. 1%
Pharm. Basics, Inc. 1%
Reed & Carnrick 1% Kwell

Distributors: Barre, Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Rugby, United Research.

LINDANE
Shampoo

Barre-National, Inc. 1%
Pharm. Basics, Inc. 1%
Reed & Carnrick 1% Kwell

Distributors: Barre, Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Rugby, United Research.

LITHIUM CARBONATE
Capsules

Roxane Labs., Inc. 300mg
Smith Kline & French 300mg Eskalith
Solvay Pharm. 300mg Lithonate
Solvay Pharm. 300mg

Distributors: Bioline, Geneva, Goldline, International, Major, H.L. Moore, Qualitest, Roxane, H. Schein, United Research.

LITHIUM CARBONATE
Tablets

Miles Pharm. 300mg Lithane
Roxane Labs. 300mg
Smith Kline & French Labs 300mg Eskalith
Solvay Pharm. 300mg Lithotab
Solvay Pharm. 300mg

Distributor: Roxane.

LITHIUM CITRATE
Syrup Equivalent to 300mg Lithium Carbonate/5ml

Ciba Pharm. Cibalith-S
Pharm. Basics, Inc.
Roxane Labs.

Distributor: Geneva, H.L. Moore, Qualitest.

LOPERAMIDE HYDROCHLORIDE
Capsules

Geneva Pharm. 2mg
Janssen Pharm. 2mg Imodium
Lemmon Co. 2mg
Mylan Pharm. 2mg
Novopharm, Ltd. 2mg

Distributors: Goldline.

LOPERAMIDE HYDROCHLORIDE
Liquid

Barre-National, Inc. 1mg/5ml
McNeil Pharm. 1mg/5ml Imodium A-D

LORAZEPAM
Tablets

Final Regulations

Barr Labs, Inc.	0.5mg 1mg 2mg
Danbury Pharmacal, Inc.	0.5mg 1mg 2mg
Geneva Pharm.	0.5mg 1mg 2mg
Halsey Drug Co.	0.5mg 1mg 2mg
Mutual Pharm.	0.5mg 1mg 2mg
Mylan Pharm., Inc.	0.5mg 1mg 2mg
Par Pharm.	0.5mg 1mg 2mg
Purepac Pharm. Co.	0.5mg 1mg 2mg
Royce Labs.	0.5mg 1mg 2mg
Superpharm, Inc.	0.5mg 1mg 2mg
Warner Chilcott	1mg 2mg
Watson Labs., Inc.	0.5mg 1mg 2mg
Wyeth Labs.	0.5mg 1mg 2mg Ativan

Distributors: Best Generics, Bioline, Duramed, Geneva, Goldline, Lederle, Martec, H.L. Moore, Purepac, Qualitest, Towne Paulsen, United Research.

LOXAPINE SUCCINATE Capsules

Lederle Labs.	5mg 10mg 25mg 50mg Loxitane
Watson Labs.	5mg 10mg 25mg 50mg

Distributors: Bioline, Geneva, Goldline, Qualitest, United Research.

MAPROTILINE HYDROCHLORIDE Tablets

Ciba Pharm. Co.	25mg 50mg 75mg Ludiomil
Mylan Pharm.	25mg 50mg 75mg
Watson Labs.	25mg 50mg 75mg

Distributors: Bioline, Duramed, Geneva, Goldline, Martec, H.L. Moore, Qualitest, United Research.

MECLIZINE HYDROCHLORIDE Tablets

Camall Co.	12.5mg 25mg
Chelsea Labs., Inc.	12.5mg
Danbury Pharmacal, Inc.	12.5mg
Geneva Pharm.	12.5mg 25mg
KV Pharm. Co.	12.5mg 25mg
Par Pharm.	12.5mg 25mg 50mg
Richlyn Labs., Inc.	12.5mg
Roerig Pharm.	12.5mg 25mg 50mg Antivert
Sidmak Labs, Inc.	12.5mg 25mg
West-ward Pharm.	12.5mg
Zenith Labs., Inc.	12.5mg 25mg

Distributors: Aligen, Bioline, Geneva, Goldline, Lederle, Major, McKesson, Martec, H.L. Moore, Mutual, Parmed, PRL, Professional Svs, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

MECLIZINE HYDROCHLORIDE Chewable Tablets

Boots Labs., Inc.	25mg
Camall Co.	25mg
Chelsea Labs., Inc.	25mg
Danbury Pharmacal, Inc.	25mg
Geneva Pharm.	25mg
Pfizer Labs.	25mg Bonine
Richlyn Labs.	25mg
Sidmak Labs, Inc.	25mg
West-ward Pharm.	25mg
Zenith Labs., Inc.	25mg

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Parmed, Qualitest, Rugby, Henry Schein, Spencer-Mead, United Research, Vanguard.

MECLOFENAMATE SODIUM

Capsules

Barr Labs.	50mg 100mg
Danbury Pharmacal, Inc.	50mg 100mg
Geneva Pharm.	50mg 100mg
Mylan Pharm.	50mg 100mg
Parke Davis	50mg 100mg Meclomen

Distributors: Bioline, Geneva, Goldline, Lederle, Martec, H.L. Moore, Purepac, Qualitest, Rugby, United Research.

MEDROXYPROGESTERONE ACETATE Tablets

Ayerst Labs.	2.5mg 5mg 10mg
Graham Chemical/Carnrick	10mg
Greenstone, Ltd.	2.5mg 5mg 10mg
Solvay Pharm.	10mg
Upjohn Co.	2.5mg 5mg 10mg Provera

Distributor: Bioline, Carnrick, *ESI Pharma*, Geneva, Goldline, H.L. Moore, Qualitest, United Research.

MEGESTROL ACETATE Tablets

Mead Johnson & Co.	20mg 40mg Megace
Par Pharm.	20mg 40mg

Distributors: Bioline, Geneva, Goldline, Lyphomed, Martec, Qualitest, United Research.

MEPERIDINE HYDROCHLORIDE Tablets

Barr Labs., Inc.	50mg 100mg
Halsey Drug Co. Inc.	50mg 100mg
Winthrop Labs.	50mg 100mg Demerol

Distributor: Bioline, Goldline, Qualitest.

MEPERIDINE HYDROCHLORIDE Syrup

Roxane Labs, Inc.	50mg/5ml
Winthrop Labs.	50mg/5ml Demerol

MEPROBAMATE Tablets

Barr Labs., Inc.	200mg 400mg
Boots Labs., Inc.	400mg
Chelsea Labs., Inc.	200mg 400mg
Danbury Pharmacal, Inc.	200mg 400mg
Eon Labs	200mg 400mg
Geneva Pharm.	400mg
Halsey Drug Co., Inc.	400mg
ICN Pharm., Inc.	200mg 400mg
MK Labs., Inc.	200mg 400mg
Parke Davis & Co.	200mg 400mg
Purepac Pharm. Co.	200mg 400mg
Richlyn Labs., Inc.	200mg 400mg
Roxane Labs., Inc.	200mg 400mg
Smith Kline & French Labs	200mg 400mg
Wallace Labs.	200mg 400mg Miltown
West-ward Pharm.	200mg 400mg
Wyeth Labs.	200mg 400mg Equanil
Zenith Labs., Inc.	200mg 400mg

Distributors: Best Generics, Bioline, Columbia Medical, Geneva, Goldline, Major, McKesson, H.L. Moore, Parmed, Professional Svs, Qualitest, Regal, Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

MEPROBAMATE with TRIDIHETHYL CHLORIDE Tablets

Lederle Labs. 200mg-25mg Pathibamate-200
 Lederle Labs. 400-25mg Pathibamate-400
 Zenith Labs 200mg-25mg 400-25mg

Distributors: Bioline, Goldline, Major, United Research, Vanguard.

METAPROTERENOL SULFATE Tablets

Biocraft Labs. 10mg 20mg
 Boehringer Ingelheim, Ltd. 10mg 20mg Alupent
 Danbury Pharmacal, Inc. 10mg 20mg
 Par Pharm. 10mg 20mg
 Sandoz Pharm. 10mg 20mg Metaprel

Distributors: Bioline, Geneva, Goldline, Martec, Qualitest, Schein.

METAPROTERENOL SULFATE Inhalation Solution

Boehringer-Ingelheim, Ltd. 0.4% 0.6% Alupent
 Boehringer-Ingelheim, Ltd. 5% Alupent
 Paco Pharm. 0.4% 0.6%
 Pharm. Basics 5%
 Sandoz Pharm. 5% Metaprel

Distributors: Bioline, Goldline, Qualitest.

METAPROTERENOL SULFATE Inhaler

Boehringer Ingelheim, Ltd. 0.65mg/Inhalation Alupent
 Sandoz Pharm. 0.65mg/Inhalation Metaprel

METAPROTERENOL SULFATE Syrup

Biocraft Labs., Inc. 10mg/5ml
 Boehringer Ingelheim, Ltd. 10mg/5ml Alupent
 Copley Pharm. 10mg/5ml
 Pharm. Basics Inc. 10mg/5ml
 Sandoz Pharm. 10mg/5ml Metaprel

Distributors: Bioline, Geneva, Goldline, H.L. Moore, Qualitest.

METHADONE HYDROCHLORIDE Tablets

Eli Lilly & Co. 5mg 10mg Dolophine
 Roxane Labs., Inc. 5mg 10mg

METHAZOLAMIDE Tablets

Geneva Pharmaceuticals 25mg 50mg
 Lederle Labs 25mg 50mg Neptazane

METHENAMINE HIPPURATE Tablets

Merrell-Dow Pharm. 1 Gm Hiprex
 Riker Labs 1 Gm Urex

METHENAMINE MANDELATE Tablets

Able Labs. 500mg 1Gm
 Geneva Pharm. 500mg 1Gm
 Heather Drug Co. Inc. 500mg 1Gm
 Parke-Davis 500mg 1Gm Mandelamine

Distributors: Bioline, Geneva, Goldline, Major, McKesson, H.L. Moore, Professional Svs, Rugby, Schein, United Research,

Vanguard.

METHENAMINE MANDELATE Suspension

Barre-National, Inc. 500mg/5ml
 Parke-Davis 500mg/5ml Mandelamine

Distributors: Barre, Bioline, Goldline, Lederle, Major, Rugby.

METHOCARBAMOL Tablets

Boots Labs 500mg 750mg
 Chelsea Labs., Inc. 500mg 750mg
 Danbury Pharmacal, Inc. 500mg 750mg
 Geneva Pharm. 500mg 750mg
 Heather Drug Co. Inc. 500mg 750mg
 Lederle Labs 500mg 750mg
 Mylan Pharm., Inc. 750mg
 Par Pharm. 500mg 750mg
 Pioneer Pharm. 500mg 750mg
 Richlyn Labs 500mg 750mg
 A.H. Robins Co. 500mg 750mg Robaxin
 West-ward Pharm. 500mg 750mg
 Zenith Labs 500mg 750mg

Distributors: J.J. Balan, Best Generics, Bioline, Columbia Medical, Geneva, Goldline, Lederle, Major, H.L. Moore, Mutual, Parmed, Professional Svs, Qualitest, Regal, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, SquibbMark, Thrift, Towne Paulsen, United Research, Vanguard.

METHOCARBAMOL with ASPIRIN Tablets

A.H. Robins Co. 400mg-325mg Robaxisal
 Par Pharm. 400mg-325mg
 Zenith Labs., Inc. 400mg-325mg

Distributors: Bioline, Geneva, Goldline, Major, Qualitest, Rugby, United Research.

METHOTREXATE SODIUM Tablets

Barr Labs., Inc. EQ 2.5mg Base
 Lederle Labs. EQ 2.5mg Base
 Mylan Pharm. EQ 2.5mg Base

Distributors: Goldline.

METHYLCLOTHIAZIDE Tablets

Abbott Labs. 2.5mg 5mg Enduron
 Chelsea Labs, Inc. 5mg
 Geneva Pharm. 2.5mg 5mg
 Mylan Pharm. 2.5mg 5mg
 Par Pharm., Inc. 2.5mg 5mg
 Zenith Labs., Inc. 2.5mg 5mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Mutual, Qualitest, Rugby, United Research, Unit Dose.

METHYLDOPA Tablets

Barr Labs., Inc. 125, 250, 500mg
 Danbury Pharmacal, Inc. 250, 500mg
 Duramed Pharm., Inc. 250, 500mg
 Geneva Pharm. 125, 250, 500mg
 Lederle Labs 250, 500mg
 Merck Sharp & Dohme 125, 250, 500mg Aldomet

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Mylan Pharm., Inc. 250, 500mg
 Novopharm, Ltd. 125, 250, 500mg
 Par Pharm. 125, 250, 500mg
 Parke-Davis/Warner Chilcott 250, 500mg
 Purepac Pharm. Co. 250, 500mg
 Sidmak Labs., Inc. 125, 250, 500mg
 West Point Pharma/
 Merck & Co. 125, 250, 500mg
 Zenith Labs. 250, 500mg

Distributors: Aligen, Bioline, Geneva, Goldline, Lederle, Lyphomed, Major, Martec, H.L. Moore, Mutual, Professional Svs, Qualitest, Rugby, United Research.

METHYLDOPA with CHLOROTHIAZIDE Tablets

Merck, Sharp & Dohme 250mg-150mg Aldoclor-150
 250mg-250mg Aldoclor-250
 Par Pharm. 250mg-150mg
 250mg-250mg

Distributors: Bioline, Goldline, H.L. Moore, Qualitest, United Research.

METHYLDOPA with HYDROCHLOROTHIAZIDE Tablets

Danbury Pharmacal 250mg-15mg 250mg-25mg
 500mg-30mg 500mg-50mg
 Geneva Pharm. 250mg-15mg 250mg-25mg
 500mg-30mg 500mg-50mg
 Lederle Labs 250mg-15mg 250mg-25mg
 Merck, Sharp & Dohme 250mg-15mg Aldoril-15
 250mg-25mg Aldoril-25
 500mg-30mg Aldoril D 30
 500-50mg Aldoril D 50
 Mylan Pharm. 250mg-15mg 250mg-25mg
 Novopharm, Ltd. 250mg-15mg 250mg-25mg
 500mg-30mg 500mg-50mg
 Par Pharm. 250mg-15mg 250mg-25mg
 500mg-30mg 500mg-50mg
 Purepac Pharm. Co. 250mg-15mg 250mg-25mg
 Warner Chilcott 250mg-15mg 250mg-25mg
 500mg-30mg 500mg-50mg
 Watson Labs. 250mg-15mg 250mg-25mg
 West Point Pharma/
 Merck & Co. 250mg-15mg 250mg-25mg

Distributor: Bioline, Geneva, Goldline, Lyphomed, Martec, H.L. Moore, Mutual, Qualitest, United Research, Warner Chilcott.

METHYLPHENIDATE Controlled Release Tablets

MD Pharm., Inc. 20mg
 Ciba Pharm. Co. 20mg Ritalin SR

Distributors: Bioline, Goldline, Purepac, Qualitest.

METHYLPHENIDATE HYDROCHLORIDE Tablets

Ciba Pharm. Co. 5mg 10mg 20mg Ritalin
 MD Pharm., Inc. 5mg 10mg 20mg

Distributors: Goldline, Purepac, Qualitest, Rugby, Towne Paulsen.

METHYLPREDNISOLONE Tablets

Chelsea Labs. 4mg
 Duramed Pharm. 4mg
 Par Pharm. 16mg 24mg 32mg

Upjohn Co. 4mg 16mg 24mg 32mg Medrol

Distributors: Bioline, Geneva, Goldline, H.L. Moore, PRL, Qualitest, Rugby, United Research.

METOCLOPRAMIDE HYDROCHLORIDE Tablets

Beecham Labs. 10mg
 Biocraft Labs 5mg 10mg
 Danbury Pharmacal, Inc. 10mg
 Geneva Pharm. 10mg
 Halsey Drug Co. 10mg
 Martec/Schering 10mg
 Par Pharm., Inc. 10mg
 Purepac Pharm. Co. 10mg
 A.H. Robins Co. 5mg 10mg Reglan
 Sidmak Labs. 10mg
 Watson Labs. 10mg

Distributors: Adria, Aligen, Best Generics, Bioline, Geneva, Goldline, Lederle, H.L. Moore, Mutual, Parmed, PRL, Qualitest, Rockhill, Rugby, Squibbmark, Towne Paulsen, United Research.

METOCLOPRAMIDE HYDROCHLORIDE Syrup

Barre-National, Inc. 5mg/5ml
 Biocraft Labs. 5mg/5ml
 Pharm. Basics, Inc. 5mg/5ml
 A.H. Robins Co. 5mg/5ml Reglan
 Roxane Labs. 5mg/5ml

Distributor: Bioline, Geneva, Goldline, H.L. Moore, Qualitest, United Research.

METOLAZONE Tablets

Fisons Corp. 2.5mg 5mg 10mg Zaroxolyn
 Searle Pharm. 2.5mg 5mg 10mg Diulo

METRONIDAZOLE Tablets

Barr Labs. 250mg 500mg
 Danbury Pharmacal, Inc. 250mg 500mg
 Eon Labs 250mg 500mg
 Geneva Pharm. 250mg 500mg
 Halsey Drug Co., Inc. 250mg 500mg
 Lemmon Co. 250mg 500mg
 Mutual Pharm. 250mg 500mg
 Par Pharm. 250mg 500mg
 Searle Labs. 250mg 500mg Flagyl
 Sidmak Labs. 250mg 500mg
 Zenith Labs., Inc. 250mg 500mg

Distributors: Bioline, D.M., Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, Parmed, PRL, Professional Svs, Purepac, Qualitest, Regal, Rugby, Savage, Towne Paulsen, Unit Dose, United Research.

MICONAZOLE NITRATE Vaginal Cream

Copley Pharmaceutical 2%
 Ortho Pharmaceutical 2% Monistat-7

MINOCYCLINE HYDROCHLORIDE Capsules

Biocraft Labs. 50mg 100mg
 Danbury Pharmacal 50mg 100mg
 Lederle Labs. 50mg 100mg Minocin
 Warner Chilcott 50mg 100mg

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Distributors: Bioline, Goldline.

	MINOXIDIL	
	Tablets	
Danbury Pharmacal, Inc.	2.5mg	10mg
Par Pharm.	2.5mg	10mg
Royce Labs.	2.5mg	10mg
Upjohn Co.	2.5mg	10mg Loniten

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Purepac, Qualitest, United Research.

	NADOLOL				
	Tablets				
Apothecon	20mg	40mg	80mg	120mg	160mg
ER Squibb	20mg	40mg	80mg	120mg	160mg Corgard

	NALIDIXIC ACID		
	Tablets		
Danbury Pharmacal, Inc.	250mg	500mg	1 Gm
Winthrop Pharm.	250mg	500mg	1 Gm NegGram

Distributors: Geneva

	NAPHAZOLINE HYDROCHLORIDE	
	Ophthalmic Solution	
Alcon Labs, Inc.	0.1%	Naphcon Forte
Allergan Pharm.	0.1%	Albalon
Bausch & Lomb/Pharmafair	0.1%	
Coopervision Pharm.	0.1%	Vasocon
Iolab	0.1%	

Distributor: H.L. Moore, Qualitest, United Research.

	NAPROXEN			
	Tablets			
Geneva Pharmaceuticals	250mg	375mg	500mg	
Syntex, Inc.	250mg	375mg	500mg	Naprosyn

	NAPROXEN SODIUM		
	Tablets		
Geneva Pharmaceuticals	275mg	550mg	
Syntex, Inc.	275mg		Anaprox
		550mg	Anaprox DS

	NEOMYCIN SULFATE	
	Tablets	
Biocraft Labs.	500mg	
Eon Labs	500mg	
Lannett Co.	500mg	
E.R. Squibb & Sons, Inc.	500mg	
Upjohn Co.	500mg	Mycifradin

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Roxane, Rugby, Towne Paulsen, United Research, Vanguard.

	NEOMYCIN SULFATE with HYDROCORTISONE and POLYMYXIN B	
	Sulfate	
	Ophthalmic Suspension	
Bausch & Lomb/Pharmafair	3.5mg(base)-1%	10,000u/ml
Burroughs Wellcome, Co.	3.5mg(base)-1%	10,000u/ml
		Cortisporin
Steris Labs	3.5mg(base)-1%	10,000u/ml

Distributors: Goldline, Qualitest.

NEOMYCIN SULFATE with HYDROCORTISONE and POLYMYXIN B

SULFATE
Otic Solution

Bausch & Lomb/Pharmafair	3.5mg(base)-1%	10,000u/ml
Burroughs Wellcome Co.	3.5mg(base)-1%	10,000u/ml
		Cortisporin
Steris Labs	3.5mg(base)-1%	10,000u/ml

Distributors: Bioline, Danbury, Geneva, Goldline, Hygeia, Major, H.L. Moore, Orbis, Qualitest, Rugby, United Research.

NEOMYCIN SULFATE with HYDROCORTISONE and POLYMYXIN B
Sulfate
Otic Suspension

Bausch & Lomb/Pharmafair	3.5mg(base)-1%	10,000u/ml
Burroughs Wellcome Co.	3.5mg(base)-1%	10,000u/ml
		Cortisporin
Steris Labs.	3.5mg(base)-1%	10,000u/ml

Distributors: Bioline, Danbury, Geneva, Goldline, Hygeia, Major, H.L. Moore, Orbis, Qualitest, Rugby, United Research.

NICOTINIC ACID (NIACIN)
Controlled Release Capsules

Chelsea Labs., Inc.	125, 250, 400mg
Geneva Pharm.	125, 250, 400mg
Marion Labs., Inc.	400mg
Sidmak Labs., Inc.	125, 250, 400mg

Distributors: J.J. Balan, Geneva, Goldline, Major, H.L. Moore, Professional Svs, Rugby.

NICOTINIC ACID (NIACIN)
Tablets

JMI Canton Pharm.	50, 100mg
Chelsea Labs., Inc.	50, 100mg
Geneva Pharm.	50, 100mg
MK Labs., Inc.	50, 100mg
Parke-Davis & Co.	50, 100mg
PMI Labs.	50, 100mg
Roxane Labs., Inc.	50, 100mg
E.R. Squibb & Sons, Inc.	25, 50, 100mg
West-ward Pharm.	25, 50, 100mg

Distributors: Geneva, Major, McKesson, Professional Svs, Rugby, Smith Kline & French, United Research, Vanguard.

NIFEDIPINE
Capsules

Chase Labs.	10mg	20mg
Miles Pharm.	10mg	20mg Adalat
Novopharm, Ltd.	10mg	
Pfizer Labs.	10mg	20mg Procardia
Purepac Pharm. Co.	10mg	20mg
R.P. Scherer	10mg	20mg

Distributors: Bioline, Geneva, Goldline, Martec, Qualitest, Schein.

NITROFURANTOIN MACROCRYSTALLINE
Capsules

Danbury Pharmacal, Inc.	25mg	50mg	100mg
Norwich Eaton Pharm. Inc.	25mg	50mg	100mg Macrochantin
Zenith Laboratories		50mg	100mg

NITROGLYCERIN
Ointment

Adria Labs.	2%	Nitrol
Altana, Inc.	2%	
Bausch & Lomb/Pharmafair	2%	

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Marion Labs., Inc. 2% Nitro-Bid

Distributors: Bioline, Fougera, Goldline, H.L. Moore, Rugby, Wharton.

NORETHINDRONE Tablets

Ortho Pharm. Corp. 0.35mg Micronor
Syntex Labs., Inc. 0.35mg Nor-Q D

NORETHINDRONE ACETATE with ETHINYL ESTRADIOL Tablets

Ortho Pharm. Co. 0.5mg/0.035mg Modicon
Ortho Pharm. Co. 1mg-0.035mg Ortho Novum 1/35
0.5mg-0.035mg/1mg-0.035mg Ortho Novum 10/11
Gedon Richter/Gynopharma 1mg-0.035mg
Schering Canada/MetroMed 1mg-0.035mg
Searle Pharm. 1mg-0.035mg
Syntex Labs., Inc. 0.5mg/0.035mg Brevicon
Syntex Labs., Inc. 1mg-0.035mg Norinyl 1+35
Watson Labs. 0.5mg-0.035mg 1mg-0.035mg

Distributors: Gynopharma, H.L. Moore, Rugby, Warner Chilcott.

NORETHINDRONE ACETATE with MESTRANOL Tablets

Ortho Pharm. Co. 1mg/0.05mg Ortho Novum 1/50
Searle Pharm., Inc. 1mg/0.05mg
Syntex Labs., Inc. 1mg/0.05mg Norinyl 1+50
Watson Labs., Inc. 1mg/0.05mg

Distributors: Warner Chilcott.

NORTRIPTYLINE HYDROCHLORIDE Capsules

**Danbury Pharmacal EQ 10mg(Base) EQ 25mg(Base)
EQ 50mg(Base) EQ 75mg(Base)
**Geneva Pharm. EQ 10mg(Base) EQ 25mg(Base)
EQ 50mg(Base) EQ 75mg(Base)
**Mylan Pharmaceuticals EQ 10mg(Base) EQ 25mg(Base)
EQ 10mg(Base) EQ 75mg(Base)
Sandoz Pharm. EQ 10mg(Base) EQ 25mg(Base)
Pamelor EQ 50mg(Base) EQ 75mg(Base)
**Note - Product not substitutable for Aventyl

Distributors: Schein.

NYSTATIN Oral Tablets

Chelsea Labs., Inc. 500,000 u
Eon Labs 500,000 u
Lederle Labs. 500,000 u Nilstat
Lemmon Co. 500,000 u
Mutual Pharm. 500,000 u
Par Pharm. 500,000 u
Pharmaceutical Basics 500,000 u
E.R. Squibb & Sons, Inc. 500,000 u Mycostatin

Distributors: Aligen, Best Generics, Bioline, Geneva, Goldline, Major, Martec, H.L. Moore,

NYSTATIN Vaginal Tablets

Altana Inc./Fougea 100,000 units
American Cyanamid 100,000 units
Lederle Labs. 100,000 units Nilstat
Lemmon Co. 100,000 units
Sidmak Labs. 100,000 units
E.R. Squibb & Sons 100,000 units Mycostatin

Thames Pharmacal 100,000 units/ml

Distributors: Aligen, Bioline, Fougera, Geneva, Goldline, Major, H.L. Moore, Parmed, Pharmaderm, Qualitest, Rugby, Youngs Drug Products, United Research.

NYSTATIN Suspension

Altana, Inc. 100,000 u/ml
Barre-National, Inc. 100,000 u/ml
Bausch & Lomb/Pharmafair 100,000 u/ml
Biocraft Labs., Inc. 100,000 u/ml
Lederle Labs. 100,000 u/ml Nilstat
Lemmon Co. 100,000 u/ml
Naska Pharmacal Co. 100,000 u/ml
Pharm. Basics, Inc. 100,000 u/ml
E.R. Squibb & Sons, Inc. 100,000 u/ml Mycostatin

Distributors: Barre, Bioline, Fougera, Geneva, Goldline, Major, H.L. Moore, Parmed, Pharmaderm, Qualitest, Rugby, Savage, United Research.

NYSTATIN Topical Cream

Altana, Inc. 100,000 u/Gm
Clay-Park Labs., Inc. 100,000 u/Gm
Lemmon Co. 100,000 u/Gm
Naska Pharmacal Co. 100,000 u/Gm
NMC Labs., Inc. 100,000 u/Gm
E.R. Squibb & Sons, Inc. 100,000 u/Gm Mycostatin
Thames Pharmacal Co. 100,000 u/Gm

Distributors: Bioline, Fougera, Geneva, Goldline, Interstate, Major, H.L. Moore, Parmed, Pharmaderm, Qualitest, Rugby, Towne Paulsen, United Research.

NYSTATIN Topical Ointment

Altana, Inc. 100,000 u/Gm
Clay-Park Labs 100,000 u/Gm
Naska Pharmacal Co. 100,000 u/Gm
NMC Labs. 100,000 u/Gm
E.R. Squibb & Sons, Inc. 100,000 u/Gm Mycostatin

Distributors: Bioline, Fougera, Goldline, H.L. Moore, Pharmaderm, Qualitest, Rugby, Savage, United Research.

NYSTATIN with TRIMCINOLONE ACETONIDE Cream

Altana/Pharmaderm/Savage/Fougera 100,000u-1mg/Gm
Clay-Park Labs. 100,000u-1mg/Gm
Lemmon Co. 100,000u-1mg/Gm
Naska Pharmacal Co. 100,000u-1mg/Gm
NMC Labs., Inc. 100,000u-1mg/Gm
E.R. Squibb & Sons, Inc. 100,000u-1mg/Gm
Mycolog-II
Taro Pharmaceutcial 100,000u-1mg/Gm
Thames Pharmacal Co. 100,000u-1mg/Gm

Distributors: Bioline, Fougera, Geneva, Goldline, H.L. Moore, Pharmaderm, Qualitest, Rugby, Savage, United Research.

NYSTATIN with TRIAMCINOLONE ACETONIDE Ointment

Altana/Pharmaderm/Savage/Fougera 100,000u-1mg/Gm
Clay-Park Labs. 100,000u-1mg/Gm
Lemmon Co. 100,000u-1mg/Gm
NMC Labs. 100,000u-1mg/Gm
E.R. Squibb & Sons, Inc. 100,000u-1mg/Gm
Mycolog II

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Distributors: Bioline, Goldline, H.L. Moore, Pharmaderm, Qualitest, Savage.

ORPHENADRINE CITRATE with ASPIRIN AND CAFFEINE Tablets

Par Pharm. 25mg-385mg-30mg 50mg-770mg-60mg
Riker Labs. 25mg-385mg-30mg Norgesic
Riker Labs. 50mg-770mg-60mg Norgesic Forte

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Qualitest, United Research.

OXACILLIN SODIUM Capsules

Beecham Labs. 250mg 500mg Bactocill
Biocraft Labs., Inc. 250mg 500mg
Bristol Labs. 250mg 500mg Prostaphlin

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Rugby.

OXACILLIN SODIUM Solution

Biocraft Labs. 250mg/5ml
Bristol Labs. 250mg/5ml Prostaphlin

Distributors: Bioline, Goldline, H.L. Moore, Qualitest.

OXAZEPAM Capsules

Barr Labs., Inc. 10mg 15mg 30mg
Danbury Pharmacal, Inc. 10mg 15mg 30mg
Geneva Pharm. 10mg 15mg 30mg
Purepac Pharm. Co. 10mg 15mg 30mg
Wyeth Labs. 10mg 15mg 30mg Serax
Zenith Labs., Inc. 10mg 15mg 30mg

Distributors: Bioline, Geneva, Goldline, Martec, Qualitest, Rugby, Schein, United Research.

OXAZEPAM Tablets

Barr Labs. 15mg
Danbury Pharmacal, Inc. 15mg
Parke Davis/Warner Chilcott 15mg
Wyeth Labs. 15mg Serax

Distributors: Bioline, Goldline, United Research.

OXTRIPHYLLINE Elixir

Parke Davis 100mg/5ml Cholelyl
Pharm. Basics, Inc. 100mg/5ml

Distributors: H.L. Moore.

OXTRIPHYLLINE Syrup

Parke Davis 50mg/5ml Cholelyl
Pharm. Basics, Inc. 50mg/5ml

Distributors: H.L. Moore.

OXYBUTYNIN CHLORIDE Tablets

Marion Labs. 5mg Ditropan
Sidmak Labs. 5mg

Distributors: Aligen, Bioline, Geneva, Goldline, Martec,

Qualitest, United Research.

OXYTETRACYCLINE HYDROCHLORIDE Capsules

MK Labs., Inc. 250mg
Parke-Davis & Co. 250mg
Pfizer Labs., Inc. 250mg Terramycin
Richlyn Labs. 250mg
West-ward Pharm. 250mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Qualitest, Rugby, Spencer-Mead, Three P, United Research, Vanguard.

PAPAVERINE HYDROCHLORIDE Controlled Release Capsules

Chelsea Labs., Inc. 150mg
Danbury Pharmacal, Inc. 150mg
Duramed Pharmacal, Inc. 150mg
Eon Labs 150mg
Geneva Pharm. 150mg
Graham Chemical Co. 150mg
Heather Drug Co. 150mg
ICN Pharm., Inc. 150mg
KV Pharm. Co. 150mg
Marion Labs. 150mg Pavabid
Mylan Pharm., Inc. 150mg
Pioneer Pharm., Inc. 150mg
Sidmak Labs., Inc. 150mg
Zenith Labs., Inc. 150mg

Distributors: Aligen, Best Generics, Bioline, Columbia Medical, Geneva, Goldline, Interstate, Lederle, Major, Mayrand, McKesson, H.L. Moore, Mutual, Parmed, PRL, Professional Svs, Qualitest, Regal, Rexall, Roxane, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard

PAPAVERINE HYDROCHLORIDE Tablets

Danbury Pharmacal, Inc. 100mg
West-ward Pharm. 100mg

Distributors: Bioline, Lederle, H.L. Moore, Mutual, Qualitest, Henry Schein, United Research.

PENICILLIN G POTASSIUM Tablets

Biocraft Labs., Inc. 200, 250, 400MU
Mylan Pharm., Inc. 200, 250, 400, 500, 800MU
Pfizer Pharm., Inc. 200, 250, 400, 800MU
E.R. Squibb & Sons, Inc. 200, 250, 400, 500, 800MU Pentids
Wyeth Labs. 200, 400MU
Zenith Labs., Inc. 200, 250, 400MU

Distributors: Bioline, Geneva, Goldline, Interstate, Lederle, Major, McKesson, H.L. Moore, Parmed, Purepac, Qualitest, Rexall, Rugby, Henry Schein, Smith Kline & French, Solvay, Spencer-Mead, Steri-Med, United Research, Vanguard.

PENICILLIN G POTASSIUM Solution

Biocraft Labs., Inc. 400MU/5ml
Pfizer Pharm. 400MU/5ml
E.R. Squibb & Sons 400MU/5ml Pentids

Distributor: Lederle.

PENICILLIN V POTASSIUM Tablets

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Beecham Labs.	250mg	500mg
Biocraft Labs.	250mg	500mg
Bristol Labs.	250mg	500mg
Clonmel Chemical Co.	250mg	500mg
John D. Copanos, Inc.		500mg
Lederle Labs.	250mg	500mg
Mylan Pharm., Inc.	250mg	500mg
Parke-Davis	250mg	500mg
Pfizer Pharm., Inc.	250mg	500mg
E.R. Squibb & Sons, Inc.	250mg	500mg Veetids
Wyeth Labs.	250mg	500mg Pen Vee K
Zenith Labs., Inc.	250mg	

Distributors: Apothecan, Bioline, Bocan, Geneva, Goldline, Interstate, Major, McKesson, H.L. Moore, Parmed, Purepac, Qualitest, Regal, Rexall, A.H. Robins, Rugby, Smith Kline & French, Spencer-Mead, Steri-Med, Three P, Towne Paulsen, United Research, Vanguard, Warner Chilcott.

PENICILLIN V POTASSIUM Solution

Beecham Labs.	125mg/5ml	250mg/5ml
Biocraft Labs., Inc.	125mg/5ml	250mg/5ml
Bristol Labs.	125mg/5ml	250mg/5ml
Lederle Labs.	125mg/5ml	250mg/5ml
Mylan Pharm., Inc.	125mg/5ml	250mg/5ml
Parke-Davis	125mg/5ml	250mg/5ml
Pfizer Pharm., Inc.	125mg/5ml	250mg/5ml
E.R. Squibb & Sons, Inc.	125mg/5ml	250mg/5ml Veetids
Wyeth Labs.	125mg/5ml	250mg/5ml Pen Vee K

Distributors: Apothecan, Bioline, Goldline, Interstate, Lederle, Major, McKesson, H.L. Moore, Purepac, Qualitest, Regal, Rexall, A.H. Robins, Rugby, Smith Kline & French, Spencer-Mead, Three P, United Research, Vanguard.

PENTOBARBITAL SODIUM Capsules

Abbott Labs.	100mg	Nembutal
Halsey Drug Co., Inc.	100mg	
Zenith Labs., Inc.	100mg	

Distributors: Goldline, Rugby, Henry Schein.

PERPHENAZINE Tablets

Geneva Pharm.	2mg	4mg	8mg	16mg
Schering Corporation	2mg	4mg	8mg	16mg Trilafon
Zenith Labs., Inc.	2mg	4mg	8mg	16mg

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Qualitest, Rugby, United Research.

PHENAZOPYRIDINE HYDROCHLORIDE Tablets

Able Labs.	100mg	200mg
Amide Pharm., Inc.	100mg	200mg
Parke-Davis	100mg	200mg Pyridium

Distributors: Best Generics, Bioline, Columbia Medical, Geneva, Goldline, Major, H.L. Moore, Mutual, Parmed, Qualitest, Rugby, Spencer-Mead, Unit Dose, United Research, VHA Plus, Vanguard.

PHENDIMETRAZINE Tablets

Camall Co.	35mg
Eon Labs	35mg
Geneva Pharm.	35mg
Graham Chemical/Carnrick Pharm. Basics	35mg
	35mg

Zenith Labs., Inc. 35mg

Distributors: Major, H.L. Moore, Professional Svs, Qualitest, Rugby, United Research.

PHENOBARBITAL Tablets

JMI Canton Pharm.	15,	30,	60mg	
Danbury Pharmacal, Inc.	15,	30,	60,	100mg
Eon Labs	15,	30mg		
Geneva Pharm.	15,	30mg		
Marshall Pharm Corp.	15,	30mg		
MK Labs., Inc.	15,	30,	60mg	
Parke-Davis/Warner Chilcott	15,	30,	60,	100mg
Pharm. Basics	30,	60mg		
Purepac Pharm. Co.	15,	30mg		
Rexall Drug Co.	15,	30,	60,	100mg
Richlyn Labs.	15,	30mg		
Roxane Labs., Inc.	15,	30,	60,	100mg
West-ward Pharm.	15,	30,	100mg	

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Parmed, Professional Svs, Qualitest, Regal, Rugby, Smith Kline & French, Spencer-Mead, Three P, United Research, Vanguard Labs.

PHENOBARBITAL Elixir

Barre-National, Inc.	20mg/5ml
Cenci Labs.	20mg/5ml
Halsey Drug Co. Inc.	20mg/5ml
MK Labs., Inc.	20mg/5ml
Naska Pharmacal Co.	20mg/5ml
Parke-Davis	20mg/5ml
Pharm. Basics, Inc.	20mg/5ml
Purepac Pharm. Co.	20mg/5ml
Roxane Labs., Inc.	20mg/5ml

Distributors: Barre, Bioline, Goldline, Lederle, Major, McKesson, H.L. Moore, Parmed, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

PHENTERMINE Capsules

Beecham Labs.	30mg	Fastin
Camall Co.	30mg	
Duramed Pharm., Inc.	30mg	
Eon Labs	30mg	
Pharm. Basics	30mg	
Zenith Labs., Inc.	30mg	

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Rugby, United Research.

PHENYL BUTAZONE Capsules

Chelsea Labs., Inc.	100mg	
Geigy Pharm.	100mg	Butazoludin
Geneva Pharm.	100mg	

Distributors: Geneva, Major, Parmed, Professional Svs, United Research.

PHENYL BUTAZONE Tablets

Barr Labs., Inc.	100mg	
Chelsea Labs., Inc.	100mg	
Danbury Pharmacal, Inc.	100mg	
Geigy Pharm.	100mg	Butazoludin
Geneva Pharm.	100mg	

Final Regulations

Distributors: Geneva, Goldline, Major, H.L. Moore, Parmed, Qualitest, Rugby, USV, Unit Dose, United Research.

PHENYLEPHRINE HYDROCHLORIDE Ophthalmic Solution

Optopics Labs.	2.5%
Paco Research Corp.	2.5%
Steris Labs.	2.5%

Distributors: Hygeia.

PILOCARPINE HYDROCHLORIDE Ophthalmic Solution

Allergan Pharm., Inc.	1, 2, 3, 4, 6%
Bausch & Lomb/Pharmafair	1, 2, 3, 4, 6%
Iolab	1, 2, 3, 4, 6%
Ketchum Labs., Inc.	1, 2, 3, 4, 6%
Optopics Labs., Inc.	0.5, 1, 2, 3, 4, 6%
Paco Research Corp.	1, 2, 4, 6%
Smith Miller & Patch	1, 2, 3, 4, 6%
Steris Labs	1, 2, 4%

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Major, Martec, H.L. Moore, Qualitest, Regal, Rugby, Spencer-Mead, Steri-Med, Three P, United Research.

PINDOLOL Tablets

Genpharm, Inc.	5mg 10mg
Geneva Pharm.	5mg 10mg
Mylan Pharm., Inc.	5mg 10mg
Purepac Pharmaceutical Co.	5mg 10mg
Sandoz Pharm.	5mg 10mg Visken

Distributors: Par.

PIROXICAM Capsules

Genpharm, Inc.	10mg 20mg
Mutual Pharm.	10mg 20mg
Mylan Pharm.	10mg 20mg
Pfizer Labs.	10mg 20mg Feldene
Schiapparelli Searle	10mg 20mg

Distributors: Par.

POTASSIUM BICARBONATE Effervescent Tablets

Alra Labs.	25 mEq
Copley Pharm., Inc.	25 mEq
Mead Johnson and Co.	25 mEq K-Lyte
Tower Labs., Ltd.	25 mEq
Upsher Smith Labs, Inc.	25 mEq

Distributors: Geneva, Goldline, H.L. Moore, Qualitest.

POTASSIUM CHLORIDE Packets

Abbott Labs.	20 mEq K-Lor
Alra Labs.	20 mEq
Cooper Labs.	20 mEq
Copley Pharm., Inc.	20 mEq KV
Pharm., Inc.	20 mEq
Roxane Labs., Inc.	20 mEq
Upsher-Smith Labs, Inc.	20 mEq Klor Con

Distributor: Bajamar, Geneva, H.L. Moore, Qualitest, United Research.

POTASSIUM CHLORIDE

Controlled Release Capsules

Adria Labs.	10 mEq
K.V. Pharm.	10 mEq
A.H. Robins	10 mEq Micro-K-10

Distributors: Bioline, Bolar, Fisons, Geneva, Goldline, H.L. Moore, Qualitest.

POTASSIUM CHLORIDE Controlled Release Tablets

Aira Labs.	10 mEq
Ciba Pharm. Co.	8 mEq Slow-K
Ciba Pharm. Co.	10 mEq Ten-K
Copley Pharm., Inc.	8 mEq
Upsher-Smith Labs, Inc.	8 mEq 10 mEq

Distributors: Bioline, Geneva, Goldline, Qualitest, Warner Chilcott, United Research.

POTASSIUM CHLORIDE Oral Liquid

Adria Labs., Inc.	10%
Barre-National, Inc.	10%
Carnegie Labs.	10%, 20%
Cooper Labs.	10%
Dorsey Labs.	10%
Halsey Drug Co. Inc.	10%
Ketchum Labs., Inc.	5%, 10%
Naska Pharmacal, Inc.	10%, 20%
Newtron Pharm., Inc.	10%
HN Norton and Co.	10%
Pharm. Basics, Inc.	10%, 20%
Roxane Labs., Inc.	5%, 10%, 20%

Distributors: Barre, Bioline, Geneva, Goldline, Major, H.L. Moore, Parke-Davis, Parmed, Qualitest, Richie, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, United Research, Vanguard.

POTASSIUM CHLORIDE Oral Liquid, Sugar-Free

Adria Labs., Inc.	10%, 20%
Barre-National, Inc.	10%, 20%
Clay Park Labs., Inc.	10%
Geneva Pharm.	10%, 20%
Gentek Corporation	10%
Halsey Drug Co. Inc.	10%
HN Norton and Co.	10%, 20% 86
Pharm. Basics, Inc.	10%, 20%
Purepac Pharm. Co.	10%, 20%
Rexall Drug Co.	10%
UpsherSmith Labs.	10%, 20%

Distributors: Barre, Geneva, Goldline, Lederle, Major, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

POTASSIUM GLUCONATE Elixir

Adria Labs.	20 mEq/15ml Kaon
Barre-National, Inc.	20 mEq/15ml
Naska Pharmacal, Inc.	20 mEq/15ml
HN Norton and Co.	20 mEq/15ml
Pharm. Basics, Inc.	20 mEq/15ml

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Qualitest, Rugby, United Research.

PRAZOSIN HYDROCHLORIDE Capsules

Final Regulations

Danbury Pharmacal	1mg 2mg 5mg
Geneva Pharm.	1mg 2mg 5mg
Lederle Labs.	1mg 2mg 5mg
Mylan Labs.	1mg 2mg 5mg
Pfizer Labs.	1mg 2mg 5mg Minipress
Purepac Pharm. Co.	1m 2mg 5mg
Zenith Labs.	1mg 2mg 5mg

Distributors: Bioline, Geneva, Goldline, Martec, Qualitest, United Research.

PREDNISOLONE Tablets

Danbury Pharmacal, Inc.	5mg
Geneva Pharm.	5mg
Heather Drug Co. Inc.	5mg
MK Labs., Inc.	5mg
Mylan Pharmaceutical Inc.	5mg
Private Formulations	5mg
Rexall Drug Co.	5mg
Richlyn Labs., Inc.	5mg
Upjohn Co.	5mg Delta Cortef
Zenith Labs.	5mg

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Major, McKesson, H.L. Moore, Parmed, Professional Svs, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, Unit Dose, United Research, Vanguard.

PREDNISOLONE ACETATE with SULFACETAMIDE Ophthalmic Suspension

Allergan Pharm.	0.2%-10% Blephamide
Bausch & Lomb/Pharmafair	0.2%-10%

Distributors: Goldline, Qualitest.

PREDNISONO Tablets

Barr Labs., Inc.	5, 10, 20, 50mg
Chelsea Labs., Inc.	5, 10, 20, 50mg
Danbury Pharmacal, Inc.	5, 10, 20mg
Duramed Pharm., Inc.	5, 10, 20mg
Geneva Pharm.	5, 10, 20, 50mg
Halsey Drug Co. Inc.	5, 20mg
Heather Drug Co.	5, 10, 20 50mg
KV Pharm. Co.	5mg
MK Labs., Inc.	5mg
Mutual Pharm.	5, 10, 20, 50mg
Private Formulations	5mg
Purepac Pharm. Co.	5, 10, 20mg
Rexall Drug Co.	5mg
Richlyn Labs., Inc.	5mg
Roxane Labs., Inc.	5, 10, 20mg
Schering Corporation	5mg Meticorten
Solvay Pharm.	5, 10, 20, 50mg
Superpharm Corp.	5, 10, 20mg
West-ward Pharm.	5, 10, 20, 50mg
Zenith Labs., Inc.	5mg

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Lederle, Major, Mayrand, McKesson, H.L. Moore, Parmed, PRL, Professional Svs, Purepac, Qualitest, Regal, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, Three P, Thrift, Unit Dose, United Research, Vanguard.

PRIMIDONE Tablets

Ayerst Labs.	250mg Mysoline
Danbury Pharmacal, Inc.	250mg

Distributors: Geneva, Goldline, Major, H.L. Moore, Mutual, Rugby, United Research.

PROBENECID Tablets

Chelsea Labs., Inc.	500mg
Danbury Pharmacal, Inc.	500mg
Merck Sharp & Dohme	500mg Benemid
Mylan Pharm., Inc.	500mg
Zenith Labs., Inc.	500mg

Distributors: Bioline, Geneva, Goldline, Interstate, Lederle, Major, McKesson, Martec, H.L. Moore, Mutual, Parmed, Qualitest, Regal, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, Steri-Med, Three P, Thrift, United Research.

PROBENECID with COLCHICINE Tablets

Chelsea Labs., Inc.	500mg-0.5mg
Danbury Pharmacal, Inc.	500mg-0.5mg
Merck Sharp & Dohme	500mg-0.5mg ColBENEMID
Zenith Labs., Inc.	500mg-0.5mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Purepac, Qualitest, Rugby, Henry Schein, Thrift, United Research.

PROCAINAMIDE HYDROCHLORIDE Capsules

Chelsea Labs., Inc.	250, 375, 500mg
Danbury Pharmacal, Inc.	250, 375, 500mg
Geneva Pharm.	250, 375, 500mg
E.R. Squibb & Sons, Inc.	250, 375, 500mg Pronestyl
Zenith Labs.	250, 375, 500mg

Distributors: Best Generics, Columbia Medical, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Parmed, Qualitest, Rugby, Schein, Spencer-Mead, Three P, Thrift, Unit Dose, United Research, Vanguard.

PROCAINAMIDE Controlled Release Tablets

Copley Pharm., Inc.	500, 750mg
Danbury Pharmacal	250, 500, 750mg
Geneva Pharm.	250, 500, 750mg
Parke-Davis/Warner-Lambert	250, 500, 750mg Procan SR
Sidmak Labs., Inc.	250, 500mg

Distributors: Aligen, Best Generics, Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, Mutual, Purepac, Qualitest, Solvay, United Research.

PROMETHAZINE HYDROCHLORIDE Tablets

Danbury Pharmacal, Inc.	12.5, 25, 50mg
Geneva Pharm.	25, 50mg
Richlyn Labs., Inc.	25mg
Wyeth Labs.	12.5, 25, 50mg Phenergan

Distributors: Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Professional Svs, Qualitest, Regal, Rugby, H. Schein, Spencer-Mead, Three P, United Research, Vanguard.

PROMETHAZINE HYDROCHLORIDE Syrup

Barre-National, Inc.	6.25mg/5ml
Cenci Labs.	6.25mg/5ml
Pharm. Basics, Inc.	6.25mg/5ml 25mg/5ml
Wyeth Labs.	6.25mg/5ml Phenergan Plain
Wyeth Labs.	25mg/5ml Phenergan Fortis

Distributors: Geneva, Goldline.

PROMETHAZINE HYDROCHLORIDE with CODEINE PHOSPHATE
Syrup

Barre-National, Inc.	6.25mg-10mg/5ml
Cenci Labs.	6.25mg-10mg/5ml
Halsey Drug Co.	6.25mg-10mg/5ml
Pharm. Basics, Inc.	6.25mg-10mg/5ml
Wyeth Labs.	6.25mg-10mg/5ml Phenergan w/Codeine

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Purepac, Qualitest.

PROMETHAZINE HYDROCHLORIDE with DEXTROMETHORPHAN
Syrup

Barre-National, Inc.	6.25mg-15mg/5ml
Halsey Drug Co.	6.25mg-15mg/5ml
Pharm. Basics, Inc.	6.25mg-15mg/5ml
Wyeth Labs.	6.25mg-15mg/5ml Phenergan w/Dextromethorphan

Distributors: Barre, Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest.

PROMETHAZINE HYDROCHLORIDE with PHENYLEPHRINE
HYDROCHLORIDE
Syrup

Barre-National, Inc.	6.25mg-5mg/5ml
Cenci Labs.	6.25mg-5mg/5ml
Halsey Drug Co.	6.25mg-5mg/5ml
Pharm. Basics, Inc.	6.25mg-5mg/5ml
Wyeth Labs.	6.25mg-5mg/5ml Phenergan VC

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Qualitest.

PROMETHAZINE HYDROCHLORIDE with PHENYLEPHRINE
HYDROCHLORIDE and CODEINE PHOSPHATE
Syrup

Barre-National, Inc.	6.25mg-5mg-10mg/5ml
Cenci Labs.	6.25mg-5mg-10mg/5ml
Halsey Drug Co.	6.25mg-5mg-10mg/5ml
Pharm. Basics, Inc.	6.25mg-5mg-10mg/5ml
Wyeth Labs.	6.25mg-5mg-10mg/5ml Phenergan VC w/Codeine

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore.

PROPANTHELINE BROMIDE
Tablets

Danbury Pharmacal, Inc.	15mg
Par Pharm.	15mg
Roxane Labs.	15mg
Searle Labs.	15mg Probanthine

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Major, McKesson, Martec, H.L. Moore, Parmed, Regal, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, Three P, Thrift Drug, United Research, Vanguard.

PROPACACINE HYDROCHLORIDE
Ophthalmic Solution

Bausch & Lomb/Pharmafair	0.5%
E.R. Squibb & Sons	0.5% Ophthaine

Distributors: Major, United Research.

PROPOXYPHENE HYDROCHLORIDE
Capsules

Danbury Pharmacal, Inc.	65mg
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Geneva Pharm.	65mg
Halsey Drug Co. Inc.	65mg
ICN Pharm., Inc.	65mg
Lederle Labs.	65mg
Lemmon Co.	65mg
Eli Lilly & Co.	32, 65mg Darvon
Parke-Davis	65mg
Purepac Pharm. Co.	65mg
Richlyn Labs., Inc.	65mg
Roxane Labs., Inc.	65mg
Smith Kline & French Labs	65mg
West-ward Pharm.	65mg
Zenith Labs., Inc.	32, 65mg

Distributors: Bioline, Columbia Medical, Geneva, Goldline, Major, H.L. Moore, Parmed, Professional Svs, Qualitest, Rexall, Henry Schein, Spencer-Mead, E.R. Squibb, Three P, Thrift, United Research, Vanguard.

PROPOXYPHENE HYDROCHLORIDE with ACETAMINOPHEN
Tablets

Geneva Pharm.	65mg-650mg
Mylan Pharm., Inc.	65mg-650mg
Wyeth Labs., Inc.	65mg-650mg Wygesic

Distributors: Bioline, Geneva, Goldline, Interstate, Lederle, Major, H.L. Moore, Parmed, Qualitest, Regal, Rugby, Smith Kline & French, Spencer-Mead, Steri-Med, Three P, United Research, Vanguard, Warner Chilcott.

PROPOXYPHENE HYDROCHLORIDE with ASPIRIN and CAFFEINE
Capsules

Geneva Pharm.	65mg-389mg-32.4mg
Lemmon Co.	65mg-389mg-32.4mg
Eli Lilly & Co.	65mg-389mg-32.4mg Darvon Compound-65
Mylan Pharm., Inc.	65mg-389mg-32.4mg
Zenith Labs., Inc.	65mg-389mg-32.4mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Qualitest, Rugby, SquibbMark, United Research.

PROPOXYPHENE NAPSYLATE with ACETAMINOPHEN
Tablets

Barr Labs, Inc.	50mg-325mg	100mg-650mg
Geneva Pharm.		100mg-650mg
Halsey Drug Co.	50mg-325mg	100mg-650mg
Eli Lilly Co.	50mg-325mg	Darvocet N-50
Eli Lilly Co.		100mg-650mg Darvocet N-100
Lemmon Co.		100mg-650mg
Mylan Pharm., Inc.		100mg-650mg
Purepac Pharm. Co.		100mg-650mg
Superpharm Corp.		100mg-650mg
Zenith Labs.		100mg-650mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, Parmed, Qualitest, Rugby, United Research, Warner Chilcott.

PROPRANOLOL HYDROCHLORIDE
Controlled Release Capsules

Inwood Labs.	60mg 80mg 120mg 160mg
Wyeth-Ayerst	60mg 80mg 120mg 160mg Inderal-LA

Distributors: Goldline

PROPRANOLOL HYDROCHLORIDE
Tablets

Ayerst Labs, Inc.	10, 20, 40, 60, 80, 90mg Inderal
Barr Labs., Inc.	10, 20, 40, 60, 80mg
Danbury Pharmacal, Inc.	10, 20, 40, 60, 80, 90mg

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Duramed Pharm., Inc.	10, 20,	90mg
Geneva Pharm.	10, 20, 40, 60,	80mg
Lederle Labs.	10, 20, 40,	80mg
Martec Pharm./Schering Corp.	10, 20, 40, 60,	80mg
Mylan Phar Inc.	10, 20, 40,	80mg
Par Pharm.	10, 20, 40, 60, 80,	90mg
Parke Davis/Warner Chilcott	10, 20, 40, 60,	80mg
Purepac Pharm. Co.	10, 20, 40, 60,	80mg
Roxane Labs., Inc.	10, 20, 40, 60, 80,	90mg
Sidmak Labs., Inc.	10, 20, 40, 60, 80,	90mg
Watson Labs, Inc.	10, 20, 40, 60, 80,	90mg

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Mutual, Parmed, PRL, Purepac, Qualitest, Rugby, United Research, Zenith.

PROPRANOLOL HYDROCHLORIDE with HYDROCHLOROTHIAZIDE Tablets

Ayerst Labs.	40mg-25mg	Inderide 40/25
Ayerst Labs.	80mg-25mg	Inderide 80/25
Barr Labs., Inc.	40mg-25mg	80mg-25mg
Chelsea Labs.	40mg-25mg	80mg-25mg
Duramed Pharm., Inc.	40mg-25mg	80mg-25mg
Geneva Pharm.	40mg-25mg	80mg-25mg
Mylan Pharm.	40mg-25mg	80mg-25mg
Purepac Pharm. Co.	40mg-25mg	80mg-25mg
Sidmak Labs. Inc.	40mg-25mg	80mg-25mg
Warner Chilcott	40mg-25mg	80mg-25mg

Distributors: Aligen, Bioline, Geneva, Goldline, Martec, H.L. Moore, Mutual, Qualitest, Rugby, United Research, Warner Chilcott.

PSEUDOEPHEDRINE HYDROCHLORIDE Tablets

Amide Pharm.	60mg
Burroughs Wellcome Co.	30, 60mg Sudafed
Chelsea Labs.	30, 60mg
Chromalloy Labs	30, 60mg
Danbury Pharmacal, Inc.	60mg
Duramed Pharm., Inc.	30, 60mg
Geneva Pharm.	30, 60mg
Halsey Drug Inc.	30mg
Private Formulations	30mg
Richlyn Labs.	60mg
Roxane Labs., Inc.	30, 60mg
Superpharm Corporation	60mg

Distributors: Bioline, Columbia Medical, Drummer, Geneva, Goldline, Lederle, Major, H.L. Moore, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, VHA Plus, Vanguard.

PSEUDOEPHEDRINE HYDROCHLORIDE Syrup

Barre-National, Inc.	30mg/5ml
Burroughs Wellcome Co.	30mg/5ml Sudafed
Cenci Labs.	30mg/5ml
Geneva Pharm.	30mg/5ml
Halsey Drug Co. Inc.	30mg/5ml
Naska Pharmacal, Inc.	30mg/5ml
Pharm. Basics, Inc.	30mg/5ml

Distributors: Barre, Bioline, Geneva, Columbia Medical, Goldline, Lederle, Major, H.L. Moore, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, Vanguard.

PSEUDOEPHEDRINE HYDROCHLORIDE with TRIPROLIDINE HYDROCHLORIDE Tablets

Burroughs Wellcome Co.	60mg-2.5mg Actifed
Chelsea Labs., Inc.	60mg-2.5mg

Danbury Pharmacal, Inc.	60mg-2.5mg
Geneva Pharm.	60mg-2.5mg
Halsey Drug Co. Inc.	60mg-2.5mg
Private Formulations	60mg-2.5mg

Distributors: Geneva, Lederle, Major, Parmed, Rugby, Unit Dose, VHA Plus.

PSEUDOEPHEDRINE HYDROCHLORIDE with TRIPROLIDINE HYDROCHLORIDE Syrup

Barre-National, Inc.	30mg-1.25mg/5ml
Burroughs Wellcome Co.	30mg-1.25mg/5ml Actifed
Cenci Labs.	30mg-1.25mg/5ml
Halsey Drug Co. Inc.	30mg-1.25mg/5ml
Naska Pharmacal Co.	30mg-1.25mg/5ml
Pharm. Basics, Inc.	30mg-1.25mg/5ml

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Rugby, United Research.

PSEUDOEPHEDRINE with TRIPROLIDINE HCL and CODEINE PHOSPHATE Syrup

Barre-National, Inc.	30mg-1.25mg-10mg/5ml
Burroughs Wellcome Co.	30mg-1.25mg-10mg/5ml Actifed w/Codeine
Pharm. Basics, Inc.	30mg-1.25mg-10mg/5ml

Distributors: Barre, Bioline, Goldline, Qualitest.

QUINIDINE GLUCONATE Controlled Release Tablets

Berlex Labs., Inc.	324mg Quinaglute
Chelsea Labs., Inc.	324mg
Danbury Pharmacal, Inc.	324mg
Geneva Pharmaceuticals	324mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Purepac, Qualitest, Rugby, United Research.

QUINIDINE SULFATE Tablets

Barr Labs	200mg
Carnegie Labs.	200mg
Chelsea Labs.	200mg
Danbury Pharmacal, Inc.	200, 300mg
Eon Labs	200, 300mg
Geneva Pharm.	200, 300mg
Halsey Drug Co. Inc.	200mg
Lederle Labs.	200mg
Mutual Pharm.	200, 300mg
Parke-Davis/Warner Chilcott	200mg
Private Formulations	200mg
Purepac Pharm.	200mg
Roxane Labs.	200, 300mg
Solvay Pharm.	200, 300mg
West-ward Pharm.	200mg
Zenith Labs., Inc.	200mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, McKesson, H.L. Moore, Parmed, Qualitest, Regal, Rugby, Henry Schein, SKF, Spencer-Mead, Three P, Thrift, United Research, VHA Plus, Vanguard.

QUININE SULFATE Capsules

Danbury Pharmacal, Inc.	200,	325mg
Eon Labs		325mg
Geneva Pharm.		325mg

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Halsey Drug Co.	325mg
Mutual Pharm.	300mg
HN Norton & Co	300mg
Richlyn Labs., Inc.	325mg
West-ward Pharm.	200, 300mg
Zenith Labs.	200, 325mg

Powder

Pharm. Basics, Inc.	453.6 Gm/Bottle
Winthrop Pharm.	453.6 Gm/Bottle Kayexalate

Distributors: Bioline, Geneva, Goldline, Lederle, Qualitest, United Research.

SODIUM POLYSTYRENE SULFONATE Suspension

Pharm. Basics, Inc.	15 Gm/60ml
Roxane Labs., Inc.	15 Gm/60ml

QUININE SULFATE Tablets

Chelsea Labs.	260mg
Danbury Pharmacal	260mg
Eon Labs	260mg
Geneva Pharm.	260mg
Mutual Pharm.	260mg
HN Norton & Co.	260mg
Zenith Labs.	260mg

SPIRONOLACTONE Tablets

Barr Labs., Inc.	25mg
Chelsea Labs., Inc.	25mg
Geneva Pharm.	25mg
Mylan Pharm., Inc.	25mg
Mutual Pharm.	25mg
Purepac Pharm. Co.	25mg
Searle Labs.	25mg Aldactone
Zenith Labs., Inc.	25mg

Distributors: Best Generics, Geneva, Goldline, Major, Rugby, United Research.

RAUWOLFIA SERPENTINA Tablets

Halsey Drug Co. Inc.	100mg
Richlyn Labs., Inc.	100mg

Distributors: Aligen, J.J. Balan, Best Generics, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Professional Svs, Purepac, Qualitest, Regal, Rugby, United Research, Vanguard.

SPIRONOLACTONE with HYDROCHLOROTHIAZIDE Tablets

Distributors: Bioline, Goldline, Major, H.L. Moore, Qualitest, Rugby, United Research, Vanguard.

RESERPINE Tablets

Ciba Pharm. Co.	0.1, 0.25mg Serpasil
Eon Labs	0.1, 0.25mg
Geneva Pharm.	0.1, 0.25mg
Richlyn Labs.	0.25mg
Upjohn Co.	0.25mg

Barr Labs., Inc.	25mg-25mg
Danbury Pharmacal, Inc.	25mg-25mg
Geneva Pharm.	25mg-25mg
Mutual Pharm.	25mg-25mg
Mylan Pharm., Inc.	25mg-25mg
Parke-Davis/Warner Chilcott	25mg-25mg
Searle Labs.	25mg-25mg Aldactazide
Zenith Labs., Inc.	25mg-25mg

Distributors: Bioline, Geneva, Goldline, Major, McKesson, H.L. Moore, Parmed, Purepac, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Smith Kline & French, Three P, United Research, Vanguard.

SULFACETAMIDE SODIUM Ophthalmic Ointment

Ciba Pharm. Co.	300mg Rimactane
Merrell-Dow Pharm.	300mg Rifadin

Altana, Inc.	10%
Bausch & Lomb/Pharmafair	10%
Schering Corporation	10% Sodium Sulamyd

Distributors: Bioline, Fougere, Goldline, Major, H.L. Moore, Qualitest, Pharmaderm, Rugby, United Research.

SECOBARBITAL SODIUM Capsules

Halsey Drug Co. Inc.	100mg
Eli Lilly & Co.	100mg Seconal Sodium
Zenith Labs., Inc.	100mg

SULFACETAMIDE SODIUM Ophthalmic Solution

Distributors: Goldline, Rugby.

SELENIUM SULFIDE Lotion/Shampoo

Abbott Labs.	2.5% Selsun
Barre-National, Inc.	2.5%
Clay Park Labs., Inc.	2.5%
Pharm. Basics, Inc.	2.5%
Ross Labs.	1% Selsun Blue
Thames Pharmacal	1%, 2.5%

Alcon Labs, Inc.	15%	Isopto Cetamide
Allergan Pharm., Inc.	10%	
Bausch & Lomb/Pharmafair	10%, 15%, 30%	
Iolab	10%	
Optopics Labs.	10%	
Schering Corporation	10%, 30%	Sodium Sulamyd
Steris Labs.	10%	30%

Distributors: Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Qualitest, Rugby, United Research.

SULFACETAMIDE WITH SULFABENZAMIDE, SULFATHIAZOLE AND UREA

Vaginal Cream
(Contains Sulfacetamide 2.8%, Sulfabenzamide 3.7%, Sulfathiazole 3.42% and Urea 0.64%)

SODIUM POLYSTYRENE SULFONATE

Altana, Inc./Fougere

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Clay Park Labs., Inc.
NMC Labs., Inc.
Ortho Pharm., Inc.

Sultrin

Distributors: J.J. Balan, Bioline, Fougere, Geneva, Goldline, Major, Mayrand, Pharmaderm, Qualitest, Rugby, Savage, United Research.

SULFACETAMIDE SODIUM with PREDNISOLONE ACETATE Ophthalmic Suspension

Bausch & Lomb/Pharmafair 10%-0.5%
Schering Corporation 10%-0.5% Metimyd

Distributors: Bioline, Goldline, Major, United Research.

SULFAMETHOXAZOLE Tablets

Geneva Pharm. 500mg
Heather Drug Co. Inc. 500mg
Roche Labs. 500mg Gantanol

Distributor: Bioline, Geneva, Goldline, Major, H.L. Moore, Parmed, Professional Svs, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, United Research, Vanguard.

SULFANILAMIDE Vaginal Cream

Lemmon Co. 15%
Merrell Dow Pharm. 15% AVC

Distributors: Bioline, Geneva, Goldline, Qualitest.

SULFASALAZINE Tablets

Chelsea Labs., Inc. 500mg
Danbury Pharmacal, Inc. 500mg
Lederle Labs. 500mg
Mutual Pharm. 500mg
Pharmacia Labs. 500mg Azulfidine

Distributors: Best Generics, Bioline, Geneva, Goldline, Major, H.L. Moore, Mutual, Parmed, Purepac, Qualitest, Rugby, Solvay, United Research, Vanguard.

SULFINPYRAZONE Capsules

Barr Labs., Inc. 200mg
Ciba Pharm. Co. 200mg Anturane
Par Pharm. 200mg
Zenith Labs., Inc. 200mg

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Mutual, Qualitest, Rugby, United Research.

SULFINPYRAZONE Tablets

Barr Labs., Inc. 100mg
Ciba Pharm. Co. 100mg Anturane
Danbury Pharmacal, Inc. 100mg
Par Pharm. 100mg
Zenith Labs., Inc. 100mg

Distributors: Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Rugby, United Research.

SULFISOXAZOLE Tablets

Geneva Pharm. 500mg
Heather Drug Co. Inc. 500mg

Mylan Pharm., Inc. 500mg
Parke Davis 500mg
Roche Labs., Inc. 500mg Gantrisin
Roxane Labs., Inc. 500mg
Smith Kline & French Labs 500mg
West-ward Pharm. 500mg
Zenith Labs., Inc. 500mg

Distributors: J.J. Balan, Bioline, Geneva, Goldline, Interstate, Major, Martec, H.L. Moore, Parmed, Professional Svs, Qualitest, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

SULINDAC Tablets

Danbury Pharmacal 150mg 200mg
Geneva Pharm. 150mg 200mg
Lederle Labs. 150mg 200mg
Lemmon Co. 150mg 200mg
Merck Sharp & Dohme 150mg 200mg Clinoril
Mutual Pharm. 150mg 200mg
Mylan Pharm., Inc. 150mg 200mg
Warner Chilcott 150mg 200mg
West Point Pharma/Merck & Co. 150mg 200mg

Distributors: Bioline, Goldline, Lederle, Qualitest, United Research.

TAMOXIFEN CITRATE Tablets

Barr Laboratories, Inc./Zeneca EQ 10mg (Base)
Zeneca Pharmaceuticais EQ 10mg (Base) Nolvadex

TEMAZEPAM Capsules

Barr Labs., Inc. 15mg 30mg
Duramed Pharm., Inc. 15mg 30mg
Geneva Pharm. 15mg 30mg
Mylan Pharm. 15mg 30mg
Par Pharm. 15mg 30mg
Purepac Pharm. Co. 15mg 30mg
Sandoz Pharm. 15mg 30mg Restoril

Distributors: Best Generics, Bioline, Geneva, Goldline, Lederle Labs, Martec, H.L. Moore, Qualitest, Parmed, Purepac, United Research, Warner Chilcott.

TERBUTALINE SULFATE Tablets

Geigy Pharm. 2.5mg 5mg Brethine
Merrell-Dow Pharm. 2.5mg 5mg Bricanyl

TETRACAINE HYDROCHLORIDE Ophthalmic Solution

Optopics Labs. 0.5%
Winthrop Pharm. 0.5% Pontocaine

TETRACYCLINE HYDROCHLORIDE Capsules

Barr Labs., Inc. 250mg 500mg
Danbury Pharmacal, Inc. 250mg 500mg
Eon Labs 250mg
Halsey Drug Co. 250mg 500mg
Heather Drug Co. Inc. 250mg 500mg
ICN Pharm., Inc. 250mg
Laboratorios Atral 250mg 500mg
Lederle Labs. 250mg 500mg Achromycin V
MK Labs., Inc. 250mg
Mylan Pharm., Inc. 250mg 500mg
Parke-Davis/Warner Chilcott 250mg 500mg

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Pfizer Pharm., Inc.	250mg 500mg Tetracycl
Private Formulations	250mg 500mg
Purepac Pharm.	250mg 500mg
Rachelle Labs., Inc.	250mg 500mg
Richlyn Labs.	250mg 500mg
A.H. Robins Co.	250mg 500mg
E.R. Squibb & Sons, Inc.	250mg 500mg Sumycin
Wyeth Labs., Inc.	250mg 500mg
Zenith Labs., Inc.	250mg 500mg

Distributors: Bioline, Geneva, Goldline, Interstate, Laboratory A, Major, McKesson, H.L. Moore, Mutual, Parmed, Qualitest, Regal, Rexall, Rondex, Roxane, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

TETRACYCLINE HYDROCHLORIDE Syrup

Barre-National, Inc.	125mg/5ml
Lederle Labs.	125mg/5ml Achromycin V
MK Labs., Inc.	125mg/5ml
Pfizer Pharm. Co.	125mg/5ml Tetracycl
A.H. Robins Co.	125mg/5ml
E.R. Squibb & Sons, Inc.	125mg/5ml Sumycin
West-ward Pharm.	125mg/5ml

Distributors: Barre, Bioline, Columbia Medical, Geneva, Goldline, Major, McKesson, H.L. Moore, Qualitest, Rexall, Richie, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, Three P, United Research, Vanguard.

THEOPHYLLINE Elixir

Barre-National, Inc.	80mg/15ml
Cenci Labs	80mg/15ml
Halsey Drug Co. Inc.	80mg/15ml
Naska Pharmacal	80mg/15ml
Pharm. Basics, Inc.	80mg/15ml

Distributors: Barre, Bioline, Columbia Medical, Geneva, Goldline, Major, H.L. Moore, Parmed, Purepac, Qualitest, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

THEOPHYLLINE Solution

Riker Labs., Inc.	80mg/15ml Theolair
Roxane Labs., Inc.	80mg/15ml

THEOPHYLLINE, EPHEDRINE HYDROCHLORIDE, PHENOBARBITAL Tablets

Amide Pharm.	130mg-24mg-8mg
Chelsea Labs., Inc.	130mg-24mg-8mg
Danbury Pharmacal, Inc.	130mg-24mg-8mg
Geneva Pharm.	130mg-24mg-8mg
Parke-Davis	130mg-24mg-8mg Tedral
Westward Pharm.	130mg-24mg-8mg
Zenith Labs., Inc.	130mg-24mg-8mg

Distributors: Geneva, Goldline, Major, H.L. Moore, Parmed, Regal, Rugby, Henry Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

THEOPHYLLINE, EPHEDRINE HYDROCHLORIDE, PHENOBARBITAL Suspension

Barre-National Inc.	65mg-12mg-4mg/5ml
Parke-Davis	65mg-12mg-4mg/5ml Tedral

Distributors: Barre, Bioline, Major, H.L. Moore, Richie, Rugby, Henry Schein, Spencer-Mead, Three P, Vanguard.

THEOPHYLLINE with GUAIFENESIN Capsules

Banner Gelatin Products	150mg-90mg
Mead Johnson Labs.	150mg-90mg Quibron
Pharmacaps Inc.	150mg-90mg
R.P. Scherer, Inc.	150mg-90mg

Distributors: Geneva, Goldline, Major, W.H. Rorer, Rugby, United Research, Vanguard.

THEOPHYLLINE with GUAIFENESIN Liquid

Barre-National, Inc.	150mg-90mg/15ml
Mead Johnson Labs.	150mg-90mg/15ml Quibron
Naska Labs., Inc.	150mg-90mg/15ml
Pharm. Basics, Inc.	150mg-90mg/15ml

Distributors: Barre, Bioline, Goldline, Major, H.L. Moore, Qualitest, Rugby, Henry Schein, United Research.

THEOPHYLLINE with POTASSIUM IODIDE Elixir

Barre-National, Inc.	80mg-130mg/15ml
Cooper Labs.	80mg-130mg/15ml Elixophyllin KI
Naska Pharmacal Co.	80mg-130mg/15ml
Pharm. Basics, Inc.	80mg-130mg/15ml

Distributors: Barre, Bioline, Geneva, Goldline, Major, H.L. Moore, Qualitest, Richie, Rugby, Spencer-Mead, Vanguard.

THIORIDAZINE HYDROCHLORIDE Tablets

Barr Labs., Inc.	100, 150, 200mg
Chelsea Labs.	10, 25, 50mg
Danbury Pharm., Inc.	10, 15, 25, 50, 100, 150, 200mg
Geneva Pharm.	100, 150, 200mg
Mutual Pharm.	10, 25, 50, 100mg
Mylan Pharm.	10, 25, 50, 100mg
Par Pharmaceutical	10, 15, 25, 50, 100, 150, 200mg
Sandoz Pharm.	10, 15, 25, 50, 100, 150, 200mg
Superpharm Corp.	10, 25, 50mg
Zenith Labs.	100mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, Mutual, Parmed, PRL, Purepac, Qualitest, Rugby, Smith Kline & French, United Research, Warner Chilcott.

THIORIDAZINE HYDROCHLORIDE Concentrate

Barre-National, Inc.	30mg/ml, 100mg/ml
Copley Pharm.	30mg/ml
Pharm. Basics, Inc.	30mg/ml, 100mg/ml
Roxane Labs.	30mg/ml, 100mg/ml
Sandoz Pharm.	30mg/ml, 100mg/ml Mellaril

Distributors: Barre, Geneva, Goldline, H.L. Moore, Professional Svs.

THIOTHIXENE HYDROCHLORIDE Capsules

Danbury Pharmacal, Inc.	1mg 2mg 5mg 10mg
Geneva Pharm.	1mg 2mg 5mg 10mg
Mylan Pharm., Inc.	1mg 2mg 5mg 10mg
Roerig Pharm.	1mg 2mg 5mg 10mg Navane

Distributors: Bioline, Geneva, Goldline, Martec, H.L. Moore, Qualitest, Rugby, United Research.

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THIOTHIXENE HYDROCHLORIDE Concentrate

Barre-National, Inc. 5mg(Base)/ml
Copley Pharm., Inc. 5mg(Base)/ml
Roerig Pharm. 5mg(Base)/ml Navane

Distributors: Barre, Bioline, Goldline.

TIMOLOL MALEATE Tablets

Danbury Pharmacal 5mg 10mg 20mg
Geneva Pharm. 5mg 10mg 20mg
Merck, Sharp & Dohme 5mg 10mg 20mg Blocadren
Mylan Pharm. 5mg
West Point Pharma/
Merck & Co. 5mg 10mg

Distributors: Geneva, United Research.

TOLAZAMIDE Tablets

Barr Labs., Inc. 100, 250, 500mg
Danbury Pharmacal, Inc. 100, 250, 500mg
Duramed Pharm., Inc. 100, 250, 500mg
Geneva Pharm. 100, 250, 500mg
Mutual Pharm. 100, 250, 500mg
Mylan Pharm., Inc. 250, 500mg
Par Pharm. 100, 250, 500mg
Upjohn Co. 100, 250, 500mg Tolinase
Zenith Labs., Inc. 100, 250, 500mg

Distributors: Bioline, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, Mutual, Qualitest, Rugby, Solvay, United Research.

TOLBUTAMIDE Tablets

Barr Labs., Inc. 500mg
Chelsea Labs., Inc. 500mg
Danbury Pharmacal Co. 500mg
Eon Labs 500mg
Geneva Pharmaceutical 500mg
Lederle Labs. 500mg
Mylan Pharm. Inc 500mg
Smith Kline & French Labs 500mg
Superpharm Corporation 500mg
Upjohn Co. 500mg Orinase
Zenith Labs. 500mg

Distributors: J.J. Balan, Bioline, Geneva, Goldline, Major, Martec, H.L. Moore, Parmed, Professional Svs, Qualitest, Regal, Rugby, E.R. Squibb, United Research.

TOLMETIN SODIUM Capsules

Baker Cummins Pharm. 400mg
Geneva Pharm. 400mg
McNeil Pharm. 400mg Tolectin DS
Mutual Pharm. 400mg
Mylan Pharm., Inc. 400mg
Novopharm, Ltd. 400mg
Purepac Pharm. 400mg

Distributors: Goldline.

TOLMETIN SODIUM Tablets

Geneva Pharm. 200mg 600mg
McNeil Pharm. 200mg Tolectin 200
McNeil Pharm. 600mg Tolectin 600

Mutual Pharm. 200mg
Purepac Pharm. 600mg

TRAZODONE HYDROCHLORIDE Tablets

Note: A patent that exists on the Desyrel 150mg tablet scoring design, which enables the patient to break Desyrel into three 50mg segments, prevents a generic firm from copying this feature. Therefore, a patient will not be able to obtain three 50mg segments from the generic tablet. Prescribers and pharmacists should be aware of this difference and take it into account when writing a prescription or practicing drug product selection.

Barr Labs., Inc. 50mg 100mg
Danbury Pharmacal 50mg 100mg
Geneva Pharm. 50mg 100mg
Lemmon/Teva 50mg 100mg
Mead Johnson 50mg 100mg 150mg Desyrel
Mylan Pharm., Inc. 50mg 100mg
Purepac Pharm. Co. 50mg 100mg
Sidmak Labs. 50mg 100mg 150mg

Distributors: Aligen, Bioline, Geneva, Goldline, Lederle, Martec, H.L. Moore, Purepac, Qualitest, Rugby, United Research.

TRIAMCINOLONE Tablets

Danbury Pharmacal Inc. 4mg
Lederle Labs. 2, 4, 8mg Aristocort
Richlyn Labs., Inc. 4mg
Roxane Labs., Inc. 2, 4, 8mg
E.R. Squibb & Sons, Inc. 4, 8mg Kenacort

Distributors: Bioline, Geneva, Goldline, Major, McKesson, H.L. Moore, Parmed, Professional Svs, Purepac, Qualitest, Rugby, Henry Schein, Smith Kline & French, Spencer-Mead, Three P, United Research, Vanguard.

TRIAMCINOLONE ACETONIDE Cream

Altana, Inc. 0.025, 0.1, 0.5%
Bausch & Lomb/Pharmafair 0.025, 0.1, 0.5%
Clay Park Labs, Inc. 0.025, 0.1, 0.5%
Lederle Labs. 0.025, 0.1, 0.5% Aristocort
Lemmon Co. 0.1%
NMC Labs. 0.025, 0.1%
Pharm. Basics, Inc. 0.1%
E.R. Squibb & Sons, Inc. 0.025, 0.1, 0.5% Kenalog
Thames Pharm. Co. 0.025, 0.1, 0.5%

Distributors: Bioline, Fougera, Geneva, Goldline, Major, H.L. Moore, Parmed, Pharmaderm, Purepac, Qualitest, Rugby, Savage, United Research.

TRIAMCINOLONE ACETONIDE Dental Paste

E.R. Squibb & Sons 0.1% Kenalog In Orabase
Taro Pharm. 0.1%
Thames Pharmaceutical, Co. 0.1%

Distributors: Bioline, Goldline, Qualitest, United Research.

TRIAMCINOLONE ACETONIDE Lotion

Barre-National Inc. 0.025% 0.1%
Pharm. Basics, Inc. 0.025% 0.1%
E.R. Squibb & Sons, Inc. 0.025% 0.1% Kenalog
Thames Pharmaceutical Co. 0.1%

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Distributors: Barre, Bioline, Goldline, Major, H.L. Moore, Qualitest, Rugby.

TRIAMCINOLONE ACETONIDE Ointment

Altana, Inc.	0.025, 0.1%
Clay Park Labs, Inc.	0.025, 0.1, 0.5%
Lederle Labs.	0.1, 0.5% Aristocort
Naska Pharmacal Co.	0.5%
NMC Labs.	0.1%
Pharm. Basics, Inc.	0.1%
E.R. Squibb & Sons, Inc.	0.025, 0.1, 0.5% Kenalog
Thames Pharmacal Co.	0.1%

Distributors: Bioline, Fougera, Geneva, Goldline, Major, H.L. Moore, Pharmaderm, Qualitest, Rugby, United Research.

TRIAMTERENE WITH HYDROCHLOROTHIAZIDE Capsules

Geneva Pharm.	50mg-25mg
Penn Labs., Inc.	50mg-25mg
Smith-Kline-Beecham	50mg-25mg Dyazide

Distributors: Rugby, Zenith.

TRIAMTERENE WITH HYDROCHLOROTHIAZIDE Tablets

Barr Labs., Inc.	75mg-50mg
Danbury Pharmacal, Inc.	75mg-50mg
Geneva Pharm.	37.5mg-25mg 75mg-50mg
Mylan Pharm.	37.5mg-25mg Maxzide-25
Mylan Pharm.	75mg-50mg Maxzide
Watson Labs.	75mg-50mg

Distributors: Bioline, Duramed, Geneva, Goldline, Martec, H.L. Moore, Purepac, Qualitest, United Research.

TRIAZOLAM Tablets

Greenstone, Ltd.	0.125mg	0.25mg
Upjohn Company	0.125mg	0.25mg Halcion

Distributors: Geneva.

TRIFLUOPERAZINE HYDROCHLORIDE Concentrate

Geneva Pharm.	10mg/ml
Pharm. Basics, Inc.	10mg/ml
Smith Kline & French Labs	10mg/ml Stelazine

Distributors: Geneva, H.L. Moore, Professional Services, Qualitest.

TRIFLUOPERAZINE HYDROCHLORIDE Tablets

Geneva Pharm.	1, 2, 5, 10mg
Smith Kline & French Labs	1, 2, 5, 10mg Stelazine

Distributors: J.J. Balan, Best Generics, Bioline, Geneva, Goldline, Major, H.L. Moore, Mutual, Parmed, PRL, Professional Svs, Qualitest, Rugby, United Research.

TRIHENXYPHENIDYL HYDROCHLORIDE Tablets

Danbury Pharmacal, Inc.	2mg 5mg
Lederle Labs.	2mg 5mg Artane

Distributors: Bioline, Geneva, Goldline, Major, McKesson, Martec, H.L. Moore, Parmed, Qualitest, Regal, Rugby, Henry

Schein, Spencer-Mead, Three P, Thrift, United Research, Vanguard.

TRIMETHOPRIM Tablets

Biocraft Labs, Inc.	100mg 200mg
Burroughs Wellcome Co.	100mg 200mg Proloprim
Danbury Pharmacal, Inc.	100mg
Roche Labs.	100mg Trimplex

Distributors: Bioline, Goldline, H.L. Moore, Qualitest.

TRIMETHOPRIM with SULFAMETHOXAZOLE Tablets

Barr Labs, Inc.	80mg-400mg	160mg-800mg
Biocraft Labs., Inc.	80mg-400mg	160mg-800mg
Burroughs Wellcome Co.	80mg-400mg	Septra
Burroughs Wellcome Co.		160mg-800mg Septra DS
B.V. Pharbata/Martec	80mg-400mg	160mg-800mg
Chelsea Labs., Inc.	80mg-400mg	160mg-800mg
Danbury Pharmacal, Inc.	80mg-400mg	160mg-800mg
Eon Labs	80mg-400mg	160mg-800mg
Geneva Pharm.	80mg-400mg	160mg-800mg
Heather Drug Co.	80mg-400mg	160mg-800mg
Lemmon/Teva/Plantex	80mg-400mg	160mg-800mg
Mutual Pharm., Inc.	80mg-400mg	160mg-800mg
Par Pharm.	80mg-400mg	160mg-800mg
Private Formulations	80mg-400mg	160mg-800mg
Roche Labs.	80mg-400mg	Bactrim
Roche Labs.		160mg-800mg Bactrim DS
Sidmak Labs	80mg-400mg	160mg-800mg Shinogi
USA/Barr	80mg-400mg	160mg-800mg
Superpharm Corp.	80mg-400mg	160mg-800mg

Distributors: Bioline, D-M, Geneva, Goldline, Lederle, Major, Martec, H.L. Moore, PRL, Purepac, Qualitest, Rugby, Squibb, United Research.

TRIMETHOPRIM with SULFAMETHOXAZOLE Suspension

Barre-National, Inc.	40mg-200mg/5ml
Barre-National, Inc.	40mg-200mg/5ml (Pediatric)
Biocraft Labs., Inc.	40mg-200mg/5ml
Burroughs Wellcome Co.	40mg-200mg/5ml Septra
Lemmon Co./Teva/Plantex	40mg-200mg/5ml (Pediatric)
Naska Pharmacal	40mg-200mg/5ml
Naska Pharmacal	40mg-200mg/5ml (Pediatric)
Pharm. Basics, Inc.	40mg-200mg/5ml
Pharm. Basics, Inc.	40mg-200mg/5ml (Pediatric)
Roche Labs.	40mg-200mg/5ml Bactrim
Roche Labs.	40mg-200mg/5ml Bactrim Pediatric

Distributors: Barre, Bioline, Geneva, Goldline, Lederle, Major, H.L. Moore, Parmed, Purepac, Qualitest, Rugby, United Research.

TRIPLENNAMINE HYDROCHLORIDE Tablets

Ciba Pharm. Co.	50mg PBZ
Danbury Pharmacal	50mg
Richlyn Pharmacal	50mg

Distributors: Geneva, Goldline, Qualitest, Rugby.

TROPICAMIDE Ophthalmic Solution

Alcon Labs.	0.5% 1% Mydriacyl
Bausch & Lomb/Pharmafair	0.5% 1%
Optoptics Labs	0.5% 1%

Distributors: Martec.

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VALPROATE SODIUM Syrup

Abbott Labs., Inc. Equiv. to 250mg(base)/5ml Depakene
Pharm. Basics, Inc. Equiv. to 250mg(base)/5ml

Distributor: Bioline, Geneva, Goldline, Qualitest.

VALPROIC ACID Capsules

Abbott Labs., Inc. 250mg Depakene
Chase Labs. 250mg
Par Pharm. 250mg
Pharm. Basics 250mg
Pharmacaps, Inc. 250mg
R.P. Scherer, Corp. 250mg

Distributors: Best Generics, Bioline, Geneva, Goldline, Martec, H.L. Moore, Purepac, Qualitest, Solvay, United Research.

VALPROIC ACID Syrup

Copley Pharmaceutical 250mg/5ml

VERAPAMIL HYDROCHLORIDE Tablets

Barr Labs., Inc. 80mg 120mg
Danbury Pharmacal 80mg 120mg
Geneva Pharm. 40mg 80mg 120mg
Knoll Pharm. Co. 80mg 120mg Isoptin
Mutual Pharm., Inc. 80mg 120mg
Mylan Pharm. 80mg 120mg
Parke Davis/Warner Chilcott 80mg 120mg
Purepac Pharm. Co. 80mg 120mg
Searle Labs. 40mg 80mg 120mg Calan
Sidmak Labs., Inc. 80mg 120mg
Watson Labs., Inc. 80mg 120mg

Distributors: Aligen, Best Generics, Bioline, Duramed, Geneva, Goldline, Lederle, Martec, H.L. Moore, Mutual, Qualitest, Rugby, SquibbMark, United Research.

VERAPAMIL HYDROCHLORIDE Controlled Release Tablets

Baker Norton Pharms. 240mg
G.D. Searle & Co. 240mg Calan SR
Knoll Pharm. Co. 240mg Isoptin SR

Distributors: Goldline.

VA.R. Doc. No. R94-756; Filed March 30, 1994, 10:18 a.m.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

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

Statutory Authority: §§ 9-158, 9-160 and 9-164 of the Code of Virginia.

Effective Date: June 1, 1994.

Summary:

Section 9-161.1 of the Code of Virginia requires that the Virginia Health Services Cost Review Council

establish a new methodology for the review and measurement of efficiency and productivity of health care institutions. The methodology provides for, but is not limited to, comparison of the health care institution's performance to national and regional data. The amendments conform this regulation to the requirements of the new methodology.

The changes in this regulation were in the promulgation process when 1993 legislative changes to Virginia's Administrative Process Act became effective on July 1, 1993. The promulgation process therefore had to begin again.

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

Agency Contact: John A. Rupp, Virginia Health Services Cost Review Council, 805 East Broad Street, 6th Floor, Richmond, VA 23219, telephone (804) 786-6371. There may be a charge for copies.

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

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

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

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

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

2. Financial requirements for allowable capital purposes, including price level depreciation for depreciable assets and **reasonable** accumulation of funds for approved capital projects;

3. For investor-owned institutions, after tax return on equity at the percentage equal to two times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund for the months in a provider's reporting period, but not less, after taxes, than the rate or weighted average of rates of interest borne by the individual institution's outstanding capital indebtedness. The base to which the rate of return determined shall be applied is the total net assets

adjusted by paragraph 2 of this section, without deduction of outstanding capital indebtedness of the individual institution for assets required in providing institutional health care services;

4. For investor-owned institutions organized as proprietorships, partnerships, or S-corporations an imputed income tax, for fiscal years ending July 1, 1989, or later, at a combined federal and state income tax rate equal to the maximum tax rates for federal and state income taxes. The combined rate for 1989 is equal to 34% for individuals and 40% for corporations. Such tax computation shall be exclusive of net operating loss carry forwards prior to July 1, 1989. Operating losses incurred after July 1, 1989, may be carried forward no more than five years but may not be carried back prior years. The schedule of imputed income taxes shall be reported as a note to the financial statements or as a supplemental schedule of the certified audited financial statements submitted to the Virginia Health Services Cost Review Council by the institution.

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

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

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

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

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

"Late charge" means a fee that is assessed a health care institution that files its budget, annual report, or

charge schedule with the council past the due date.

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

"Voluntary cost review organization" means a nonprofit association or other nonprofit entity which has as its function the review of health care institutions' costs and charges but which does not provide reimbursement to any health care institution or participate in the administration of any review process under Chapter 4 of Title 32.1 of the Code of Virginia.

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

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

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

§ 2.2. Purpose of rules and regulations.

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

§ 2.3. Administration of rules and regulations.

These rules and regulations are administered by the

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Virginia Health Services Cost Review Council.

§ 2.4. Application of rules and regulations.

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

§ 2.5. Effective date of rules and regulations.

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

§ 2.6. Powers and procedures of regulations not exclusive.

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

PART III. COUNCIL PURPOSE AND ORGANIZATION.

§ 3.1. Statement of mission.

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

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

The mission of the council is to promote cost containment within Virginia's health care institutions by collecting, analyzing, and disseminating information to the public.

§ 3.2. Council chairman.

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

§ 3.3. Vice-chairman.

The council shall annually elect from its membership a vice-chairman who shall assume the duties of the chairman in his absence or temporary inability to serve.

§ 3.4. Expense reimbursement.

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

§ 3.5. Additional powers and duties.

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

PART IV. VOLUNTARY COST REVIEW ORGANIZATIONS.

§ 4.1. Application.

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

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

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to the council.

§ 4.2. Review of application.

A. Designation.

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

B. Disapproval.

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

C. Reapplication.

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

§ 4.3. Annual review of applicant.

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

B. The annual review statement shall include:

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

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

§ 4.4. Revocation of approval.

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

§ 4.5. Confidentiality.

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

PART V. CONTRACT WITH VOLUNTARY COST REVIEW ORGANIZATION.

§ 5.1. Purpose.

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

§ 5.2. Eligibility.

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

§ 5.3. Contents of contract.

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

PART VI IV . FILING REQUIREMENTS AND FEE STRUCTURE.

§ 6.1. § 4.1. Each individual health care institution shall file an annual *historical* report of revenues, expenses, other income, other outlays, assets and liabilities, units of service, and related statistics as prescribed in § 9-158 of the Code of Virginia on forms provided by the council together with the *unconsolidated* certified audited financial statements (or equivalents) as prescribed in § 9-159 of the Code of Virginia. The annual *historical* report and the *unconsolidated* certified audited financial statement shall be received by the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. Extensions of filing times for the annual report or the certified audited financial statement may be granted for extenuating circumstances upon a health care institution's written application for a 30-day extension. Such request for extension shall be filed no

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later than 120 days after the end of a health care institution's fiscal year. The requirement for the filing of an annual *historical* report and an *unconsolidated* certified audited financial statement may be waived if a health care institution can show that an extenuating circumstance exists. *Requests for a waiver must be submitted in writing prior to the due date.* Examples of an extenuating circumstance include, but are not limited to, involvement by the institution in a bankruptcy proceeding, closure of the institution, change of ownership of the institution, or the institution is a new facility that has recently opened.

Each health care institution with licensed nursing home beds or certified nursing facility beds shall exclude all revenues, expenses, other income, other outlays, assets and liabilities, units of service and related statistics directly associated with a hospital, continuing care retirement community, or with home for adult beds in the annual report filed with the council. For those health care institutions that participate in either the Medicare or Medicaid program, the cost allocation methodology required by the Virginia Department of Medical Assistance Services and Medicare for cost reports submitted to it shall be utilized for filings submitted to the council. Any health care institution that does not participate in the Medicare or Medicaid program may develop and utilize an alternative methodology to determine the nursing home portion of its costs if it chooses not to utilize the cost allocation methodology used by the Department of Medical Assistance Services and Medicare. That methodology shall then be approved by the council and the health care institution must continue to utilize that methodology for all subsequent filings unless a subsequent change is approved by the council.

~~§ 6-2.~~ § 4.2. Each individual health care institution shall file annually a projection (budget) of annual revenues and expenditures as prescribed in ~~§ 9-161 B~~ § 9-160 B of the Code of Virginia on forms provided by the council. The institution's projection (budget) shall be received by the council no later than ~~60~~ 30 days before the beginning of its respective applicable fiscal year. An institution's budget for a given fiscal year will not be accepted for review unless the institution has already filed its annual report and certified audited financial statement for the previous fiscal year. This regulation shall be applicable to nursing homes or certified nursing facilities for each fiscal year starting on or after June 30, 1990. Each health care institution with licensed nursing home beds or certified nursing facility beds shall exclude all revenues, expenses, other income, other outlays, assets and liabilities, units of service and related statistics directly associated with a hospital, continuing care retirement community, or with home for adult beds in the budget filed with the council. For those health care institutions that participate in either the Medicare or Medicaid program, the cost allocation methodology required by the Virginia Department of Medical Assistance Services and Medicare for cost reports submitted to it shall be utilized for filings submitted to the council. Any health care institution that does not

participate in the Medicare or Medicaid program may develop and utilize an alternative methodology to determine the nursing home portion of its costs if it chooses not to utilize the cost allocation methodology used by the Department of Medical Assistance Services and Medicare. That methodology shall then be approved by the council and the health care institution must continue to utilize that methodology for all subsequent filings unless a subsequent change is approved by the council.

[*An amendment or modification in an institution's annual projection that will result in a change in gross patient revenue of less than 1.0% is considered minimal and need not be reported. Also, cumulative changes of less than 1.0% in gross patient revenue need not be reported. All other changes must be reported.*]

§ 4.3. Each individual hospital shall file a quarterly historical report of revenue, expenses, and related statistics. The hospital quarterly file shall be received by the council no later than 45 days after the end of the respective applicable hospital's quarter end.

~~§ 6-2.~~ § 4.4. Each health care institution shall file annually a schedule of charges to be in effect on the first day of such fiscal year, as prescribed in ~~§ 9-161 D~~ § 9-159 A 4 of the Code of Virginia. The institution's schedule of charges shall be received by the council within 10 days after the beginning of its respective applicable fiscal year ~~or within 15 days of being notified by the council of its approval of the charges, whichever is later.~~

Any subsequent amendment or modification to the annually filed schedule of charges shall be filed at least 60 days in advance of its effective date, together with supporting data justifying the need for the amendment within 10 days of the effective date of the revised annual projection. An institution's proposed amendment or modification to its annually filed schedule of charges shall not be accepted for review unless the institution has complied with all prior filing requirements contained in §§ 6-1 and 6-2 4.1 and 4.2 for previous fiscal years. ~~Changes in charges which will have a minimal impact on revenues are exempt from this requirement. Any change in an institution's charges or cumulative changes in charges that will increase or decrease council-approved budgeted gross patient services revenue by less than 1.0% of annual revenue for the remaining portion of the budgeted fiscal year are considered minimal and need not be reported. All other changes must be reported.~~

In addition to the requirement above, a new schedule of charges must be submitted if any of the following conditions exist: (i) the creation or revision of a markup or pricing methodology, or (ii) the creation or revision of charges for new services or products. Amendments or modifications to a schedule of charges that are due only to cost adjustments resulting from the pass through of a markup or pricing methodology that had been implemented since the beginning of the fiscal year are considered minimal as described in § 4.2 and need not be

reported.

~~§ 6.3.1.~~ § 4.5. Each health care institution shall file annually a survey of rates charged. For hospitals, the survey shall consist of up to 30 select charges, including semi-private and private room rates. The survey shall also consist of charges of the most frequently occurring diagnoses or procedures for inpatient and outpatient treatment. The charges shall be calculated by taking an average for one month of all patient bills where the requested CPT or ICD-9 code numbers are indicated as the principal diagnosis or procedure. This information shall be received by the council from each hospital no later than April 30 of each year.

The annual charge survey for nursing homes shall include up to 30 select charges, including semi-private and private room rates. The select charges shall reflect the rates in effect as of the first day of a sample month to be chosen by the council. This information shall be provided to the council no later than March 31 of each year.

~~§ 6.3.2.~~ § 4.6. Each health care institution or any corporation that controls a health care institution shall respond to a survey conducted by the council to determine the extent of commercial diversification by such health care institutions in the Commonwealth. The survey shall be in a form and manner prescribed by the council and shall request the information specified in subdivisions a through j below for each affiliate of such health care institution or corporation, if any:

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

~~§ 6.3.3.~~ § 4.6.1. The information specified in ~~§ 6.3.2~~ § 4.6 shall relate to any legal controls that exist as of the 1st of July of each calendar year in which the survey is required to be submitted. The response to the survey shall include the required information for all affiliates in which

the health care institution or any corporation which controls a health care institution has a 25% or greater interest. Information regarding affiliates or organizations that do not have corporate headquarters in Virginia and that do no business in Virginia need not be provided.

~~§ 6.3.4.~~ § 4.6.2. For fiscal years ending on or before June 30, 1992, each health care institution or any corporation that controls a health care institution and that is required to respond to the survey specified in ~~§ 6.3.2~~ § 4.6 shall complete and return the survey to the council by the 31st day of August of 1992.

~~§ 6.3.5.~~ § 4.6.3. For fiscal years ending on or before June 30, 1992, each hospital that reports to the council or any corporation which controls a hospital that reports to the council shall submit an audited consolidated financial statement to the council which includes a balance sheet detailing its total assets, liabilities and net worth and a statement of income and expenses and includes information on all such corporation's affiliates.

§ 4.6.4. For fiscal years ending on or before June 30, 1992, each nursing home that reports to the council or any corporation which controls a nursing home that reports to the council shall submit either a certified audited financial statement or an audited consolidated financial statement to the council which includes a balance sheet detailing its total assets, liabilities and net worth and a statement of income and expenses and includes information on all such corporation's affiliates.

The filings required by this section shall be submitted to the council by the 31st day of August of 1992 or 120 days after the health care institution's fiscal year end, whichever is later.

~~§ 6.3.6~~ § 4.6.5. For fiscal years ending on or after July 1, 1992, each health care institution that reports to the council or any corporation which controls a health care institution that reports to the council shall submit audited consolidated financial statements and consolidating financial schedules to the council which include its total assets, liabilities, revenues, expenses, and net worth.

~~§ 6.3.7~~ § 4.6.6. For fiscal years beginning on or after July 1, 1992, the information required in §§ ~~6.3.2~~, ~~6.3.3~~ and ~~6.3.6~~ 4.6, 4.6.1, and 4.6.5 shall be due 120 days after the end of the health care institution's fiscal year end.

~~§ 6.3.8~~ § 4.7. Each health care institution that reports to the council, any corporation controlling any such health care institution, and each affiliate of the health care institution or corporation shall submit the health care institution, corporation, or affiliate as an organization exempt from taxes pursuant to § 501(C)(3) of the Internal Revenue Code, a copy of the most recent federal information return (Form 990) which was filed on behalf of the institution, corporation, or affiliate together with all accompanying schedules that are required to be made available to the public by the Internal Revenue Service.

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Information regarding not-for-profit and for-profit affiliates which do no business in Virginia need not be submitted.

§ 6.3:9 For fiscal years beginning on or after July 1, 1992, the information required in § 6.3:8 this section shall be due to the council 120 days after the completion of the health care institution's fiscal year end. If the information return (Form 990) has not been filed with the Internal Revenue Service, the due date will be extended to no later than the normal due date to the IRS or any extensions granted.

§ 6.4. § 4.8. All filings prescribed in §§ 6.1, 6.2 and 6.3:2 of required by these regulations will be made to the council for its transmittal to any approved voluntary cost review organization described in Part IV of these regulations.

§ 6.5. § 4.9. A filing fee based on an adjusted patient days rate shall be set by the council, based on the needs to meet annual council expenses. The fee shall be established and reviewed at least annually and reviewed for its sufficiency at least annually by the council. All fees shall be paid directly to the council. The filing fee shall be no more than 11 cents per adjusted patient day for each health care institution filing. Prior to the beginning of each new fiscal year, the council shall determine a filing fee for hospitals and a filing fee for nursing homes based upon the council's proportionate costs of operation for review of hospital and nursing home filings in the current fiscal year, as well as the anticipated costs for such review in the upcoming year.

§ 6.6. § 4.10. Fifty percent of the filing fee shall be paid to the council at the same time that the health care institution files its budget under the provisions of § 6.2 § 4.2 of these regulations. The balance of the filing fee shall be paid to the council at the same time the health care institution files its annual report under the provisions of § 6.1 § 4.1 of these regulations. When the council grants the health care institution an extension, the balance of the filing fee shall be paid to the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. During the year of July 1, 1989, through June 30, 1990, each nursing home and certified nursing facility shall pay a fee of 7 cents per adjusted patient day when it files its annual report in order to comply with subdivisions A1 and A2 of § 9-159 of the Code of Virginia. Following June 30, 1990, all nursing homes and certified nursing facilities shall submit payment of the filing fees in the amount and manner as all other health care institutions.

§ 6.7. A late charge of \$10 per working day shall be paid to the council by a health care institution that files its budget, annual report or certified audited financial statement past the due date. The late charge may be waived if a health care institution can show that an extenuating circumstance exists. Examples of extenuating circumstance include, but are not limited to, involvement by the institution in a bankruptcy proceeding, closure of

the institution, change of ownership of the institution, or the institution is a new facility that has recently opened.

§ 4.11. A late charge shall be paid to the council by a health care institution that files reports or fees past the due date. The late charge may be waived if such a waiver is requested prior to the due date and the health care institution can show that an extenuating circumstance exists. Examples of extenuating circumstances include, but are not limited to, involvement by the institution in a bankruptcy proceeding, closure of the institution, change of ownership of the institution, or the institution is a new facility that has recently opened.

§ 4.12. A late charge of \$10 per working day shall be paid to the council by a health care institution that files its annual projection (budget), quarterly historical report, annual historical report, unconsolidated audited financial statements (or extracted equivalent) or fees past the due date.

§ 6.8. § 4.13. A late charge of \$50 shall be paid to the council by the health care institution that files the charge schedule past the due date.

§ 6.9. § 4.14. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3:2 or file § 4.6 including the audited consolidated financial statement required by § 6.3:5 § 4.6:5 or both.

§ 6.10. § 4.15. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3:1 § 4.5.

§ 6.11 § 4.16. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to submit the Form 990s as provided §§ 6.3:8 and 6.3:9 § 4.7.

PART VII V. WORK FLOW AND ANALYSIS.

§ 7.1. § 5.1. The annual historical report data filed by health care institutions as prescribed in § 6.1 § 4.1 of these regulations shall be analyzed as directed by the council. Hospitals that are part of a hospital system will be analyzed on a systemwide basis. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations, may be published and disseminated as determined by the council. The health care institution which is the subject of any summary, report, recommendation or comment shall receive a copy of same at least 10 days prior to the meeting at which the same is to be considered by the council.

§ 7.2. § 5.2. The annual schedule of charges and projections (budget) of revenues and expenditures filed by health care institutions as prescribed in § 6.2 § 4.2 of

these regulations shall be analyzed as directed by the council. Hospitals that are part of a hospital chain may have their filings reviewed on a consolidated basis. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations will be published and disseminated by the council. Amendments or modifications to the annually filed schedule of charges shall be processed in a like manner and reviewed by the council no later than 60 days after receipt of properly filed amendments or modifications. Any health care institution which is the subject of summaries and findings of the council shall be given upon request an opportunity to be heard before the council.

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

§ 8.1. § 6.1. The staff findings and recommendations and related council decisions on individual health care institutions' annual historical data findings will be kept on file at the council office for public inspection. However, the detailed annual historical data filed by the individual health care institutions will be excluded from public inspection in accordance with § 9-159 B, of the Code of Virginia.

§ 8.2. § 6.2. Periodically, but at least annually, the council will publish the rates charged by each health care institution in Virginia for up to 30 of the most frequently used services in Virginia, including each institution's average semiprivate and private room rates. The data will be summarized by geographic area in Virginia, and will be kept on file at the council office for public inspection and made available to the news media. In addition, annual charge schedules and subsequent amendments to these schedules filed under the provisions of § 6.3 § 4.4 of these rules and regulations will be kept on file at the council office for public inspection. Staff findings and recommendations and related council decisions on changes to health care institutions' rates and charges will also be kept on file at the council office for public inspection and available to the news media.

§ 8.3. § 6.3. Periodically, but at least annually, the council will publish an annual report which will include, but not be limited to the following: cost per admission comparison, cost per patient day comparison, percentage increase in cost per patient day, budget and historical reports reviewed, interim rate changes, excess operating expenses, revenue reduction recommendations, operating profits and losses, deductions from revenue (contractuals, bad debts, and charity care) and hospital utilization.

§ 8.3.1. § 6.3.1. The council will also periodically publish and disseminate information which will allow consumers to compare costs and services of hospitals, nursing homes

and certified nursing facilities.

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

§ 8.5. § 6.4. The council may shall release historical financial and statistical data reported by health care institutions to state or federal commissions or agencies based on individual, specific requests, and the merit of such requests. Requests must list the purpose for which the requested data is to be used to permit the council to reach a valid decision on whether or not the data requested will fit the need and should, therefore, be made available pursuant to § 9-159 B of the Code of Virginia. Under no circumstances will data be released which contains "personal information" as defined in § 2.1-379(2) of the Code of Virginia.

§ 8.6. The council shall not release prospective (budgeted) financial and statistical data reported by health care institutions to anyone, except for the staff findings and recommendations as provided for in § 8.4 of these regulations.

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

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

VA.R. Doc. No. R94-733; Filed March 24, 1994, 1:11 p.m.

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Title of Regulation: VR 370-01-002. Regulations to Measure Efficiency and Productivity of Health Care Institutions.

Statutory Authority: §§ 9-161.1 and 9-164 of the Code of Virginia.

Effective Date: June 1, 1994.

Summary:

This regulation establishes a new methodology for the review and measurement of efficiency and

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productivity of health care institutions. The methodology provides for, but is not limited to, comparisons of a health care institution's performance to national and regional data.

The regulatory package providing for the new methodology contains the following:

1. A basic description of the new methodology;
2. Relevant definitions to be utilized in the new methodology;
3. A matrix for the evaluation of the best performers by hospitals and nursing homes; and
4. New forms and instructions.

This regulation was adopted on an emergency basis in November 1992, to be effective January 1, 1993. During the normal promulgation process, the 1993 legislative changes to Virginia's Administrative Process Act become effective. Therefore, this promulgation process had to be initiated again.

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 John A. Rupp, Virginia Health Services Cost Review Council, 805 East Broad Street, 6th Floor, Richmond, VA 23219, telephone (804) 786-6371. There may be a charge for copies.

VR 370-01-002. Regulations to Measure Efficiency and Productivity of Health Care Institutions.

PART I. GENERAL APPROACH.

§ 1.1. Purpose.

The methodology set forth in these regulations is market oriented. Consumers and buyers of health care will receive information from the council that will allow them to make prudent health care decisions.

§ 1.2. Limitations.

Nothing in these regulations or the actions taken by the council pursuant to any of its provisions shall be construed as constituting approval by the Commonwealth or any of its agencies or officers of the reasonableness of any charges made or costs incurred by any health care institution.

§ 1.3. Activities.

The council will collect, analyze, and publish information on health care institutional provider practices relating to efficiency and productivity.

PART II. DATA SYSTEM.

§ 2.1. Filing.

Each health care institution will submit the following filings:

1. **Annual Budget Summary Filing.** Each health care institution will submit an Annual Budget Summary Filing as prescribed in § 9-160 B of the Code of Virginia. This filing will provide financial and statistical information to assist purchasers, state policy makers, and other consumers develop projections of future charges and costs. The budget filing shall be received by the council at least 30 days prior to the beginning of the health care institution's fiscal year.

2. **Annual Historical Performance Filing.** Each health care institution will submit an Annual Historical Performance Filing as prescribed in § 9-158 of the Code of Virginia. This filing will be used to collect audited financial information and other information for all of the categories listed in § 2.2. It will provide the basis for the evaluation of the council. The Annual Historical Performance Filing shall be received by the council within 120 days after the close of the health care institution's fiscal year.

3. **Quarterly Historical Performance Filings.** Only hospitals, including acute care hospitals, ambulatory surgical hospitals, psychiatric hospitals, and rehabilitation hospitals, will submit Quarterly Historical Performance Filings. All other health care institutions are provisionally exempt from this requirement. Quarterly information will be incorporated into a council data bank so that purchasers may seek current information. The Quarterly Historical Performance Filing shall be received by the council within 45 days after the end of each hospital's fiscal year quarter.

§ 2.2. Categories of information.

Information concerning charges, costs, elements of costs, resource utilization, financial viability, and community support services will be assembled from the filings made pursuant to these regulations.

§ 2.3. Efficiency and productivity indicators.

Individual data elements from the general categories identified in § 2.2 will be used to form ratio indicators. These indicators will be used to evaluate health care institutions and rank health care institutions in relation to their peers.

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1. *Case mix index.* Acute care hospitals shall provide the council with a case mix index for all inpatients and designated categories of inpatients when it submits its Annual Historical Performance filing. The Medicare DRG grouper process shall be utilized by the council.

2. *Freestanding (i.e., nonsystem) hospitals with fewer than 100 licensed hospital beds may apply to the council for an exemption to subdivision 1 of this section for calendar year 1993. All hospitals must comply with subdivision 1 of this section in calendar year 1994.*

3. *Each nursing facility that has received a Patient Intensity Rating System (PIRS) Service Intensity Index (SII) number from the Virginia Department of Medical Assistance Services shall report the four quarterly final PIRS SII scores associated with its fiscal year. These scores are to be reported on the institution's Annual Historical Performance Filing.*

§ 2.4. Mortality indicator.

Each hospital will indicate in its Annual Historical Performance Filing whether or not its Health Care Financing Administration (HCFA) mortality rates, overall and for all subcategories, are within HCFA's expected mortality ranges. This information will not be used to measure the relative efficiency and productivity of a hospital in 1993.

§ 2.5. Electronic submission of data.

Information shall be submitted electronically.

1. *Information shall be submitted using software developed by the council for the use of health institutions in submitting filings.*

2. *Any health care institution that does not have the computer equipment to submit electronically may apply to the council for an exemption to subdivision 1 of this section. Beginning January 1994, a fee commensurate with the cost of data entry will be assessed by the council.*

§ 2.6. Public access to data.

The council will publish an annual report which will incorporate the data collected and analysis of the data including, but not limited to, an evaluation of the relative efficiency and productivity of health care institutions. An electronic data base will be available to the public in 1994.

PART III.

EVALUATION OF EFFICIENCY AND PRODUCTIVITY.

§ 3.1. Initial measurement.

The performance of each health care institution will be measured using the indicators referenced in § 2.3.

§ 3.2. Ranking.

Unless exempted as provided for in § 3.4, each health care institution will be subject to a ranking procedure.

1. *Regional peer grouping.* Similar types of health care institutions (e.g., all hospitals or all nursing homes) will be grouped into geographical peer groups and ranked in relation to other institutions within their peer group.

2. *Ranking procedure.* Each health care institution will be ranked on each indicator and given a quartile score on each indicator. Each quartile represents 25% of institutions within the peer group. Each institution will be given a score of 1, 2, 3, or 4 on each indicator depending upon the quartile in which they fall. A quartile score of 1 on an indicator means that an institution ranked in the top quartile (top 25%) on that indicator. Quartile scores are summed over all indicators. The total is divided by the number of indicators to get an average quartile score. The top performers will be selected by using the average quartile score and identifying the top 25% of institutions within each peer group.

§ 3.3. Other peer groupings.

Health care institutions may be sorted into other peer groupings (e.g., bed size, urban/rural, system/nonsystem) for purposes of analysis.

§ 3.4. Exemptions from the ranking procedure.

During calendar year 1993, some institutions will be exempt from the ranking procedure as described below:

1. *Small hospitals.* Freestanding (i.e., nonsystem) hospitals with fewer than 100 licensed beds that are exempt pursuant to subdivision 2 of § 2.3.

2. *Psychiatric hospitals.*

3. *Rehabilitation hospitals.*

4. *Ambulatory surgery hospitals.*

5. *Continuing care retirement communities.*

6. *Children's specialty hospitals.*

7. *Subacute care hospitals.*

NOTICE: The forms used in administering the Regulations to Measure Efficiency and Productivity of Health Care Institutions are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Office

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of the Virginia Health Services Cost Review Council, 8th Street Office Building, Richmond, Virginia 23219, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia 23219.

- Psychiatric Hospital Annual Budget Filing Form (6/14/93)
- Psychiatric Hospital Quarterly Filing Form (6/14/93)
- Psychiatric Hospital Annual Historical Filing Form (8/30/93)
- Indicator Definitions - Psychiatric Hospitals Form (3/15/94)
- Ambulatory Surgical Hospital Annual Budget Filing Form (8/30/93)
- Ambulatory Surgical Hospital Quarterly Filing Form (8/30/93)
- Ambulatory Surgery Hospital Annual Historical Filing Form (8/30/93)
- Indicator Definitions - Ambulatory Surgery Hospitals Form (3/15/94)
- Nursing Home Annual Budget Filing Form (8/30/93)
- Nursing Home Annual Historical Filing Form (8/30/93)
- Indicator Definitions - Nursing Homes (3/11/94)
- Appendix I, Calculation and an Example of Case Mix and Ancillary and Outpatient Adjusted Patient Days (3/11/94)
- Hospital and Nursing Home Reconciliation Worksheet (8/30/93)
- Hospital Annual Historical Filing Form (8/30/93)
- Hospital Annual Budget Filing Form (8/30/93)
- Hospital Quarterly Filing Form (8/30/93)
- Indicator Definitions - Hospitals (3/9/94)
- Rehabilitation Hospital Annual Budget Filing Form (6/14/93)
- Rehabilitation Hospital Quarterly Filing Form (6/14/93)
- Rehabilitation Hospital Annual Historical Filing Form (8/30/93)
- Indicator Definitions - Rehabilitation Hospitals Form (3/15/94)

V.A.R. Doc. No. R94-734; Filed March 24, 1994, 1:09 p.m.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

REGISTRAR'S NOTICE: The following regulation filed by the Department of Transportation is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Transportation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 385-01-2. Fares for the Jamestown-Scotland Ferry.

Statutory Authority: § 33.1-254 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

This regulation sets fares for transportation across the Jamestown-Scotland Ferry. Following legislative proposals during the 1994 General Assembly to remove tolls entirely, the Commonwealth Transportation Board cut commuter rates in half as a compromise at its March 17, 1994, meeting. (Note: During the verification process to prepare text for the Administrative Code, it was discovered that the 1991 and 1992 amendments to the fare schedule had not been filed as required by the Virginia Register Act. This filing replaces the 1986 noncommuter rates originally published and the 1992 amendments with the current rates for all modes of transportation.

VR 385-01-2. Fares for the Jamestown-Scotland Ferry.

Modes of Transportation	Rate
Two-Axle (Gross Weight 3 Tons or Less)	
One Way	\$2.00 \$4.00
Multi-Axle Single Unit & Two-Axle	
Greater than 3 Tons Gross Weight	
One Way	\$4.00 \$8.00
Multi-Axle Multi-Unit (except tractor-truck semi-trailer combination)	
One Way	\$4.00 \$8.00
Tractor-Truck Semi-Trailer combination	
One Way	\$6.00 \$11.00
Pedestrian Pedestrians or Bicycle Bicycles	
One Way	\$0.50 \$0.25
Commuter Book Tickets	
Two-Axle (Gross Weight 3 Tons or Less)	
20 Tickets per Book	\$7.00 \$5.00

V.A.R. Doc. No. R94-727; Filed March 23, 1994, 11:40 a.m.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: March 16, 1994.

Summary:

The amendments to the authority's rules and regulations for single family mortgage loans to persons and families of low and moderate income will (i) implement changes in maximum sales prices and income limits for loans on which the authority takes a reservation on or after March 16, 1994; (ii) implement certain programmatic changes governing the single family loan closing process, including (a) deletion of provisions relating to certain exhibits which are to be eliminated, (b) permitting delegation by the authority of some or all of the underwriting and/or closing functions to the authority's origination/servicing agents, (c) revising the restrictions on business use of the home to permit limited business use consistent with federal tax law, (d) allowing the financing of lot sizes greater than two acres and smaller than five acres when determined by the authority to be usual and customary in the area, (e) increasing to 50% of sales price the maximum net worth which an applicant can have in order to be eligible for a mortgage loan, (f) providing for the consideration of compensating factors when applying the authority's underwriting ratios, and (g) amending the authority's property guidelines such that the authority may make loans on property not located on a state maintained road, but on private roads with recorded right-of-way and maintenance agreements acceptable to the authority; (iii) implement the authority's FHA plus loan program to provide additional loan financing in connection with FHA insured loans; and (iv) make minor clarifications and typographical corrections.

The amendments, as adopted, do not delete the requirement that borrowers be related by blood, marriage or adoption.

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 J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia 23220, telephone (804) 782-1986. There may be a charge for copies.

VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. General.

The following rules and regulations will be applicable to

mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have a "gross family income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation set forth in Part II hereof. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit set forth in Part II hereof. The term "sales price," with respect to a mortgage loan for the combined acquisition and rehabilitation of a single family dwelling unit, shall include the cost of acquisition, plus the cost of rehabilitation and debt service for such period of rehabilitation, not to exceed three months, as the executive director shall determine that such dwelling unit will not be available for occupancy. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds as set forth in Part II hereof.

Mortgage loans may be made or financed pursuant to these rules and regulations only if and to the extent that the authority has made or expects to make funds available therefor.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these rules and regulations where deemed appropriate by him for good cause, to the extent not inconsistent with the Act.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these rules and regulations shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The rules and regulations set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the originating and administration of mortgage loans under the authority's single family housing program. These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

§ 1.2. Origination and servicing of mortgage loans.

A. Approval/definitions.

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The originating of mortgage loans and the processing of applications for the making or financing thereof in accordance herewith shall, except as noted in subsection G of this § 1.2, be performed through commercial banks, savings and loan associations, private mortgage bankers, redevelopment and housing authorities, and agencies of local government approved as originating agents ("originating agents") of the authority. The servicing of mortgage loans shall, except as noted in subsection H of this § 1.2, be performed through commercial banks, savings and loan associations and private mortgage bankers approved as servicing agents ("servicing agents") of the authority.

To be initially approved as an originating agent or as a servicing agent, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a net worth equal to or in excess of \$250,000 or such other amount as the executive director shall from time to time deem appropriate, except that this qualification requirement shall not apply to redevelopment and housing authorities and agencies of local government;
3. Have a staff with demonstrated ability and experience in mortgage loan origination and processing (in the case of an originating agent applicant) or servicing (in the case of a servicing agent applicant); and
4. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each originating agent approved by the authority shall enter into an originating agreement ("originating agreement"), with the authority containing such terms and conditions as the executive director shall require with respect to the origination and processing of mortgage loans hereunder. Each servicing agent approved by the authority shall enter into a servicing agreement with the authority containing such terms and conditions as the executive director shall require with respect to the servicing of mortgage loans.

An applicant may be approved as both an originating agent and a servicing agent ("originating and servicing agent"). Each originating and servicing agent shall enter into an originating and servicing agreement ("originating and servicing agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the originating and servicing of mortgage loans hereunder.

For the purposes of these rules and regulations, the term "originating agent" shall hereinafter be deemed to include the term "originating and servicing agent," unless

otherwise noted or the context indicates otherwise. Similarly, the term "originating agreement" shall hereinafter be deemed to include the term "originating and servicing agreement," unless otherwise noted or the context indicates otherwise. The term "servicing agent" shall continue to mean an agent authorized only to service mortgage loans. The term "servicing agreement" shall continue to mean only the agreement between the authority and a servicing agent.

Originating agents and servicing agents shall maintain adequate books and records with respect to mortgage loans which they originate and process or service, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents and servicing agents for originating and processing or for servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the originating agreements and servicing agreements applicable to such originating agents and servicing agents.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to originating agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any originating agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. Originating guide and servicing guide.

These rules and regulations constitute a portion of the originating guide of the authority. The processing guide and all exhibits and other documents referenced herein are not included in, and shall not be deemed to be a part of, these rules and regulations. The executive director is authorized to prepare and from time to time revise a processing guide and a servicing guide which shall set forth the accounting and other procedures to be followed by all originating agents and servicing agents responsible for the origination, closing and servicing of mortgage loans under the applicable originating agreements and servicing agreements. Copies of the processing guide and the servicing guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the originating guide (including the processing guide) and the servicing guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and

services of its originating agents and (ii) agree to purchase individual mortgage loans from its originating agents or servicing agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement or servicing agreement, the originating guide, the servicing guide, the Act and these rules and regulations.

If the applicant and the application for a mortgage loan meet the requirements of the Act and these rules and regulations, the executive director may issue on behalf of the authority a mortgage loan commitment to the applicant for the financing of the single family dwelling unit, subject to the approval of ratification thereof by the board. Such mortgage loan commitment shall be issued only upon the determination of the authority that such a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions, and such determination shall be set forth in the mortgage loan commitment. The original principal amount and term of such mortgage loan, the amortization period, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the mortgage loan commitment issued on behalf of the authority with respect to such mortgage loan.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's originating agents and servicing agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The sales prices of the single family housing units financed by such mortgage loans, the gross family incomes of the mortgagors thereof, and the original principal amounts of such mortgage loans shall not exceed such limits as the executive director shall establish, subject to approval or ratification by resolution of the board. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to originating agents and servicing agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations

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imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the selected originating agents and servicing agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the applicable originating agreement or servicing agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the Act and the authority's rules and regulations.

F. Delegated underwriting and closing .

The executive director may, in his discretion, delegate to one or more originating agents *all or some of* the responsibility for *underwriting*, issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which originating agents may qualify for such delegation. If such delegation has been made, the originating agents shall submit all required documentation to the authority ~~after closing of each mortgage loan~~ *at such time as the authority may require* . If the executive director determines that a mortgage loan does not comply with *any requirement under the* originating guide, the applicable originating agreement, the Act or these rules and regulations *for which the originating agent was delegated responsibility* , he may require the originating agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

G. Field originators.

The authority may utilize financial institutions, mortgage brokers and other private firms and individuals and governmental entities ("field originators") approved by the authority for the purpose of receiving applications for mortgage loans. To be approved as a field originator, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have made any necessary filings or registrations and have received any and all necessary approvals or licenses in order to receive applications for mortgage loans in the Commonwealth of Virginia;
3. Have the demonstrated ability and experience in

the receipt and processing of mortgage loan applications; and

4. Have such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each field originator approved by the authority shall enter into such agreement as the executive director shall require with respect to the receipt of applications for mortgage loans. Field originators shall perform such of the duties and responsibilities of originating agents under these rules and regulations as the authority may require in such agreement.

Field originators shall maintain adequate books and records with respect to mortgage loans for which they accept applications, shall permit the authority to examine such books and records, and shall submit to the authority such reports and information as the authority may require. The fees to the field originators for accepting applications shall be payable in such amount and at such time as the executive director shall determine.

In the case of mortgage loans for which applications are received by field originators, the authority may process and originate the mortgage loans; accordingly, unless otherwise expressly provided, the provisions of these rules and regulations requiring the performance of any action by originating agents shall not be applicable to the origination and processing by the authority of such mortgage loans, and any or all of such actions may be performed by the authority on its own behalf.

H. Servicing by the authority.

The authority may service mortgage loans for which the applications were received by field originators or any mortgage loan which, in the determination of the authority, originating agents and servicing agents will not service on terms and conditions acceptable to the authority or for which the originating agent or servicing agent has agreed to terminate the servicing thereof.

PART II. PROGRAM REQUIREMENTS.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made [are related by blood, marriage or adoption and] are living together in the dwelling as a single nonprofit housekeeping unit.

C. Citizenship.

Each applicant for an authority mortgage loan must either be a United States citizen or be a lawful permanent (not conditional) resident alien as determined by the U.S. Department of Immigration and Naturalization Service.

§ 2.2. Compliance with certain requirements of the Internal Revenue Code of 1986, as amended (hereinafter "the tax code").

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the originating agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The originating agent will ~~certify to the performance of~~ perform these procedures and ~~evaluation of~~ evaluate a borrower's eligibility by ~~completing and signing the "Originating Agent's Checklist for Certain Requirements of the Tax Code" (Exhibit A(1))~~ prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this originating guide.

§ 2.2.1. Eligible borrowers.

A. General.

In order to be considered an eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

1. May not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See § 2.2.1 B Three-year requirement);
2. Must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See § 2.2.1 C Principal residence requirement);
3. Must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See § 2.2.1 D New mortgage requirement);
4. Must have contracted to purchase an eligible dwelling. (See § 2.2.2 Eligible dwellings);

5. Must execute an affidavit of borrower (Exhibit E) at the time of loan application;

6. Must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code (See § 2.5 Income requirements);

7. Must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan unless certain requirements are met. (See § 2.10 Loan assumptions); and

8. Must be over the age of 18 years or have been declared emancipated by order or decree of a court having jurisdiction.

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3 Targeted areas); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in 3 below) must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a present ownership interest include:

- a. A remainder interest,

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b. An ordinary lease with or without an option to purchase,

c. A mere expectancy to inherit an interest in a principal residence,

d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and

e. An interest in other than a principal residence during the previous three years.

2. Persons covered. This requirement applies to any person who will execute the mortgage document or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the originating agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The originating agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by originating agent. The originating agent must, with due diligence, verify the representations in the affidavit of borrower (Exhibit E) regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and ~~certify to the authority make a determination~~ that on the basis of its review ; ~~it is of the opinion that~~ each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. General. An eligible borrower must intend at the time of closing to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the

closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower (to be updated by the verification and update of information form) and as part of the attachment to the deed of trust.

2. Definition of principal residence. A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where ~~any portion~~ more than 15% of the total living area is to be used primarily in a trade or business.

3. Land not to be used to produce income. The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the affidavit of borrower that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

4. Lot size. Only such land as is reasonably necessary to maintain the basic liveability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres, even in rural areas. However, exceptions may be made to permit lots larger than two acres, but in no event in excess of five acres: (i) if the land is owned free and clear and ~~is not being financed by the loan,~~ (ii) if difficulty is encountered locating a well or septic field, the lot may include the additional acreage needed, ~~or~~ (iii) local city and county zoning ordinances which require more acreage will be taken into consideration, ~~or~~ (iv) if the lot size is determined by the authority, based upon objective information provided by the borrower, to be usual and customary in the area for

the lot may be as large as 5 acres,

comparably priced homes .

5. Review by originating agent. The affidavit of borrower (Exhibit E) must be reviewed by the originating agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence , and the originating agent must, based on such review, make a determination that the borrower has not used any previous residence or any portion thereof primarily in any trade or business . Also, the originating agent shall review the appraiser report (Exhibit H) of an authority approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the originating agent shall certify to the authority its findings and certain opinions in the checklist for certain requirements of the tax code (Exhibit A(1)) at the time the loan application is submitted to the authority for approval.

6. Post-closing procedures. The originating agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the originating agent may establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional

land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by originating agent. Prior to closing the mortgage loan, the originating agent must examine the affidavit of borrower (Exhibit E), the affidavit of seller (Exhibit F), and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon Based upon such review, the originating agent shall certify to the authority that the agent is of the opinion make a determination that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one outstanding authority first mortgage loan.

§ 2.2.2. Eligible dwellings.

A. In general.

In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General rule. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in § 2.3. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling.

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2. Acquisition cost requirements for assumptions. To determine if the acquisition cost is at or below the federal limits for assumptions, the originating agent or, if applicable, the servicing agent must in all cases contact the authority (see § 2.10 below).

3. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See ~~Acquisition Cost Worksheet, Exhibit G, Item 4 and Appraiser Report, Exhibit H~~).

(3) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

4. Acquisition cost ~~worksheet (Exhibit G) and Appraiser Report (Exhibit H) computation~~. The originating agent is required to obtain from each eligible borrower a completed ~~acquisition cost worksheet affidavit of borrower~~ which shall specify in detail the basis for the purchase price of the eligible dwelling; ~~calculated include a calculation of the acquisition cost of the eligible dwelling~~ in accordance with this subsection B. The originating agent shall assist the eligible borrower in the correct ~~completion of the worksheet calculation of such acquisition cost~~. The originating agent must also obtain from the appraiser a completed appraiser's report which may also be relied upon in completing the acquisition cost worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the affidavit of borrower required to be submitted with the loan submission. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling ~~on the worksheet~~.

5. Review by originating agent. The originating agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the originating agent or, if applicable, the servicing agent must contact the authority for this determination in all cases - see § 2.10 below). Also, as part of its review, the originating agent must review the ~~acquisition cost worksheet affidavit of borrower~~ submitted by each mortgage loan applicant; ~~and the appraiser report~~; and must certify to the authority that it is of the opinion ~~make a determination~~ that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the originating agent must compare the information contained in the ~~acquisition cost worksheet affidavit of borrower~~ with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

6. Independent appraisal. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.2.3. Targeted areas.

A. In general.

In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising originating agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to an originating agent exclusively for targeted areas will be specified in a forward commitment agreement between the originating agent and the authority.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in this § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement described in § 2.2.1 B. Notwithstanding this exception, the applicant must still submit certain federal income tax records. However, they will be used to verify income and to verify that previously owned residences have not been *primarily* used in a trade or business (and not to verify nonhomeownership), and only those records for the most recent year preceding execution of the mortgage documents (rather than the three most recent years) are required. See that section for the specific type of records to be submitted.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in b below, or an area of chronic economic distress, as described in c below.

b. A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

c. An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury informed by the authority as to the location of areas so designated.

§ 2.3. Sales price limits.

A. The authority's maximum allowable sales price for loans which are closed on or after December 1, 1991, for which reservations are taken by the authority before March 16, 1994, shall be as follows:

Area	New Construction	Existing and Substantial Rehab.
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1. Washington DC-MD-VA MSA ¹		
"inner areas"	\$131,790	\$131,790
2. "outer areas"	\$124,875	\$124,875
3. Norfolk-Va. Beach-Newport News MSA ²	\$ 81,500	\$ 81,500
4. Richmond-Petersburg MSA ³	\$ 79,500	\$ 79,500
5. Charlottesville MSA ⁴	\$ 95,450	\$ 79,530
6. Clarke County	\$ 90,250	\$ 79,530
7. Culpeper County	\$ 84,050	\$ 79,530
8. Fauquier County	\$101,670	\$ 79,530
9. Frederick County and Winchester City	\$ 92,150	\$ 79,530
10. Isle of Wight County	\$ 81,500	\$ 79,530
11. King George County	\$ 89,300	\$ 79,530
12. Madison County	\$ 76,000	\$ 76,000
13. Orange County	\$ 77,900	\$ 77,900
14. Spotsylvania County and Fredericksburg City	\$102,700	\$ 79,530
15. Warren County	\$ 83,600	\$ 79,530
16. Balance of State ⁵	\$ 75,500	\$ 75,500

¹ Washington DC-Maryland-Virginia MSA. Virginia Portion: "Inner Areas" - Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City; "Outer Areas" - Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

² Norfolk-Virginia Beach-Newport News MSA. Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

³ Richmond-Petersburg MSA. Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

⁴ Charlottesville MSA. Albemarle County, Charlottesville City, Fluvanna County, Greene County.

⁵ Balance of State. All areas not listed above.

The executive director may from time to time waive the foregoing maximum allowable sales prices with respect to such mortgage loans as he may designate if he determines that such waiver will enable the authority to assist the state in achieving its economic and housing goals and policies, provided that, in the event of any such waiver, the sales price of the residences to be financed by any mortgage loans so designated shall not exceed the applicable limits imposed by the U.S. Department of the Treasury pursuant to the federal tax code or such lesser limits as the executive director may establish. Any such waiver shall not apply upon the assumption of such mortgage loans.

The authority's maximum allowable sales price for loans for which reservations are taken by the authority on or after March 16, 1994, shall be 95% of the applicable maximum purchase prices (except that the maximum allowable sales price for targeted area residences shall be the same as are established for nontargeted residences) permitted or approved by the U.S. Department of the

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Treasury pursuant to the federal tax code. The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the dollar amounts of the foregoing maximum allowable sales prices for each area of the state. Any changes in the dollar amounts of such maximum allowable sales prices shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

B. Effect of solar grant.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residencee.

§ 2.4. Net worth.

To be eligible for authority financing, an applicant cannot have a net worth exceeding ~~\$20,000~~ plus an additional \$1,000 of net worth for every \$5,000 of income over ~~\$20,000~~ 50% of the sales price of the eligible dwelling . (The value of life insurance policies, retirement plans, furniture and household goods shall not be included in determining net worth.) In addition, the portion of the applicant's liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.5. Income requirements.

A. Maximum gross family income.

As provided in § 2.2.1 A 6 the gross family income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this subsection A apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of § 2.2.1 A 6 are automatically met if an applicant's gross family income does not exceed the applicable limits set forth in this subsection.

For the purposes hereof, the term "gross family income" means the combined annualized gross income of all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by

12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

1. For reservations made before March 16, 1994. For reservations made on or after March 1, 1989 before March 16, 1994 , the maximum gross family incomes for eligible borrowers shall be determined or set forth as follows:

(1) MAXIMUM GROSS FAMILY INCOME

Applicable The maximum gross family incomes set forth in this paragraph shall be applicable only to loans for which reservations are taken by the authority on or after March 1, 1989 before March 16, 1994 , except loans to be guaranteed by the Farmers Home Administration ("FmHA").

The maximum gross family income for each borrower shall be a percentage (based on family size) of the applicable median family income (as defined in Section 143(f)(4) of the Internal Revenue Code of 1986, as amended) (the "Median Family Income"); with respect to the residence of such borrower, which percentages shall be as follows:

Family Size	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
1 person	70%
2 persons	85%
3 or more persons	100%

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum gross family income limits expressed in dollar amounts for each area of the state, as established by the executive director, and each family size. Any adjustments to changes in the dollar amounts of such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such adjustments changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

The executive director may from time to time waive the foregoing income limits with respect to such mortgage loans as he may designate if he determines that such waiver will enable the authority to assist the

state in achieving its economic and housing goals and policies, provided that, in the event of any such waiver, the income of the borrowers to receive any mortgage loans so designated shall not exceed the applicable limits imposed by the U.S. Department of the Treasury pursuant to the federal tax code or such lesser limits as the executive director may establish. Any such waiver shall not apply upon the assumption of such mortgage loans.

2. For reservations made on or after March 16, 1994. For reservations made on or after March 16, 1994, the maximum gross family incomes shall be determined or set forth as follows:

The maximum gross family incomes set forth in this subdivision 2 shall be applicable only to loans for which reservations are taken by the authority on or after March 16, 1994, except loans to be guaranteed by the Farmers Home Administration ("FmHA").

The maximum gross family income for each borrower shall be a percentage (based on family size) of the applicable median family income (as defined in Section 143(f)(4) of the Internal Revenue Code of 1986, as amended) (the "median family income") as follows:

Family Size	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	85%
3 or more persons	100%

The executive director may from time to time establish maximum gross family incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate on which the interest rate has been reduced due to financial support by the authority:

Family Size	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	65%
3 or more persons	80%

The executive director may from time to time establish maximum gross family incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate if he determines that such maximum gross family incomes will enable the authority to assist the state in achieving its economic and housing goals and policies:

Family Size	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	95%
3 or more persons	110%

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum gross family income limits under this subdivision 2 expressed in dollar amounts for each area of the state, as established by the executive director, and each family size. Any changes to the dollar amounts of such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

3. For loans guaranteed by FmHA.

(2) FmHA MAXIMUM FAMILY INCOME

Applicable only to loans to be guaranteed by FmHA:

The With respect to a loan to be guaranteed by FmHA, the maximum family income for each borrower shall be the lesser of the maximum gross family income a determined in accordance with § 2.5 A (4) A 1 or 2 or FmHA income limits in effect at the time of the application.

B. Minimum income (not applicable to applicants for loans to be insured or guaranteed by the Federal Housing Administration, the Veterans Administration or FmHA (hereinafter referred to as "FHA, VA or FmHA loans")).

An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's ability to make mortgage loan payments during the months following loan closing) do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth above are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage

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loan.

§ 2.6. Calculation of maximum loan amount.

Single family detached residence and townhouse (fee simple ownership) Maximum of 95% (or, in the case of an FHA, VA or FmHA loan, such other percentage as may be permitted by FHA, VA or FmHA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of an FHA, VA or FmHA loan, such other percentage as may be permitted by FHA, VA or FmHA) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) The value of personal property included in the appraisal shall not be deducted from the appraised value. (See Appraiser Report, Exhibit H)

In the case of an FHA, VA or FmHA loan, the FHA, VA or FmHA insurance fees or guarantee fees charged in connection with such loan (and, if an FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA, VA or FmHA requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

§ 2.7. Mortgage insurance requirements.

Unless the loan is an FHA, VA or FmHA loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on each loan the amount of which exceeds 80% of the lesser of sales price or appraised value of the property to be financed. Such insurance shall be issued by a company acceptable to the authority. The originating agent is required to escrow for annual payment of mortgage insurance. If the authority requires FHA, VA or FmHA insurance or guarantee, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the originating agent's name and purchased by the authority once the FHA Certificate of Insurance, VA Guaranty or FmHA Guarantee has been obtained. In the event that the authority purchases an FHA or, VA or FmHA loan, the originating agent must enter into a purchase and sale agreement on such form as shall be provided by the authority. For assumptions of conventional loans (i.e., loans other than FHA, VA or FmHA loans), full private mortgage insurance as described above is required unless waived by the authority.

§ 2.8. Underwriting.

A. Conventional loans.

The following requirements must be met in order to satisfy the authority's underwriting requirements. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. Employment and income.

a. Length of employment. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Self-employed applicants. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See § 2.2.1 C Principal residence requirement.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. Income derived from sources other than primary employment.

(1) Alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) Social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) Part-time employment. Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

(4) Overtime, commission and bonus. Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. Credit.

a. Credit experience. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references and history are considered to be important requirements in order to obtain an authority loan.

b. Bankruptcies. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. The authority has complete discretion to decline a loan when a bankruptcy is involved.

c. Judgments and collections. An applicant is required to submit a written explanation for all judgments and collections. In most cases, judgments and collections must be paid before an applicant will be considered for an authority loan.

3. Appraisals. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

B. FHA loans only.

1. In general. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. Mortgage insurance premium. Applicant's mortgage insurance premium fee may be included in the FHA

acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. Closing fees. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. Appraisals. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

C. VA loans only.

1. In general. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, most of the authority's basic eligibility requirements (including those described in §§ 2.1 through 2.5 hereof) remain in effect due to treasury restrictions or authority policy.

2. VA funding fee. ~~1.0%~~ The funding fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

3. Appraisals. VA certificates of reasonable value (CRV's) are acceptable.

D. FmHA loans only.

1. In general. The authority will normally accept FmHA underwriting requirements and property standards for FmHA loans. However, most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. Guarantee fee. ~~1.0%~~ The FmHA guarantee fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

E. FHA and VA buydown program.

With respect to FHA and VA loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see § 2.14 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain FHA requirements. For the purposes of underwriting buydown mortgage loans, the

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reduced monthly payment amount may be taken into account based on FHA guidelines then in effect (see also subsection B or C above, as applicable).

F. Interest rate buydown program.

Unlike the program described in subsection E above which permits a direct buydown of the borrower's monthly payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

§ 2.9. Funds necessary to close.

A. Cash (Not applicable to FHA, VA or FmHA loans).

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose, except where (i) the loan amount is less than or equal to 80% of the lesser of the sales price or the appraised value, or (ii) the loan amount exceeds 80% of the lesser of the sales price or the appraised value and the applicant borrows a portion of the funds under a loan program approved by the authority or from their employer, with the approval of the private mortgage insurer, and the applicant pays in cash from their own funds an amount equal to at least 3.0% of the lesser of the sales price or the appraised value. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

§ 2.10. Loan assumptions.

A. Requirements for assumptions.

VHDA currently permits assumptions of all of its single family mortgage loans provided that certain requirements are met. For all loans closed prior to January 1, 1991, except FHA loans which were closed during calendar year

1990, the maximum gross family income for those assuming a loan shall be 100% of the applicable Median Family Income. For such FHA loans closed during 1990, if assumed by a household of three or more persons, the maximum gross family income shall be 115% of the applicable Median Family Income (140% for a residence in a targeted area) and if assumed by a household of less than three persons, the maximum gross family income shall be 100% of the applicable Median Family Income (120% for a residence in a targeted area). For all loans closed after January 1, 1991, the maximum gross family income for those assuming loans shall be ~~as set forth in § 2.5 A of these regulations~~ *the highest percentage, as then in effect under § 2.5 A 2, of applicable median family income for the size of the family assuming the loan, unless otherwise provided in the deed of trust*. The requirements for each of the two different categories of mortgage loans listed below (and the subcategories within each) are as follows:

1. Assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:

- (1) Maximum gross family income requirement in this § 2.10 A
- (2) § 2.2.1 C (Principal residence requirement)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.2.1 B (Three-year requirement)
- (5) § 2.2.2 B (Acquisition cost requirements)
- (6) § 2.7 (Mortgage insurance requirements).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:

- (1) Maximum gross family income requirement in this § 2.10 A
- (2) § 2.2.1 C (Principal residence requirements)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.7 (Mortgage insurance requirements).

2. Assumptions of FHA, VA or FmHA loans.

a. For assumptions of FHA, VA or FmHA loans financed by the proceeds of bonds issued on or after December 17, 1981, the following conditions must be met:

- (1) Maximum gross family income requirement in this § 2.10 A
- (2) § 2.2.1 C (Principal residence requirement)
- (3) § 2.2.1 B (Three-year requirement)
- (4) § 2.2.2 B (Acquisition cost requirements).

In addition, all applicable FHA, VA or FmHA underwriting requirements, if any, must be met.

b. For assumptions of FHA, VA or FmHA loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA, VA or FmHA underwriting requirements, if any, must be met.

B. Review by the authority/additional requirements.

Upon receipt from an originating agent or servicing agent of an application package for an assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the originating agent or servicing agent of such determination in writing. The authority will further advise the originating agent or servicing agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance, submission of an escrow transfer letter and execution of a Recapture Requirement Notice (VHDA Doc. R-1).

§ 2.11. Leasing, loan term, and owner occupancy.

A. Leasing.

The owner may not lease the property without first contacting the authority.

B. Loan term.

Loan terms may not exceed 30 years.

C. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

§ 2.12. Reservations/fees.

A. Making a reservation.

The authority currently reserves funds for each mortgage loan on a first come, first serve basis. Reservations are made by specific originating agents or field originators with respect to specific applicants and

properties. No substitutions are permitted. Similarly, locked-in interest rates are also nontransferable. Funds will not be reserved longer than 60 days unless the originating agent requests and receives an additional one-time extension prior to the 60-day deadline. Locked-in interest rates on all loans, including those on which there may be a VA Guaranty, cannot be reduced under any circumstances.

B. More than one reservation.

An applicant, including an applicant for a loan to be guaranteed by VA, may request a second reservation if the first has expired *or has been cancelled*. If the second reservation is made within 12 months of the date of the original reservation, the interest rate will be the greater of (i) the locked-in rate or (ii) the current rate offered by the authority at the time of the second reservation.

C. The reservation fee.

The originating agent or field originator shall collect and remit to the authority a nonrefundable reservation fee in such amount and according to such procedures as the authority may require from time to time. Under no circumstances is this fee refundable. A second reservation fee must be collected for a second reservation. No substitutions of applicants or properties are permitted.

D. Other fees.

1. Origination fee. In connection with the origination and closing of the loan, the originating agent shall collect an amount equal to 1.0% of the loan amount (please note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only). If the loan does not close and the failure to close is not due to the fault of the applicant, then the origination fee shall be waived.

2. Discount point. The originating agent shall collect from the seller at the time of closing an amount equal to 1.0% of the loan amount.

§ 2.13. Commitment. (Exhibit J)

A. In general.

Upon approval of the applicant, the authority will send a mortgage loan commitment to the borrower in care of the originating agent. (For FmHA loans, upon approval of the applicant, the authority will submit the credit package to FmHA and upon receipt of the FmHA conditional commitment, will send the mortgage loan commitment.) Also enclosed in the commitment package will be other documents necessary for closing. The originating agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the originating agent within 15 days after the date of the commitment.

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A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant and approved by the authority. If an additional commitment is issued to an applicant, the interest rate may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

B. Loan rejection.

If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

§ 2.14. Buy-down points.

Special note regarding checks for buy-down points (this applies to both the monthly payment buydown program described in § 2.8 D above and the interest rate buydown program described in § 2.8 E). A certified or cashier's check made payable to the authority is to be provided at loan closing for buy-down points, if any. Under the tax code, the original proceeds of a bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. If buy-down points are paid out of mortgage loan proceeds (which are financed by bonds), then this federal regulation is violated because bond proceeds have in effect been used to pay debt service rather than for the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds and not be deducted from loan proceeds. Because of this requirement, buy-down funds may not appear as a deduction from the seller's proceeds on the HUD-1 Settlement Statement.

§ 2.15. Property guidelines.

A. In general.

For each application the authority must make the determination that the property will constitute adequate security for the loan. That determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property.

In addition, manufactured housing (mobile homes), both new construction and certain existing, may be financed only if the loan is insured 100% by FHA (see subsection C).

B. Conventional loans.

1. Existing housing and new construction. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road ; *provided, however, that the authority may, on a case-by-case basis, approve financing of property located on a private road acceptable to the authority if the right to use such private road is granted to the owner of the residence pursuant to a recorded right-of-way agreement providing for the use of such private road and a recorded maintenance agreement provides for the maintenance of such private road on terms and conditions acceptable to the authority* (any other easements or rights-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be acceptable to the authority; (iii) property with available water and sewer hookups must utilize them; and (iv) property without available water and sewer hookups may have their own well and septic system; provided that joint ownership of a well and septic system will be considered on a case-by-case basis to determine whether such ownership is acceptable to the authority.

2. Additional requirements for new construction. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. FHA, VA or FmHA loans.

1. Existing housing and new construction. Both new construction and existing housing financed by an FHA, VA or FmHA loan must meet all applicable requirements imposed by FHA, VA or FmHA.

2. Additional requirements for new construction. If such homes being financed by FHA loans are new manufactured housing they must meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

§ 2.16. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and estimate their value.

4. The authority will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in § 2.2 1 D (New mortgage requirement). The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.17. Condominium requirements.

A. Conventional loans.

The originating agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The originating agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

B. FHA, VA or FmHA loans.

The authority will accept a loan to finance a condominium if the condominium is approved by FHA, in

the case of an FHA loan, by VA, in the case of a VA loan or by FmHA, in the case of an FmHA loan.

§ 2.18. FHA plus program.

A. In general.

Notwithstanding anything to the contrary herein, the authority may make loans secured by second deed of trust liens ("second loans") to provide downpayment and closing cost assistance to eligible borrowers who are obtaining FHA loans secured by first deed of trust liens. Second loans shall not be available to a borrower if the FHA loan is being made under the FHA buydown program or is subject to a step adjustment in the interest rate thereon or is subject to a reduced interest rate due to the financial support of the authority.

B. Mortgage insurance requirements.

The second loans shall not be insured by mortgage insurance; accordingly, the requirements of § 2.7 regarding mortgage insurance shall not be applicable to the second loan.

C. Maximum loan amount.

The requirements of § 2.6 regarding calculation of maximum loan amount shall not be applicable to the second loan. In order to be eligible for a second loan, the borrower must obtain an FHA loan for the maximum loan amount permitted by FHA. The second loan shall be for the lesser of:

1. The lesser of sales price or appraised value plus FHA allowable closing fees (i.e., fees which FHA permits to be included in the FHA acquisition cost and to be financed) minus the FHA maximum base loan amount, seller paid closing costs and 1.0% of the sales price, or

2. 3.0% of the lesser of the sales price or appraised value plus \$1,100.

In no event shall the combined FHA loan and the second loan amount exceed the authority's maximum allowable sales price.

D. Underwriting.

With respect to underwriting, no additional requirements or criteria other than those applicable to the FHA loan shall be imposed on the second loan.

E. Assumptions.

The second mortgage loan shall be assumable on the same terms and conditions as the FHA loan.

F. Fees.

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No origination fee or discount point shall be collected on the second loan.

G. Commitment.

Upon approval of the applicant, the authority will issue a mortgage loan commitment pursuant to § 2.13. The mortgage loan commitment will include the terms and conditions of the FHA loan and the second loan and an addendum setting forth additional terms and conditions applicable to the second loan. Also enclosed in the commitment package will be other documents necessary to close the second loan.

NOTE: Documents and forms referred to herein as Exhibits have not been adopted by the authority as a part of the rules and regulations for single family mortgage loans to persons and families of low and moderate income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the foregoing rules and regulations for single family mortgage loans to persons and families of low and moderate income. Copies of such documents and forms are available upon request at the offices of the authority.

VA.R. Doc. No. R94-731; Filed March 16, 1994, 4:36 p.m.

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0045. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 28.2-103 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

This action is necessary to replace existing emergency Public Participation Guidelines with permanent guidelines which will comply with new provisions of the Administrative Process Act (APA) enacted by the 1993 General Assembly. These amendments establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment in a meaningful, timely fashion during all phases of the regulatory process. These amendments are consistent with those of the other agencies within the Natural Resources Secretariat.

The amendments contain a number of new provisions. Specifically, they include a definition for "participatory approach" which means the methods for the use of an ad hoc advisory group or panel, standing advisory committee, consultation with groups or individuals or a combination of methods; require the use of the participatory approach upon the receipt of written requests from five persons during

the associated comment period; expand the commission's procedures for establishing and maintaining lists of persons expressing an interest in the adoption, amendment or repeal of habitat regulations; expand the information required in the Notice of Intended Regulatory Action to include a description of the subject matter and intent of the planned regulation and to include a statement inviting comment on whether the agency should use the participatory approach to assist in regulation development; expand the information required in the Notice of Public Comment to include the identity of localities affected by the proposed regulation and to include a statement on the rationale or justification for the new provisions of the regulation from the standpoint of the public's health, safety or welfare; and, require that a draft summary of comments be sent to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

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 Dale Baker, Marine Resources Commission, 2600 Washington Avenue, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2209. There may be a charge for copies.

VR 450-01-0045. Public Participation Guidelines.

§ 1. Authority.

Sections 9-6.14:7.1 and 28.2-103 of the Code of Virginia.

§ 2. I. Definitions.

A. The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise.

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Commission" means the Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources or his designee.

"Division" means the Habitat Management Division of the commission.

"Formal hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in § 9-6.14:7.1 of the Administrative Process Act and includes only opportunity for private parties to submit factual proofs in evidential hearings as provided in § 9-6.14:8 of the Administrative Process Act.

"Locality particularly affected" means any locality

which bears any identified disproportionate material impact which would not be experienced by other localities.

"Participatory approach" means a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the division, or (iv) any combination thereof in the formation and development of regulations for agency consideration. When an ad hoc advisory group is formed, the group shall include representatives of the regulated community and the general public. The decision as to the membership of the group shall be at the discretion of the commissioner.

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

"Public hearing" means an informal proceeding, similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, held in conjunction with the Notice of Public Comment to afford persons an opportunity to submit views and data relative to regulations on which a decision of the commission is pending.

"Public meeting" means an informal proceeding conducted by the agency in conjunction with the Notice of Intended Regulatory Action to afford persons an opportunity to submit comments relative to intended regulatory actions.

B. Unless specifically defined in this regulation, terms used shall have the meanings commonly ascribed to them.

§ 7. 2. General.

A. The procedures in § 4 3 of this regulation shall be used by the division for soliciting the input of interested persons in the initial formation and development, ~~revision~~ amendment, or repeal of regulations in accordance with the Administrative Process Act. This regulation does not apply to regulations exempt 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. At the discretion of the commission, the procedures in § 4 may be supplemented to provide additional public participation in the regulation adoption process.

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 otherwise adopted in accordance with this regulation.

D. C. Any person may petition the commission for 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;
5. Statement of need and justification for the proposed action;
6. Statement of impact on the petitioner and other affected persons; and
7. Supporting documents, as applicable.

The commission shall provide a written response to such petition within 180 days from the date the petition was received.

§ 4. 3. Public participation procedures.

A. The division shall establish and maintain a list or lists consisting of persons expressing an interest in the adoption, amendment, or repeal of regulations. *Any person wishing to be placed on any list may do so by writing the agency. In addition, the agency, at its discretion, may add to any list any person, organization or publication it believes will be interested in participating in the promulgation of regulations. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from a list. Individuals and organizations may be deleted from any list at the request of the individual or organization, or at the discretion of the agency when mail is returned as undeliverable.*

B. Whenever the commission so directs or upon its own initiative, the division may commence the regulation adoption process and proceed to draft a proposal according to these procedures.

C. The commissioner shall form an ad hoc advisory group or utilize a standing advisory committee to assist the division in the drafting and formation of the proposal unless the commission specifically authorizes the division to proceed without utilizing an ad hoc advisory group or standing advisory committee. When an ad hoc advisory group is formed, such ad hoc advisory group shall include representatives of the regulated community and the general public. *The division shall use the participatory approach to assist in the development of the proposal or use one of the following alternatives:*

1. Proceed without using the participatory approach if the commission specifically authorizes the division to proceed without using the participatory approach.
2. Include in the Notice of Intended Regulatory Action (NOIRA) a statement inviting comment on whether

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the division should use the participatory approach to assist the division in the development of the proposal. If the division receives written responses from at least five persons during the associated comment period indicating that the division should use the participatory approach, the division will use the participatory approach requested. Should different approaches be requested, the commissioner shall determine the specific approach to be utilized.

D. The division shall issue a ~~notice of intended regulatory action (NOIRA)~~ NOIRA whenever it considers the adoption, amendment or repeal of any regulation.

1. The NOIRA shall include at least the following:

a. A description of the subject matter of the planned regulation,

b. A description of the intent of the planned regulation,

~~a. c.~~ A brief statement as to the need for regulatory action,

~~b. d.~~ A brief description of alternatives available, if any, to meet the need,

~~e. e.~~ A request for comments on the intended regulatory action, to include any ideas to assist the division in ~~the drafting and formation of any proposed regulation developed pursuant to the NOIRA~~ development of any proposal ,

~~f. f.~~ A request for comments on the costs and benefits of the stated alternatives or other alternatives ; ,

g. A statement of the division's intent to hold at least one public hearing on the proposed regulation after it is published in The Virginia Register of Regulations,

h. A statement inviting comment on whether the division should use the participatory approach to assist the [~~department~~ division] in the development of any proposal. Including this statement shall only be required when the division makes a decision to pursue the alternative provided in subdivision C 2 of this section.

2. The division shall hold at least one public meeting whenever it considers the adoption, amendment or repeal of any regulation unless the commission specifically authorizes the division to proceed without holding a public meeting.

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 of Regulations , time and place of the public

meeting(s).

3. The public comment period for NOIRA's under this section shall be no less than 30 days after publication of the NOIRA in The Virginia Register of Regulations .

E. The division shall disseminate the NOIRA to the public via the following:

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 division may ~~prepare complete~~ the draft proposed regulation and any supporting documentation required for review. If ~~an ad hoc advisory group has been established~~ the participatory approach is being used , the draft regulation shall be developed in consultation with ~~such group~~ the participants . A summary or copies of the comments received in response to the NOIRA shall be distributed to the ~~ad hoc advisory group~~ participants 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 commission.

G. Upon approval of the draft proposed regulation by the commission, the division 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, location where copies of the draft may be obtained, and 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.~~

~~3. 2.~~ A request for comments on the costs and benefits of the proposal.

3. *The identity of any locality particularly affected by the proposed regulation.*

4. A statement that an analysis of the following has been conducted by the ~~agency~~ division and is available to the public upon request:

a. Statement of purpose: ~~Why the regulation is proposed and the desired end result or objective of the regulation.~~ *the rationale or justification for the new provisions of the regulation, from the standpoint of the public's health, safety or welfare.*

b. Estimated impact.

(1) ~~Number~~ *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 division* 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(s) 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 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.*

e. f. 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. g. A schedule setting forth when, within two years after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

5. The time, date and location of at least one public hearing held in conformance with § 9-6.14:7.1 of the Code of Virginia to receive comments on the proposed regulation. The *public* hearing(s) may be held at any time during the public comment period and, whenever practicable, no less than ~~10~~ 15 days prior to the close of the public comment period. In those cases in which the commission elects to conduct ~~an evidentiary~~ a *formal* hearing, the notice shall indicate that the ~~evidentiary~~ *formal* hearing will be held in accordance with § 9-6.14:8 of the Code of Virginia. The *public* hearing(s) may be held in such location(s) as the

commission 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 of Regulations.

J. The division shall disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:

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 division shall prepare a summary of comments received in response to the NOPC and the division's response to the comments received. *The division shall send a draft of the summary of comments to all public commenters on the proposed regulation at least five days before final adoption of the regulation.* The division shall submit the summary and agency response and, if requested, submit the full comments to the commission. 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 commission, made available upon request, to interested persons.

L. If the division determines that the process to adopt, amend or repeal any regulation should be terminated after the approval of the draft regulation by the commission, the division shall present to the commission 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.

§ 5. 4. Transition.

A. All regulatory actions for which a NOIRA has been published in The Virginia Register of Regulations prior to ~~January 1, 1993; the effective date of this regulation May 18, 1994~~] shall be processed in accordance with *the emergency amendments to VR 450-01-0045, Public Participation Guidelines, which are effective June 2, 1987 from June 29, 1993, until June 28, 1994, unless sooner modified or vacated or superseded by permanent regulations*.

B. *This regulation [when effective] shall supersede and repeal emergency amendments to VR 450-01-0045 Public Participation Guidelines which became effective on June*

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29, 1993. All regulatory actions for which a NOIRA has not been published in The Virginia Register of Regulations prior to January 1, 1993, [*the effective date of this regulation* May 18, 1994] shall be processed in accordance with this revised regulation.

VA.R. Doc. No. R94-751; Filed March 29, 1994, 3:30 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance Relating to 1993 Federal Poverty Income Levels.
VR 460-03-2.6101:1. Income Eligibility Levels.

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

The Department of Medical Assistance Services has **WITHDRAWN** the final regulation entitled, "VR 460-03-2.6101:1, Income Eligibility Levels," published in 10:12 VA.R. 3151-3156 March 7, 1994, which was scheduled to become effective April 6, 1994. The U.S. Department of Health and Human Services has subsequently published in the Federal Register a required change to this regulation to be effective April 1, 1994. This agency has promulgated an emergency regulation, which is being published in the Emergency Regulation section of this issue of The Virginia Register, to meet the mandated April 1 effective date.

* * * * *

Title of Regulation: VR 460-01-2500. Medicaid Financial Eligibility Requirements - Families and Children.

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

The Department of Medical Assistance Services has **WITHDRAWN** the final regulation entitled, "VR 460-10-2500, Medicaid Financial Eligibility Requirements - Families and Children," published in 9:26 VA.R. 5320-5324 September 20, 1993, which was scheduled to become effective April 19, 1994. The agency claimed an exemption from Article 2 of the Administrative Process Act (§ 9-6.14:4.1 C 4 (c)), which excludes from Article 2 regulations that are necessary to meet the requirements of federal law or regulations, provided the regulations do not differ materially from those required by federal law or regulation. The exempt status was verified by the Registrar of Regulations as valid because of impending federal regulations requiring the state regulation to be effective by April 19, 1994. However, the final federal regulations have been postponed for the third time. Because of the numerous delays in the federal requirements, it is not clear if the federal mandate will become effective. Because the mandate no longer exists, this agency's regulation cannot be exempt from Article 2 of the Administrative Process Act. Therefore, the Department of Medical Assistance Services is withdrawing the regulation before it becomes effective as specified under § 9-6.14:9.4 of the Code of Virginia. The agency has

begun the necessary steps to promulgate this regulation according to the Administrative Process Act.

DEPARTMENT OF STATE POLICE

Title of Regulation: VR 545-01-07. Virginia Official Inspection Manual.

REGISTRAR'S NOTICE: The Department of State Police has filed a Governor's Proclamation dated July 1, 1994, which replaces pages 2 through 5 in the Official Inspection Manual. The Governor's Proclamation is being published in the Governor Section of this issue of The Virginia Register.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Title of Regulation: VR 627-01-1. Public Participation Guidelines (REPEALED).

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 Date: May 18, 1994.

Summary:

The Board for Professional Soil Scientists Public Participation Guidelines (PPG's) mandate public participation in the promulgation process of soil scientists certification regulations. The Board for Professional Soil Scientists will maintain a mailing list to notify persons and organizations of intended regulatory action. The agency will mail such documents as "Notice of Intended Regulatory Action," "Notice of Comment Period" and a notice that final regulations have been adopted. The PPG's outline the necessary procedures for being placed on or deleted from the mailing list. The "Notice of Intended Regulatory Action" will provide for a comment period of at least 30 days and will state whether or not a public hearing will be held. The PPG's give specific instances on when the agency must hold a comment period and when the agency must reevaluate the regulations. The PPG's establish the procedures for formulation and adoption of regulations and the procedures to be taken when substantial changes have been made prior to final adoption of the regulations. The use of and input from advisory committees to formulate regulations are established in the PPG's. The PPG's specify what meetings and notices will be published in The Virginia Register.

Since publication as proposed regulation, minor revisions to language to enhance clarity have been made and a definition section has been added at th

direction of the Office of the Attorney General and the Registrar of Regulations.

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 Peggy McCreery, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2194. There may be a charge for copies.

VR 627-01-1:1. Public Participation Guidelines.

[§ 1. Definitions.

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

"Person" means one or more individuals.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.]

§ [± 2.] 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 [, amend] 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.

§ [± 3.] Placement on the [mailing] 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 § [± 2.] Individuals and organizations [periodically] 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.

§ [± 4.] 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.

§ [± 5.] Notice of intent.

At least 30 days prior to [the publication of filing] 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 the agency intends] to hold a public hearing. The agency is required to hold a hearing on [the] proposed regulation upon request by [(i)] the Governor or [from (ii)] 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 [of Regulations] .

§ [± 6.] 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 the 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.

§ [± 7.] 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 receives] 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

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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, 8.] Advisory committees.

The [~~board~~ agency] 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 the 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, 2, 3, 5 2, 3, 4, 6~~] 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. Nos. R94-763 and R94-782; Filed March 30, 1994, 10:44 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: VR 672-01-1:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-1402 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

This action is necessary to replace existing emergency Public Participation Guidelines with permanent guidelines which will comply with new provisions of the Administrative Process Act (APA) enacted by the

1993 General Assembly. These amendments establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment in a meaningful, timely fashion during all phases of the regulatory process. These amendments are consistent with those of the other agencies within the Natural Resources Secretariat.

The amendments contain a number of new provisions. Specifically, they include a definition for "participatory approach" which means the methods for the use of an ad hoc advisory group or panel, standing advisory committee, consultation with groups or individuals or a combination of methods; require the use of the participatory approach upon the receipt of written requests from five persons during the associated comment period; expand the board's procedures for establishing and maintaining lists of persons expressing an interest in the adoption, amendment or repeal of regulations; expand the information required in the Notice of Intended Regulatory Action to include a description of the subject matter and intent of the planned regulation and to include a statement inviting comment on whether the agency should use the participatory approach to assist in regulation development; expand the information required in the Notice of Public Comment to include the identity of localities affected by the proposed regulation and to include a statement on the rationale or justification for the new provisions of the regulation from the standpoint of the public's health, safety or welfare; and require that a draft summary of comments be sent to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 672-01-1:1. Public Participation Guidelines.

§ 1. Definitions.

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Agency" means the Virginia Department of Waste Management Environmental Quality.

"Approving authority" or "board" means the Virginia Waste Management Board.

"Director" means the director of the Department of Waste Management Environmental Quality or his designee.

"Environmental Protection Law" means the provisions found in the Code of Virginia statutory law authorizing the approving authority or agency, or both, to make regulations or decide cases or containing procedural requirements thereof including but not limited to Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

"Formal hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in § 9-6.14:7.1 of the Administrative Process Act and includes only opportunity for private parties to submit factual proofs in formal proceedings as provided in § 9-6.14:8 of the Administrative Process Act.

"Participatory approach" means a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the agency, or (iv) any combination thereof in the formation and development of regulations for agency consideration. When an ad hoc advisory group is formed, the group shall include representatives of the regulated community and the general public. The decisions as to the membership of the group shall be at the discretion of the director.

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

"Public hearing" means an informal proceeding, held in conjunction with the Notice of Public Comment and similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, held to afford persons an opportunity to submit views and data relative to regulations on which a decision of the board is pending.

"Public meeting" means an informal proceeding conducted by the agency in conjunction with the Notice of Intended Regulatory Action to afford persons an opportunity to submit comments relative to intended regulatory actions.

B. 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. At the discretion of the approving authority or the agency, the procedures in § 3 may be supplemented to provide additional public participation in the regulation adoption process or as necessary to meet federal requirements.

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 otherwise adopted in accordance with this regulation.

D. C. Any person may petition the approving authority for 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; and
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. Any person wishing to be placed on any list may do so by writing the agency. In addition, the agency, at its discretion, may add to any list any person, organization or publication it believes will be interested in participating in the promulgation of regulations. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from a list. When mail is returned as undeliverable, or upon their request, individuals and organizations may be deleted from any list at the discretion of the agency.

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 agency shall form an ad hoc advisory group or

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utilize a standing advisory committee to assist in the drafting and formation of the proposal unless the approving authority specifically authorizes the agency to proceed without utilizing an ad hoc advisory group or standing advisory committee. When an ad hoc advisory group is formed, such ad hoc advisory group shall include representatives of the regulated community and the general public. The agency shall use the participatory approach to assist in the development of the proposal or use one of the following alternatives:

1. Proceed without using the participatory approach if the approving authority specifically authorizes the agency to proceed without using the participatory approach.

2. Include in the Notice of Intended Regulatory Action (NOIRA) a statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of the proposal. If the agency receives written responses from at least five persons during the associated comment period indicating that the agency should use the participatory approach, the agency will use the participatory approach requested. Should different approaches be requested, the director shall determine the specific approach to be utilized.

D. The agency shall issue a notice of intended regulatory action (NOIRA) whenever it considers the adoption, amendment or repeal of any regulation.

1. The NOIRA shall include, at least, the following:

a. A description of the subject matter of the planned regulation.

b. A description of the intent of the planned regulation.

c. A brief statement as to the need for regulatory action.

d. A brief description of alternatives available, if any, to meet the need.

e. 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 development of any proposal.

f. A request for comments on the costs and benefits of the stated alternatives or other alternatives.

g. A statement of the agency's intent to hold at least one public hearing on the proposed regulation after it is published in The Virginia Register of Regulations.

h. A statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of any proposal. This statement shall only be required when the agency makes a decision to pursue the alternative provided in subdivision C 2 of this section.

2. 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.

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 of Regulations, 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 in The Virginia Register of Regulations.

E. The agency shall disseminate the NOIRA to the public via the following:

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 prepare complete the draft proposed regulation and any supporting documentation required for review. If an ad hoc advisory group has been established the participatory approach is being used, the draft regulation shall be developed in consultation with such group. A summary or copies of the comments received in response to the NOIRA shall be distributed to the ad hoc advisory group participants 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, location of where copies of the draft may be obtained and 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.

2. A request for comments on the costs and benefits of the proposal.

3. *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.*

4. 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: ~~why the regulation is proposed and the desired end result or objective of the regulation~~ *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) ~~Number~~ *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 an 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 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.

e. *f.* 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. g. A schedule setting forth when, after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

5. The date, time and place of at least one public hearing 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 of the Code of Virginia.~~ The public hearing(s) may be held at any time during the public comment period and, whenever practicable, no less than 10 15 days prior to the close of the public comment period. The public hearing(s) may be held in such location(s) as the agency determines will best facilitate input from interested persons. *In those cases where the agency elects to conduct a formal hearing, the notice shall indicate that the formal hearing shall be held in accordance with § 9-6.14:8 of the Code of Virginia.*

I. The public comment period shall close no less than 60 days after publication of the NOPC in The Virginia Register of Regulations .

J. The agency shall disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:

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 lists 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 commenters 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.

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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 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.

A. All regulatory actions for which a NOIRA has been published in The Virginia Register of Regulations prior to ~~January 27, 1993~~, [~~the effective date of this regulation May 18, 1994~~,] shall be processed in accordance with the ~~VR 672-01-1~~, ~~emergency amendments to VR 672-01-1:1~~ Public Participation Guidelines which are effective from ~~June 30, 1993, until June 29, 1994~~, unless sooner modified or vacated or superseded by permanent regulations .

B. This regulation [~~when effective~~] shall supersede and repeal emergency amendments to VR 672-01-1:1 Public Participation Guidelines which became effective on June 30, 1993. All regulatory actions for which a NOIRA has not been published in The Virginia Register of Regulations prior to ~~January 27, 1993~~, [~~the effective date of this regulation May 18, 1994~~,] shall be processed in accordance with this regulation (VR 672-01-1:1).

V.A.R. Doc. No. R94-769; Filed March 30, 1994, 10:54 a.m.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-16. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing.

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

Effective Date: June 30, 1994.

Summary:

The State Water Control Board has adopted a general VPDES permit for storm water discharges from certain heavy manufacturing facilities. Heavy manufacturing facilities are defined as facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget SIC Manual 1987). The purpose of this regulation is to establish the appropriate and necessary permitting of storm water discharges associated with industrial activity from heavy manufacturing facilities through the development and issuance of a VPDES general permit.

The regulation establishes application requirements, requires the development and implementation of a storm water pollution prevention plan, and establishes monitoring and reporting requirements. This regulation replaces the emergency regulation VR 680-14-16, VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing Facilities which was adopted by the board on June 28, 1993.

The major issues raised during public notice related to the special monitoring requirements for facilities with EPCRA Section 313 water priority chemicals and the monitoring requirements for facilities subject to whole effluent toxicity (WET) testing. As a result of these comments, and to be consistent with EPA's proposed multi-sector permit, EPCRA Section 313 water priority chemical monitoring requirements and WET testing requirements were removed from the regulation.

The noteworthy changes to this regulation are:

1. The addition of a statement that allows the owner to submit the certified mail, return receipt in lieu of the LGOF form when the local governing body declines to respond within 45 days.
2. The removal of the requirement for "composite" samples to be taken in addition to "grab" samples for storm event monitoring in order to be consistent with EPA's proposed multi-sector permit.
3. The removal of the special monitoring requirements for facilities with EPCRA Section 313 water priority chemicals potentially exposed to storm water in order to be consistent with EPA's proposed multi-sector permit.
4. The removal of the whole effluent toxicity (WET) testing requirements in order to be consistent with EPA's proposed multi-sector permit.
5. The addition of a section to clarify exactly which facilities and industrial activities must sample their storm water discharges.
6. The modification of the Sampling Waiver to allow the permittees to exercise this option once during a two-year period, rather than once during the permit term in order to be consistent with EPA's proposed multi-sector permit.
7. The addition of a statement allowing the director to extend the deadline for the pollution prevention plan development or implementation upon a showing of "good cause."
8. The modification of the section on Bypassing in order to be consistent with the VPDES Permit Regulation.

9. The addition of a statement indicating that coverage under the permit will cease seven days after the Notice of Termination is signed.

The Department of Environmental Quality will administer this permit program. Upon receipt of a complete Registration Statement, the department will notify the permittee of coverage under the general permit and send a copy of the permit to the permittee.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 680-14-16. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing.

§ 1. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the Permit Regulation (VR 680-14-01) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Industrial activity" means the following categories of facilities, which are considered to be engaging in "industrial activity":

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (1992) (except facilities with toxic pollutant effluent standards which are exempted under subdivision 11 of this definition);

2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987) and as further defined as heavy manufacturing facilities;

3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Part 434.11(l) (1992) because the performance bond issued to the facility by the appropriate Surface Mining and Control Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.);

5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.);

6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 (OMB SIC Manual, 1987);

7. Steam electric power generating facilities, including coal handling sites;

8. Transportation facilities classified as SIC 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operation, airport deicing operation, or which are otherwise identified under subdivisions 1 through 7 or 9 through 11 of this definition are associated with industrial activity;

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9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved [POTW] pretreatment program under the Permit Regulation. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act (33 USC 1251 et seq.);

10. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

11. Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within subdivisions 2 through 10.

"Municipal separate storm sewer" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to surface waters of the Commonwealth; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a Publicly Owned Treatment Works (POTW).

["Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of

Virginia.]

"Permittee" means any owner whose heavy manufacturing facility is covered under this general permit.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Section 313 water priority chemicals" means a chemical or chemical categories that (i) are listed at 40 CFR Part 372.65 (1992) pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); (ii) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and (iii) that meet at least one of the following criteria: (a) are listed in Appendix D of 40 CFR Part 122 (1992) on either Table II (organic priority pollutants), Table III (certain metals, cyanides and phenols) or Table V (certain toxic pollutants and hazardous substances); (b) are listed as a hazardous substance pursuant to § 311(b)(2)(A) of the Clean Water Act at 40 CFR Part 116.4 (1992); or (c) are pollutants for which Environmental Protection Agency (EPA) has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under the Permit Regulation. For the categories of industries identified in subdivisions 1 through 10 of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or

disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subdivision 11 of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

§ 2. Purpose.

This general permit regulation governs storm water discharges associated with subdivision 2 of the definition of industrial activity, heavy manufacturing facilities. This general permit covers only discharges comprised solely of storm water, or as otherwise defined in the permit, from heavy manufacturing facilities provided that the discharge is through a point source to surface waters of the Commonwealth or through a municipal or nonmunicipal separate storm sewer system to surface waters of the Commonwealth.

§ 3. Delegation of authority.

The director may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

§ 4. Effective date of the permit.

This general permit will become effective on [~~xxx~~ June 30, 1994]. This general permit will expire five years from [the effective date June 30, 1994]. Any covered owner is authorized to discharge under this general permit upon compliance with all the provisions of § 5 and the receipt of this general permit. All facilities covered under emergency regulation (VR 680-14-16) VPDES General Permit for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing Facilities, shall submit a complete Registration Statement in accordance with § 6 and are authorized to discharge under this general permit upon expiration of the emergency regulation on June 29, 1994, and receipt of this general permit.

§ 5. Authorization to discharge.

Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance, by the director, of the Registration Statement of § 6, complies with the requirements of § 7, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the Permit Regulation. Currently permitted discharges may be authorized under this general permit after an existing permit expires provided that the existing permit did not establish numeric limitations for such discharges or that such discharges are not subject to an existing effluent limitation guideline addressing storm water.

2. The owner shall not be authorized by this general permit to discharge to state waters where other board regulation or policies prohibit such discharges.

3. The owner shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 of the Code of Virginia. [If the governing body fails to respond within 45 days following receipt of a written request by certified mail - return receipt requested, the owner may submit the return receipt (green card) to verify submittal of the request.]

4. The director may deny coverage under this general permit to any owner whose storm water discharge to state waters may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat. In such cases, an individual permit shall be required.

5. This permit may authorize storm water discharges associated with industrial activity that are mixed with other storm water discharges requiring a VPDES permit provided that the owner obtains coverage under this VPDES general permit for the industrial activity discharge and a VPDES general or individual permit for the other storm water discharges. The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge.

The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the discharge is in compliance with this permit.

6. The owner shall not be authorized by this general permit to discharge storm water associated with industrial activity that is mixed with nonstorm water discharges unless those nonstorm water discharges are specifically identified as authorized nonstorm water discharges in Part II [~~M~~ K] 2 of the general permit.

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Receipt of this general permit does not relieve any owner of the responsibility to comply with any other [applicable] federal, state or local statute, ordinance or regulation.

§ 6. Registration Statement; Notice of Termination.

A. The owner of a heavy manufacturing facility with storm water discharges associated with industrial activity who is proposing to be covered by this general permit shall file a complete VPDES general permit registration statement in accordance with this regulation. Any owner proposing a new discharge shall file a complete registration statement at least 30 days prior to the commencement of the industrial activity at the facility. Any owner of an existing facility covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the director of this intention at least 180 days prior to the expiration date of the individual VPDES permit and shall submit a complete registration statement 30 days prior to the expiration date of the individual VPDES permit. Any owner of an existing facility, not currently covered by a VPDES permit, who is proposing to be covered by this general permit shall file a complete registration statement within 30 days of the effective date of the general permit.

The owner shall submit a Registration Statement form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT REGISTRATION STATEMENT
FOR
STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITY
FROM HEAVY MANUFACTURING FACILITIES

1. Facility Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

2. Facility Location

Name:

Address:

City: State: Zip Code:

[If street address unavailable: Lat Long]

[Latitude, Longitude]

3. Status: (Federal, State, Public, or Private)

4. Primary Standard Industrial Classification (SIC) Code:

Secondary SIC Codes:

5. Is Storm Water Runoff discharged to a Municipal Separate Storm Sewer System (MS4)?

Yes No

If yes, operator name of the MS4:

6. Receiving Water Body of direct discharge or Municipal Separate Storm Sewer System (e.g. Clear Creek or unnamed Tributary to Clear Creek):

7. Other Existing VPDES Permit Numbers:

8. Is this facility subject to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) for any § 313 water priority chemicals [and is there the potential for any of these chemicals to mix with storm water discharges associated with industrial activity] ?

9. Does this facility discharge storm water runoff from coal pile storage? Yes No

10. The owner must attach to this Registration Statement the notification (Local Government Ordinance Form) from the governing body of the county, city or town as required by § 62.1-44.15:3 of the Code of Virginia.

11. Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

Basin Stream Class Section

Special Standards

B. The owner may terminate coverage under this general permit by filing a complete Notice of Termination. The Notice of Termination shall be filed in situations where all storm water discharges associated with industrial activity authorized by this general permit are eliminated, where the owner of storm water discharges associated with industrial activity at a facility changes, or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit. The owner shall submit a Notice of Termination form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT NOTICE OF TERMINATION FOR
STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY FROM HEAVY MANUFACTURING FACILITIES

1. VPDES Storm Water General Permit Number:
2. Check here if you are no longer the owner of the facility:
3. Check here if the storm water discharges associated with industrial activity have been eliminated:
4. Check here if the storm water discharges associated with industrial activity are covered by an individual VPDES permit:

5. Facility Owner

Name:

Mailing Address:

City: State: Zip Code: Phone:

6. Facility Location

Name:

Address:

City: State: Zip Code:

7. Certification:

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated or covered under a VPDES individual permit or that I

am no longer the owner of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of this permit under the Clean Water Act."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

§ 7. General Permit.

Any owner whose Registration Statement is accepted by the director will receive the following general permit and shall comply with the requirements therein and be subject to the Permit Regulation.

General Permit No.: VAR1xxxxx

Effective Date:

Expiration Date:

GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY FROM HEAVY MANUFACTURING FACILITIES AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of heavy manufacturing facilities with storm water discharges associated with industrial activity are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters where board regulation or policies prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I. Effluent Limitations and Monitoring Requirements, Part II. Monitoring and Reporting, Part III. Storm Water Pollution Prevention

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Plan, and Part IV. Management Requirements, as set forth in this regulation.

[PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Limitations on Monitoring Requirements.

1. Except as required by subdivision 2 of this subsection, only those permittees with facilities conducting activities specifically identified in Part I B (effluent limitations and monitoring requirements) of this permit are required to conduct sampling of their storm water discharges associated with industrial activity.

2. The director may provide written notice to any facility otherwise exempt from the sampling requirements of Part I B (effluent limitations and monitoring requirements), requiring discharge sampling in accordance with Part I B, or specifying an alternative monitoring frequency or specifying additional parameters to be analyzed.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Facilities Subject to § 313 of EPCRA.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at facilities that are subject to § 313 of EPCRA for chemicals which are classified as Section 313 water priority chemicals where the storm water comes into contact with any equipment, tank, container or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car loading or unloading area where a Section 313 water priority chemical is handled.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6M	Estimate*
Oil and Grease (mg/l)	NA	NL	1/6M	Grab**
BOD ₅ (mg/l)	NA	NL	1/6M	Grab/Composite**
Chemical Oxygen Demand (mg/l)	NA	NL	1/6M	Grab/Composite**
Total Suspended Solids (mg/l)	NA	NL	1/6M	Grab/Composite**
Total Kjeldahl Nitrogen (mg/l)	NA	NL	1/6M	Grab/Composite**
Total Phosphorus (mg/l)	NA	NL	1/6M	Grab/Composite**
pH (Std)	NL	NL	1/6M	Grab**
Acute whole effluent toxicity	NA	NL	1/6M	Grab**

Section 313 water priority chemicals*** NA NL 1/6M Grab/Composite**

NL = No limitation, monitoring required

NA = Not applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.

*** Any Section 313 water priority chemical for which the facility is subject to reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 and where there is the potential for these chemicals to mix with storm water discharges.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Primary Metal Industry.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at facilities that are classified as Standard Industrial Classification (SIC) 33 (Primary Metal Industry).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6M	Estimate*
Oil and Grease (mg/l)	NA	NL	1/6M	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/6M	Grab
Total Suspended	[Grab/Composite] **			

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Solids (mg/l)	NA	NL	1/6M	Grab [7Composite]	**
Lead (total recoverable) (ug/l)	NA	NL	1/6M	Grab [7Composite]	**
Cadmium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [7Composite]	**
Copper (total recoverable) (ug/l)	NA	NL	1/6M	Grab [7Composite]	**
Arsenic (total recoverable) (ug/l)	NA	NL	1/6M	Grab [7Composite]	**
Chromium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [7Composite]	**
Hexavalent Chromium (dissolved) (ug/l)	NA	NL	1/6M	Grab [7Composite]	**
pH (SU)	NL	NL	1/6M	Grab**	**
[Acute Whole Effluent** Toxicity	NA	NL	1/6M	Grab**]
Effluent Guideline Pollutants***	NA	NL	1/6M	Grab [7Composite]	**

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

4. Facilities classified as SIC 33 only because they manufacture pure silicon or semiconductor grade silicon are not required to monitor for cadmium, copper, arsenic, [or] chromium [or acute whole effluent toxicity] but must monitor for the other parameters listed above.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Lumber and Wood Products.

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities classified as Standard Industrial Classification (SIC) 24 (Lumber and Wood Products).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6M	Estimate*
Oil and Grease (mg/l)	NA	NL	1/6M	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/6M	Grab [7Composite]
Total Suspended Solids (mg/l)	NA	NL	1/6M	Grab [7Composite]
pH (SU)	NL	NL	1/6M	Grab**
Pentachlorophenol (ug/l)***	NA	NL	1/6M	Grab [7Composite]
Copper (total recoverable) (ug/l)***	NA	NL	1/6M	Grab [7Composite]
Arsenic (total recoverable) (ug/l)***	NA	NL	1/6M	Grab [7Composite]
Chromium (total recoverable) (ug/l)***	NA	NL	1/6M	Grab [7Composite]
[Acute Whole Effluent Toxicity***	NA	NL	1/6M	Grab**

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minute.]

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*** Facilities that use chlorophenolic formulations shall measure for pentachlorophenol [~~and acute whole effluent toxicity~~].

[Facilities that use creosote formulations shall measure for acute whole effluent toxicity.]

Facilities that use chromium-arsenic formulations shall measure for arsenic, chromium and copper.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Coal Pile Storm Water Runoff.

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources containing coal pile storm water runoff.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6M	Estimate*
Oil and Grease (mg/l)	NA	NL	1/6M	Grab**
Total Suspended Solids (mg/l)	NA	50 mg/l	1/6M	Grab**
pH (SU)	6.0	9.0	1/6M	Grab**
Copper (total recoverable) (ug/l)	NA	NL	1/6M	Grab [/Composite] **
Nickel (total recoverable) (ug/l)	NA	NL	1/6M	Grab [/Composite] **
Zinc (total recoverable) (ug/l)	NA	NL	1/6M	Grab [/Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. Coal pile runoff shall not be diluted with storm water or other flows in order to meet these limitations.

4. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/l limitation for total suspended solids. Failure to demonstrate compliance with these limitations as expeditiously as practicable, but in no case later than three years from the date of coverage under this general permit or the expiration date of the permit,

whichever is earlier, will constitute a violation of this permit.

5. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Chemical and Allied Products (except SIC 283.- Drugs).

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity that comes in contact with storage piles for solid chemicals used as raw materials at facilities classified as Standard Industrial Classification (SIC) 28 (Chemicals and Allied Products) except SIC 283 (Drugs).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [/Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [/Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Effluent Guideline Pollutants***	NA	NL	1/YR	Grab [Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch

rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge from the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Lime manufacturing facilities.

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity that comes in contact with lime storage piles that are exposed to storm water at lime manufacturing facilities.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [/Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [/Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Effluent Guideline Pollutants***	NA	NL	1/YR	Grab [/Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Cement manufacturing facilities and cement kilns.

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at cement manufacturing facilities and cement kilns.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [/Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [/Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Effluent Guideline Pollutants***	NA	NL	1/YR	Grab [/Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or

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visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Ready Mix Concrete.

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at facilities classified as Standard Industrial Classification (SIC) 3273 (Ready Mix Concrete).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [7Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [7Composite] **
pH (SU) Effluent Guideline Pollutants***	NL	NL	1/YR	Grab Grab**
	NA	NL	1/YR	Grab [7Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Ship and Boat Building and Repairing.

1. During the period beginning with the date of coverage under the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at facilities classified as Standard Industrial Classification (SIC) 373 (Ship and Boat Building and Repairing). Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [7Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [7Composite] **
pH (SU) Effluent Guideline Pollutants***	NL	NL	1/YR	Grab Grab**
	NA	NL	1/YR	Grab [7Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

*** The grab sample shall be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge. [The composite sample shall either be flow weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]*

**** Any pollutant limited in an effluent guideline to which the facility is subject.*

PART II. MONITORING AND REPORTING.

A. Sampling and analysis methods.

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.

2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136 ([1992 1994])).

3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.

4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements, in accordance with approved EPA and state protocols.

B. Recording of results.

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;

2. The person(s) who performed the sampling or measurements;

3. The dates analyses were performed;

4. The person(s) who performed each analysis;

5. The analytical techniques or methods used;

6. The results of such analyses and measurements;

7. The date and duration (in hours) of the storm event(s) sampled;

8. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and

9. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

C. Records retention.

All records and information resulting from the monitoring and inspection activities required by this permit, including the results of the analyses and all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, and records of all data used to complete the Registration Statement to be covered by this permit shall be made a part of the pollution prevention plan and shall be retained on site for three years from the date of the sample, measurement, report or application or until at least one year after coverage under this permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. Additional monitoring by permittee.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required by this permit. Such increased frequency shall also be reported.

E. Water quality monitoring.

The director may require the permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the Permit Regulation.

The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.

F. Reporting requirements.

1. The permittee shall submit the monitoring data

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collected during the term of the permit to the department upon reregistration for coverage under the general permit.

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department as quickly as possible upon discovery, at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect surface waters of the state or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on surface waters of the state has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary storm water discharge which enters or could be expected to enter surface waters of the Commonwealth. The permittee shall provide information specified in Part II F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided to the department within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (vi) flooding or other acts of nature.

If the department's regional office cannot be reached, a 24-hour telephone service is maintained in Richmond (804-527-5200) to which the report required above is to be made.

G. Signatory requirements.

Any Registration Statement, report, certification, or Notice of Termination required by this permit shall be signed as follows:

1. Registration Statement/Notice of Termination.

a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or had executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

2. Reports. All reports required by this permit and other information requested by the director shall be signed by:

a. One of the persons described in subdivision 1 a, b, or c of this subsection; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information

Registration Statement or Notice of Termination to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

H. Sampling waiver.

When a permittee is unable to collect storm water samples due to adverse climatic conditions, the permittee must retain with the other records and information resulting from monitoring activities as required under Part II C, a description of why samples could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Permittees are precluded from exercising this waiver more than once during [this permit term a two-year period]. A similar report is required if collection of the grab sample during the first 30 minutes was impracticable.

I. Representative discharge.

When a facility has two or more outfalls comprised solely of storm water that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and include in the pollution prevention plan that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided in the pollution prevention plan.

J. Alternative certification.

A permittee is not subject to the monitoring requirements of Part I of this permit provided the permittee makes a certification for a permitted outfall, on an annual basis, under penalty of law, signed in accordance with Part II G (signatory requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, significant materials from past industrial activity, that are located in areas of the facility that are within the drainage area of the outfall are not presently exposed to storm water and will not be exposed to storm water for the certification period. Such certification shall be made a part of the storm water pollution prevention plan.

[K. Alternative to WEF parameter.

A permittee that is subject to the monitoring requirements of Part I may, in lieu of monitoring for acute whole effluent toxicity, monitor at the same frequency as the acute whole effluent toxicity requirements in Part I of this permit for pollutants identified in Tables II and III of Appendix D of 40 CFR Part 122 (1992) that the permittee knows or has reason to believe are present at the facility site. Such determinations are to be based on reasonable best efforts to identify significant quantities of materials or chemicals present at the facility. Permittees must also monitor for any additional parameters identified in Part I.

L. Toxicity testing.

The primary purpose of the toxicity testing is to assist in the identification of pollutant sources and in the evaluation of the effectiveness of the pollution prevention practices. Permittees that are required to monitor for acute whole effluent toxicity shall initiate the series of tests described below within 180 days after the date of coverage under this permit or within 90 days after the commencement of a new discharge.

1. Test procedures. The permittee shall conduct acute 24-hour static toxicity tests on both an appropriate invertebrate and an appropriate fish (vertebrate) test species in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, (EPA/600/4-90-027 Rev. 0/91, § 6.1.). Freshwater species must be used for discharges to freshwater water bodies. Due to the non-saline nature of rainwater, freshwater test species should also be used for discharges to estuarine, marine or other naturally saline waterbodies. The tests shall be conducted on the invertebrate *Ceriodaphnia dubia* and the vertebrate *Pimephales promelas*. All procedures and quality assurance criteria used shall be in accordance with the department's Guidance for Conducting & Reporting the Results of Toxicity Tests in Fulfillment of VPDES Permit Requirements (July 1992).

Tests shall be conducted semiannually (twice per year)

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on a grab sample of the discharge. Tests shall be conducted using 100% effluent (no dilution) and a control consisting of synthetic dilution water. The permittee shall include the results of these tests with the pollution prevention plan.

2. If acute whole effluent toxicity (statistically significant difference between the 100% dilution and the control, refer to § 11.1.2 of the above-referenced EPA document) is detected on or after three years after the date of coverage under this permit or prior to the expiration date of the permit, whichever is sooner, in storm water discharges, the permittee shall review the storm water pollution prevention plan and make appropriate modifications to assist in identifying the source(s) of toxicity and to reduce the toxicity of their storm water discharges. A summary of the review and the resulting modifications shall be provided in the plan.

M. K.] Prohibition on nonstorm water discharges.

All discharges covered by this permit shall be composed entirely of storm water except as provided in subdivisions 1 and 2 of this subsection.

1. Except as provided in subdivision [M K] 2, discharges of material other than storm water must be in compliance with a VPDES permit (other than this permit) issued for the discharge.

2. The following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part III D 3 g: discharges from fire fighting activities; fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

[N. L.] Releases in excess of reportable quantities.

1. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 (1992) and 40 CFR Part 302 (1992). The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 117 (1992) or 40 CFR Part 302 (1992) occurs during a 24-hour period, the storm water pollution prevention plan must be modified

within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

[O. M.] Failure to certify.

Any permittee that is unable to provide the certification required under Part III D 3 g (1) must notify the department within 180 days after submitting a Registration Statement to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe the procedure of any test conducted for the presence of nonstorm water discharges; the results of such test or other relevant observations; potential sources of nonstorm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Nonstorm water discharges to surface waters of the Commonwealth which are not authorized by a VPDES permit are unlawful, and must be terminated or permittees must submit appropriate VPDES permit application forms.

PART III. STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for the facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for plan preparation and compliance.

1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan:

a. shall be prepared within 180 days after the date of coverage under this permit or prior to the expiration date of the permit whichever is sooner

and

b. shall provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit or prior to the expiration date of the permit whichever is sooner.

2. The plan for any facility where industrial activity commences on or after the effective date of this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a Registration Statement to be covered under this permit.

3. Portions of the plan addressing additional requirements for storm water discharges from facilities subject to Parts III D 7 (EPCRA Section 313) and III D 8 (salt storage) shall provide for compliance with the terms of the requirements identified in Parts III D 7 and III D 8 as expeditiously as practicable, but not later than three years from the date of coverage under this permit or the expiration date of the permit, whichever is sooner.

[4. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.]

B. Signature and plan review.

1. The plan shall be signed in accordance with Part II G (signatory requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Part II C (retention of records) of this permit.

2. The permittee shall make plans available upon request to the department, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the director, or as otherwise provided by the director, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

C. Keeping plans current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the Commonwealth or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

D. Contents of plan.

The plan shall include, at a minimum, the following items:

1. *Pollution Prevention Team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of potential pollutant sources.* Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. The plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part III D 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance, vehicle and equipment cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

(2) For each area of the facility that generates storm water discharges associated with industrial

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activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. *Inventory of exposed materials.* An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. *Spills and leaks.* A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this permit. Such list shall be updated as appropriate during the term of the permit.

d. *Sampling data.* A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. *Risk identification and summary of potential pollutant sources.* A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. *Measures and controls.* A description of storm

water management controls appropriate for the facility, including a schedule for implementing the controls shall be developed. The controls shall be implemented as part of this permit. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components:

a. *Good housekeeping.* Good housekeeping requires the maintenance, in a clean, orderly manner, of areas which may contribute pollutants to storm water discharges.

b. *Preventive maintenance.* A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. *Spill prevention and response procedures.* Identification of areas where potential spills can occur which may contribute pollutants to storm water discharges, and their accompanying drainage points. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate facility personnel. The necessary equipment to implement a clean up should be available to the appropriate facility personnel.

d. *Inspections.* In addition to or as part of the comprehensive site evaluation required under Part III D 4 of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of actions are taken in response to the inspections. Records of inspections shall be maintained.

e. *Employee training.* Employee training programs shall be developed to inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility, of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

f. *Recordkeeping and internal reporting procedures.* A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. *Nonstorm water discharges.*

(1) The plan shall include a certification that all outfalls that contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of nonstorm water discharges which are not authorized by Part II [~~M~~ K] 2 of this permit. The certification shall include the identification of potential significant sources of nonstorm water at the site, a description of the results of any test or evaluation for the presence of nonstorm water discharges, the evaluation criteria or testing method used, the date of any testing, the date of evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part II G of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of nonstorm water at the site. A permittee that is unable to provide the certification required by this paragraph must notify the department in accordance with Part II [~~Θ~~ M] (failure to certify) of this permit.

(2) Except for flows from fire fighting activities, sources of nonstorm water listed in Part II [~~M~~ K] 2 (authorized nonstorm water discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

h. *Sediment and erosion control.* The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion.

i. *Management of runoff.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices

(practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part III D 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and detention/retention devices.

4. *Comprehensive site compliance evaluation.* Qualified facility personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year during the permit term. Such evaluations shall provide:

a. Areas contributing to storm water discharges associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part III D 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part III D 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance

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with Part III D 4 b of the permit shall be made a part of the storm water pollution prevention plan and retained as required in Part II C. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part II G (signatory requirements) of this permit and retained as required in Part II C.

5. Additional requirements for storm water discharges associated with industrial activity through municipal separate storm sewer systems serving a population of 100,000 or more.

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

b. Permittees which discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more shall make plans available to the municipal operator of the system upon request.

6. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility or any other plans required by board regulations as long as such requirements are incorporated into the storm water pollution prevention plan.

7. Additional requirements for storm water discharges associated with industrial activity from facilities subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Requirements. In addition to the requirements of Parts III D 1 through 4 of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under EPCRA Section 313 for chemicals which are classified as 'Section 313 water priority chemicals' and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following:

a. In areas where Section 313 water priority

chemicals are stored, processed or otherwise handled and where there is the potential for these chemicals to mix with storm water discharges, appropriate containment, drainage control or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

(1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or

(2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

b. In addition to the minimum standards listed under Part III D 7 a of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable state rules, regulations and guidelines:

(1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.

(a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and the conditions of storage such as pressure and temperature, etc.

(b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of these chemicals. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, or other equivalent measures.

(2) Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind effects shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.

(3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be

operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur when making and breaking hose connections (such as hose connections, hose reels and filler nozzles); a strong spill contingency and integrity testing plan; or other equivalent measures.

(4) Areas where Section 313 water priority chemicals are transferred, processed or otherwise handled and where there is the potential for these chemicals to mix with storm water discharges. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind effects, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

(5) Discharges from areas covered by subdivisions 7 b (1), (2), (3) or (4) of this subsection.

(a) Drainage from areas covered by subdivisions 7 b (1), (2), (3) or (4) of this subsection should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as required above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from

containment areas, in accordance with Part II C.

(6) Facility site runoff from areas other than those covered by subdivisions 7 b (1), (2), (3) or (4) of this subsection. Other areas of the facility (those not addressed in subdivisions (1), (2), (3) or (4) of this subsection, from which runoff which may contain Section 313 water priority chemicals or where spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, effects of wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to surface waters of the Commonwealth, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to [surface] waters of the state shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with federal, state, and local requirements and as described in the plan.

(8) Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored and where there is the potential for these chemicals to mix with storm water discharges, shall be trained in and informed of preventive measures at the

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facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

(10) *Engineering Certification.* The storm water pollution prevention plan for a facility subject to EPCRA Section 313 requirements for chemicals which are classified as 'Section 313 water priority chemicals' and where there is the potential for these chemicals to mix with storm water discharges, shall be reviewed by a registered professional engineer and certified to by such professional engineer. A registered professional engineer shall recertify the plan [~~every three years thereafter or~~] as soon as practicable after significant modifications are made to the facility. By means of these certifications the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the permittee of their duty to prepare and fully implement such plan.

8. Additional requirements for salt storage.

Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to surface waters of the Commonwealth shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Permittees shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than three years from the date of coverage under this permit or the expiration date of this permit, whichever is sooner. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the Commonwealth.

E. Notice of Termination.

1. The permittee shall submit a Notice of Termination

to the department, that is signed in accordance with Part II G, where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, where the owner of a facility with storm water discharges associated with industrial activity changes, or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit and the general permit is no longer applicable.

2. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted and approved by the director. [Coverage under the permit will be deemed terminated seven days after the date the Notice of Termination is signed.]

PART IV. MANAGEMENT REQUIREMENTS.

A. Change in discharge or management of pollutants.

1. Any permittee proposing a new discharge or the management of additional pollutants shall submit a new Registration Statement at least 60 days prior to commencing erection, construction, or expansion or employment of new pollutant management activities or processes at a facility. There shall not be commencement of treatment or management of pollutants activities until a permit is received. A separate VPDES permit may also be required of the construction activity.

2. All discharges authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new Registration Statement 30 days prior to all expansions, production increases, or process modifications that will result in new or increased pollutants in the storm water discharges associated with industrial activity. The discharge or management of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

B. Treatment works operation and quality control.

All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

1. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

2. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this

permit.

3. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that neither the monitoring nor limitation requirements are violated.

C. Adverse impact.

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.

D. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability.

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing.

Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited [- unless:

1. Anticipated bypass - if the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss

caused by delays in production); and

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass - if an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision 1 of this subsection and in light of the information reasonably available to the permittee at the time of the bypass.]

G. Compliance With state and federal law.

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under § 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or other appropriate requirements of the State Water Control Law not related to the activities authorized by this storm water general permit or under authority preserved by § 510 of the Clean Water Act.

H. Property rights.

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

I. Severability.

The provisions of this permit are severable.

J. Duty to reregister.

If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee shall submit a new [and complete] Registration Statement at least 120 days before the expiration date of this permit.

K. Right of entry.

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The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

L. Transferability of permits.

This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

M. Public access to information.

Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must

be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.

Claims of confidentiality for the following information will be denied.

1. The name and address of any permit applicant or permittee.
2. Registration statements, permits, and effluent data.

Information required by the Registration Statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

N. Permit modification.

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act;
3. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

O. Permit termination.

After public notice and opportunity for a hearing, the general permit may be terminated for cause.

P. Permit modifications, revocations and reissuances, and termination.

This general permit may be modified, revoked and reissued, or terminated pursuant to the Permit Regulation and in accordance with other sections of this permit (Parts IV N, IV O and IV Q).

- Q. When an individual permit may be required.

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The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The discharge(s) is a significant contributor of pollution.
2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a General Permit. *or both*
3. The discharge violates the terms or conditions of this permit.
4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.
6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for hearing.

R. When an individual permit may be requested.

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to [~~an~~ a] permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a General Permit is issued which applies to [~~an~~ a] permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the General Permit and subsequent coverage under an individual permit.

S. Civil and criminal liability.

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

T. Oil and hazardous substance liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

U. Unauthorized discharge of pollutants.

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances, or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

VA.R. Doc. No. R94-766; Filed March 30, 1994, 10:46 a.m.

* * * * *

Title of Regulation: VR 680-14-17. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities.

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

Effective Date: June 30, 1994.

Summary:

The State Water Control Board has adopted a general VPDES permit for storm water discharges from certain light manufacturing facilities. Light manufacturing facilities are defined as facilities classified as Standard Industrial Classification (SIC) 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225 (Office of Management and Budget SIC Manual 1987). This regulation establishes the appropriate and necessary permitting of storm water discharges associated with industrial activity from light manufacturing facilities through the development and issuance of a VPDES general permit. The regulation establishes application requirements, requires the development and implementation of a storm water pollution prevention plan, and establishes monitoring and reporting requirements. This regulation will replace emergency regulation VR 680-14-17, VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities which was adopted by the board on June 28, 1993.

The major issues raised during public notice related to the special monitoring requirements for facilities with EPCRA Section 313 water priority chemicals and the monitoring requirements for facilities subject to whole effluent toxicity (WET) testing. As a result of

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these comments, and to be consistent with EPA's proposed multi-sector permit, EPCRA Section 313 water priority chemical monitoring requirements and WET testing requirements were removed from the regulation.

The noteworthy changes to this regulation are:

1. The addition of a statement that allows the owner to submit the certified mail return receipt in lieu of the LGOF form when the local governing body declines to respond within 45 days.
2. The addition of a section to clarify exactly which facilities and industrial activities must sample their storm water discharges.
3. The removal of the special monitoring requirements for facilities with EPCRA Section 313 water priority chemicals potentially exposed to storm water in order to be consistent with EPA's proposed multi-sector permit.
4. The removal of the whole effluent toxicity (WET) testing requirements in order to be consistent with EPA's proposed multi-sector permit.
5. The removal of the requirement for "composite" samples to be taken in addition to "grab" samples for storm event monitoring in order to be consistent with EPA's proposed multi-sector permit.
6. The modification of the sampling waiver to allow the permittee to exercise this option once during a two-year period, rather than once during the permit term in order to be consistent with EPA's proposed multi-sector permit.
7. The addition of a statement allowing the director to extend the deadline for the pollution prevention plan development or implementation upon a showing of "good cause."
8. The modification of the section on bypassing in order to be consistent with the VPDES permit regulation.
9. The addition of a statement indicating that coverage under the permit will cease seven days after the Notice of Termination is signed.

The Department of Environmental Quality will administer this permit program. Upon receipt of a complete registration statement, the department will notify the permittee of coverage under the general permit and send a copy of the permit to the permittee.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 680-14-17. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities.

§ 1. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and Permit Regulation (VR 680-14-01) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Industrial activity" means the following categories of facilities, which are considered to be engaging in "industrial activity":

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (1992) (except facilities with toxic pollutant effluent standards which are exempted under subdivision 11 of this definition);

2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);

3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Part 434.11(l) (1992) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, an

overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, ~~beneficiation~~, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.);

5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.);

6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 (OMB SIC Manual, 1987);

7. Steam electric power generating facilities, including coal handling sites;

8. Transportation facilities classified as SIC 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under subdivisions 1 through 7 or 9 through 11 of this definition are associated with industrial activity;

9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved Publicly Owned Treatment Works (POTW) pretreatment program under the Permit Regulation. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with

Section 405 of the Clean Water Act (33 USC 1251 et seq.);

10. Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

11. Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within subdivision 2 through 10 of this definition and which are further defined as light manufacturing facilities.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to surface waters of the Commonwealth; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a POTW.

["Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.]

"Permittee" means any owner whose light manufacturing facility is covered under this general permit.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Section 313 water priority chemicals" means a chemical or chemical categories that (i) are listed at 40 CFR Part 372.65 (1992) pursuant to Section 313 of the

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Emergency Planning and Community Right-to-Know Act (EPCRA) also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986; (ii) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and (iii) meet at least one of the following criteria: (a) are listed in Appendix D of 40 CFR Part 122 (1992) on either Table II (organic priority pollutants), Table III (certain metals, cyanides and phenols) or Table V (certain toxic pollutants and hazardous substances); (b) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the Clean Water Act at 40 CFR Part 116.4 (1992); or (c) are pollutants for which the Environmental Protection Agency (EPA) has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under the Permit Regulation. For the categories of industries identified in subdivisions 1 through 10 of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subdivision 11 of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial

machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

§ 2. Purpose.

This general permit regulation governs storm water discharges associated with industrial activity as defined in subdivision 11 of the definition of "industrial activity," light manufacturing facilities. This general permit covers only discharges comprised solely of storm water, or as otherwise defined in the permit, from light manufacturing facilities provided that the discharge is through a point source to surface waters of the state or through a municipal or nonmunicipal separate storm sewer system to surface waters of the state.

§ 3. Delegation of authority.

The director may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

§ 4. Effective date of the permit.

This general permit will become effective on [~~xxx~~ June 30, 1994] . This general permit will expire five years from [~~the effective date~~ June 30, 1994] . Any covered owner is authorized to discharge under this general permit upon compliance with all the provisions of § 5 and the receipt of this general permit. All facilities covered under emergency regulation (VR 680-14-17) VPDES General Permit for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities, shall submit a complete Registration Statement in accordance with § 6 of this regulation and are authorized to discharge under this general permit upon expiration of the emergency regulation on June 29, 1994, and receipt of this general permit.

§ 5. Authorization to discharge.

Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance, by the director, of the Registration Statement of § 6, complies with the requirements of § 7, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the Permit Regulation. Currently permitted discharges may be authorized under this general permit after an existing permit expires provided that the existin

permit did not establish numeric limitations for such discharges or that such discharges are not subject to an existing effluent limitation guideline addressing storm water.

2. The owner shall not be authorized by this general permit to discharge to state waters where other board regulation or policies prohibit such discharges.

3. The owner shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 [of the Code of Virginia] . [If the governing body fails to respond within 45 days following receipt of a written request by certified mail-return receipt requested, the owner may submit the return receipt (green card) to verify submittal of the request.]

4. The director may deny coverage under this general permit to any owner whose storm water discharge to state waters may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat. In such cases, an individual permit shall be required.

5. This permit may authorize storm water discharges associated with industrial activity that are mixed with other storm water discharges requiring a permit provided that the owner obtains coverage under this VPDES general permit for the industrial activity discharges and a VPDES general or individual permit for the other storm water discharges. The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge.

The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the discharge is in compliance with this permit.

6. The owner shall not be authorized by this general permit to discharge storm water associated with industrial activity that is mixed with nonstorm water discharges unless those nonstorm water discharges are specifically identified as authorized nonstorm water discharges in Part II [M K] 2 of the general permit.

Receipt of this general permit does not relieve any owner of the responsibility to comply with any other [applicable] federal, state or local statute, ordinance or regulation.

§ 6. Registration statement; notice of termination.

A. The owner of a light manufacturing facility with storm water discharges associated with industrial activity who is proposing to be covered by this general permit shall file a complete VPDES general permit Registration Statement in accordance with this regulation. Any owner

proposing a new discharge shall file the Registration Statement at least 30 days prior to the commencement of the industrial activity at the facility. Any owner of an existing facility covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the director of this intention at least 180 days prior to the expiration date of the individual VPDES permit and shall submit a complete Registration Statement 30 days prior to the expiration date of the individual VPDES permit. Any owner of an existing facility, not currently covered by a VPDES permit, who is proposing to be covered by this general permit shall file the Registration Statement within 30 days of the effective date of the general permit.

The owner shall submit a Registration Statement form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY FROM LIGHT MANUFACTURING FACILITIES

1. Facility Owner

Name:
Mailing Address:
City: State: Zip Code:
Phone:

2. Facility Location

Name:
Address:
City: State: Zip Code:

3. Status (Federal, State, Public, or Private)

4. Primary Standard Industrial Classification Code (SIC)

Secondary SIC Codes:

5. Is Storm Water Runoff discharged to a Municipal Separate Storm Sewer System (MS4)?

Yes/No
If yes, operator name of the MS4

6. Receiving Water Body of direct discharge or Municipal Separate Storm Sewer System (e.g. Clear Creek or unnamed Tributary to Clear Creek)

7. Other Existing VPDES Permit Numbers

8. Is this facility subject to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) for any Section 313 water priority chemicals [and is there the potential for any of these chemicals to mix with storm water discharges

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associated with industrial activity] ?

9. Does this facility discharge storm water runoff from coal pile storage? Yes/No

10. The owner must attach to this Registration Statement the notification (Local Government Ordinance Form) from the governing body of the county, city or town as required by Virginia Code Section 62.1-44.15:3.

11. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

Basin: Stream Class: Section

Special Standards

B. The owner may terminate coverage under this general permit by filing a completed Notice of Termination. The Notice of Termination shall be filed in situations where all storm water discharges associated with industrial activity authorized by this general permit are eliminated, where the owner of storm water discharges associated with industrial activity at a facility changes, or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit. The owner shall submit a Notice of Termination form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT NOTICE OF TERMINATION
FOR
STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITY
FROM LIGHT MANUFACTURING FACILITIES

1. VPDES Storm Water General Permit Number:

2. Check here if you are no longer the owner of the facility:

3. Check here if the Storm Water Discharges Associated with Industrial Activity have been eliminated:

4. Check here if the storm water discharges associated with industrial activity are covered by an individual VPDES permit:

5. Facility Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

6. Facility Location

Name:

Address:

City: State: Zip Code:

7. Certification: "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated or covered under a VPDES individual permit or that I am no longer the owner of the industrial activity. I understand that by submitting this Notice of Termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of this permit under the Clean Water Act."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

§ 7. General permit.

Any owner whose Registration Statement is accepted by the director will receive the following general permit and shall comply with the requirements therein and be subject to the Permit Regulation.

General Permit No.: VAR2xxxxx

Effective Date:

Expiration Date:

**GENERAL PERMIT FOR STORM WATER
DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITY
FROM LIGHT MANUFACTURING FACILITIES
AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
AND
THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of light manufacturing facilities with storm water discharges associated with industrial activity are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia except those waters where board regulation or policies prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Monitoring and Reporting, Part III - Storm Water Pollution Prevention Plan and Part IV - Management Requirements, as set forth herein.

[PART I.
EFFLUENT LIMITATIONS AND MONITORING
REQUIREMENTS.

A. Limitations on monitoring requirements.

1. Except as required by subdivision 2 of this subsection only those permittees with facilities conducting activities specifically identified in Part I B (effluent limitations and monitoring requirements) of this permit are required to conduct sampling of their storm water discharges associated with industrial activity.

2. The director may provide written notice to any facility otherwise exempt from the sampling requirements of Part I B (effluent limitations and monitoring requirements), requiring discharge sampling in accordance with Part I B or specifying an alternative monitoring frequency or specifying additional parameters to be analyzed.]

[PART I.
EFFLUENT LIMITATIONS AND MONITORING
REQUIREMENTS.

A. Facilities subject to § 313 of EPCRA.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water

associated with industrial activity at facilities that are subject to Section 313 of EPCRA for chemicals which are classified as "Section 313 water priority chemicals" where the storm water comes into contact with any equipment, tank, container or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car loading or unloading area where a Section 313 water priority chemical is handled.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NE	1/0M	Estimate*
Oil and Grease (mg/l)**	NA	NE	1/0M	Grab**
BOD5 (mg/l)	NA	NE	1/0M	Grab/Composite**
Chemical Oxygen Demand (mg/l)	NA	NE	1/0M	Grab/Composite**
Total Suspended Solids (mg/l)	NA	NE	1/0M	Grab/Composite**
Total Kjeldahl Nitrogen (mg/l)	NA	NE	1/0M	Grab/Composite**
Total Phosphorus (mg/l)	NA	NE	1/0M	Grab/Composite**
pH (SU)	NE	NE	1/0M	Grab**
Acute Whole Effluent Toxicity	NA	NE	1/0M	Grab**
Section 313 Water Priority Chemicals***	NA	NE	1/0M	Grab/Composite**

NE= No Limitation, monitoring required

NA= Not applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.

*** Any Section 313 water priority chemical for which the facility is subject to reporting requirements under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 and where

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there is the potential for these chemicals to mix with storm water discharges.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oil.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas at meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
BOD5 (mg/l)	NA	NL	1/YR	Grab [Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [Composite] **
Total Kjeldahl Nitrogen (mg/l)	NA	NL	1/YR	Grab [Composite] **
Total Phosphorus (mg/l)	NA	NL	1/YR	Grab [Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Fecal Coliform (N/CML)	NA	NL	1/YR	Grab**

NL= No Limitation, monitoring required

NA= Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [

The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Rubber and miscellaneous plastics products.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity that comes in contact with storage piles for solid chemicals used as raw materials that are exposed to precipitation at facilities classified as Standard Industrial Classification (SIC) 30 (Rubber and Miscellaneous Plastics Products).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Effluent Guideline Pollutants***	NA	NL	1/YR	Grab [Composite] **

NL= No Limitation, monitoring required

NA= Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted

of time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

**** Any pollutant limited in an effluent guideline to which the facility is subject.*

PART II. MONITORING AND REPORTING.

A. Sampling and analysis methods.

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.

2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136 ([1992] 1994)).

3. The sampling and analysis program to demonstrate compliance with the permit shall, at a minimum, conform to Part I of this permit.

4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements, in accordance with approved EPA and state protocols.

B. Recording of results.

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- 1. The date, exact place and time of sampling or measurements;*
- 2. The person(s) who performed the sampling or measurements;*
- 3. The dates analyses were performed;*
- 4. The person(s) who performed each analysis;*
- 5. The analytical techniques or methods used;*
- 6. The results of such analyses and measurements;*
- 7. The date and duration (in hours) of the storm event(s) sampled;*
- 8. The rainfall measurements or estimates (in inches)*

of the storm event which generated the sampled runoff; and

9. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

C. Records retention.

All records and information resulting from the monitoring and inspection activities required by this permit, including the results of the analyses and all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, and records of all data used to complete the Registration Statement to be covered by this permit shall be made a part of the pollution prevention plan and shall be retained on site for three years from the date of the sample, measurement, report or application or until at least one year after coverage under this permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. Additional monitoring by permittee.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required by this permit. Such increased frequency shall also be reported.

E. Water quality monitoring.

The director may require the permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the Permit Regulation.

The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.

F. Reporting requirements.

1. The permittee shall submit the monitoring data collected during the term of the permit to the department upon reregistration for coverage under the general permit.

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2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department as quickly as possible upon discovery, at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect surface waters of the state or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on surface waters of the state has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary storm water discharge which enters or could be expected to enter surface waters of the state. The permittee shall provide information specified in Part II F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided to the department within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (vi) flooding or other acts of nature.

If the department's regional office cannot be reached, a 24-hour telephone service is maintained in Richmond (804-527-5200) to which the report required above is to be made.

G. Signatory requirements.

Any Registration Statement, report, certification, or Notice of Termination required by this permit shall be signed as follows:

1. Registration Statement/Notice of Termination.

a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship: by a general partner or proprietor respectively.

2. Reports. All reports required [by] this permit and other information requested by the director shall be signed by:

a. One of the persons described in subdivision 1 a, b, or c of this subsection; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, Registration Statement or Notice of Termination to be signed by an authorized representative.

3. Certification. Any person signing a document unde

subdivision 1 or 2 of this subsection shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

H. Sampling waiver.

When a permittee is unable to collect storm water samples due to adverse climatic conditions, the permittee must retain with the other records and information resulting from the monitoring activities as required under Part II C, a description of why samples could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Permittees are precluded from exercising this waiver more than once during [this permit term a two-year period]. A similar report is required if collection of the grab sample during the first 30 minutes was impracticable.

I. Representative discharge.

When a facility has two or more outfalls comprised solely of storm water that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and include in the pollution prevention plan that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided in the pollution prevention plan.

J. Alternative certification.

A permittee is not subject to the monitoring requirements of Part I of this permit provided the permittee makes a certification for a permitted outfall, on an annual basis, under penalty of law, signed in

accordance with Part II G (signatory requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, industrial machinery or operations, significant materials from past industrial activity, that are located in areas of the facility that are within the drainage area of the outfall are not presently exposed to storm water and will not be exposed to storm water for the certification period. Such certification shall be made part of the storm water pollution prevention plan.

[K. Alternative to WET parameter.

A permittee that is subject to the monitoring requirements of Part I may, in lieu of monitoring for acute whole effluent toxicity, monitor at the same frequency as the acute whole effluent toxicity requirements in Part I of this permit for pollutants identified in Tables II and III of Appendix D of 40 CFR Part 122 (1992) that the permittee knows or has reason to believe are present at the facility site. Such determinations are to be based on reasonable best efforts to identify significant quantities of materials or chemicals present at the facility. Permittees must also monitor for any additional parameter identified in Part I.

L. Toxicity testing.

The primary purpose of the toxicity testing is to assist in the identification of pollutant sources and in the evaluation of the effectiveness of the pollution prevention practices. Permittees that are required to monitor for acute whole effluent toxicity shall initiate the series of tests described below within 180 days after the issuance of this permit or within 90 days after the commencement of a new discharge.

1. Test procedures. The permittee shall conduct acute 24-hour static toxicity tests on both an appropriate invertebrate and an appropriate fish (vertebrate) test species in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, (EPA/600/4-90-027 Rev. 9/91, § 6.1). Freshwater species must be used for discharges to freshwater water bodies. Due to the nonsaline nature of rainwater, freshwater test species should also be used for discharges to estuarine, marine or other naturally saline waterbodies. The tests shall be conducted on the invertebrate *Ceriodaphnia dubia* and the vertebrate *Pimephales promelas*. All procedures and quality assurance criteria used shall be in accordance with the department's Guidance for Conducting & Reporting the Results of Toxicity Tests in Fulfillment of VPDES Permit Requirements (July 1992).

Tests shall be conducted semiannually (twice per year) on a grab sample of the discharge. Tests shall be conducted using 100% effluent (no dilution) and a control consisting of synthetic dilution water. The permittee shall include the results of these tests with

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the pollution prevention plan.

2. If acute whole effluent toxicity (statistically significant difference between the 100% dilution and the control; refer to § 11.1-2 of the above referenced EPA document) is detected on or after three years after the date of coverage under this permit or prior to the expiration date of the permit, whichever is sooner, in storm water discharges, the permittee shall review the storm water pollution prevention plan and make appropriate modifications to assist in identifying the source(s) of toxicity and to reduce the toxicity of their storm water discharges. A summary of the review and the resulting modifications shall be provided in the plan.]

[~~M. K.~~] Prohibition on nonstorm water discharges.

All discharges covered by this permit shall be composed entirely of storm water except as provided in subdivisions 1 and 2 of this subsection.

1. Except as provided in subdivision 2 of this subsection, discharges of material other than storm water must be in compliance with a VPDES permit (other than this permit) issued for the discharge.

2. The following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part III D 3 g [(+)] : discharges from fire fighting activities; fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

[~~N. L.~~] Releases in excess of reportable quantities.

1. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 (1992) and 40 CFR Part 302 (1992). The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 117 (1992) or 40 CFR Part 302 (1992) occurs during a 24-hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be

reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

[~~O. M.~~] Failure to certify.

Any permittee facility that is unable to provide the certification required under Part III D 3 g (1) must notify the department within 180 days after submitting a Registration Statement to be covered by this permit ~~but in no case later than June 30, 1994~~. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of nonstorm water discharges; the results of such test or other relevant observations; potential sources of nonstorm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Nonstorm water discharges to surface waters of the state which are not authorized by a VPDES permit are unlawful, and must be terminated or permittees must submit appropriate VPDES permit application forms.

PART III.

STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for the facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for plan preparation and compliance.

1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan shall:

a. Be prepared within 180 days after the date of coverage under this permit or prior to the expiration date of the permit whichever is sooner; and

b. Provide for implementation and compliance with the terms of the plan within 365 days after thi

date of coverage under this permit or prior to the expiration date of the permit whichever is sooner.

2. The plan for any facility where industrial activity commences on or after the effective date of this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a Registration Statement to be covered under this permit.

3. Portions of the plan addressing additional requirements for storm water discharges from facilities subject to Parts III D 7 (EPCRA Section 313) and III D 8 (salt storage) shall provide for compliance with the terms of the requirements identified in Parts III D 7 and III D 8 as expeditiously as practicable, but not later than three years from the date of coverage under this permit or the expiration date [of the permit], whichever is sooner.

[4. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.]

B. Signature and plan review.

1. The plan shall be signed in accordance with Part II G (signatory requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Part II E (retention of records) of this permit.

2. The permittee shall make plans available upon request to the department or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan [requires require] modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the director, or as otherwise provided by the director, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

C. Keeping plans current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to [the] surface waters of the

state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

D. Contents of plan.

The plan shall include, at a minimum, the following items:

1. *Pollution Prevention Team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team who are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of potential pollutant sources.* Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. The plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part III D 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance or cleaning areas or both, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial

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activity. Factors to consider include the toxicity of the chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. *Inventory of exposed materials.* An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. *Spills and leaks.* A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage this permit. Such list shall be updated as appropriate during the term of the permit.

d. *Sampling data.* A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. *Risk identification and summary of potential pollutant sources.* A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. *Measures and controls.* A description of storm water management controls appropriate for the facility, including a schedule for implementing the controls shall be developed. The controls shall be implemented as part of this permit. The appropriateness and priorities of controls in a plan

shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components:

a. *Good housekeeping.* Good housekeeping requires the maintenance, in a clean, orderly manner, of areas which may contribute pollutants to storm water discharges.

b. *Preventive maintenance.* A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. *Spill prevention and response procedures.* Identification of areas where potential spills can occur which may contribute pollutants to storm water discharges, and their accompanying drainage points. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate facility personnel. The necessary equipment to implement a clean up should be available to [the appropriate facility] personnel.

d. *Inspections.* In addition to or as part of the comprehensive site evaluation required under Part III D 4 of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. *Employee training.* Employee training programs shall be developed to inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility, of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. [A The] pollution prevention plan shall identify periodic dates for such training.

f. *Recordkeeping and internal reporting procedures.* A description of incidents such as spills, or other discharges, along with other information describin

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the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. Nonstorm water discharges.

(1) The plan shall include a certification that all outfalls that contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of nonstorm water discharges which are not authorized by Part II [M K] 2 of this permit. The certification shall include the identification of potential significant sources of nonstorm water at the site, a description of the results of any test or evaluation for the presence of nonstorm water discharges, ~~the evaluation criteria or testing method used, the date of any testing or evaluation,~~ and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part II G of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of nonstorm water at the site. A permittee that is unable to provide the certification required by this paragraph must notify the department in accordance with Part II [O M] (failure to certify) of this permit.

(2) Except for flows from fire fighting activities, sources of nonstorm water listed in Part II [M K] 2 (authorized nonstorm water discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

h. Sediment and erosion control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion.

i. Management of runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm

water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part III D 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and detention/retention devices.

4. Comprehensive site compliance evaluation. Qualified facility personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year during the permit term. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part III D 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part III D 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part III D 4 b of the permit shall be made a part of the storm water pollution prevention plan and [shall be] retained as required in Part II C. The report shall identify any incidents of

) or any combination thereof

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or any combination thereof,

noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part II G (signatory requirements) of this permit and retained as required in Part II C.

diversionary structures, shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

5. Additional requirements for storm water discharges associated with industrial activity through municipal separate storm sewer systems serving a population of 100,000 or more.

(1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge provided the permittee has been notified of such conditions.

(2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

b. Permittees which discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more shall make plans available to the municipal operator of the system upon request.

b. In addition to the minimum standards listed under Part III D 7 a of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable state rules, regulations and guidelines:

6. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility or any other plans required by board regulations as long as such requirement is incorporated into the storm water pollution prevention plan.

(1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.

7. Additional requirements for storm water discharges associated with industrial activity from facilities subject to Emergency Planning and Community Right-to-Know (EPCRA) Section 313 Requirements. In addition to the requirements of Parts III D 1 through 4 of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under EPCRA Section 313 for chemicals which are classified as "Section 313 water priority chemicals" and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following:

(a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and the conditions of storage such as pressure and temperature, etc.

a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled and where there is the potential for these chemicals to mix with storm water discharges, appropriate containment, drainage control or

(b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of these chemicals. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, or other equivalent measures.

(2) Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind effects shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.

(3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided a.

or any combination thereof

appropriate. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur [when making and breaking hose connections] (such as hose connections, hose reels and filler nozzles) [for use when making and breaking hose connections] ; a strong spill contingency and integrity testing plan; or other equivalent measures.

(4) Areas where Section 313 water priority chemicals are transferred, processed or otherwise handled and where there is the potential for these chemicals to mix with storm water discharges. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind effects, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

(5) Discharges from areas covered by subdivision D 7 (1), (2), (3) or (4).

(a) Drainage from areas covered by subdivision D 7 (1), (2), (3) or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas in accordance with Part II C.

(6) Facility site runoff from areas other than those

covered by subdivision D 7 (1), (2), (3) or (4). Other areas of the facility (those not addressed in subdivision D 7 (1), (2), (3) or (4)), from which runoff which may contain Section 313 water priority chemicals or where spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, effects of wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to [surface] waters of the [United States state], action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to surface waters of the state shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with federal, state, and local requirements and as described in the plan.

(8) Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel who work in areas where Section 313 water priority chemicals are used or stored and where there is the potential for these chemicals to mix with storm water discharges shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution

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prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

(10) *Engineering certification.* The storm water pollution prevention plan for a facility subject to EPCRA Section 313 requirements for chemicals which are classified as "Section 313 water priority chemicals" and where there is the potential for these chemicals to mix with storm water discharges, shall be reviewed by a registered professional engineer and certified to by such professional engineer. A registered professional engineer shall recertify the plan as soon as practicable after significant modifications are made to the facility. By means of these certifications the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the permittee of their duty to prepare and fully implement such plan.

8. *Additional requirements for salt storage.* Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to a surface water of the state shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Permittees shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than three years from the date of coverage under this permit or the expiration date of this permit, whichever is sooner. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the state.

E. Notice of Termination.

1. The permittee shall submit a Notice of Termination to the department, that is signed in accordance with Part II G, where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, where the owner of a facility with storm water discharges associated with industrial activity changes, or where all storm water discharges associated with industrial activity have

been covered by an individual VPDES permit and the general permit is no longer applicable.

2. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted and approved by the director. [Coverage under the permit will be deemed terminated seven days after the date the Notice of Termination is signed.]

PART IV. MANAGEMENT REQUIREMENTS.

A. Change in discharge or management of pollutants.

1. Any permittee proposing a new discharge or the management of additional pollutants shall submit a new Registration Statement at least 60 days prior to commencing erection, construction, or expansion or employment of new pollutant management activities or processes at a facility. There shall not be commencement of treatment or management of pollutants activities until a permit is received. A separate VPDES permit may also be required of the construction activity.

2. All discharges [~~or pollutant management activities~~] authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new Registration Statement 30 days prior to all expansions, production increases, or process modifications that will result in new or increased pollutants in the storm water discharges associated with industrial activity. The discharge or management of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

B. Treatment works operation and quality control.

All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

1. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

2. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.

3. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring or limitation requirement are not violated.

or both

C. Adverse impact.

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.

downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass - if an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision 1 of this subsection and in light of the information reasonably available to the permittee at the time of the bypass.]

D. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G. Compliance with state and federal law.

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or other appropriate requirements of the State Water Control Law not related to the activities authorized by this storm water general permit or under authority preserved by Section 510 of the Clean Water Act.

E. Structural stability.

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

H. Property rights.

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

F. Bypassing.

Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited [: unless:

I. Severability.

The provisions of this permit are severable.

1. Anticipated bypass - if the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

J. Duty to reregister.

If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee shall submit a new Registration Statement at least 120 days before the expiration date of this permit.

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and

K. Right of entry.

The permittee shall allow authorized state and federal representatives, upon the presentation of credentials to:

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment

1. Enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any

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records are required to be kept under the terms and conditions of this permit;

2. Have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;

3. Inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

4. Sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and

5. Inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

L. Transferability of permits.

This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;

2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and

3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

M. Public access to information.

Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may

make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.

Claims of confidentiality for the following information will be denied:

1. The name and address of any permit applicant or permittee.

2. Registration statements, permits, and effluent data.

Information required by the Registration Statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

N. Permit modification.

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;

2. When an effluent standard or prohibition for toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;

3. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

O. Permit termination.

After public notice and opportunity for a hearing, the general permit may be terminated for cause.

P. Permit modifications, revocations and reissuances, and termination.

This general permit may be modified, revoked and reissued, or terminated pursuant to the Permit Regulation and in accordance with Parts IV N, IV O and IV Q of this permit.

Q. When an individual permit may be required.

The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The discharge(s) is a significant contributor (

or both

pollution.

2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a general permit.

3. The discharge violates the terms or conditions of this permit.

4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.

5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.

6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for hearing.

R. When an individual permit may be requested.

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to a permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.

S. Civil and criminal liability.

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

T. Oil and hazardous substance liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

U. Unauthorized discharge of pollutants.

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters sewage, industrial

wastes, other wastes, or any noxious or deleterious substances, or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

VA.R. Doc. No. R94-771; Filed March 30, 1994, 10:51 a.m.

Title of Regulation: VR 680-14-18. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities.

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

Effective Date: June 30, 1994.

Summary:

The State Water Control Board has adopted a general VPDES permit for storm water discharges from certain transportation facilities, landfills, land application sites and open dumps, materials recycling facilities and steam electric power generating facilities. The purpose of this regulation is to establish the appropriate and necessary permitting of storm water discharges associated with industrial activity from these facilities through the development and issuance of a VPDES general permit. The regulation establishes application requirements, requires the development and implementation of a storm water pollution prevention plan, and establishes monitoring and reporting requirements. This regulation replaces the emergency regulation VR 680-14-18, VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities and Steam Electric Power Generating Facilities, which was adopted by the board on June 28, 1993.

The major issues raised during public notice related to the special monitoring requirements for facilities with EPCRA Section 313 water priority chemicals and the monitoring requirements for facilities subject to whole effluent toxicity (WET) testing. As a result of these comments, and to be consistent with EPA's proposed multi-sector permit, EPCRA Section 313 water priority chemical monitoring requirements and WET testing requirements were removed from the regulation.

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The noteworthy changes to this regulation are:

- 1. The addition of a statement that allows the owner to submit the certified mail, return receipt in lieu of the LGOF form when the local governing body declines to respond within 45 days.*
- 2. The addition of a section to clarify exactly which facilities and industrial activities must sample their storm water discharges.*
- 3. The removal of the special monitoring requirements for facilities with EPCRA Section 313 water priority chemicals potentially exposed to storm water in order to be consistent with EPA's proposed multi-sector permit.*
- 4. The removal of the whole effluent toxicity (WET) testing requirements in order to be consistent with EPA's proposed multi-sector permit.*
- 5. The modification of the monitoring requirements for airports to require monitoring during periods when deicing activities occur, to require facilities to list the primary ingredients of the deicing materials in use, and to delete "deicing materials" and add "TKN" to the monitoring parameters.*
- 6. The removal of the requirement for "composite" samples to be taken in addition to "grab" samples for storm event monitoring in order to be consistent with EPA's proposed multi-sector permit.*
- 7. A change in the deadlines for preparation and compliance with the pollution prevention plan from the effective date of permit to the date of coverage under general permit in order to account for facilities that may obtain coverage during the permit term.*
- 8. The extension of the deadline for achieving compliance with the salt storage requirements and EPCRA Section 313 requirements from the expiration date of the emergency regulation general permit to three years from date of coverage.*
- 9. The modification of the section on bypassing in order to be consistent with the VPDES Permit Regulation.*
- 10. The addition of a statement indicating that coverage under the permit will cease seven days after the Notice of Termination is signed.*

The Department of Environmental Quality will administer this permit program. Upon receipt of a complete registration statement, the department will notify the permittee of coverage under the general permit and send a copy of the permit to the permittee.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 680-14-18, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities.

§ 1. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and Permit Regulation (VR 680-14-01) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Industrial activity" means the following categories of facilities, which are considered to be engaging in "industrial activity":

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (1992) (except facilities with toxic pollutant effluent standards which are exempted under subdivision 11 of this definition);

2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);

3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Part 434.11(l) (1992) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 1;

1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.);

5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.);

6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 (OMB SIC Manual, 1987);

7. Steam electric power generating facilities, including coal handling sites;

8. Transportation facilities classified as SIC 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subdivisions 1 through 7 or 9 through 11 of this definition are associated with industrial activity;

9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved Publicly Owned Treatment Works (POTW) pretreatment program under the Permit Regulation. Not included are farm

lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act (33 USC 1251 et seq.);

10. Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

11. Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within subdivisions 2 through 10.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a POTW.

["Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.]

"Permittee" means any owner whose facility is covered under this general permit.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Section 313 water priority chemicals" means a chemical or chemical categories that (i) are listed at 40

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CFR Part 372.65 (1992) pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); (ii) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and (iii) that meet at least one of the following criteria: (a) are listed in Appendix D of 40 CFR Part 122 (1992) on either Table II (organic priority pollutants), Table III (certain metals, cyanides and phenols) or Table V (certain toxic pollutants and hazardous substances); (b) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the Clean Water Act at 40 CFR Part 116.4 (1992); or (c) are pollutants for which the Environmental Protection Agency (EPA) has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under the Permit Regulation. For the categories of industries identified in subdivisions 1 through 10 of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subdivision 11 of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final

products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

§ 2. Purpose.

This general permit regulation governs storm water discharges associated with industrial activity subdivisions 5, landfills, land application sites and open dumps; 6 materials recycling facilities; 7 steam electric power generating facilities; and 8 transportation facilities as defined in § 1. This general permit covers only discharges comprised solely of storm water, or as otherwise defined in the permit, from these facilities provided that the discharge is through a point source to surface water of the state or through a municipal or nonmunicipal separate storm sewer system to surface waters of the state.

§ 3. Delegation of authority.

The director may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

§ 4. Effective date of the permit.

This general permit will become effective on [~~xxx~~ June 30, 1994] . This general permit will expire five years from [~~the effective date~~ June 30, 1994] . Any covered owner is authorized to discharge under this general permit upon compliance with all the provisions of § 5 and the receipt of this general permit. All facilities covered under emergency regulation (VR 680-14-18) VPDES General Permit for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities; Landfills, Land Application Sites and Open Dumps; Material Recycling Facilities; and Steam Electric Power Generating Facilities, shall submit a complete Registration Statement in accordance with § 6 of this regulation and are authorized to discharge under this general permit upon expiration of the emergency regulation on June 29, 1994, and receipt of this general permit.

§ 5. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance, by the director, of the Registration Statement of § 6, complies with the requirements of § 7, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the Permit Regulation. Currently permitted discharges may be authorized under this general permit after an existing permit expires provided that the existing permit did not establish numeric limitations for such discharges or that such discharges are not subject to an existing effluent limitation guideline addressing storm water.

2. The owner shall not be authorized by this general permit to discharge to state waters where other board regulation or policies prohibit such discharges.

3. The owner shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15.3 of the Code of Virginia. [If the governing body fails to respond within 45 days following receipt of a written request by certified mail - return receipt requested, the owner may submit the return receipt (green card) to verify submittal of the request.]

4. The director may deny coverage under this general permit to any owner whose storm water discharge to state waters may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat. In such cases, an individual permit shall be required.

5. This permit may authorize storm water discharges associated with industrial activity that are mixed with other storm water discharges requiring a permit provided that the owner obtains coverage under this VPDES general permit for the industrial activity discharges and a VPDES general or individual permit for the other storm water discharges. The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge.

The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the discharge is in compliance with this permit.

6. The owner shall not be authorized by this general permit to discharge storm water associated with industrial activity that is mixed with nonstorm water discharges unless those nonstorm water discharges are specifically identified as authorized nonstorm water discharges in Part II [~~M~~ K] 2 of the general permit.

Receipt of this general permit does not relieve any owner of the responsibility to comply with any other [applicable] federal, state or local statute, ordinance or regulation.

§ 6. Registration Statement; Notice of Termination.

A. The owner shall file a complete VPDES general permit registration statement for storm water discharges associated with industrial activity from transportation facilities; landfills, land application sites, and open dumps; materials recycling facilities; and steam electric power generating facilities. Any owner proposing a new discharge shall file the Registration Statement at least 30 days prior to the commencement of the industrial activity at the facility. Any owner of an existing facility covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the director of this intention at least 180 days prior to the expiration date of the individual VPDES permit and submit a complete Registration Statement at least 30 days prior to the expiration date of the individual VPDES permit. Any owner of an existing facility, not currently covered by a VPDES permit, who is proposing to be covered by this general permit shall file the Registration Statement within 30 days of the effective date of the general permit. The owner shall submit a Registration Statement form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT REGISTRATION STATEMENT
FOR
STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITY
FROM TRANSPORTATION FACILITIES;
LANDFILLS, LAND APPLICATION SITES AND OPEN
DUMPS;
MATERIALS RECYCLING FACILITIES;
AND STEAM ELECTRIC POWER GENERATING
FACILITIES

1. Facility Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

2. Facility Location

Name:

Address:

City: State: Zip Code:

3. Status (Federal, State, Public, or Private)

4. Primary Standard Industrial Classification Code (SIC)

Secondary SIC Codes:

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5. Is Storm Water Runoff discharged to a Municipal Separate Storm Sewer System (MS4)?

Yes No

If yes, operator name of the MS4

6. Receiving Water Body of direct discharge or Municipal Separate Storm Sewer System (e.g. Clear Creek or unnamed Tributary to Clear Creek)

7. Other Existing VPDES Permit Numbers

8. Is this facility subject to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) for any Section 313 water priority chemicals [and is there the potential for any of these chemicals to mix with storm water discharges associated with industrial activity] ? Yes No

9. The owner must attach to this Registration Statement the notification (Local Government Ordinance Form) from the governing body of the county, city or town as required by Virginia Code Section 62.1-44.15.3.

10. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

Basin Stream Class Section

Special Standards

B. The owner may terminate coverage under this general permit by filing a completed Notice of Termination. The Notice of Termination shall be filed in situations where all storm water discharges associated with industrial activity authorized by this general permit are eliminated, where the owner of storm water discharges associated with industrial activity at a facility

changes or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit. The owner shall submit a Notice of Termination form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT NOTICE OF TERMINATION FOR
STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
FROM TRANSPORTATION FACILITIES;
LANDFILLS, LAND APPLICATION SITES AND OPEN DUMPS;
MATERIALS RECYCLING FACILITIES;
AND STEAM ELECTRIC POWER GENERATING FACILITIES

1. VPDES Storm Water General Permit Number:

2. Check here if you are no longer the owner of the facility:

3. Check here if the Storm Water Discharges Associated with Industrial Activity have been eliminated:

4. Check here if the storm water discharges associated with industrial activity are covered by a individual permit:

5. Facility Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

6. Facility Location

Name:

Address:

City: State: Zip Code:

7. Certification: "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated or covered under a VPDES individual permit or that I am no longer the owner of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated

with industrial activity to surface waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of this permit under the Clean Water Act."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

§ 7. General permit.

Any owner/operator whose Registration Statement is accepted by the director will receive the following general permit and shall comply with the requirements therein and be subject to the Permit Regulation.

General Permit No.: VAR3xxxxx

Effective Date:

Expiration Date:

**GENERAL PERMIT FOR
STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITY
FROM TRANSPORTATION FACILITIES;
LANDFILLS, LAND APPLICATION SITES AND OPEN
DUMPS;
MATERIALS RECYCLING FACILITIES;
AND STEAM ELECTRIC POWER GENERATING
FACILITIES
AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
AND
THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of transportation facilities; landfills, land application sites and open dumps; materials recycling facilities; and steam electric power generating facilities with storm water discharges associated with industrial activity are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters where board regulation or policies prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Monitoring and

Reporting, Part III - Storm Water Pollution Prevention Plan and Part IV - Management Requirements, as set forth herein.

**PART I.
EFFLUENT LIMITATIONS AND MONITORING
REQUIREMENTS.**

[A. Limitations on monitoring requirements.

1. Except as required by subdivision 2 of this subsection, only those permittees with facilities conducting activities specifically identified in Part I B (effluent limitations and monitoring requirements) of this permit are required to conduct sampling of their storm water discharges associated with industrial activity.

2. The director may provide written notice to any facility otherwise exempt from the sampling requirements of Part I B (effluent limitations and monitoring requirements), requiring discharge sampling in accordance with Part I B, or specifying an alternative monitoring frequency or specifying additional parameters to be analyzed.

A. Facilities subject to Section 313 of EPCRA:

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at facilities that are subject to Section 313 of EPCRA for chemicals which are classified as "Section 313 water priority chemicals" where the storm water comes into contact with any equipment, tank, container or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car loading or unloading area where a Section 313 water priority chemical is handled.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NE	1/0M	Estimate*
Oil and Grease (mg/l)	NA	NE	1/0M	Grab**
BOD ₅ (mg/l)	NA	NE	1/0M	Grab/Composite**
Chemical Oxygen Demand (mg/l)	NA	NE	1/0M	Grab/Composite**
Total Suspended Solids (mg/l)	NA	NE	1/0M	Grab/Composite**
Total Kjeldahl Nitrogen (mg/l)	NA	NE	1/0M	Grab/Composite**
Total Phosphorus (mg/l)	NA	NE	1/0M	Grab/Composite**
pH (SU)	NE	NE	1/0M	Grab**
Acute Whole Effluent Toxicity	NA	NE	1/0M	Grab**
Section 313 Water Priority Chemicals***	NA	NE	1/0M	Grab/Composite**

NE = No limitation; monitoring required

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NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.

*** Any Section 313 water priority chemical for which the facility is subject to reporting requirements under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 and where there is the potential for these chemicals to mix with storm water discharges.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A, B,] Active or inactive landfill, land application [sites site] or open dump.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity at any active or inactive landfill, land application [sites site] or open dump without a stabilized final cover that has received any industrial wastes (other than wastes from construction sites).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6M	Estimate*
Oil and Grease (mg/l)	NA	NL	1/6M	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/6M	Grab [Composite] **
Total Organic Carbon (mg/l)	NA	NL	1/6M	Grab

Total Dissolved Solids (mg/l)	NA	NL	1/6M	Grab [Composite] **
Total Kjeldahl Nitrogen (mg/l)	NA	NL	1/6M	Grab [Composite] **
Magnesium (dissolved) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Magnesium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Arsenic (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Barium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Cadmium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Chromium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Hexavalent Chromium (dissolved) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Cyanide (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Lead (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Mercury (total) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Selenium (total recoverable) (ug/l)	NA	NL	1/6M	Grab [Composite] **
Silver (total recoverable) (ug/l)	NA	NL	1/6M	Grab** [Composite] **
pH (SU)	NL	NL	1/6M	Grab**
Fecal Coliform (N/CML)	NA	NL	1/6M	Grab**
[Acute Whole Effluent Toxicity]	NA	NL	1/6M	Grab**

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

4. A stabilized final cover means a final cover that is consistent with specifications for a final cover system for municipal solid waste landfills developed under Subtitle D of RCRA.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of]

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minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Lead acid batteries.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation (including material handling activities) at facilities that reclaim lead acid batteries.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6M	Estimate*
Oil and Grease (mg/l)	NA	NL	1/6M	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/6M	Grab
Total Suspended Solids (mg/l)	NA	NL	1/6M	Grab
Copper (total recoverable) (ug/l)	NA	NL	1/6M	Grab
Lead (total recoverable) (ug/l)	NA	NL	1/6M	Grab
pH (SU)	NL	NL	1/6M	Grab**

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour

of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Airports with over 50,000 flight operations per year.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity from areas where aircraft or airport deicing operations occur (including runways, taxiways, ramps, and dedicated aircraft deicing stations) at airports with over 50,000 flight operations per year.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab
BOD5 (mg/l)	NA	NL	1/YR	Grab
Total Kjeldahl Nitrogen (mg/l)	NA	NL	1/YR	Grab**
pH (SU)	NL	NL	1/YR	Grab**
Deicing Materials***	NA	NL	1/YR	Grab/Composite**

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

[4. The primary ingredient in the deicing materials used at the site (e.g., ethylene glycol, urea, etc.) shall be listed and included with the discharge monitoring data.

5. Monitoring shall occur during periods when deicing activities occur.]

* Estimate of the total volume of the discharge during the storm event.

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****** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.

******* Monitoring shall be for the primary ingredient used in the deicing materials used at the site (e.g., ethylene glycol, urea, etc.).]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[~~A~~. B.] Coal handling sites at coal-fired steam electric power generating facilities.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity from coal handling sites at coal fired steam electric power generating facilities (other than discharges in whole or in part from coal piles subject to storm water effluent guidelines at 40 CFR 423).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [Composite] **
Copper (total recoverable) (ug/l)	NA	NL	1/YR	Grab [Composite] **
Nickel (total recoverable) (ug/l)	NA	NL	1/YR	Grab [Composite] **
Zinc (total recoverable) (ug/l)	NA	NL	1/YR	Grab [Composite] **
pH (SU)	NL	NL	1/YR	Grab**

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or

visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

****** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[~~A~~. B.] Automobile junkyards.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity from areas at automobile junkyards with any of the following: (a) over 250 auto/truck bodies with drivelines (engine, transmission, axles, and wheels), 250 drivelines, or any combination thereof (in whole or in parts) that are exposed to storm water; (b) over 500 auto/truck units (bodies with or without drivelines in whole or in parts) that are exposed to storm water; or (c) over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Effluent Guideline Pollutants***	NA	NL	1/YR	Grab [Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hou

from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

[A. B.] Oil handling sites at oil fired steam electric power generating facilities.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water associated with industrial activity from oil handling sites at oil fired steam electric power generating facilities.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/YR	Estimate*
Oil and Grease (mg/l)	NA	NL	1/YR	Grab**
Chemical Oxygen Demand (mg/l)	NA	NL	1/YR	Grab [/Composite] **
Total Suspended Solids (mg/l)	NA	NL	1/YR	Grab [/Composite] **
pH (SU)	NL	NL	1/YR	Grab**
Effluent Guideline Pollutants***	NA	NL	1/YR	Grab [/Composite] **

NL = No Limitation, monitoring required

NA = Not Applicable

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours

from the previously measurable (greater than 0.1 inch rainfall) storm event.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Estimate of the total volume of the discharge during the storm event.

** The grab sample should be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of the discharge. [The composite sample shall either be flow weighted or time weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.]

*** Any pollutant limited in an effluent guideline to which the facility is subject.

PART II. MONITORING AND REPORTING.

A. Sampling and Analysis Methods.

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.

2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136 ([1992 1994])).

3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.

4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements, in accordance with approved EPA and state protocols.

B. Recording of Results.

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;

2. The person(s) who performed the sampling or measurements;

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3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used;
6. The results of such analyses and measurements;
7. The date and duration (in hours) of the storm event(s) sampled;
8. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and
9. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

C. Records Retention.

All records and information resulting from the monitoring and inspection activities required by this permit, including the results of the analyses and all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, and records of all data used to complete the Registration Statement to be covered by this permit shall be made a part of the pollution prevention plan and shall [be] retained on site for three years from the date of the sample, measurement, report or application or until at least one year after coverage under this permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. Additional Monitoring by Permittee.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required by this permit. Such increased frequency shall also be reported.

E. Water Quality Monitoring.

The director may require the permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the Permit Regulation.

The permittee shall obtain and report such information

if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.

F. Reporting Requirements.

1. The permittee shall submit the monitoring data collected during the term of the permit to the department upon reregistration for coverage under the general permit.

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department, as quickly as possible upon discovery, at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect surface waters of the state or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on surface waters of the state has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary storm water discharge which enters or could be expected to enter surface waters of the state. The permittee shall provide information specified in Part II F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided to the department within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities.

or (vi) flooding or other acts of nature.

If the department cannot be reached, a 24-hour telephone service is maintained in Richmond (804-527-5200) to which the report required above is to be made.

G. Signatory Requirements.

Any Registration Statement, report, certification, or Notice of Termination required by this permit shall be signed as follows:

1. Registration Statement/Notice of Termination.

a. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

2. Reports. All reports required [by] this permit and other information requested by the director shall be signed by:

a. One of the persons described in subdivision 1 a, b, or c of this subsection; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly

authorized representative may thus be either a named individual or any individual occupying a named position).

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, Registration Statement or Notice of Termination to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

H. Sampling Waiver.

When a permittee is unable to collect storm water samples due to adverse climatic conditions, the permittee must retain [on site] with the other records and information resulting from monitoring activities as required under Part II C, a description of why samples could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Permittees are precluded from exercising this waiver more than once during [this permit term a two-year period] . A similar report is required if collection of the grab sample during the first 30 minutes was impracticable.

I. Representative Discharge.

When a facility has two or more outfalls comprised solely of storm water that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluent, the permittee may test the effluent of one of such outfalls and include in the pollution prevention plan that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are

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expected to discharge substantially identical effluent. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided in the pollution prevention plan.

J. Alternative Certification.

A permittee is not subject to the monitoring requirements of Part I of this permit provided the permittee makes a certification for a permitted outfall, on an annual basis, under penalty of law, signed in accordance with Part II G (signatory requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, industrial machinery or operations, significant materials from past industrial activity, that are located in areas of the facility that are within the drainage area of the outfall are not presently exposed to storm water and will not be exposed to storm water for the certification period. Such certification shall be made a part of the storm water pollution prevention plan.

[K. Alternative to WEF Parameter.

A permittee that is subject to the monitoring requirements of Part I may, in lieu of monitoring for acute whole effluent toxicity, monitor at the same frequency as the acute whole effluent toxicity requirements in Part I of this permit for pollutants identified in Tables II and III of Appendix D of 40 CFR 122 that the permittee knows or has reason to believe are present at the facility site. Such determinations are to be based on reasonable best efforts to identify significant quantities of materials or chemicals present at the facility. Permittees must also monitor for any additional parameter identified in Part I.

L. Toxicity Testing.

The primary purpose of the toxicity testing is to assist in the identification of pollutant sources and in the evaluation of the effectiveness of the pollution prevention practices. Permittees that are required to monitor for acute whole effluent toxicity shall initiate the series of tests described below within 180 days after the issuance of this permit or within 90 days after the commencement of a new discharge.

1. *Test Procedures.* The permittee shall conduct acute 24-hour static toxicity tests on both an appropriate invertebrate and an appropriate fish (vertebrate) test species in accordance with *Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms*, (EPA/600/4-90-027 Rev. 9/91, § 6.1). Freshwater species must be used for discharges to freshwater water bodies. Due to the nonsaline nature of rainwater, freshwater test species should also be used for discharges to estuarine,

marine or other naturally saline waterbodies. The tests shall be conducted on the invertebrate *Ceriodaphnia dubia* and the vertebrate *Pimephales promelas*. All procedures and quality assurance criteria used shall be in accordance with the department's *Guidance for Conducting & Reporting the Results of Toxicity Tests in Fulfillment of VPDES Permit Requirements (July 1992)*.

Tests shall be conducted semiannually (twice per year) on a grab sample of the discharge. Tests shall be conducted using 100% effluent (no dilution) and a control consisting of synthetic dilution water. The permittee shall include the results of these tests with the pollution prevention plan.

2. If acute whole effluent toxicity (statistically significant difference between the 100% dilution and the control, refer to § 11.1.2 of the above referenced EPA document) is detected on or after three years after the date of coverage under this permit or prior to the expiration date of the permit, whichever is sooner, in storm water discharges, the permittee shall review the storm water pollution prevention plan and make appropriate modifications to assist in identifying the source(s) of toxicity and to reduce the toxicity of their storm water discharges. A summary of the review and the resulting modifications shall be provided in the plan.

M. K.] Prohibition on nonstorm water discharges.

All discharges covered by this permit shall be composed entirely of storm water except as provided in subdivisions 1 and 2 of this subsection.

1. Except as provided in subdivision 2 of this subsection, discharges of material other than storm water must be in compliance with a VPDES permit (other than this permit) issued for the discharge.

2. The following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part III D 3 g [(4)] : discharges from fire fighting activities; fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

[N. L.] Releases in Excess of Reportable Quantities.

1. This permit does not relieve the permittee of their reporting requirements of 40 CFR Part 117 (1992) as

40 CFR Part 302 (1992). The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR [Part] 117 (1992) or 40 CFR [Part] 302 (1992) occurs during a 24-hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

[G. M.] Failure to Certify.

Any permittee that is unable to provide the certification required under Part III D 3 g (1) must notify the department within 180 days after submitting a Registration Statement to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of nonstorm water discharges; the results of such test or other relevant observations; potential sources of nonstorm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Nonstorm water discharges to surface waters of the state which are not authorized by a VPDES permit are unlawful, and must be terminated or permittees must submit appropriate VPDES permit application forms.

PART III.

STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for the facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan shall:

a. Be prepared within 180 days after the date of coverage under this permit or prior to the expiration date of the permit, whichever is sooner; and

b. Provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit or prior to the expiration date of the permit, whichever is sooner.

2. The plan for any facility where industrial activity commences on or after the effective date of this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a Registration Statement to be covered under this permit.

3. Portions of the plan addressing additional requirements for storm water discharges from facilities subject to Parts III D 7 (EPCRA Section 313) and III D 8 (salt storage) shall provide for compliance with the terms of the requirements identified in Parts III D 7 and III D 8 as expeditiously as practicable, but not later than three years from the date of coverage under this permit or the expiration date of the permit, whichever is sooner.

[4. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.]

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part II G (signatory requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Part II E (retention of records) of this permit.

2. The permittee shall make plans available upon request to the department or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the director,

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or both

(or as otherwise provided by the director), the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to [~~the~~] surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

D. Contents of Plan.

The plan shall include, at a minimum, the following items:

1. *Pollution Prevention Team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team who are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of Potential Pollutant Sources.* Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. The plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part III D 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle

and equipment maintenance or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. *Inventory of Exposed Materials.* An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. *Spills and Leaks.* A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this permit. Such list shall be updated as appropriate during the term of the permit.

d. *Sampling Data.* A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. *Risk Identification and Summary of Potential Pollutant Sources.* A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal

practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. **Measures and Controls.** A description of storm water management controls appropriate for the facility, including a schedule for implementing the controls shall be developed. The controls shall be implemented as part of this permit. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components:

a. **Good Housekeeping.** Good housekeeping requires the maintenance, in a clean, orderly manner, of areas which may contribute pollutants to storm water discharges.

b. **Preventive Maintenance.** A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. **Spill Prevention and Response Procedures.** Identification of areas where potential spills can occur which may contribute pollutants to storm water discharges, and their accompanying drainage points. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate facility personnel. The necessary equipment to implement a clean up should be available to the appropriate facility personnel.

d. **Inspections.** In addition to or as part of the comprehensive site evaluation required under Part III D 4 of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. **Employee Training.** Employee training programs shall be developed to inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise

responsible for storm water management at all levels of responsibility, of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. [A The] pollution prevention plan shall identify periodic dates for such training.

f. **Recordkeeping and Internal Reporting Procedures.** A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. **Nonstorm Water Discharges.**

(1) The plan shall include a certification that all outfalls that contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of nonstorm water discharges which are not authorized by Part II [M K] 2 of this permit. The certification shall include the identification of potential significant sources of nonstorm water at the site, a description of the results of any test or evaluation for the presence of nonstorm water discharges, the evaluation criteria or testing method used, the date of any testing or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part II G of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of nonstorm water at the site. A permittee that is unable to provide the certification required by this paragraph must notify the department in accordance with Part II [Θ M] (failure to certify) of this permit.

(2) Except for flows from fire fighting activities, sources of nonstorm water listed in Part II [M K] 2 (authorized nonstorm water discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

h. **Sediment and Erosion Control.** The plan shall identify areas which, due to topography, activities,

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or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion.

i. *Management of Runoff.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part III D 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and detention/retention devices.

4. *Comprehensive Site Compliance Evaluation.* Qualified facility personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once per year during the permit term. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part III D 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part III D 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for

implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part III D 4 b of the permit shall be made a part of the storm water pollution prevention plan and retained as required in Part II C. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part II G (signatory requirements) of this permit and retained as required in Part II C.

5. *Additional Requirements for Storm Water Discharges Associated with Industrial Activity Through Municipal Separate Storm Sewer Systems Serving a Population of 100,000 or More.*

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

b. Permittees which discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more shall make plans available to the municipal operator of the system upon request.

6. *Consistency with Other Plans.* Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility or any other plans required by board regulations as long as such requirement is incorporated into the storm water pollution prevention plan.

7. *Additional Requirements for Storm Water Discharges Associated with Industrial Activity from Facilities Subject to Emergency Planning and Community Right-to-Know (EPCRA) Section 313 Requirements.* In addition to the requirements of Parts III D 1 through 4 of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to

reporting requirements under EPCRA Section 313 for chemicals which are classified as 'Section 313 water priority chemicals' and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following:

a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled and where there is the potential for these chemicals to mix with storm water discharges, appropriate containment, drainage control or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

(1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or

(2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

b. In addition to the minimum standards listed under Part III D 7 a of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable state rules, regulations and guidelines:

(1) Liquid Storage Areas Where Storm Water Comes into Contact with Any Equipment, Tank, Container, or Other Vessel Used for Section 313 Water Priority Chemicals.

(a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and the conditions of storage such as pressure and temperature, etc.

(b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of these chemicals. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, or other equivalent measures.

(2) Material Storage Areas for Section 313 Water Priority Chemicals Other Than Liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind effects shall incorporate

drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.

(3) Truck and Rail Car Loading and Unloading Areas for Liquid Section 313 Water Priority Chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur when making and breaking hose connections (such as hose connections, hose reels and filler nozzles); a strong spill contingency and integrity testing plan; or other equivalent measures.

(4) Areas Where Section 313 Water Priority Chemicals are Transferred, Processed or Otherwise Handled and Where There is the Potential for These Chemicals to Mix with Storm Water Discharges. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind effects, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

(5) Discharges from Areas Covered by subdivision D 7 a (1), (2), (3) or (4).

(a) Drainage from areas covered by subdivision D 7 a (1), (2), (3) or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

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(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas in accordance with Part II C.

(6) Facility Site Runoff from Areas Other than Those Covered by subdivision D 7 a (1), (2), (3) or (4). Other areas of the facility (those not addressed in subdivision D 7 a (1), (2), (3) or (4), from which runoff which may contain Section 313 water priority chemicals or where spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive Maintenance and Housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, [effects of] wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to surface waters of the state, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to [surface] waters of the state shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with federal, state, and local requirements and as described in the plan.

(8) Facility Security. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and

securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored and where there is the potential for these chemicals to mix with storm water discharges shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

(10) Engineering Certification. The storm water pollution prevention plan for a facility subject to EPCRA Section 313 requirements for chemical which are classified as "Section 313 water priority chemicals" and where there is the potential for these chemicals to mix with storm water discharges, shall be reviewed by a registered professional engineer and certified to by such professional engineer. A registered professional engineer shall recertify the plan as soon as practicable after significant modifications are made to the facility. By means of these certifications the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

8. Additional Requirements for Salt Storage. Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to a surface water of the state shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Permittees shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than three years from the date of coverage under this permit or the expiration date of this permit, whichever is sooner. Piles do not need to

be enclosed or covered where storm water from the pile is not discharged to surface waters of the state.

E. Notice of Termination.

1. The permittee shall submit a Notice of Termination to the department, that is signed in accordance with Part II G, where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, where the owner of a facility with storm water discharges associated with industrial activity changes, or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit and the general permit is no longer applicable.

2. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted and approved by the director. [Coverage under the permit will be deemed terminated seven days after the date the Notice of Termination is signed.]

PART IV. MANAGEMENT REQUIREMENTS.

A. Change in Discharge or Management of Pollutants.

1. Any permittee proposing a new discharge or the management of additional pollutants shall submit a new registration statement at least 60 days prior to commencing erection, construction, or expansion or employment of new pollutant management activities or processes at a facility. There shall not be commencement of treatment or management of pollutants activities until a permit is received. A separate VPDES permit may also be required of the construction activity.

2. All discharges [~~or pollutant management activities~~] authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 30 days prior to all expansions, production increases, or process modifications that will result in new or increased pollutants in the storm water discharges associated with industrial activity. The discharge or management of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

B. Treatment Works Operation and Quality Control.

All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

1. At all times, all facilities and pollutant management activities shall be operated in a prudent and

workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

2. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.

3. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring or limitation requirements are not violated.

C. Adverse Impact.

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.

D. Duty to Halt, Reduce Activity or to Mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural Stability.

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing.

Any bypass ("bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited [- unless:

1. Anticipated bypass - if the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage

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("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass - if an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision 1 of this subsection and in light of the information reasonably available to the permittee at the time of the bypass.]

G. Compliance With State and Federal Law.

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or other appropriate requirements of the State Water Control Law not related to the activities authorized by this storm water general permit or under authority preserved by Section 510 of the Clean Water Act.

H. Property Rights.

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

I. Severability.

The provisions of this permit are severable.

J. Duty to Reregister.

If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee shall submit a new Registration Statement at least 120 days before the expiration date of this permit.

K. Right of Entry.

The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
4. To sample at reasonable times any waste stream, discharge, process stream, raw material or byproduct; and
5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

L. Transferability of Permits.

This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued.

directly to the new permittee.

M. Public Access to Information.

Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.

Claims of confidentiality for the following information will be denied:

1. The name and address of any permit applicant or permittee.
2. Registration statements, permits, and effluent data. Information required by the Registration Statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

N. Permit Modification.

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;
3. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

O. Permit Termination.

After public notice and opportunity for a hearing, the general permit may be terminated for cause.

P. Permit Modifications, Revocations and Reissuances, and Termination.

This general permit may be modified, revoked and reissued, or terminated pursuant to the Permit Regulation and in accordance with Parts IV N, IV O and IV Q of this permit.

Q. When an Individual Permit May Be Required.

The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The discharge(s) is a significant contributor of pollution.
2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a General Permit.
3. The discharge violates the terms or conditions of this permit.
4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.
6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for hearing.

R. When an Individual Permit May be Requested.

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to [~~an~~ a] permittee the applicability of this general permit to the individual owner is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to [~~an~~ a] permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.

S. Civil and Criminal Liability.

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

T. Oil and Hazardous Substance Liability.

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Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

U. Unauthorized Discharge of Pollutants.

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters: sewage, industrial wastes, other wastes, or any noxious or deleterious substances, or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

VA.R. Doc. No. R94-772; Filed March 30, 1994, 10:51 a.m.

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Title of Regulation: VR 680-14-19. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites.

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

Effective Date: June 30, 1994.

Summary:

The State Water Control Board has adopted a general VPDES permit for storm water discharges from certain construction sites. Construction sites are required to be permitted for construction activity including clearing, grading and excavation activities, except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale. The purpose of this regulation is to establish the appropriate and necessary permitting of storm water discharges from construction sites through the development and issuance of a VPDES general permit. The regulation establishes application requirements, requires the development and implementation of a storm water pollution prevention plan, and establishes inspection requirements. This regulation replaces emergency regulation VR 680-14-19, VPDES General Permit for Storm Water Discharges from Construction Sites which was adopted by the board on June 28, 1993.

The major issues raised during public notice related to ensuring consistency between this permit and the requirements of other state and local erosion and sediment control programs, and ensuring consistency with EPA's storm water general permit. As a result of these comments, the regulation has been modified to be as consistent with these programs as possible.

The noteworthy changes to this regulation are:

1. The addition of a statement that allows the owner to submit the certified mail return receipt in lieu of the LGOF form when the local governing body declines to respond within 45 days.
2. The addition of a statement requiring facilities to also submit a signed copy of the registration statement to the appropriate state or local agency responsible for approving erosion and sediment control plans or storm water management plans in order to be consistent with EPA's general permit.
3. The modification of the records retention section to allow the retention of records at the corporate office since, in many cases, there is no "on-site" after the permit is terminated.
4. The modification of the section on deadlines for plan preparation and compliance to be consistent with the EPA general permit.
5. The addition of a statement indicating that coverage under the permit will cease seven days after the Notice of Termination is signed.
6. The modification of the section on Bypassing in order to be consistent with the VPDES Permit Regulation.

The Department of Environmental Quality will administer this permit program. Upon receipt of a complete registration statement, the department will notify the permittee of coverage under the general permit and send a copy of the permit to the permittee.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 680-14-19. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites.

§ 1. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and VR 680-14-01 (Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Commencement of construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Final stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

"Industrial activity" means the following categories of facilities, which are considered to be engaging in "industrial activity":

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (1992) (except facilities with toxic pollutant effluent standards which are exempted under subdivision 11 of this definition);

2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);

3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Part 434.11(l) (1992) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive

mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, bonification, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.);

5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.);

6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 (OMB SIC Manual, 1987);

7. Steam electric power generating facilities, including coal handling sites;

8. Transportation facilities classified as SIC 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subdivisions 1 through 7 or 9 through 11 of this definition are associated with industrial activity;

9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved Publicly Owned Treatment Works (POTW) pretreatment program under the Permit Regulation. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act (33 USC 1251 et seq.);

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10. Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

11. Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within subdivisions 2 through 10.

"Municipal separate storm sewer [~~system~~] " means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a POTW.

["Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.]

"Permittee" means any owner whose construction site is covered under this general permit.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or

activities excluded from the VPDES program under the Permit Regulation. For the categories of industries identified in subdivisions 1 through 10 of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subdivision 11 of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

§ 2. Purpose.

This general permit regulation governs storm water discharges associated with industrial activity subdivision 10, construction activity, as industrial activity is defined in § 1. Construction activities include, but are not limited to, clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale. Storm water discharges associated with industrial activity subdivisions 1 through 9 and 11, as previously defined, shall not have coverage under this general permit.

This general permit covers only discharges comprised solely of storm water from construction activities which result in the disturbance of five or more total acres of land area on a site provided that the discharge is through a point source to a surface water of the state or through a municipal or nonmunicipal separate storm sewer system to surface waters of the state.

Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization are not authorized by this permit.

§ 3. Delegation of authority.

The director may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

§ 4. Effective date of the permit.

This general permit will become effective on [~~xxx~~ June 30, 1994] . This general permit will expire five years from [the effective date June 30, 1994] . Any covered owner is authorized to discharge under this general permit upon compliance with all the provisions of § 5 and the receipt of this general permit. All construction sites covered under emergency regulation (VR 680-14-19) VPDES General Permit For Storm Water Discharges from Construction Sites, shall submit a complete Registration Statement in accordance with § 6 of this regulation and are authorized to discharge under this general permit upon expiration of the emergency regulation on June 29, 1994, and receipt of this general permit.

§ 5. Authorization to discharge.

Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance, by the director, of the Registration Statement of § 6, complies with the requirements of § 7, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the Permit Regulation (VR 680-14-01). Currently permitted discharges may be authorized under this general permit after an existing permit expires provided that the existing permit did not establish numeric limitations for such discharges.

2. The owner shall not be authorized by this general permit to discharge to state waters where other board regulation or policies prohibit such discharges.

3. The owner shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 of the Code of Virginia. [If the governing body fails to respond within 45 days following receipt of a written request by certified mail-return receipt requested, the owner may submit the return receipt (green card) to verify submittal of the request.]

4. The director may deny coverage under this general permit to any owner whose storm water discharge to state water may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat. In such cases, an individual permit shall be required.

5. Storm water discharges from construction sites that are mixed with a storm water discharge from an

industrial activity other than construction may be authorized by this permit where: (i) the industrial activity other than construction is located on the same site as the construction activity; and (ii) storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different VPDES general permit or individual permit authorizing such discharges. The owner shall obtain coverage under this VPDES general permit for the construction activity discharge and a VPDES general or individual permit for the industrial activity discharge.

The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge. The storm water discharge authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the discharge is in compliance with this permit.

Receipt of this general permit does not relieve any owner of the responsibility to comply with any other [applicable] federal, state or local statute, ordinance or regulation.

§ 6. Registration Statement; Notice of Termination.

A. The owner shall file a complete VPDES general permit registration statement for storm water discharges from construction activities. Any owner proposing a new discharge shall file the registration statement at least 14 days prior to the date planned for commencing the construction activity. Any owner of an existing construction activity covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the director of this intention at least 180 days prior to the expiration date of the individual VPDES permit and shall submit a complete registration statement 30 days prior to the expiration date of the individual VPDES permit. Any owner of an existing construction activity not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement within 30 days of the effective date of the general permit.

[In addition to submitting the registration statement to the department, facilities which are operating under approved state or local sediment and erosion plans, grading plans, or storm water management plans shall submit signed copies of the registration statement to the state or local agency approving such plans in accordance with the deadlines above (or sooner where required by state or local rules).]

The owner shall submit a Registration Statement form provided by the department which shall contain the following information:

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VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT REGISTRATION STATEMENT
FOR
STORM WATER DISCHARGES FROM
CONSTRUCTION ACTIVITIES

1. Construction Site Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

2. Location of Construction Site

Name:

Address:

City: State: Zip Code:

If street address unavailable:

[~~Lat~~ Latitude] ... [~~Long~~ Longitude] ...

3. Status (Federal, State, Public, or Private)

4. Is Storm Water Runoff discharged to a Municipal Separate Storm Sewer System (MS4)?

Yes No

If yes, operator name of the MS4

5. Receiving Water Body of direct discharge or Municipal Separate Storm Sewer System ([i.e. e.g.] Clear Creek or unnamed Tributary to Clear Creek)

6. Other Existing VPDES Permit Numbers

7. Project Start Date

8. Estimated Project Completion Date

9. Total Land Area of Site (acres)

10. Estimated Area to be Disturbed (acres)

11. Has a storm water pollution prevention plan been prepared in accordance with the requirements of the VPDES General Permit for Storm Water Discharges from Construction Sites?

Yes No

If no, explain

12. Brief Description of Construction Activity

13. The owner must attach to this Registration Statement the notification (Local Government Ordinance Form) from the governing body of the county, city or town as required by Virginia Code Section 62.1-44.15:3.

14. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

Basin: Stream Class: Section

Special Standards

B. [~~Where~~ When] a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated or where the owner of the construction site has changed, the owner of the facility shall submit a Notice of Termination within 30 days after final stabilization has been achieved [or] when he is no longer the owner. The owner shall submit a Notice of Termination form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT NOTICE OF TERMINATION
FOR
STORM WATER DISCHARGES FROM
CONSTRUCTION ACTIVITIES

1. VPDES Storm Water General Permit Number:

2. Check here if you are no longer the owner of the site:

3. Check here if the construction site has undergone final stabilization and the Storm Water Discharges from the Construction Site have been terminated:

4. Construction Site Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

5. Location of Construction Site

Name:

Address:

City: State: Zip Code:

If street address unavailable:

[~~Lat~~ Latitude] ... [~~Long~~ Longitude] ...

6. Certification: "I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time and that all storm water discharges associated with industrial activity from the identified facility that are authorized by a VPDES general permit have been eliminated, or that I am no longer the owner of the construction site. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with this general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of this permit under the Clean Water Act."

Print Name:

Title:

Signature: Date:

For Department of Environmental Quality Use Only:

Accepted/Not Accepted by: Date:

§ 7. General permit.

Any owner whose registration statement is accepted by the director or his designee will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the Permit Regulation.

General Permit No.: VAR4xxxxx

Effective Date:

Expiration Date:

GENERAL PERMIT FOR STORM WATER
DISCHARGES FROM CONSTRUCTION SITES
AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
AND
THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of construction sites (those sites or common plans of development or sale that will result in the disturbance of five or more acres total land area) with storm water discharges associated with industrial activity from these construction sites are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those where Board regulation or policies prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I. Effluent Limitations and Monitoring Requirements, Part II. Monitoring and Reporting, Part III. Storm Water Pollution Prevention Plan and Part IV. Management Requirements, as set forth herein.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Storm water from construction sites.

1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water from construction sites.

Such discharges shall be limited and monitored by the permittee as specified below:

NO LIMITATIONS OR MONITORING REQUIRED

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

PART II. MONITORING AND REPORTING.

A. Sampling and Analysis Methods.

1. Samples and measurements taken if requested by the director shall be representative of the volume and nature of the monitored activity.

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2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136 ([1992 1994])).

3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.

4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements, in accordance with approved EPA and state protocols.

B. Recording of Results.

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used; and
6. The results of such analyses and measurements.
7. The date and duration (in hours) of the storm event(s) sampled;
8. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and
9. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

C. Records Retention.

All records and information resulting from the monitoring and inspection activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be made a part of the pollution prevention plan and shall be retained on site [or at the corporate office] for three years from the date of the sample, measurement, report or application or until at least one year after coverage under this permit terminates, whichever is later. This period of retention shall be extended automatically

during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

The permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of commencement of construction to the date of final stabilization.

D. Additional Monitoring by Permittee.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required by this permit. Such increased frequency shall also be reported.

E. Water Quality Monitoring.

The director may require the permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the Permit Regulation.

The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.

F. Reporting Requirements.

1. The permittee shall submit any monitoring data collected during the term of the permit to the department upon reregistration for coverage under the general permit.

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department as quickly as possible upon discovery, at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect surface waters of the state or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on surface waters of the state has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter surface waters of the state. The permittee shall provide information specified in Part II F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided to the department within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (vi) flooding or other acts of nature.

If the department's regional office cannot be reached, a 24-hour telephone service is maintained in Richmond (804-527-5200) to which the report required above is to be made.

G. Signatory Requirements.

Any registration statement, report, certification, or Notice of Termination required by this permit shall be signed as follows:

1. Registration Statement/Notice of Termination.

a. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or an executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

2. Reports. All reports required this permit and other information requested by the director shall be signed by:

a. One of the persons described in subdivision 1 a, b, or c of this subsection; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection and submitted to the director; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of facility manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the director prior to or together with any separate information, Registration Statement or Notice of Termination to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

H. Prohibition on Nonstorm Water Discharges.

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All discharges covered by this permit shall be composed entirely of storm water except as provided in subdivisions 1 and 2 of this subsection.

1. Except as provided in subdivision 2 of this subsection, discharges of material other than storm water must be in compliance with a VPDES permit (other than this permit) issued for the discharge.

2. The following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part III D 5: discharges from fire fighting activities; fire hydrant flushing; waters used to wash vehicles or control dust in accordance with Part III D 2 c (2); potable water sources including waterline flushing; irrigation drainage; lawn watering, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

I. Releases in Excess of Reportable Quantities.

1. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 (1992) and 40 CFR Part 302 (1992). The discharge of hazardous substances or oil in the storm water discharge(s) from a construction site shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the site. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 117 (1992) or 40 CFR Part 302 (1992) occurs during a 24-hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

PART III.

STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for the construction site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may

reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. For construction activities that have begun on or before the effective date of this permit, the plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the effective date of this permit.

2. For construction activities that have begun after the effective date of this permit, the plan shall be prepared [~~and provide for compliance with the terms and schedule of the plan upon submittal of the Registration Statement.~~ prior to submittal of the registration statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.]

3. For ongoing construction activity involving a change of ownership of property covered by this general permit, the new owner shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part II G, and be retained on-site at the facility which generates the storm water discharge in accordance with Part II C (retention of records) of this permit.

2. The permittee shall make plans available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system to the municipal operator of the system.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within seven days of such notification the permittee shall make the required changes and shall submit to the department a written certification that the requested change

have been made.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the surface waters of the state and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 1 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. The plan shall be amended in accordance with Part III E to identify any new contractor that will implement a measure of the plan.

D. Contents of Plan.

The storm water pollution prevention plan shall include the following items:

1. *Site Description.* Each plan shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity;
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
- d. An estimate of the runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- e. A description of existing vegetation at the site;
- f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.
- g. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
- h. A site map indicating:
 - (1) drainage patterns and approximate slopes [and contours] anticipated after major grading activities;
 - (2) areas of soil disturbance;

(3) the location of major structural and nonstructural controls identified in the plan;

(4) the location of areas where stabilization practices are expected to occur including the types of vegetative cover;

(5) surface waters (including wetlands);

(6) locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;

(7) existing and planned paved areas and buildings;

(8) locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed.

(9) locations of other potential pollution sources as described in subdivision 1 f of this subsection.

Two site maps may be developed, one indicating preconstruction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. *Controls.* Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description and implementation of controls shall address the following minimum components:

a. Erosion and Sediment Controls.

(1) *Stabilization Practices.* A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities [will] occur, when construction activities temporarily or permanently

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cease on a portion of the site, and when stabilization measures [~~are~~ will be] initiated shall be included in the plan. Except as provided in Part III D 2 a (1) (a) and (b), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity will resume on a portion of the site within 21 days from when activities ceased (e.g., the total time period that construction activity is temporarily ceased is less than 21 days), then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.

(2) *Structural Practices.* A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(a) For common drainage locations that serve an area with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the

construction area.

(b) For drainage locations serving less than 10 acres, sediment basins or sediment traps or both should be used. At a minimum silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided.

b. *Storm Water Management.* A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

(1) Such practices may include: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. *Other Controls,*

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the state, except as authorized by a Section 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where

or both

sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable state or local waste disposal, sanitary sewer or septic system regulations.

d. Approved State or Local Plans.

An erosion and sediment control plan that is approved by state or local officials may be used to satisfy the requirements of this permit for the development of a pollution prevention plan if all the requirements of the pollution prevention plan are met by the erosion and sediment control plan. Any erosion and sediment control plans or storm water management plans approved by state or local officials shall be retained with the storm water pollution prevention plan prepared in accordance with this permit. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by state or local officials that are applicable to protecting surface water resources are, upon submittal of a Registration Statement to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, nonenforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.

3. Maintenance. A description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan.

4. Inspections. Qualified facility personnel shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every seven calendar days and within 24 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally stabilized such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be

inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part III D 1 of this permit and pollution prevention measures identified in the plan in accordance with Part III D 2 of this permit shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within seven calendar days following the inspection.

c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part III D 4 b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part II C of this permit. The report shall be signed in accordance with Part II [1] G of this permit.

5. Nonstorm Water Discharges. Except for flows from fire fighting activities, sources of nonstorm water listed in Part II H 2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

E. Contractors.

or both

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part III E 2 of this permit in accordance with Part II G of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part III E 1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the

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storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part II G of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

F. Notice of Termination.

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee shall submit a Notice of Termination that is signed in accordance with Part II G.

2. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted and approved by the director. [Coverage under the permit will be deemed terminated seven days after the date the Notice of Termination is signed.]

PART IV. MANAGEMENT REQUIREMENTS.

A. Treatment Works Operation and Quality Control.

1. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.

c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring ~~of~~ ^{and} limitation requirements are not violated.

B. Adverse Impact.

or both
The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions. *or both*

C. Duty to Halt, Reduce Activity or to Mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Structural Stability.

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

E. Bypassing.

Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited [- unless:

1. Anticipated bypass - if the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment th.

permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. *Unplanned bypass* - if an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision 1 of this subsection and in light of the information reasonably available to the permittee at the time of the bypass.

F. Compliance with State and Federal Law.

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or other appropriate requirements of the State Water Control Law not related to the activities authorized by this storm water general permit or under authority preserved by Section 510 of the Clean Water Act.

G. Property Rights.

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

H. Severability.

The provisions of this permit are severable.

I. Duty to Reregister.

If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee shall submit a new Registration Statement at least 120 days before the expiration date of this permit.

J. Right of Entry.

The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;

2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;

3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

4. To sample at reasonable times any waste stream, discharge, process stream, raw material or byproduct; and

5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

K. Transferability of Permits.

This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;

2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and

3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

L. Public Access to Information.

Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the

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Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.

Claims of confidentiality for the following information will be denied:

1. The name and address of any permit applicant or permittee;
2. Registration statements, permits, and effluent data.

Information required by the Registration Statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

M. Permit Modification.

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;
3. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

N. Permit Termination.

After public notice and opportunity for a hearing, the general permit may be terminated for cause.

O. Permit Modifications, Revocations and Reissuances, and Termination.

This general permit may be modified, revoked and reissued, or terminated pursuant to the Permit Regulation and in accordance with Part IV M, IV N and IV P of this permit.

P. When an Individual Permit May Be Required.

The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The discharge(s) is a significant contributor of pollution.
2. Conditions at the operating facility change altering

the constituents or characteristics or both of the discharge such that the discharge no longer qualifies for a general permit.

3. The discharge violates the terms or conditions of this permit.

4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.

5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.

6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for hearing.

Q. When an Individual Permit May be Requested.

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to a permittee already covered by an individual permit, such owner may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.

R. Civil and Criminal Liability.

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

S. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

T. Unauthorized Discharge of Pollutants.

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters: sewage, industrial wastes, other wastes, or any noxious or deleterious substances, or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

VA.R. Doc. No. R94-768; Filed March 30, 1994, 10:49 a.m.

* * * * *

Title of Regulation: VR 680-14-20. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Nonmetallic Mineral Mining.

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

Effective Date: June 30, 1994.

Summary:

The State Water Control Board has adopted a general VPDES permit for the nonmetallic mineral mining industrial category. This regulatory action was done in order to establish appropriate and necessary permitting of discharges from establishments primarily engaged in mining or quarrying, developing mines or exploring for nonmetallic minerals, except fuels. This general permit regulates discharges of process wastewater, mine pit dewatering discharges and storm water discharges from qualified operations in this industrial group. This regulation will replace the emergency regulation adopted by the board on June 26, 1993.

The major issue raised during public notice was the imposition of limitations and monitoring requirements on storm water discharges. The language of the draft general permit regulation required quarterly monitoring and established effluent limitations on all storm water discharges. This is contrary to the manner in which storm water is addressed in the board's storm water general permits. As a result of public comments, the proposed regulation was modified to bring the storm water controls in the regulation into line with those of the storm water general permits, being adopted by the board in a separate rulemaking.

Other changes include clarification of the definition of "industrial activity" and of the duty of the director when a discharge proposed to be covered by the general permit may affect threatened or endangered species or their critical habitat.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

VR 680-14-20. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Nonmetallic Mineral Mining.

§ 1. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia), and VR 680-14-01 (Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality, or his designee.

"Industrial activity" means the facilities [where the primary purpose is] classified as Standard Industrial Classification (SIC) [Code] 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499 (Office of Management and Budget (OMB) SIC Manual, 1987). [Industrial activity also includes facilities classified under other SIC codes that may be collocated within the mineral mine permit area, unless they are expressly excluded by this general permit.]

"Permittee" means the owner of a nonmetallic mineral mine covered under this general permit.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Significant materials" includes, but is not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); any chemical the owner is required to report pursuant to the Emergency Planning and Community Right to Know Act (EPCRA) Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and

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which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under VR 680-14-01. For the categories of industries identified in the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the mineral mine; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage area (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

§ 2. Purpose.

This general permit regulation governs the discharge of mine pit dewatering, process waste water and storm water [associated with industrial activity] from active and inactive mineral mines classified as Standard Industrial Classification Codes 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499, except as specified in this section. The following activities shall not have coverage under this general permit: coal mining, metal mining, mineral mines which have asphalt operations located within the mineral mine permit area, and oil and gas extraction.

§ 3. Delegation of authority.

The director, or his designee, may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

§ 4. Effective date of the permit.

This general permit will become effective on [~~the~~ June 30, 1994] . This general permit will expire five years from [the effective date June 30, 1994] . This general permit is effective as to any covered owner upon compliance with all the provisions of § 5 and the receipt of this general permit.

§ 5. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the director of the Registration Statement of § 6, files the required permit fee, complies with the effluent limitations and other requirements of § 7, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the VPDES Permit Regulation.

2. The owner shall not be authorized by this general permit to discharge to state waters where other board regulations or policies prohibit such discharges.

3. The owner shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 of the Code of Virginia.

4. The owner shall have a mineral mining permit for the operation to be covered by this general permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program, locality or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.

B. The director [~~may~~ shall] deny coverage under this general permit to any owner whose discharge to state waters may adversely affect a [threatened or endangered species] listed or proposed to be listed [~~endangered or threatened species~~] or under the Virginia Water Quality Standards Regulation, VR 680-21-07.2, or Section 4 of the Endangered Species Act or if the discharge is likely to adversely affect [~~in such cases, an individual permit shall be required.~~] its critical habitat.

C. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

§ 6. Registration statement and notice of termination.

A. The owner shall file a complete general VPDES permit registration statement for nonmetallic mineral mining. Any owner proposing a new discharge shall file the registration statement at least 60 days prior to the date planned for commencing construction or operation of the mineral mine. Any owner of an existing mineral mine covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least 120 days prior to the expiration date of the individual VPDES permit. Any owner of an existing mineral mine not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement

within 30 days of the effective date of the general permit. The required registration statement shall be in the following form:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM GENERAL PERMIT REGISTRATION
STATEMENT

NONMETALLIC MINERAL MINING

1. Name of Owner: (please print or type)
2. Mailing Address:
3. Telephone Number:
4. Fax Number:
5. Project Name:
6. Description of Mining Activity (Mineral Mined):
7. Primary Standard Industrial Classification (SIC) Code: Secondary SIC Codes:
8. County:
9. Location:
10. Name of [~~Stream~~ Stream(s)] Receiving [~~Discharge~~ Discharge(s)] (e.g., Clear Creek or unnamed Tributary to Clear Creek)
11. Does this mine currently have a VPDES permit? Yes/No (If yes, give permit number).
12. Description of waste water treatment ~~and/or~~ reuse/recycle system(s) or both
13. List any chemicals added to water that could be discharged:
14. Attach to this registration statement a schematic drawing showing the source(s) of water used on the property, the industrial operations contributing to, or using water, and the conceptual design of the methods of treatment and disposal of waste water and solids.
15. Attach to this registration statement an aerial photo or scale map which clearly shows the property boundaries, plant site, [~~location~~ locations] of [~~any~~ all] mine pit dewatering, storm water or process waste water [~~discharge~~ discharges] and the receiving [~~stream~~ streams] .
16. The owner of any proposed discharge into or adjacent to state waters or the owner of any discharge into or adjacent to state waters which has not previously been covered by a valid VPDES permit must attach to this registration statement notification

from the governing body of the county, city or town in which the discharge is to take place that the location and operation of the discharging facility is consistent with all ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1 of the Code of Virginia.

17. Attach to this registration statement evidence that the operation to be covered by this general permit has a mining permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Signature(s): Date:

Signature(s): Date:

Name of person(s) signing above: (printed or typed)

(printed or typed)

Title(s):

For Department use only:

Accepted/Not Accepted by: Date:

Basin Stream Class Section

Special Standards

Required Attachments:

1. Evidence of Approved Mining Permit
2. Local Government Ordinance Form
3. Water Use Schematic Drawing

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4. Aerial Photo or Map

B. Coverage under this general permit may be terminated by the permittee by filing a completed Notice of Termination. The Notice of Termination shall be filed in situations where all discharges associated with industrial activity authorized by this general permit are eliminated, when the mineral mining permit approved by the Division of Mineral Mining (or associated waived program) expires following mine close out and final bond release or where all discharges associated with industrial activity have been covered by an individual VPDES permit. The required Notice of Termination shall be in the following form:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM GENERAL PERMIT NOTICE OF
TERMINATION FOR NONMETALLIC MINERAL
MINING

1. General VPDES Nonmetallic Mineral Mining Permit Number:

2. Reason for Termination Request (Choose one):

a. The discharges associated with industrial activity have been eliminated:

b. The mineral mining permit approved by the Division of Mineral Mining (or associated waived program) has expired following mine close out and final bond release:

c. All discharges associated with industrial activity have been covered by an individual VPDES permit:

3. On what date do you wish coverage under this general permit to terminate?

4. Facility Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

5. Facility Location

Name:

Address:

City: State: Zip Code:

6. Certification: "I certify under penalty of law that all discharges associated with industrial activity from the identified facility that are authorized by this general VPDES permit have been eliminated, that the

mineral mining permit approved by the Virginia Department of Mines, Minerals, and Energy, Division of Mineral Mining (or associated waived program) has expired following mine close out and final bond release, or that all discharges associated with industrial activity have been covered by an individual VPDES permit. I understand that by submitting this notice of termination, I am no longer authorized to discharge in accordance with the general permit, and that discharging pollutants to surface waters of the State is unlawful under the Clean Water Act and the State Water Control Law where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of this permit under the Clean Water Act or the State Water Control Law."

Signature(s): Date:

Date:

Name of person(s) signing above: (printed or typed)

(printed or typed)

Title(s):

§ 7. General permit.

Any owner whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the Permit Regulation.

General Permit No.: VAG84

Effective Date:

Expiration Date:

GENERAL PERMIT FOR NONMETALLIC MINERAL
MINING

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE
ELIMINATION SYSTEM AND THE VIRGINIA
STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of nonmetallic mineral mines are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those where board regulations or policies prohibit such discharges.

This general permit covers all owners or operators of point source discharges associated with activities within Standard Industrial Classifications 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, 1499, except as specified below

Coverage includes active or inactive mineral mines that discharge: (i) storm water associated with industrial activity; (ii) mine pit dewatering; or (iii) process waste waters. Covered operations shall have a mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining, (or associated waived program, locality or state agency) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement. The following activities shall not have coverage under this general permit: coal mining, metal mining, mineral mines which have asphalt operations located within the mineral mine permit area, and oil and gas extraction.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Storm Water Pollution Prevention Plans, Part III - Monitoring and Reporting, and Part IV - Management Requirements, as set forth herein.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent limitations and monitoring requirements.

1. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge process waste water, [storm water and] effluent from mine pit dewatering [and commingled storm water associated with industrial activity]. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): at the point of discharge, prior to entering state waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		Sample Type
	Average	Maximum/Minimum	Frequency		
Flow (MGD)	NL	NL	NA	1/3 Months	Estimate
Total Suspended Solids	30 mg/l	60 mg/l	NA	1/3 Months	Grab
pH (standard units)	NA	9.0*	6.0*	1/3 Months	Grab

NL = No Limitation, monitoring required

NA = Not applicable

2. Use of any additive chemical will require the

discharger to obtain prior written approval from the director.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Where the Water Quality Standards (VR 680-21-08) establish alternate standards for pH, those standards shall be the maximum and minimum effluent limitations.

[4. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge storm water associated with industrial activity which does not combine with other wastewaters prior to discharge. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): at the point of discharge, prior to entering state waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		Sample Type
	Average	Maximum/Minimum	Frequency		
Flow (MGD)	NA	NL	NA	1/Year	Estimate*
Total Suspended Solids (mg/l)	NA	NL	NA	1/Year	Grab**
pH (standard units)	NA	NL	NL	1/Year	Grab**

NL = No Limitation, monitoring required

NA = Not applicable

5. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

* Estimate of the total volume of the discharge during the storm event.

**The grab sample shall be taken within the first three hours of the discharge.]

B. Special conditions.

1. Vehicles and equipment utilized during the [mining industrial] activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or ground waters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by

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discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or ground waters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the maximum extent practicable and disposed of in a manner so as not to allow their entry into the surface or ground waters of the state.

2. No sewage shall be discharged from this mineral mining activity except under the provisions of another VPDES permit specifically issued therefore.

3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement, unless prior approval is granted by the director.

4. The permittee shall submit a Notice of Termination in situations where all discharges associated with industrial activity authorized by this general permit are eliminated, when the mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) expires following mine close out and final bond release or where all discharges associated with industrial activity have been covered by an individual VPDES permit. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted and approved by the director. The Notice of Termination shall be signed in accordance with Part III G.

5. The permittee shall submit a new registration statement if the mineral mining permit is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.

6. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C), (D), and (E), 304 (b) (2) (3) (4), and 307 (a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

b. Controls any pollutant not limited in the permit. The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

7. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, byproduct or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters.

PART II. STORM WATER [POLLUTION PREVENTION PLANS MANAGEMENT] .

[A. Recording of results.

In addition to any reporting requirements of Part III, for each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Report the following information:

1. The date and duration (in hours) of the storm event(s) sampled;

2. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and

3. The duration between the storm event sampled and the end of the previous measurable (greater than 0. inch rainfall) storm event.

B. Representative discharge.

When a facility has two or more exclusively storm water outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and include with the Discharge Monitoring Report an explanation that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each exclusively storm water outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

C. Sampling waiver.

When a permittee is unable to collect samples for the storm event monitoring requirements due to adverse climatic conditions, the permittee must submit with the Discharge Monitoring Report a description of why samples could not be collected, including available documentation of the event. Adverse weather conditions which may

prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Permittees are precluded from exercising this waiver more than once for each outfall during the permit term.

D. Storm water pollution prevention plans.]

A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

[A. E.] Deadlines for plan preparation and compliance.

1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan shall:

a. Be prepared within 180 days after the date of coverage under this permit; and

b. Provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit.

2. The plan for any facility where industrial activity commences on or after the date of coverage under this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a Registration Statement to be covered under this permit.

3. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a Registration Statement in accordance with the registration requirements.

[B. F.] Signature and plan review.

1. The plan shall be signed in accordance with Part III G (signatory requirements), and be retained on-site at the facility covered by this permit in accordance

with Part III C (retention of records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.

2. The permittee shall make plans available to the department upon request.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the director, or as otherwise provided by the director, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

[C. G.] Keeping plans current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II [D. H.] 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

[D. H.] Contents of plan.

The plan shall include, at a minimum, the following items:

1. *Pollution Prevention Team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of potential pollutant sources.* Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may

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potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II [D H] 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities: fueling stations, vehicle and equipment maintenance, ~~vehicle and equipment cleaning areas, loading/unloading areas,~~ locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this

general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

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d. *Inspections.* In addition to or as part of the comprehensive site compliance evaluation required under Part II [D H] 4 of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. *Employee training.* Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. *Recordkeeping and internal reporting procedures.* A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. *Sediment and erosion control.* The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion.

h. *Management of runoff.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II [D H] 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet

detention/retention devices.

4. *Comprehensive site compliance evaluation.* Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part II [D H] 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II [D H] 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II [D H] 4 b of this permit shall be made and retained as part of the storm water pollution prevention plan as required in Part III C. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III G (signatory requirements) of this permit and retained as required in Part III C 5. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the Clean Water Act, Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the

or any combination thereof

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facility or any other plans required by the board's regulations as long as such requirement is incorporated into the storm water pollution prevention plan.

PART III.

MONITORING AND REPORTING.

A. Sampling and analysis methods.

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.

2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants promulgated at 40 CFR Part 136 (1992).

3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.

4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of results.

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used;
6. The results of such analyses and measurements;

C. Records retention.

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be made a part of the pollution prevention plan and shall be retained for three years from the date of the sample, measurement or report or until at least one year after coverage under this general permit terminates, whichever is later. This

period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. Additional monitoring by permittee.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.

E. Water quality monitoring.

The director may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the board's regulations.

The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.

F. Reporting requirements.

1. The permittee shall submit original monitoring reports of each quarter's performance to the department once per year, on or before January 10.

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department with the monitoring report at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may

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waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part III F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery; however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities, or (vi) flooding or other acts of nature.

If the department's regional office cannot be reached, the department maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.

G. Signatory requirements.

Any registration statement, report, or certification required by this permit shall be signed as follows:

1. Registration statement.

a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

2. Reports. All reports required by permits and other information requested by the director shall be signed by:

a. One of the persons described in subdivision 1 a, b, or c of this subsection; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, or registration statement to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

[H. Representative discharge.

When a facility has two or more exclusively storm water outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and include with the discharge monitoring report an explanation that the quantitative

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data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each exclusively storm water outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

± H.] Releases in excess of reportable quantities.

1. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 (1992) and 40 CFR Part 302 (1992). The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 117 (1992) or 40 CFR Part 302 (1992) occurs during a 24-hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

PART IV. MANAGEMENT REQUIREMENTS.

A. Change in discharge of pollutants.

1. Any permittee proposing a new discharge shall submit a registration statement at least 60 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. There shall be no construction or operation of said facilities prior to the issuance of a permit.

2. All discharges authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 30 days prior to all expansions, production increases, or process modifications, that will result in the discharge of new or increased pollutants. The discharge of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

3. The permittee shall promptly provide written notice of the following:

a. Any new introduction of pollutant(s), into treatment works which represents a significant increase in the discharge of pollutant(s) which may interfere with, pass through, or otherwise be incompatible with such works, from an establishment, treatment works, or discharge(s), if such establishment, treatment works, or discharge(s) were discharging or has the potential to discharge pollutants to state waters;

b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, or discharge(s) that was introducing pollutants into such treatment works at the time of issuance of the permit;

c. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for the pollutant in the registration statement; or

(4) The level established in accordance with regulation under Section 307(a) of the Clean Water Act and accepted by the director;

d. Any activity has occurred or will occur which would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 ug/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the registration statement; or

(4) The level established by the director.

Such notice shall include information on: (i) the characteristics and quantity of pollutants to be

introduced into or from such treatment works; (ii) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works; and (iii) any additional information that may be required by the director.

on both

B. Treatment works operation and quality control.

1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department and in conformity with the conceptual design, or the plans, specifications, or other supporting data accepted by the director. The acceptance of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters;
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit;
- c. Maintenance of treatment facilities shall be carried out in such a manner that the monitoring and limitation requirements are not violated; and
- d. Collected solids shall be stored and disposed of in such a manner as to prevent entry of those wastes, or runoff from the wastes, into state waters.

C. Adverse impact.

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.

D. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an

enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability.

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing.

Any bypass ("Bypass means intentional diversion of waste streams from any portion of a treatment works") of the treatment works herein permitted is prohibited unless:

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.); and

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down-time. However, if a bypass occurs during normal periods of equipment down-time, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in Part IV F 1 above and in light of the information reasonably available to the permittee at

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the time of the bypass.

G. Conditions necessary to demonstrate an upset.

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

- 1. That an upset occurred and that the cause can be identified;*
- 2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;*
- 3. The permittee submitted a notification of noncompliance as required by Part [H III] F; and*
- 4. The permittee took all reasonable steps to minimize or correct any adverse impact to state waters resulting from noncompliance with the permit.*

H. Compliance with state and federal law.

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act.

I. Property rights.

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

J. Severability.

The provisions of this permit are severable.

K. Duty to reregister.

If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 120 days prior to the expiration date of this permit.

L. Right of entry.

The permittee shall allow, or secure necessary authority to allow, authorized state and federal representatives, upon the presentation of credentials:

- 1. To enter upon the permittee's premises on which the establishment, treatment works, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;*
- 2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;*
- 3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;*
- 4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and*
- 5. To inspect at reasonable times any collection, treatment, or discharge facilities required under this permit.*

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection time unreasonable during an emergency.

M. Transferability of permits.

This permit may be transferred to another person by a permittee if:

- 1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;*
- 2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and*
- 3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.*

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

N. Public access to information.

Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim mu:

be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§§ 2.1-340 et seq. and 62.1-44.21 of the Code of Virginia).

Claims of confidentiality for the following information will be denied:

1. The name and address of any permit applicant or permittee; and
2. Registration statements, permits, and effluent data.

Information required by the registration statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

O. Permit modification.

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act (U.S.C 33 1251 et seq.); or
3. When the level of discharge of a pollutant not limited in the permit exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.

P. Permit termination.

After public notice and opportunity for a hearing, the general permit may be terminated for cause.

Q. When an individual permit may be required.

The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The discharger(s) is a significant contributor of pollution;
2. Conditions at the operating facility change altering

the constituents or characteristics of the discharge such that the discharge no longer qualifies for a general permit;

3. The discharge violates the terms or conditions of this permit;

4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

5. Effluent limitation guidelines are promulgated for the point sources covered by this permit; or

6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

R. When an individual permit may be requested.

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to an permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to an permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.

S. Civil and criminal liability.

Except as provided in permit conditions on "bypassing" (Part IV F), and "upset" (Part IV G) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

T. Oil and hazardous substance liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

U. Unauthorized discharge of pollutants.

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious

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substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

VA.R. Doc. No. R94-767; Filed March 30, 1994, 10:48 a.m.

* * * * *

Title of Regulation: ~~VR 680-40-01:1~~ VR 680-41-01:1. **Public Participation Guidelines.**

Statutory Authority: §§ 9-6.14:7.1 and 62.1-44.15 of the Code of Virginia.

Effective Date: May 18, 1994.

Summary:

This action is necessary to replace existing emergency Public Participation Guidelines with permanent guidelines which comply with new provisions of the Administrative Process Act (APA) enacted by the 1993 General Assembly. These amendments establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment in a meaningful, timely fashion during all phases of the regulatory process. These amendments are consistent with those of the other agencies within the Natural Resources Secretariat.

The amendments contain a number of new provisions. Specifically, they include a definition for "participatory approach" which means the methods for the use of an ad hoc advisory group or panel, standing advisory committee, consultation with groups or individuals or a combination of methods; require the use of the participatory approach upon the receipt of written requests from five persons during the associated comment period; expand the board's procedures for establishing and maintaining lists of persons expressing an interest in the adoption, amendment or repeal of regulations; expand the information required in the Notice of Intended Regulatory Action to include a description of the subject matter and intent of the planned regulation and to include a statement inviting comment on whether the agency should use the participatory approach to assist in regulation development; expand the information required in the Notice of Public Comment to include the identity of localities affected by the proposed regulation and to include a statement on the rationale or justification for the new provisions of the regulation from the standpoint of the public's health, safety or welfare; and require that a draft summary of comments be sent to all public commenters on the proposed regulation at least five

days before final adoption of the regulation.

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 Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4378. There may be a charge for copies.

§ 1. Definitions.

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Agency" means the administrative agency of the State Water Control Board, including staff, etc., established pursuant to the Environmental Protection Law that implements programs and provides administrative support to the approving authority Department of Environmental Quality.

"Approving authority" means the collegial body of the State Water Control Board, established pursuant to the Environmental Protection Law as the legal authority to adopt regulations.

"Director" means the executive director of the State Water Control Board Department of Environmental Quality or his designee.

"Environmental Protection Law" means the provisions found in the Code of Virginia statutory law authorizing the approving authority or agency or both to make regulations or decide cases or containing procedural requirements thereof including, but not limited to, Chapter 3.1 (§ 62.1-44.2 et seq.), Chapter 3.2 (§ 62.1-44.36 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (25) (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

"Formal hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in § 9-6.14:7.1 of the Administrative Process Act and includes only opportunity for private parties to submit factual proofs in evidential hearings as provided in § 9-6.14:8 of the Administrative Process Act.

"Locality particularly affected" means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

"Participatory approach" means a method for the use

of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the agency, or (iv) any combination thereof in the formation and development of regulations for agency consideration. When an ad hoc advisory group is formed, the group shall include representatives of the regulated community and the general public. The decisions as to the membership of the group shall be at the discretion of the director.

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

"Public hearing" means an informal proceeding, held in conjunction with the Notice of Public Comment and similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, to afford persons an opportunity to submit views and data relative to regulations on which a decision of the approving authority is pending.

"Public meeting" means an informal proceeding conducted by the agency in conjunction with the Notice of Intended Regulatory Action to afford persons an opportunity to submit comments relative to intended regulatory actions.

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. At the discretion of the approving authority or the agency, the procedures in § 3 may be supplemented to provide additional public participation in the regulation adoption process or as necessary to meet federal requirements.

C. 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 otherwise adopted in accordance with this regulation.

D. Any person may petition the approving authority for 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; and
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. Any person wishing to be placed on any list may do so by writing the agency. In addition, the agency, at its discretion, may add to any list any person, organization or publication it believes will be interested in participating in the promulgation of regulations. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from a list. Individuals and organizations may be deleted from any list at the request of the individual or organization, or at the discretion of the agency when mail is returned as undeliverable.

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 agency shall form an ad hoc advisory group or utilize a standing advisory committee to assist in the drafting and formation of the proposal unless the approving authority specifically authorizes the agency to proceed without utilizing an ad hoc advisory group or standing advisory committee. When an ad hoc advisory group is formed, such ad hoc advisory group shall include representatives of the regulated community and the general public. The agency shall use the participatory approach to assist in the development of the proposal or use one of the following alternatives:

1. Proceed without using the participatory approach if the approving authority specifically authorizes the agency to proceed without using the participatory approach.
2. Include in the Notice of Intended Regulatory Action

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(NOIRA) a statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of the proposal. If the agency receives written responses from at least five persons during the associated comment period indicating that the agency should use the participatory approach, the agency will use the participatory approach requested. Should different approaches be requested, the director shall determine the specific approach to be utilized.

D. The agency shall issue a notice of intended regulatory action (NOIRA) whenever it considers the adoption, amendment or repeal of any regulation.

1. The NOIRA shall include, at least, the following:

a. A description of the subject matter of the planned regulation.

b. A description of the intent of the planned regulation.

c. A brief statement as to the need for regulatory action.

d. A brief description of alternatives available, if any, to meet the need.

e. 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 development of any proposal.

f. A request for comments on the costs and benefits of the stated alternatives or other alternatives.

g. A statement of the agency's intent to hold at least one public hearing on the proposed regulation after it is published in The Virginia Register of Regulations.

h. A statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of any proposal. Including this statement shall only be required when the agency makes a decision to pursue the alternative provided in subsection C 2 of this section.

2. 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.

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

of Regulations, 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 of Regulations.

E. The agency shall disseminate the NOIRA to the public via the following:

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 prepare complete the draft proposed regulation and any supporting documentation required for review. If an ad hoc advisory group has been established the participatory approach is being used, the draft regulation shall be developed in consultation with such group the participants. A summary or copies of the comments received in response to the NOIRA shall be distributed to the ad hoc advisory group participants 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, location of where copies of the draft may be obtained and 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. 2. A request for comments on the costs and benefits of the proposal.

3. The identity of any locality particularly affected by the proposed regulation.

4. 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: why the regulation is proposed and the desired end result or objective of the regulation 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) ~~Number~~ 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 ~~an~~ 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 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.

e. f. 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. g. A schedule setting forth when, after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

5. The date, time and place of at least one public hearing 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 public hearing(s) may be held at any time during the public comment period and, whenever practicable, no less than ~~10~~ 15 days prior to

the close of the public comment period. The public hearing(s) may be held in such location(s) as the agency determines will best facilitate input from interested persons. *In those cases where the agency elects to conduct a formal hearing, the notice shall indicate that the formal hearing will be held in accordance with § 9-6.14:8 of the Administrative Process Act.*

I. The public comment period shall close no less than 60 days after publication of the NOPC in The Virginia Register of Regulations .

J. The agency shall disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:

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 commenters on the proposed regulation at least five days before 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.

A. All regulatory actions for which a NOIRA has been published in The Virginia Register of Regulations prior to February 10, 1993, [*the effective date of this regulation May 18, 1994,*] shall be processed in accordance with the ~~VR 680-40-01~~ emergency amendments to VR 680-41-01:1 Public Participation Guidelines which are effective from

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June 29, 1993, until June 28, 1994, unless sooner modified or vacated or superseded by permanent regulations .

*B. This regulation [~~when effective~~] shall supersede and repeal emergency amendments to VR 680-41-01:1 Public Participation Guidelines which became effective on June 29, 1993. All regulatory actions for which a NOIRA has not been published in The Virginia Register of Regulations prior to ~~February 10, 1993~~, [~~the effective date of this regulation~~ *May 18, 1994*,] shall be processed in accordance with this regulation (~~VR 680-40-01:1~~).*

V.A.R. Doc. No. R94-770; Filed March 30, 1994, 10:53 a.m.

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance
Relating to 1994 Federal Poverty Income Levels.
VR 460-03-02.6101:1. Income Eligibility Levels.

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

Effective Date: April 1, 1994, through March 31, 1995.

Summary:

1. **REQUEST:** The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled 1994 Federal Poverty Income Guidelines. This regulation will provide the agency with the regulatory authority to apply the 1994 Federal Poverty Income Guidelines to the appropriate eligible groups.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding 1994 Federal Poverty Income Guidelines. The department intends to finalize the permanent regulations in conformance to the applicable requirements of the Code of Virginia § 9-6.14:1.

/s/ Bruce U. Kozlowski
Director

Date: March 10, 1994

3. CONCURRENCES:

Concur:

/s/ Kay Coles James
Secretary of Health and Human Resources
Date: March 11, 1994

4. GOVERNOR'S ACTION

Approve:

/s/ George Allen
Governor
Date: March 29, 1994

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
March 30, 1994

6. **BACKGROUND:** The section of the State Plan which is affected by this action is Income Eligibility Levels, Attachment 2.6 A, Supplement 1 (VR 460-03-2.6101:1).

This amendment incorporates into the Plan the 1994 Federal Poverty Income Guidelines, as published by the U.S. Department of Health and Human Services (DHHS) in the February 10, 1994, Federal Register.

The Federal Register notice provided updated guidelines which are effective on the date of the Register publication. Sections 1902(l), 1902(l)(1)(D), 1902(m), and 1905(s) of the Social Security Act require states to base Medicaid eligibility on percentages of the Federal Poverty Income Guidelines for certain categories of eligible individuals.

1902(a)(10)(E)(iii) - Special Low Income Medicare Beneficiaries 110%

1902(l) - Pregnant Women and Children Under Age 6 133%

1902(l)(1)(D) - Children born after 9/30/83 who have attained age 6 but have not attained age 19 100%

1902(m) - Qualified Medicare Beneficiaries 100%

1905(s) - Qualified Disabled and Working Individuals 200%

Each year when the annual Federal Poverty Income Guidelines are published, states must revise the financial eligibility income standards for the affected categories by incorporating the new income levels into the State Plan.

In addition, a technical correction is being made. The policy defining the percentages of the Federal Poverty Income Guidelines and the income levels for qualified Medicare beneficiaries was inadvertently placed in the incorrect section. The policy is being moved from Section C.1 and inserted in Section C.2. This change will correctly define the policy for the Commonwealth as a § 1902(f) state.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5), for an agency's adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, this agency intends to promulgate permanent regulations in accordance with the appropriate section of the APA.

The Code of Federal Regulations § 430.12 requires that State Plans for Medical Assistance be kept up to date with federal requirements, as in the new Federal Poverty Income Guidelines. The Health Care Financing Administration (HCFA) published its 1994 Guidelines in the February 10, 1994, Federal Register.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency

Emergency Regulations

regulation is needed to meet the April 1, 1994, effective date required to obtain federal approval.

8. **IMPACT:** The fiscal impact of increasing the Federal Poverty Income Guidelines is accounted for in the Utilization and Inflation Amendment to the Appropriations Act.

The changes to the income guidelines will affect the eligibility of the categories of individuals listed. Each year when the Federal Poverty Income Guidelines are increased, the eligibility income standards are also increased, allowing individuals with higher incomes to become eligible for Medicaid.

9. **RECOMMENDATION:** Recommend approval of this request to adopt this emergency regulation to become effective April 1, 1994. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department would lack the authority to implement the updated Guidelines in conformance to federal requirements.

10. Approval Sought for VR 460-03-2.6101:1.

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

VR 460-03-2.6101:1. Income Eligibility Levels.

A. Mandatory categorically needy.

1. AFDC-related groups other than poverty level pregnant women and infants.

Family Size	Need Standard	Payment Standard	Maximum Payment Amounts
	See Table 1	See Table 2	

STANDARDS OF ASSISTANCE

GROUP I

Size of Assistance Unit	Table 1 (100%)	Table 2 (90%)
1	\$ 146	\$ 131
2	229	207
3	295	265
4	358	322
5	422	380
6	473	427
7	535	482
8	602	541
9	657	591
10	718	647

Each person above 10 61 56

MAXIMUM REIMBURSABLE PAYMENT \$403

GROUP II

Size of Assistance Unit	Table 1 (100%)	Table 2 (90%)
1	\$ 174	\$ 157
2	257	231
3	322	291
4	386	347
5	457	410
6	509	458
7	570	512
8	636	572
9	692	623
10	754	678
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$435

GROUP III

Size of Assistance Unit	Table 1 (100%)	Table 2 (90%)
1	\$ 243	\$ 220
2	327	294
3	393	354
4	457	410
5	542	488
6	593	534
7	655	590
8	721	650
9	779	701
10	838	755
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$518

2. Pregnant Women and Infants under 1902(a)(10)(i)(IV) of the Act:

Effective April 1, 1990, based on the following percentage of the official federal income poverty level

133% % (no more than 185%)
(specify)

Family Size	Income Level
1	\$ 9,789
2	\$13,087
3	\$16,386
4	\$19,684
5	\$22,982

Emergency Regulations

3. Children under § 1902(a)(10)(i)(VI) of the Act (children who have attained age 1 but have not attained age 6), the income eligibility level is 133% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

4. For children under § 1902(a)(10)(i)(VII) of the Act (children who were born after September 30, 1983, and have attained age 6 but have not attained age 19), the income eligibility level is 100% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

B. Optional categorically needy groups with income related to federal poverty level.

1. Pregnant woman and infants. The levels for determining income eligibility for optional groups of pregnant women and infants under the provisions of §§ 1902(a)(1)(A)(ii)(IX) and 1902(l)(2) of the Act are as follows:

Based on% of the official federal income poverty level (no less than 133% and no more than 185%).

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$
5	\$

2. Children between ages 6 and 19. The levels for determining income eligibility for groups of children who are born after September 30, 1973, and who have attained six years of age but are under 19 years of age under the provisions of §§ 1902(l)(2) and 1905(n)(2) of the Act are as follows:

Based on 100% (no more than 100%) of the official federal income poverty line.

Family Size	Income Level
1	\$ 6,979 7,360
2	\$ 9,430 9,840
3	\$ 11,890 12,320
4	\$ 14,350 14,800
5	\$ 16,810 17,280
6	\$ 19,270 19,760
7	\$ 21,730 22,240
8	\$ 24,190 24,720
9	\$ 26,650 27,200
10	\$ 28,230 29,680

3. Children. Mandatory group of children under § 1902(a)(10)(i)(VI) of the Act. (Children who have attained age 1 but have not attained age 6.)

Same as resource levels in the state's approved

AFDC plan.

Less restrictive than the AFDC levels and are as follows:

Family Size	Income Level
1	\$ 9,057 9,789
2	\$ 12,223 13,087
3	\$ 15,388 16,386
4	\$ 18,554 19,684
5	\$ 21,719 22,982
6	\$ 24,884 26,281
7	\$ 28,050 29,579
8	\$ 31,215 32,878
9	\$ 34,380 36,176
10	\$ 37,545 39,474

4. Aged and disabled individuals. The levels for determining income eligibility for groups of aged and disabled individuals under the provisions of § 1902(m)(4) of the Act are as follows:

Based on.....% on the official federal income poverty line.

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$
5	\$

If an individual receives a Title II benefit, any amount attributable to the most recent increase in the monthly insurance benefit as a result of a Title II COLA is not counted as income during a "transition period" beginning with January, when the Title II benefit for December is received, and ending with the last day of the month following the month of publication of the revised annual federal poverty level.

For individuals with Title II income, the revised poverty levels are not effective until the first day of the month following the end of the transition period.

For individuals not receiving Title II income, the revised poverty levels are effective no later than the beginning of the month following the date of publication.

C. Qualified Medicare beneficiaries with incomes related to federal poverty level.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(p)(2)(A) of the Act are as follows:

1. Non-§ 1902(f) States:

a. Based on the following percentage of the official federal income poverty level:

Emergency Regulations

Effective Jan. 1, 1989: 85% %
(no more than 100)

Effective Jan. 1, 1990: 90% %
(no more than 100)

Effective Jan. 1, 1991: 100%

Effective Jan. 1, 1992: 100%

b. Levels:

Family Size	Income Level
1	\$
2	\$

2. § 1902(f) states which as of January 1, 1987 used income standards more restrictive than SSI. (VA did not apply a more restrictive income standard as of January 1, 1987.)

a. Based on the following percentage of the official federal income poverty level:

Effective Jan. 1, 1989: 85% %
(no more than 100)

Effective Jan. 1, 1990: 85% 90%
(no more than 100)

Effective Jan. 1, 1991: 95% 100%
(no more than 100)

Effective Jan. 1, 1992: 100%

b. Levels:

Family Size	Income Level
1	\$ 6,810 7,360
2	\$ 9,190 9,840

D. Income levels - medically needy.

1. Applicable to all groups

Applicable to all groups except those specified below. Excepted group income levels are also listed on an attached page 3.

(1) Family Size	(2) Net income level protected for maintenance for 12 months	(3) Amount by which Column 2 exceeds limits specified in 42 CFR 435.1007 ¹	(4) Net income level for persons living in rural areas for months	(5) Amount by which Column 4 exceeds limits specified in 42 CFR 435.1007 ¹
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urban only

urban and rural See Page 8a subdivision 2 of this subsection

for required income levels.

1	\$	\$	\$	\$
2	\$	\$	\$	\$
3	\$	\$	\$	\$
4	\$	\$	\$	\$
5	\$	\$	\$	\$
6	\$	\$	\$	\$
7	\$	\$	\$	\$
8	\$	\$	\$	\$
9	\$	\$	\$	\$
10	\$	\$	\$	\$

For each additional person, add: \$ \$ \$ \$

¹ The agency has methods for excluding from its claim for FFP payments made on behalf of individuals whose income exceeds these limits.

2. Applicable to all groups

Applicable to:

(1) Family Size	(2) Net income level protected for maintenance	(5) Amount by which column 2 exceeds limits specified in 42 CFR 435.1007
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urban only

urban and rural

	Group I	Group II	Group III	
1	\$2,600	\$3,000	\$3,900	\$0
2	\$3,400	\$3,700	\$4,800	\$0
3	\$3,900	\$4,300	\$5,300	\$0
4	\$4,400	\$4,800	\$5,800	\$0
5	\$4,900	\$5,300	\$6,300	\$0
6	\$5,400	\$5,800	\$6,800	\$0
7	\$5,900	\$6,300	\$7,300	\$0
8	\$6,500	\$6,900	\$7,800	\$0
9	\$7,100	\$7,500	\$8,500	\$0
10	\$7,800	\$8,200	\$9,100	\$0

For each additional person, add \$ 600 \$ 600 \$ 600 \$0

*NOTE: As authorized in § 4718 of OBRA 190.

Grouping of Localities

GROUP I

Counties

Accomack
Alleghany
Amelia
Amherst

Emergency Regulations

Appomattox
Bath
Bedford
Bland
Botetourt
Brunswick
Buchanan
Buckingham
Campbell
Caroline
Carroll
Charles City
Charlotte
Clarke
Craig
Culpeper
Cumberland
Dickenson
Dinwiddie
Essex
Fauquier
Floyd
Fluvanna
Franklin
Frederick
Giles
Gloucester
Goochland
Grayson
Greene
Greensville
Halifax
Hanover
Henry
Highland
Isle of Wight
James City
King George
King and Queen
King William
Lancaster
Lee
Louisa
Lunenburg
Madison
Matthews
Mecklenburg
Middlesex
Nelson
New Kent
Northampton
Northumberland
Nottoway
Orange
Page
Patrick
Pittsylvania
Powhatan
Prince Edward
Prince George
Pulaski

Rappahannock
Richmond
Rockbridge
Russell
Scott
Shenandoah
Smyth
Southampton
Spotsylvania
Stafford
Surry
Sussex
Tazewell
Washington
Westmoreland
Wise
Wythe
York

Cities

Bristol
Buena Vista
Clifton Forge
Danville
Emporia
Franklin
Galax
Norton
Poquoson
Suffolk

GROUP II

Counties

Albemarle
Augusta
Chesterfield
Henrico
Loudoun
Roanoke
Rockingham
Warren

Cities

Chesapeake
Covington
Harrisonburg
Hopewell
Lexington
Lynchburg
Martinsville
Newport News
Norfolk
Petersburg
Portsmouth
Radford
Richmond
Roanoke

Emergency Regulations

Salem
Staunton
Virginia Beach
Williamsburg
Winchester

GROUP III

Counties

Arlington
Fairfax
Montgomery
Prince William

Cities

Alexandria
Charlottesville
Colonial Heights
Fairfax
Falls Church
Fredericksburg
Hampton
Manassas
Manassas Park
Waynesboro

E. Income eligibility levels—mandatory group of specified low-income Medicare beneficiaries with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(a)(10)(E) of the Act are as follows:

Based on 110%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 7,491 \$ 8,096
2	\$10,109 \$10,824

F. Income eligibility levels—mandatory group of qualified disabled and working individuals with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified disabled and working individuals under the provisions of 1905(s) of the Act are as follows:

Based on 200%, and updated annually, of the official federal nonfarm income poverty level:

Size of Family Unit	Poverty Guideline
1	\$14,720
2	\$19,680

VA.R. Doc. No. R94-773; Filed March 30, 1994, 10:59 a.m.

STATE CORPORATION COMMISSION

ADMINISTRATIVE RULING 0210
Bureau of Financial Institutions

LOANS SECURED BY REAL ESTATE

1. General Statement

The need for, or usefulness of, an appraisal of real estate which is to be conveyed as security for a loan is, in the first place, dictated by practical considerations - not by law. Therefore, the responsibility for determining when an appraisal is called for in connection with a loan rests in the sound discretion of bank management. Prudent lending practice may call for an appraisal of real estate security regardless of any legal requirement.

2. Amount of Loan Requiring Appraisal

When a bank makes a loan secured by real estate within the meaning of Virginia Code §§ 6.1-63 and 6.1-65 (hereinafter referred to as a "real estate loan") the bank is required by law to have a written appraisal, if the amount of the loan is greater than an amount to be established by the Commissioner of Financial Institutions as provided in Subsection D. of § 6.1-63. Also, home improvement loans (as defined in § 6.1-66), even though secured by a real estate lien, may not be considered real estate loans, if they meet several criteria, one of which is that the amount of the loan not exceed an amount similarly established.*

Therefore, pursuant to a provision of Subsection D. of Va. Code § 6.1-63, having considered the appraisal requirements imposed on state banks under applicable federal regulations, the Commissioner hereby establishes these real estate loan amounts:

- \$250,000 - Real estate loans of this amount and more are required to be supported by an appraisal. (§ 6.1-63)

- \$250,000 - Home improvement loans below this amount may not be "real estate loans," if certain other conditions are met. (§ 6.1-66)

3. Date of Appraisal

While the law sets no requirement for the date of an appraisal in relation to the date of making the loan, it is reasonable to expect that an appraisal be current and that it support the value of the real-estate security upon which the bank relies in making the loan. Therefore, while no arbitrary time limit is set, it is required that an appraisal in support of a real estate loan be made within a reasonable time prior to the date of the loan, and that the appraisal be related specifically to the loan rather than to another transaction.

4. Interests Excluded from the Term "Real Estate"

For purposes of the requirement of an appraisal in

connection with real estate loans, the Bureau will not construe the term "real estate" as including mineral rights, timber rights, or growing crops.

5. Appraisal According to Standards of Insurers or Guarantors

Virginia law requires only that real estate appraisals be in writing and that they be done by experienced persons competent to appraise real estate in the place where it is located. In an approach which differs from that taken by recent federal law and regulation in this area, the Banking Act has not undertaken to prescribe a standard or to establish an approved class of appraisers. Therefore it appears there will be no conflict between the Banking Act and this ruling, on the one hand, and the appraisal standards of various insuring or guaranteeing agencies.

Issued by the Commissioner of Financial Institutions March 21, 1994. This ruling replaces BFI AR 0210 dated December 4, 1991.

Reference: § 6.1-63 through § 6.1-66 of the Code of Virginia

*Va. Code § 6.1-63 itself, and §§ 6.1-64, 6.1-65, and 6.1-66 set forth a series of instances where appraisals may or may not be required in support of various loans and categories of loans that are secured by real estate.

VA.R. Doc. No. R94-748; Filed March 29, 1994, 10:11 a.m.

PROPOSED REGULATION

AT RICHMOND, MARCH 28, 1994

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE930054

Ex Parte, In re: Investigation of the rules governing electric cooperative rate cases and rate regulation of electric cooperatives

ORDER DIRECTING NOTICE AND INVITING COMMENT

On March 1, 1983, the State Corporation Commission ("Commission") adopted rules governing rate filings for jurisdictional electric distribution cooperatives ("cooperatives" or "electric cooperatives"). Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of adopting rules for expedited rate increases for electric cooperatives, Case No. PUE820087, 1983 S.C.C. Ann. Rept. 403. On April 11, 1985, the Commission amended these rules. Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of amending rules

State Corporation Commission

for expedited rate increases for electric cooperatives and requiring cooperatives to file certain schedules for general rate cases, Case No. PUE840052, 1985 S.C.C. Ann. Rept. 430. In rate applications filed under the current rules, recurring issues have arisen about how the financial viability of electric cooperatives should be measured and how just and reasonable rates for cooperatives should be established in general and expedited rate proceedings. In addition, participants in cooperative rate proceedings have requested guidance as to which issues should be addressed only in a general rate proceeding and which may be raised in an expedited proceeding. Consequently, we have initiated the captioned matter to consider changes to the current procedures governing cooperative rate proceedings and, specifically, whether the current rules governing rate filings should be revised.

As part of the continuing effort to develop effective and efficient ratemaking procedures and clearer rules governing cooperative rate changes, we have received the recommendations of our Staff to repeal the current rules and substitute newly revised rules. A copy of the proposed rules appears as Attachment A to this Order. Staff proposes that we retain a general rate application procedure wherein a cooperative may raise any rate issue, including the redesign of rates and changes in its terms and conditions of service. It also proposes to substitute a streamlined rate proceeding for the expedited rate procedures now in place. Under Staff's proposed streamlined procedure, a cooperative could increase its revenues by up to three percent of test year jurisdictional operating revenues, but could not revise its terms and conditions of service or redesign rates. Staff's rate proposals would also revise the detailed schedules required to be filed with a rate application to simplify them and specify information needs more clearly. In addition, the Staff recommends that we consider many factors when determining just and reasonable rates for an electric cooperative, including the cooperative's interest coverage, debt service coverage, equity ratio, growth of the cooperative's system, and the competitiveness of the cooperative's rates.

NOW THE COMMISSION finds that public notice of the Staff's proposals should be given; that interested parties should be provided an opportunity to comment and request a hearing on these proposals; and that a copy of this Order together with the February 18, 1994 Staff Report should be made available for public inspection at all business offices of electric cooperatives subject to the Commission's jurisdiction. After considering any comments filed in this proceeding and after such further proceedings as may hereafter be directed, the Commission may adopt, reject, or alter the Staff's proposals in whole or in part.

Accordingly, IT IS ORDERED:

(1) That on or before March 31, 1994, each electric cooperative subject to the Commission's jurisdiction shall make a copy of this Order, together with the attachments and appendices thereto, and the February 18, 1994 Staff

Report available for public inspection during regular business hours at all of its business offices where customer bills may be paid, and that on or before March 31, 1994, a copy of this Order and the February 18, 1994 Staff Report shall be made available for public inspection at the Commission's Document Control Center, located on the First Floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5:00 p.m., Monday through Friday;

(2) That any interested person may file written comments concerning the Staff's proposed rule revisions and February 18, 1994 Report and may request a hearing thereon. Any electric cooperative or other entity represented by counsel shall file an original and fifteen (15) copies of such comments or request for hearing. All comments and requests for hearing shall refer to Case No. PUE930054 and shall be filed no later than June 22, 1994, with William J. Bridge, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. Any request for hearing shall explain why a hearing is necessary or appropriate;

(3) That if no proper request for hearing is received, the Commission may consider the Staff's proposals, together with any filed comments, without convening a hearing in this proceeding;

(4) That, on or before April 29, 1994, the Division of Economics and Finance shall complete publication of the following notice to be published as a classified advertisement in newspapers of general circulation once per week for two successive weeks in the following locations: (a) Richmond, (b) Norfolk, (c) Roanoke, (d) Bristol, and (e) Northern Virginia:

NOTICE OF CONSIDERATION BY THE VIRGINIA
STATE CORPORATION COMMISSION OF THE
PROPOSED REVISION OF ELECTRIC
COOPERATIVE RATE CASE RULES AND RATE
REGULATION OF ELECTRIC COOPERATIVES
CASE NO. PUE930054

The State Corporation Commission ("Commission") is considering changes in its regulation of electric cooperative rates and revision of the rules governing electric cooperative rate applications. These proposals are set forth in a Report filed by the Commission Staff on February 18, 1994, with the Commission. The revisions proposed by the Staff are designed to repeal the current rules governing electric cooperative rate applications and substitute newly revised rules which establish, among other things, new general and streamlined procedures for applications for rate increases by electric cooperatives. They also address the information an electric cooperative must file when it seeks to change tariffs without increasing its rates. The details of these procedures and other Staff recommendations are set forth in the Staff's February 18, 1994 Report.

State Corporation Commission

The Commission's Order Directing Notice and Inviting Comment, with attachments and appendices thereto, and the text of the Staff's proposals and recommended rate case rule revisions may be reviewed by the public during regular business hours at electric cooperative business offices where customer bills may be paid and at the Commission's Document Control Center located on the First Floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23209. The text of the Staff's Report and proposed revisions to the rules governing electric cooperative rate proceedings may be obtained from the Commission's Document Control Center at the address set forth above or by writing to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216.

Any interested person may submit written comments on the proposed rule revisions and the recommendations set out in the February 18 Staff Report and may request a hearing thereon. Any electric cooperative or other entity represented by counsel shall file an original and fifteen (15) copies of such comments or requests. All comments and requests shall be filed with William J. Bridge, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, no later than June 22, 1994. Comments or requests for hearing shall refer to Case No. PUE930054. Requests for hearing shall state the reasons the party submitting the request believes a hearing is necessary or appropriate. If no proper request for hearing on the Staff's proposals is received, the Commission may consider these proposals, together with any filed comments, without convening a hearing.

Interested persons should be advised that after considering any comments filed herein and after such other proceedings as the Commission may direct, the Commission may adopt, reject, or alter the Staff's proposed rules and other recommendations in whole or in part.

VIRGINIA STATE CORPORATION COMMISSION DIVISION OF ECONOMICS AND FINANCE

(5) That each electric cooperative shall forthwith cause the notice prescribed in Ordering Paragraph 4 above to be published as display advertising in the edition of the Rural Living Magazine or the Current Communicator newsletter to be mailed to each of the cooperative's customers on or before May 10, 1994;

(6) That the Division of Economics and Finance shall forthwith send a copy of this Order and Attachment A thereto to the Virginia Register for publication;

(7) That on or before July 20, 1994, the Division of Economics and Finance and each electric cooperative shall file with the Clerk of the Commission proof of publication

of the notice prescribed herein; and

(8) That this matter shall be continued.

AN ATTESTED COPY of this Order, including the attachments and appendices thereto, shall be sent to: each electric cooperative subject to the jurisdiction of this Commission, as set forth in Attachment B hereto; Charles C. Jones, Jr., Executive Vice President, The Virginia, Maryland & Delaware Association of Electric Cooperatives, P.O. Box 2340, Glen Allen, Virginia 23058-2340; James B. Huff, Administrator, Rural Electrification Administration, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250; John Edwards, President and Chief Executive Officer, Old Dominion Electric Cooperative, P.O. Box 2310, Glen Allen, Virginia 23058-2310; Nathan H. Miller, Esquire and Micheal L. Hern, Esquire, Miller & Hern, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; Jean Ann Fox, President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Rev. George C. Estes, President, Rural Virginia, Inc., P.O. Box 105, Richmond, Virginia 23201; Richard D. Cagan, Registered Agent for Rural Virginia, Inc., P.O. Box 9081, Petersburg, Virginia 23906; Edward L. Flippen, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208; Peggy S. Kidd, Monticello Area Community Action Agency, 215 East High Street, Charlottesville, Virginia 22902; Margaret Morton, Monticello Area Community Action, P.O. Box 241, Covington, Virginia 22949; Jeff Bain, International Business Machines Corporation, 9500 Godwin Drive, Manassas, Virginia 22110; David M. Karle, Advisory Engineer, IBM Manassas Energy Management, International Business Machines Corporation, 9500 Godwin Drive, Manassas, Virginia 22110; C. W. Wiley, Electrical Manager, Luck Stone Corporation, P.O. Box 29682, Richmond, Virginia 23242-0682; Louis R. Monacell, Esquire, Christian, Barton, Epps, Brent & Chappell, 1200 Mutual Building, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Public Utility Accounting, Energy Regulation, and Economics and Finance.

Attachment A

RULES GOVERNING STREAMLINED RATE PROCEEDINGS AND GENERAL RATE PROCEEDINGS FOR ELECTRIC COOPERATIVES SUBJECT TO THE COMMISSION'S RATE JURISDICTION

I. Nothing in these rules shall be interpreted to apply to applications for temporary reductions of rates pursuant to § 56-242 of the Code of Virginia.

II. All streamlined or general rate applications for jurisdictional electric distribution cooperatives ("cooperatives" or "applicants") shall be subject to the following rules:

State Corporation Commission

(1) Pursuant to Virginia Code § 56-235.4 and the exceptions stated therein, the regulated operating revenues of a cooperative shall not be increased more than once within any 12-month period.

(2) An applicant may select any test period it wishes to use to support its application.

(3) Any increase in revenues under these rules shall be allocated in accordance with a properly designed cost of service study.

(4) A cooperative which has outstanding wholesale power cost riders which reflect permanent changes in power costs approved by a regulatory agency shall adjust its base rates to reflect such change at the same time it increases its rates in a rate application.

(5) Except as otherwise provided herein, all applications for rate relief shall be filed in the original and fifteen (15) copies with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216.

(6) An electric cooperative intending to file a rate application shall notify the State Corporation Commission ("Commission") and all parties of record appearing in the cooperative's last rate case 60 days in advance of the application's filing of the cooperative's intent to file an application.

(7) The Commission retains the right to waive any or all parts of these rate case rules for good cause shown.

III. An electric cooperative subject to the Commission's ratemaking jurisdiction may file a complete application for streamlined rate relief seeking an increase of no more than 3% in total operating revenues, as calculated in column (5) of Schedule 3 to Appendix A hereto. An application shall not be deemed filed under Virginia Code § 56-238 unless it is in full compliance with these rules. Subject to the rules set forth below, a cooperative which files an application for streamlined rate relief may petition the Commission requesting that its rates be made permanent no less than 30 days from the date the application is deemed complete and filed with the Commission if there are insufficient customer objections to the application or if the Commission does not suspend the proposed increase and convene a hearing:

(1) A cooperative filing a rate application under the streamlined rate procedure shall not: increase rates by more than 3% of Virginia jurisdictional operating revenues, propose revisions to its terms and conditions of service or propose revisions to its rate structure as part of its application.

(2) The Commission may, on its own motion, suspend a cooperative's proposed rate increase and tariff revisions pursuant to Virginia Code § 56-238 and may

convene a hearing on the cooperative's streamlined application.

(3) The Commission may suspend a cooperative's proposed tariff revisions and increase in rates and shall schedule a hearing thereon if twenty (20) or more customers or other persons subject to a change in a rate, toll, or charge object to the proposed revisions or increase in rates, or if 10% or more of the customers within a given rate class petition the Commission for a hearing on the electric cooperative's application.

(4) The Commission may, in its discretion, suspend an electric cooperative's rate increase and proposed tariff revisions in a streamlined rate proceeding on the motion of its own staff or on the motion of any interested person who requests a hearing and states a substantive reason why a hearing is necessary.

(5) The requested rate increase for streamlined rate relief shall be supported by a fully adjusted financial status statement (Schedule 3 to Appendix A hereto).

(6) Adjustments to test year cost of service shall be limited to the amount of increase or decrease that will be in effect during the rate year.

(7) A cooperative shall not file more than three consecutive applications for streamlined rate relief.

(8) An application filed under the streamlined rate procedure shall include:

(A) The name and post office address of the applicant and the name and post office address of counsel of record, if any.

(B) A brief narrative statement describing the change in rates and tariff revisions and explaining the need for a change in rates and tariff revisions. This statement shall include a description of the actions taken by the cooperative to advise its membership of the change in rates and contents of its application.

(C) A copy of the Resolution calling for a change in rates adopted by the Board of Directors of the cooperative.

(D) A copy of the completed notice given to the public by the cooperative, including a description of the method of publication used.

(E) Schedules 1-8 of Appendix A hereto.

(9) Public notice of the increase and tariff revisions shall be completed 30 days in advance of the date the cooperative files its application for revised rates with the Commission. Actual proof of public notice shall be furnished to the Commission as part of the rate

application.

(10) The public notice of the increase and tariff revisions in an application for streamlined rate relief may be given by (1) direct mailing to each customer, (2) publication in Rural Living Magazine, (3) newspapers of general circulation in the area served, (4) any combination of these methods, or (5) any other method of publication authorized by the Commission. A copy of the notice shall be served on the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county (or equivalent officials in the counties having alternative forms of government) in the State in which the cooperative offers service, and on the Mayor or Manager and the Attorney of every city and town (or equivalent officials in towns and cities having alternative forms of government) in the State in which the cooperative offers service and upon the Division of Consumer Counsel, Office of the Attorney General. Service shall be made by either personal delivery or first class mail, postage prepaid, to the customary place of business of the person served or to his residence.

The public notice shall, at a minimum, include the following information:

(A) The amount of the total increase in revenues both in percentages and dollar amounts;

(B) The percentage increase being applied to each of the cooperative's rate schedules;

(C) The identity of all wholesale power cost riders to be rolled-into base rates;

(D) The locations where copies of the information required to be filed with the Commission can be reviewed;

(E) The date the application will be delivered to the Commission;

(F) A notice that any interested party has the right to request a hearing within 30 days of the application's delivery to the Commission;

(G) A notification that requests for hearing should be directed to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216;

(H) A statement advising that the Commission may convene a hearing, and if a hearing is held, the Commission may order rate relief, redesign rates or adopt tariff revisions which differ from those appearing in the cooperative's application; and

(I) A statement advising the public that if 20 or more objections to the application are not received or 10% of the members of a customer class do not

request a hearing, the cooperative may petition the Commission to make rates permanent without hearing within thirty days after the application is filed with the Commission.

(J) A statement advising the public of the cooperative's proposed effective date for its new rates.

(11) If the Commission determines that a hearing on the application for streamlined rate relief is required, then the Commission shall issue a procedural order which, among other things, shall specify the date by which the cooperative shall file with the Clerk of the Commission an original and fifteen (15) copies of any direct testimony the cooperative intends to rely on in support of its application, together with the remaining schedules set forth in Appendix A hereto. That Order shall specify such additional notice of the hearing to the electric cooperative's members that the Commission deems appropriate.

IV. A cooperative seeking: (a) an increase in excess of 3% of total operating revenues as calculated in column (5) of Schedule 3 to Appendix A hereto, (b) revision of its terms and conditions of service, or (c) to redesign or restructure its rates, shall file an original and fifteen (15) copies of a general rate application with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. An application seeking a general rate application shall include:

(1) The name and post office address of the applicant and the name and post office address of counsel of record, if any.

(2) A brief narrative statement describing the change in rates and tariff revisions and explaining the need for a change in rates and tariff revisions. This statement shall include a description of the actions taken by the cooperative to advise its membership of the change in rates and contents of the rate application.

(3) A copy of the Resolution calling for a change in rates adopted by the cooperative's Board of Directors.

(4) All direct testimony which the cooperative intends to rely on in support of its rate application.

(5) Exhibits consisting of the Schedules 1 through 12, found in Appendix A hereto. Such schedules shall be identified with the appropriate schedule number and shall be prepared in accordance with the instructions contained in Appendix A attached hereto and the following general instructions:

(A) Attach a table of contents of the cooperative's application, including exhibits.

(B) The applicant shall be expected to verify the

State Corporation Commission

accuracy of all data and calculations contained in and pertaining to every exhibit submitted, as well as support any adjustments, allocations or rate design upon which it relies.

(C) Each exhibit shall be labeled with the name of the applicant and the initials of the sponsoring witness in the upper right hand corner as shown below:

Exhibit No. (Leave Blank)
Witness: (Initials)
Statement or Schedule Number

The first page of all exhibits shall contain a caption which describes the subject matter of the exhibits.

(D) The required accounting and statistical data shall include three (3) copies of all work papers and other information necessary to ensure that the items, statements and schedules found in the application are not misleading.

(6) Exhibits consisting of additional schedules may be submitted with the cooperative's direct testimony. Such schedules shall be identified as Schedule 13 et seq. and shall conform to the general instructions contained in Rule IV(5).

(7) The Commission shall prescribe the general notice to be given to the public and the date by which such notice shall be completed in its procedural order.

(8) The applicant shall serve a copy of the information required in Rule IV, paragraphs (1) through (3), upon the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county or (equivalent officials in counties having alternative forms of government) in this State affected by the proposed increase and upon the Mayor or Manager and the Attorney of every city and town (or equivalent officials in towns and cities having alternative forms of government) in this State affected by the proposed increase. The applicant shall also serve each such official with a statement that a copy of the complete application may be obtained at no cost by making a request thereof orally or in writing to a specified company official or location. In addition, the applicant shall serve a copy of its complete application upon the Division of Consumer Counsel of the Office of the Attorney General in Virginia. All such service specified by this rule shall be made either by (a) personal delivery or (b) first class mail, to the customary place of business or to the residence of the person served.

V. Rate reductions and tariff revisions filed pursuant to Virginia Code § 56-40 shall be filed with the Division of Energy Regulation and shall include the following: (a) a descriptive statement of and justification for the tariff revision; (b) load data if applicable; (c) a certified excerpt

from the minutes of the cooperative's board of directors, wherein the Board approved the tariff revision; (d) identification of all customers that may be eligible for the tariff revision; (e) a revenue impact study; and (f) an affidavit by the cooperative's manager that the proposed tariff revision affects no increase in rates.

VI. Failure to comply with the rules governing streamlined rate applications or general rate applications may result in dismissal of the application, or may subject the cooperative to such other actions as the Commission deems appropriate, including, but not limited to, prohibiting a cooperative from filing an application for streamlined rate relief for a period of time specified by the Commission.

APPENDIX A

SCHEDULES REQUIRED FOR A STREAMLINED OR GENERAL RATE APPLICATION

<u>Schedule Number</u>	<u>Streamlined Rate Proceeding Schedules</u>
1	Comparative Balance Sheets
2	Comparative Income Statements
3	Financial Status Statement
4A and B	Detail of Ratemaking Adjustments
5A and B	Proposed Rates and Tariffs and Revenue Allocation
6	Sample Billing
7	Class Cost of Service Study
8	Capital Structure
<u>Schedule Number</u>	<u>General Rate Proceeding Schedules</u>
1	Comparative Balance Sheets
2	Comparative Income Statements
3	Financial Status Statement
4A and B	Detail of Ratemaking Adjustments
5A and B	Proposed Rates and Tariffs and Revenue Allocation
6	Sample Billing
7	Class Cost of Service Study
8	Capital Structure
9	Net Original Cost Rate Base
10	Working Papers for Ratemaking Adjustments
11	Revenue and Expense Variance Analysis
12	Jurisdictional Allocation

Schedule 1

State Corporation Commission

Comparative Balance Sheets

Instructions: Provide a publicly available comparative balance sheet for the test period and the corresponding twelve month period immediately preceding the test period for the applicant.

Schedule 2

Comparative Income Statements

Instructions: Provide a publicly available comparative income statement covering the test period and twelve month period immediately preceding the test period for the applicant.

Schedule 3

Financial Status Statement

Instructions: Use the format of the schedule identified as Schedule 3 in this Appendix.

Adjustments in Column (2) reflect any financial differences between Generally Accepted Accounting Principles and ratemaking accounting as prescribed by the State Corporation Commission. An example of such an adjustment would include, but would not be limited to, the reclassification of capital leases to operating leases. Each Column (2) adjustment shall be separately identified and shown using the format prescribed for Schedule 4A and 4B.

Column (4) shall reflect total non-jurisdictional operations. Jurisdictional allocation factors used to determine non-jurisdictional business in Column (4) amounts shall be fully supported and explained in Schedule 12 for general rate filings.

Each Column (6) adjustment shall be separately identified and shown in Schedule 4A and 4B. In a streamlined rate proceeding, adjustments reflected in Column (6) of Schedule 3 which do not incorporate ratemaking treatment approved by the Commission in the utility's last general rate case shall be identified as new proposed adjustments in Schedule 4A and 4B.

Riders reflected on line 4 shall be separately listed to include a line for each rider in effect during the test year or projected for the rate year. The amount of other income and other expense shown in Column (5), lines 20 and 23, shall be the current amount recognized as jurisdictional in the applicant's last general rate case. Amounts reflected on line 33 shall be actual cash receipts.

Lines (29), (30), (31), and (32) shall be based on the following definitions:

Line 29. TIER =

Total Margins (Line 24) +
Interest on Long-Term Debt (Line 21)
Interest on Long-Term Debt (Line 21)

Line 30. DSC =

Total Margins (Line 24) + Depreciation and Amortization
Expense (Line 11) + Interest on Long-Term Debt (Line 21)
Total Principal Payments + Total Long-Term Interest
Payments

Line 31. Rate of Return on Rate Base =

Operating Margins Adj. (Line 18)
Total Rate Base (Line 28)

Line 32. Rate of Return on Margins and Equities =

Total Margins (Line 24)
Total Margins and Equity
Capitalization (Schedule 8)

Schedules 4A and 4B

Detail of Ratemaking Adjustments

Instructions: Use format of the schedule identified as Schedule 4A and 4B to this Appendix.

Each adjustment shall be numbered sequentially and listed under the appropriate description category (Base Rate Revenue, Fuel-WPCA Revenue, Purchased Power, etc.). The impact on cost of service from each adjustment shall be detailed in Columns (1) through (16).

Each ratemaking adjustment shall be fully explained in a supporting subschedule 4B to this schedule.

Detailed workpapers substantiating each adjustment shall be provided in Schedule 10 for general rate filings.

Schedule 5A and 5B

Proposed Rates and Tariffs, and Revenue Allocation by Class

Schedule 5A Instructions:

Provide a copy of each tariff sheet with the revisions the cooperative proposes to implement. For general rate applications, provide a copy of all tariffs and Terms and Conditions of Service Sheets proposed for revision containing the revised language.

Schedule 5B Instructions:

Provide a class revenue allocation analysis showing, by class, the present revenue recovered from each class, the proposed increase in revenue to be recovered from each class, the total proposed revenue to be recovered from each class, and the percentage of increase in total revenue to be recovered from

State Corporation Commission

each class.

Schedule 6

Sample Billing

Instructions: Provide a sample billing analysis showing the effect on customers of the proposed tariff changes at various levels of consumption, for all classes of service.

Schedule 7

Class Cost of Service Study

Instructions:

A. Each streamlined rate application shall include a copy of the cost of service study used to determine the allocation of revenues to each class. The cost of service study shall be based on per books data which is no more than five years old. Each general filing shall include a copy of the cost of service study used to allocate the increase or to adjust rate design. The data used in a cost of service study submitted in a general rate case shall use the same test period as used in the cooperative's general rate application.

B. Each cost of service study shall consist of the following schedules:

1. For multi-state cooperatives, provide total system rate base, revenue and operation and maintenance expenses by account number, or major account group showing separation between Virginia and non-jurisdictional operations.

2. Provide a jurisdictional financial status statement in the format of Schedule 3, column (5) to Appendix A for each customer class and the return provided by these classes.

3. For all service schedules, present the unit cost per kilowatt, kilowatt hour, and customer resulting from the cost study. Include the kilowatt hours, demand and number of customers, as well as the total cost for each component by class and the allocated rate base by class, as support for the unit costs derived.

4. If directed by the Commission, the cooperative shall collect and maintain separate expense, rate base, and revenue data on non-jurisdictional consumers within Virginia.

5. For all service classes, provide a schedule of consumers by service class indicating the total number of customers in the class and the number of non-jurisdictional consumers in Virginia in the class.

Non-jurisdictional consumers in Virginia include government agencies: federal, state, local, and regional government authorities. If there are non-jurisdictional

consumers in any class, this schedule must be accompanied by a list of all such non-jurisdictional consumers by service class and their usage characteristics.

6. Provide a short narrative describing the cost of service study methodology employed. This narrative shall include the following information:

(a) Identification and description of the classification used to assign rate base as demand, energy, or customer related. Specifically, include the classification methodology used to differentiate between demand and customer components of distribution plant; and the customer classification used in the study, i.e., minimum system, minimum size, zero intercept, etc.

(b) Identification of the allocation methodology used for assigning rate base, revenue and expenses to customer classes. For Demand allocation method, e.g., average and excess, noncoincident peak; customer allocation method, e.g., number of customers, weighted customers, etc.

(c) Provide a table showing the kilowatts, kilowatt hours, number of customers allocated to each class, including the derivation of the demand, energy and customer allocators for each class.

7. Provide a list of classification and allocation factor used.

8. Provide a copy of the actual study by account or primary account. The primary accounts shall identify the secondary accounts included by account number. Indicate which allocators and classifiers were used to assign each account.

Schedule 8

Capital Structure and Cost of Debt Statement and Supporting Schedules

Instructions: Use the format of the schedule identified as Schedule 8 in this Appendix.

Column (1) shall reflect the per books capital structure at the end of the test year. Data in Column (1) shall be compatible with the applicant's publicly available financial statements. Adjustments in Column (3) reflect any financial differences between Generally Accepted Accounting Principles and ratemaking accounting as prescribed by the Commission. Each Column (3) adjustment shall be separately identified in a supporting schedule, if not already identified in Schedule 4A or 4B.

Schedules shall be provided to support the amounts and cost rates of short- and long-term debt in Columns (4) and (6), respectively, and the adjusted amount

and cost rates in Columns (8) and (10), respectively. Each issue of long-term debt shall be listed with its corresponding interest rate, date of issue, maturity, and lending institution(s) or other source(s). Short-term debt shall be listed with a high, low, ending and average balance for each month, a weighted average interest rate for each month, and the name of the lending institution(s) or other source(s).

Schedule 9

Net Original Cost Rate Base

Instructions: Use the format of the schedule identified as Schedule 9 in this Appendix.

Adjustments in Column (2) reflect any financial differences between GAAP and ratemaking accounting as prescribed by the State Corporation Commission. Each Column (2) adjustment shall be separately identified and reflected using the format prescribed for Schedule 4A and 4B.

Column (4) shall reflect total non-jurisdictional business. Allocation factors used to determine non-jurisdictional business in Column (4) shall be fully supported in Schedule 12.

Each Column (6) adjustment shall be separately identified and reflected in Schedule 4A and 4B. In a streamlined rate proceeding, adjustments reflected in Column (6) of Schedule 3 which do not incorporate the ratemaking treatment approved by the Commission in the utility's last general rate case shall be separately identified as new proposed adjustments in Schedule 4A and 4B.

Schedule 10

Working Papers for Ratemaking Adjustments

Instructions: Provide detailed workpapers and supporting schedules of all proposed adjustments. Each supporting document shall identify the origin of the data shown. Also, indicate whether data is actual or estimated. Working papers shall be numbered, indexed and tabbed for each adjustment. Two copies shall be filed with the Division of Public Utility Accounting and one copy of the working papers shall be filed with the Division of Energy Regulation.

Schedule 11

Revenue and Expense Variance Analysis

Instructions: The cooperative shall quantify jurisdictional operating revenues and system operating and maintenance ("O&M") expenses by primary account during the test period and the preceding twelve months. Also, provide jurisdictional sales volumes by customer class for the test

period and the preceding twelve months.

The cooperative shall provide a detailed explanation of all jurisdictional revenue and system expense increases and decreases of more than 10 percent during the test period compared to the previous twelve-month period. The expense variance analysis applies to test period expense items greater than two-hundredth of one percent (.0002) of total O&M expenses for all cooperatives with total operating expenses exceeding \$50 million, and five-hundredth of one percent (.0005) of total operating expenses for cooperatives with total operating expenses below \$50 million.

Schedule 12

Jurisdictional Allocation

Instructions: Provide summary schedules by primary account reflecting all revenue, expense and rate base items allocated to the Virginia jurisdiction. If directed by the Commission, this schedule shall include allocations relating to non-jurisdictional Virginia consumers as well as out-of-state operations. Provide working papers to support all calculated amounts including the development of allocation factors.

Provide a narrative explanation and justification of the allocation methodology used. Discuss any changes in the applicant's operations which materially affect any allocation factor.

**FINANCIAL STATUS STATEMENT
PER BOOKS AND FULLY ADJUSTED**
For The Twelve Months Ending _____

Schedule 3

Line No.	Description	(Col. 1) Total Cooperative Per Books	(Col. 2) Adjustments Due to Rate-making Requirements	(Col. 3) Total Cooperative As Adjusted	(Col. 4) Non-Virginia Jurisdictional Business	(Col. 5) Virginia Jurisdictional Business	(Col. 6) Rate-making Adjustments	(Col. 7) Amounts After Adjustments	(Col. 8) Revenue Requirement	(Col. 9) Amounts After Revenue Requirement
	<u>Operating Revenues</u>									
1	Base Rates									
2	Fuel - WPCA									
3	Roll in of Riders									
4	Riders (List Separately)									
5	Margin Stabilization									
6	Other Electric Revenues									
7	<u>Total Operating Revenues</u>									
	<u>Operating Expenses</u>									
8	Purchased Power Expense									
9	Margin Stabilization									
10	Other Operation and Maintenance Expense									
11	Depreciation and Amortization									
12	Tax Expense - Property									
13	Tax Expense - Other									
14	<u>Total Operating Expenses</u>									
15	<u>Operating Margins</u>									
16	Less: Interest on Customer Deposits									
17	Charitable & Educational Donations									
18	<u>Operating Margins Adjusted</u>									
19	Plus: Capital Credits Accrued									
20	Other Income									
21	Less: Interest on Long Term Debt									
22	Other Interest Expense									
23	Other Expense									
24	<u>Total Margins</u>									
	<u>Rate Base</u>									
25	Net Utility Plant									
26	Allowance for Working Capital									
27	Other Rate Base Deductions									
28	<u>Total Rate Base</u>									
29	TIER									
30	DSC									
31	Rate of Return on Rate Base									
32	Rate of Return on Margins and Equities									
33	Capital Credits Received									

DETAIL OF RATEMAKING ADJUSTMENTS

Schedule 4 A
Page __ of __

Adj. No.	Description	(Col. 1) Operating Revenues	(Col. 2) Purchased Power Expense	(Col. 3) Margin Stabil.	(Col. 4) Other O & M Expense	(Col. 5) Depr. & Amort.	(Col. 6) Tax Expense	(Col. 7) Other	(Col. 8) Operating Margins Adjusted	(Col. 9) Accrued Capital Credits	(Col. 10) Other Income	(Col. 11) Interest on Long Term Debt	(Col. 12) Other Exp. (incl. int. exp.)	(Col. 13) Total Margins	(Col. 14) Net Utility Plant	(Col. 15) Allowance for Working Capital	(Col. 16) Other Rate Base Deductions
	Base Rate Revenue																
	Fuel - WPCA Revenue																
	Rider Revenue																
	Margin Stabilization																
	Other Electric Revenues																
	Purchased Power Exp.																
	Margin Stabilization																
	Other O & M Expense																
	Depr. & Amort.																
	Tax Expense - Property																
	Tax Expense - Other																
	Other																
	<u>Operating Margins Adjusted</u>																
	Capital Credits Accrued																
	Other Income																
	Interest on Long Term Debt																
	Other Interest Expense																
	Other Expense																
	<u>Total Margins</u>																
	Net Utility Plant																
	Allowance for Working Capital																
	Other Rate Base Deductions																
	<u>Total Rate Base</u>																

State Corporation Commission

DETAIL OF RATEMAKING ADJUSTMENTS

Schedule 4 B

Page __ of __

<u>Adj. No.</u>	<u>Description</u>	<u>Explanation of Adjustment</u>
	Base Rate Revenue	
	Fuel – WPCA Revenue	
	Rider Revenue	
	Margin Stabilization	
	Other Electric Revenues	
	Purchased Power Exp.	
	Margin Stabilization	
	Other O & M Expense	
	Depr. & Amort.	
	Tax Expense – Property	
	Tax Expense – Other	
	Other	
	<u>Operating Margins Adjusted</u>	
	Capital Credits Accrued	
	Other Income	
	Interest on Long Term Debt	
	Other Interest Expense	
	Other Expense	
	<u>Total Margins</u>	
	Net Utility Plant	
	Allowance for Working Capital	
	Other Rate Base Deductions	
	<u>Total Rate Base</u>	

Schedule 8

CAPITAL STRUCTURE AND COST OF DEBT STATEMENT
PER BOOKS AND FULLY ADJUSTED
 For the Twelve Months Ending _____

	(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)	(Col. 9)	(Col. 10)
	Total Cooperative -Per Books	Percentage of Col. 1 Total	Adjustments Due to Rate-making Requirements	Total Cooperative As Adjusted	Percentage of Col. 4 Total	Cost of Col. 4 Debt	Rate-making Adjustments	Amount After Adjustments	Percentage of Col. 8 Total	Cost of Col. 8 Debt
1. Short-Term Debt										
2. Long-Term Debt										
3. Total Margins and Equities										
4. Other										
5. Total Capital										
6. Principal Repayments										
7. Accumulated Capital Credits Accrued										
8. Accumulated Capital Credits Received										

Schedule 9

NET ORIGINAL COST RATE BASE
PER BOOKS AND FULLY ADJUSTED
For The Period Ending _____

Line No.	Description	(Col. 1) Total Cooperative Per Books	(Col. 2) Adjustments Due to Ratemaking Requirements	(Col. 3) Total Cooperative As Adjusted	(Col. 4) Non-Virginia Jurisdictional Business	(Col. 5) Virginia Jurisdictional Business	(Col. 6) Ratemaking Adjustments	(Col. 7) Amounts After Adjustments
	<u>Net Utility Plant</u>							
1	Electric Plant in Service							
2	Completed Construction Not Classified							
3	Construction Work in Progress							
4	Plant Held for Future Use							
5	Less: Accumulated Provision for Depreciation and Amortization							
6	<u>Total Net Utility Plant</u>							
	<u>Allowance for Working Capital</u>							
7	Cash Working Capital: Purchased Power							
8	Other O&M							
9	Materials & Supplies (13 month average)							
10	Deferred Fuel							
11	Other Working Capital (List Separately)							
12	<u>Total Allowance for Working Capital</u>							
	<u>Other Rate Base Deductions</u>							
13	Customer Deposits							
14	Customer Advances for Construction							
15	Other Cost Free Capital (List Separately)							
16	<u>Total Other Rate Base Deductions</u>							
17	<u>Total Rate Base</u>							

State Corporation Commission

Appendix B

Electric Cooperatives in Virginia

A&N Electric Cooperative
Mr. Vernon N. Brinkley
Executive Vice President
P.O. Box 1128
Parksley, Virginia 23421

B-A-R-C Electric Cooperative
Mr. Hugh M. Landes
General Manager
P.O. Box 264
Millboro, Virginia 24460-0264

Central Virginia Electric Cooperative
Mr. Howard L. Scarboro
General Manager
P.O. Box 247
Lovingston, Virginia 22949

Community Electric Cooperative
Mr. J. M. Reynolds
General Manager
Post Office Box 267
Windsor, Virginia 23487

Craig-Botetourt Electric Cooperative
Mr. Gerald H. Groseclose
General Manager
Post Office Box 265
New Castle, VA 24127

Mecklenburg Electric Cooperative
Mr. John Bowman
General Manager
Caller 2451
Chase City, Virginia 23924-2451

Northern Neck Electric Cooperative
Mr. Charles R. Rice, Jr.
General Manager
Post Office Box 288
Warsaw, Virginia 22572-0288

Northern Virginia Electric Cooperative
Mr. Stanley C. Feuerberg
General Manager
Post Office Box 2710
Manassas, VA 22110

Powell Valley Electric Cooperative
Mr. Randell W. Meyers
General Manager
Post Office Box 308
Church Street
Jonesville, VA 24263

Prince George Electric Cooperative
Mr. Gene G. Carr

General Manager
Post Office Box 168
Waverly, VA 23890

Rappahannock Electric Cooperative
Mr. Cecil E. Viverette, Jr.
President
Post Office Box 7388
Fredericksburg, VA 22404-7388

Shenandoah Valley Electric Cooperative
Mr. C. D. Wine
Executive Vice President
Post Office Box 236
Route 257
Mt. Crawford, VA 22841-0236

Southside Electric Cooperative
Mr. John C. Anderson
Executive Vice President
Post Office Box 7
Crewe, VA 23930

VA.R. Doc. No. R94-750; Filed March 29, 1994, 3:44 p.m.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER ELEVEN (94)

VIRGINIA'S INSTANT GAME LOTTERY; "BINGO," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's instant game lottery (Number 0301), "Bingo." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director

Date: March 7, 1994

V.A.R. Doc. No. R94-736; Filed March 21, 1994, 4:05 p.m.

DIRECTOR'S ORDER NUMBER TWELVE (94)

"BINGO SECOND CHANCE PROMOTION"; FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Bingo Second Chance Promotion" game and drawing rules for the promotional events for Virginia's instant game lottery, "Bingo." The promotional will be conducted from Thursday, March 17 through Friday, May 27, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director

Date: March 14, 1994

V.A.R. Doc. No. R94-737; Filed March 21, 1994, 4:05 p.m.

DIRECTOR'S ORDER NUMBER THIRTEEN (94)

VIRGINIA'S THIRTY-THIRD INSTANT GAME LOTTERY, "BARRELS OF BUCKS," END OF GAME.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby give notice that Virginia's thirty-third instant game lottery, "Barrels of Bucks," will officially end at midnight on Thursday, April 21, 1994. The last day for lottery retailers to return for credit unsold tickets from "Barrels of Bucks" will be Thursday, May 12, 1994. The last day to redeem winning tickets for "Barrels of Bucks" will be Tuesday, October 18, 1994, 180 days from the declared official end of the game. Claims for winning tickets from "Barrels of Bucks" will not be accepted after that date. Claims which are mailed and received in an envelope bearing a United States Postal Service postmark of October 18, 1994, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia; and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director

Date: March 18, 1994

V.A.R. Doc. No. R94-738; Filed March 21, 1994, 4:05 p.m.

DIRECTOR'S ORDER NUMBER FOURTEEN (94)

"WINNER'S CIRCLE," VIRGINIA LOTTERY RETAILER PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate "Winner's Circle," Virginia Lottery Retailer Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, April 4, 1994 through Sunday, April 17, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery

State Lottery Department

Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
Date: March 18, 1994

VA.R. Doc. No. R94-739; Filed March 21, 1994, 4:05 p.m.

MARINE RESOURCES COMMISSION

EMERGENCY REGULATION

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0099. Unloading Point for Relaying Shellfish.

Statutory Authority: § 28.2-210, ~~28.2-801~~ and 28.2-819 B of the Code of Virginia.

Effective Dates: April 4, 1994, to April 29, 1994.

Preamble:

This regulation establishes a location where shellfish taken from a condemned shellfish growing area may be unloaded ashore.

§ 1. Authority, effective date.

A. This emergency regulation is promulgated pursuant to the authority contained in §§ 28.2-210, 28.2-801, and 28.2-819 B of the Code of Virginia.

B. The effective date of this regulation is April 4, 1994.

§ 2. Designated area.

Shellfish taken from private grounds in Willoughby Bay may be unloaded at F.D. Hunt's dock on Sunset Creek in Hampton.

§ 3. Expiration date.

This regulation shall terminate on April 29, 1994.

/s/William A. Pruitt
Commissioner

V.A.R. Doc. No. R94-735; Filed March 25, 1994, 12:12 p.m.

GOVERNOR

PROCLAMATION

The successful carrying out of the Virginia traffic safety program is dependent to a large extent upon the proper mechanical maintenance of motor vehicles, trailers or semi-trailers which operate over the streets and highways of Virginia.

Motor vehicles, trailers or semi-trailers inspected under this Proclamation which continue to be registered in and operated upon the highways of this Commonwealth shall be reinspected within twelve months from each month of inspection thereafter. Any motor vehicle, trailer or semi-trailer presently being operated in Virginia which bears a current inspection sticker as of the date of this proclamation shall not be required to be reinspected pursuant to this Proclamation until the current twelve-month period has expired.

The owner or operator of a motor vehicle, trailer or semi-trailer subject to this Proclamation shall submit the same to an official inspection station for inspection before operating such vehicle, trailer or semi-trailer upon the highways of Virginia, except as follows:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;
2. Trailers not equipped with brakes;
3. Motor vehicles defined under Section 46.2-100 of the Code of Virginia as an antique motor vehicle and licensed as an antique motor vehicle pursuant to the provisions of Section 46.2-730 of the Code;
4. Any motor vehicle, bus, trailer or semi-trailer which is outside of the Commonwealth of Virginia at the time its inspection expires may be returned to the owner's or operator's place of residence or the owner's legal place of business in the State before it will be required to be submitted for a reinspection;
5. Motor vehicles owned and operated by persons on active duty with the United States Armed Forces, who are Virginia residents stationed outside of Virginia at the time its inspection expires, may operate such vehicle on the highways of the Commonwealth while on leave, provided such vehicle displays a valid inspection sticker issued by another state and not be in violation of Section 46.2-1157 of the Code of Virginia;
6. New motor vehicles, new trailers or new semi-trailers may be operated upon the highways of Virginia for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business, or between places of business if such manufacturer, dealer or distributor has more than one place of business, without being inspected; dealers or distributors may take delivery and operate upon the highways of Virginia new motor vehicles,

new trailers or new semi-trailers from another dealer or distributor provided a motor vehicle, trailer or semi-trailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle.

7. New motor vehicles, new trailers or new semi-trailers bearing a manufacturer's license may be operated for test purposes by the manufacturer without an inspection;

8. Motor vehicles, trailers or semi-trailers may be operated for test purposes by a certified inspector without an inspection during the performance of an official inspection;

9. New motor vehicles, new trailers or new semi-trailers may be operated upon the highways of Virginia over the most direct route to a location for installation of permanent body without being inspected;

10. Motor vehicles, trailers or semi-trailers purchased outside the Commonwealth of Virginia may be driven to the purchaser's place of residence or the dealer's or distributor's designated place of business without being inspected.

11. Prior to purchase from auto auctions within the Commonwealth, motor vehicles, trailers or semi-trailers may be operated upon the highways not to exceed a five-mile radius of such auction by prospective purchasers for the purpose of road testing only without being inspected;

Motor vehicles, trailers or semi-trailers purchased from auto auctions within the Commonwealth also may be operated upon the highways from such auction to the purchaser's place of residence or business without being inspected;

12. Motor vehicles, trailers or semi-trailers, after the expiration of a period fixed for the inspection thereof, may be operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having the same inspected pursuant to a prior appointment with such station for such inspection as provided in Section 46.2-1157 of the Code of Virginia;

13. Vehicles transporting well drilling machinery and mobile equipment as defined in Section 46.2-700 of the Code of Virginia;

14. Motor vehicles being towed in a legal manner as exempted by Section 46.2-1150 of the Code of Virginia;

15. Log trailers as exempted by Section 46.1-1159 of the Code of Virginia;

16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes, as

Governor

exempted by Section 46.2-1160 of the Code of Virginia;

Motor vehicles, trailers or semi-trailers not registered in Virginia are not subject to this Proclamation. Accordingly, mopeds as defined in Section 46.2-100 and vehicles exempted from licensing under Sections 46.2-662 through 46.2-683, are not required to be inspected.

NOW, THEREFORE, I, George Allen, Governor of the Commonwealth of Virginia, do hereby proclaim that, with the exception of those vehicles specifically exempted heretofore in this document, all motor vehicles, trailers or semi-trailers bearing a Virginia registration plate or plates, or registered as a motor vehicle, trailer or semi-trailer under any provision of Virginia law and operated upon the highways of this Commonwealth shall be submitted to inspection at an official inspection station and shall have corrected all defects thus found to exist.

Given under my hand and under the lesser seal of the Commonwealth, at Richmond, this first day of July, in the year of Our Lord, one thousand nine hundred and ninety-four, and in the two hundred nineteenth year of the Commonwealth.

/s/ George Allen
Governor

EXECUTIVE ORDER NUMBER SEVEN (94)

DECLARATION OF A STATE OF EMERGENCY ARISING FROM HEAVY SNOWFALL, TORRENTIAL RAINS, AND ICY CONDITIONS THROUGHOUT THE COMMONWEALTH

During the period March 1 through March 3, 1994, the Commonwealth was subjected to a further onslaught of severe winter weather. Specifically, heavy snow with depths from one and one-half to two feet, along with drifting snow caused by 25 mile per hour winds, occurred in Northern Virginia and the Shenandoah Valley. Severe icing conditions were hampering traffic in the central and western regions of the state, while torrential rains, causing flooding, occurred in the coastal and southwestern parts of the state. These situations were exacerbated by thoroughly saturated ground conditions that had resulted from the winter storms of previous weeks. Accordingly, I verbally declared a state of emergency at approximately 2 p.m. on Wednesday, March 2, 1994, for the purposes of (1) placing key state agencies on alert to render all possible assistance to citizens; and (2) authorizing the repositioning of heavy equipment belonging to the Virginia Army National Guard in certain areas of the Commonwealth to facilitate the potential evacuation of persons who might be marooned and stranded by the snow drifts, icy conditions, and flooding, and to facilitate access for rescue workers.

The health and general welfare of the citizens of all affected jurisdictions required that state action be taken to help alleviate the conditions which were a result of this situation. I found that the heavy snowfall, icy conditions,

and flooding constituted a natural disaster wherein human life was imperiled, as contemplated by Section 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by Section 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I do hereby confirm, ratify, and memorialize in writing my verbal orders issued March 2, 1994, wherein I proclaimed that a state of emergency exists in the affected areas of the Commonwealth and directed that appropriate assistance be rendered by agencies of the state government and local governments to alleviate these conditions. Pursuant to Section 44-75.1 (4) of the Code of Virginia, I also directed that the Virginia National Guard be called forth to assist in providing such aid, as may be required by the Coordinator of the Department of Emergency Services, in consultation with the Secretary of Public Safety and the Adjutant General of Virginia.

The following conditions apply to the employment of the Virginia National Guard:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Services and with the approval of the Secretary of Public Safety, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be desirable to assist in alleviating the human suffering and damage to property as a result of heavy snow and wintry conditions.
2. In all instances, members of the Virginia Army National Guard shall remain subject to military command as prescribed by Section 44-78.1 of the Code of Virginia and not subject to the civilian authorities of the state or local governments.
3. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:
 - (a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,
 - (b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the Federal Government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his/her dependents or survivors

during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his/her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to Section 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen
Governor

Date: March 21, 1994

VA.R. Doc. No. R94-747; Filed March 29, 1994, 10:10 a.m.

4. The cost incurred by the Virginia Department of Military Affairs in performing this mission shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 555 of Chapter 994 of the 1993 Acts of Assembly, with any reimbursement thereof from nonstate agencies for partial or full reimbursement of this cost to be paid to the general fund of the state treasury.

This Executive Order shall be retroactively effective to March 2, 1994, upon its signing, and shall remain in full force and effect until June 30, 1994, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard in the event of injury or death shall continue to remain in effect after termination of this Executive Order as a whole.

Given under my hand and the Seal of the Commonwealth of Virginia, this 10th day of March, 1994.

/s/ George Allen
Governor

VA.R. Doc. No. R94-729; Filed March 17, 1994, 2:15 p.m.

**GOVERNOR'S COMMENTS ON PROPOSED
REGULATIONS**

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

DEPARTMENT OF TAXATION

Title of Regulation: **VR 630-0-1. Guidelines for Public Participation in Regulation Development and Promulgation.**

Governor's Comment:

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

GENERAL NOTICES

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† Legal Notice

Take notice that a referendum will be conducted by mail ballot among Virginia horse owners who paid for an equine infectious anemia (Coggins) test during the fiscal year 1992-1993.

The purpose of the referendum is to allow Virginia horse owners to determine whether or not they favor the assessment of \$1.50 on each equine infectious anemia test performed in Virginia to be used for market development, education, publicity, and research of the Virginia horse industry in accordance with the provisions of the Virginia Horse Industry Board Act Chapter 4.7, Sections 3.1-22.38 to 3.1-22.58 of the Code of Virginia.

Any horse owner who paid for a Coggins Test in Virginia between July 1, 1992, and June 30, 1993, is eligible to vote in the referendum and will be mailed a ballot and return envelope on or about May 16, 1994. The ballot must be received on or before 5 p.m., June 10, 1994, at KPMG Peat Marwick, certified public accountants, in Richmond.

Following the return of the ballots, KPMG Peat Marwick will count the ballots, certify the results, and report the results within 10 days to the Commissioner of the Virginia Department of Agriculture and Consumer Services.

Questions about obtaining ballots should be directed to KPMG Peat Marwick, Richmond, Virginia, (804) 649-9091. Questions about the referendum process should be directed to the Virginia Department of Agriculture and Consumer Services, c/o Equine Marketing Specialist, 1100 Bank Street, Richmond, Virginia 23219, telephone (804) 786-5842.

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 FAX two copies and 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

General Notices/Errata

U.S. Postal Service STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION <small>Required by 39 U.S.C. 3685</small>								
1A. Title of Publication VIRGINIA REGISTER OF REGULATIONS	1B. PUBLICATION NO. <table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr><td>0</td><td>0</td><td>1</td><td>8</td><td>3</td><td>1</td></tr> </table>	0	0	1	8	3	1	2. Date of Filing Oct. 1, 1993
0	0	1	8	3	1			
3. Frequency of Issue Bi-weekly	3A. No. of Issues Published Annually 30	3B. Annual Subscription Price \$100.00						
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5. Complete Mailing Address of the Headquarters of General Business Offices of the Publisher (Not printer) (SAME AS ABOVE)								
6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)								
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7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)								
<small>Full Name</small>	<small>Complete Mailing Address</small>							
Virginia Code Commission (nonprofit state agency)	General Assembly Building 910 Capitol Street Richmond, Virginia 23219							
8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgagee or Other Securities (If there are none, so state)								
<small>Full Name</small>	<small>Complete Mailing Address</small>							
N/A								
9. For Completion by Nonprofit Organizations Authorized to Mail at Special Rates (DMM Section 423.12 only) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)								
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">(1) <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months</td> <td style="width: 33%;">(2) <input type="checkbox"/> Has Changed During Preceding 12 Months</td> <td style="width: 34%; text-align: right;"><small>(If changed, publisher must submit explanation of change with this statement.)</small></td> </tr> </table>			(1) <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months	(2) <input type="checkbox"/> Has Changed During Preceding 12 Months	<small>(If changed, publisher must submit explanation of change with this statement.)</small>			
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10. Extent and Nature of Circulation <small>(See instructions on reverse side)</small>	Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date						
A. Total No. Copies (Net Press Run)	785	Sept. 20, 1993 800						
B. Paid and/or Requested Circulation 1. Sales through dealers and carriers, street vendors and counter sales	--	--						
2. Mail Subscription (Paid and/or requested)	636	543						
C. Total Paid and/or Requested Circulation (Sum of 10B1 and 10B2)	636	643						
D. Free Distribution by Mail, Carrier or Other Means Samples, Complimentary, and Other Free Copies	125	135						
E. Total Distribution (Sum of C and D)	761	778						
F. Copies Not Distributed 1. Office use, left over, unaccounted, spoiled after printing	24	22						
2. Return from News Agents	--	--						
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)	785	800						
11. I certify that the statements made by me above are correct and complete		Signature and Title of Editor, Publisher, Business Manager, or Owner <i>Joan W. Smith</i>						

PS Form 3526, Feb. 1989

(See instructions on reverse)

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

April 25, 1994 - 10 a.m. – Open Meeting

April 26, 1994 - 8 a.m. – Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to (i) review applications; (ii) review correspondence; (iii) conduct review and disposition of enforcement files; (iv) conduct regulatory review; and (v) conduct routine board business. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Any person who needs accommodations in order to participate at the meeting should contact Nancy T. Feldman at (804) 367-8590 at least 10 days before the meeting date so that suitable arrangements can be made for an appropriate accommodation.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (STATE BOARD OF)

May 18, 1994 - 9 a.m. – Open Meeting

Washington Building, 1100 Bank Street, Room 204,

Richmond, 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 the 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 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 Bldg., 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535 or (804) 371-6344/TDD ☎

Pesticide Control Board

May 9, 1994 – 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 Pesticide Control Board intends to amend regulations entitled: **VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act.** The proposed amendments (i) establish a single pesticide product registration fee and increase the pesticide product registration fee to \$175; (ii) establish a deadline for registering pesticide projects each year and allow for the assessment of a late fee for pesticide products registered after the deadline; (iii) eliminate the conflict between § 3.1-249.52 of the Code of Virginia, which requires renewal and does not differentiate between pesticides classified for restricted use and other pesticides and §§ 2.2 and 2.3, which allow a commercial applicator and registered technician to avoid a late fee for failure to renew by submitting an affidavit certifying that he has not applied pesticides classified for restricted use subsequent to the expiration of his certificate; (iv) eliminate the conflict between § 3.1-249.52 C of the Code of Virginia, which provides the Pesticide Control Board authority to require reexamination of a registered technician not reinstruction as currently required in § 2.3 when the registered technician fails to renew his license within 60 days of the expiration date and establish a reexamination fee of \$15; (v) delete definitions for

Calendar of Events

"commissioner," "department" and "registered technician," and (vi) add definitions for "brand" and "grade."

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Contact: Marvin A. Lawson, Ph.D., Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank St., Room 401, Richmond, VA 23209, telephone (804) 371-6558.

Virginia Winegrowers Advisory Board

April 19, 1994 - 10 a.m. - Open Meeting
Omni Charlottesville, 235 West Main Street, Charlottesville, Virginia. ☒

A meeting to hear committee and project monitor reports, hear presentations on proposals for funding, and discuss old and new business. Any person who needs any accommodation in order to participate at the meeting should contact Wendy Rizzo at least 14 days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Wendy Rizzo, Secretary, Virginia Winegrowers Advisory Board, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-0481.

ALCOHOLIC BEVERAGE CONTROL BOARD

April 18, 1994 - 9:30 a.m. - Open Meeting
Alcoholic Beverage Control Board, 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, Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, VA 23261, telephone (804) 367-0616.

AUCTIONEERS BOARD

† **May 17, 1994 - 10 a.m. - Open Meeting**
Kirn Memorial Library, 301 East City Hall Avenue, Kirkby Room, 2nd Floor, Norfolk, Virginia.

A formal administrative hearing in regard to the Virginia Auctioneers Board v. Calvin Zedd, t/a "Col." Calvin Zedd Auction Company and t/a Zedd Auctioneers, Ltd.

Contact: Carol A. Mitchell, Assistant Director, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

May 12, 1994 - 9:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☒

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

April 27, 1994 - 10 a.m. - Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be taken early in the meeting. A tentative agenda will be available by April 20 from the Chesapeake Bay Local Assistance Department.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☒

Central Area Review Committee

April 20, 1994 - 10 a.m. - Open Meeting
May 18, 1994 - 10 a.m. - Open Meeting
June 16, 1994 - 2 p.m. - Open Meeting
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. Public comment will not be received at the committee meeting. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☒

Northern Area Review Committee

April 21, 1994 - 10 a.m. - Open Meeting
May 26, 1994 - 10 a.m. - Open Meeting
June 9, 1994 - 10 a.m. - Open Meeting
Chesapeake Bay Local Assistance Department, 8th Street

Calendar of Events

Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. Public comment will not be received at the committee meeting. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

Southern Area Review Committee

April 27, 1994 - 2 p.m. – Open Meeting

May 25, 1994 - 10 a.m. – Open Meeting

June 22, 1994 - 10 a.m. – Open Meeting

Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. Public comment will not be received at the committee meeting. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

STATE BOARD FOR COMMUNITY COLLEGES

† **May 18, 1994 - 1 p.m.** – Open Meeting
Eastern Shore Community College, 29300 Lankford Highway, Melfa, Virginia.

Committee meetings will be held.

Contact: Joy S. Graham, Assistant Chancellor of Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

† **May 19, 1994 - 9 a.m.** – Open Meeting
Eastern Shore Community College, 29300 Lankford Highway, Melfa, Virginia.

A regularly scheduled meeting.

Contact: Joy S. Graham, Assistant Chancellor of Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804)

225-2126 or (804) 371-8504/TDD ☎

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

May 23, 1994 – 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 Corrections intends to adopt regulations entitled: **VR 230-01-004. Regulations for Human Subject Research.** The Human Subject Research Regulations establish under what circumstances human research is authorized and conducted within the Department of Corrections as required in § 32.1-162.16 et seq. of the Code of Virginia. In accordance with the legislation, the regulations define requirements for obtaining informed consent and require the establishment of human research review committees which review and approve all human research activities. These regulations apply to the Department of Corrections and to any facility, program or organization owned, operated, funded, or licensed by the department which conducts or which proposes to conduct or authorize research which uses human participants. Human research participants may be either employees or clients of the department.

Statutory Authority: §§ 53.1-5 and 53.1-5.1 of the Code of Virginia.

Contact: Dr. Larry Guenther, Agency Management Lead Analyst, Department of Corrections, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3268.

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May 11, 1994 - 10 a.m. – Public Hearing
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.

June 3, 1994 – 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 Corrections intends to adopt regulations entitled: **VR 230-01-005. Regulations for Public/Private Joint Venture Work Programs Operated in a State Correctional Facility.** These regulations govern the form and review process for proposed agreements between the Director of the Department of Corrections and public or private entity to operate a work program in a state correctional facility for inmates confined therein. The regulations establish both the review process and criteria for evaluating proposed agreements.

Statutory Authority: §§ 53.1-5 and 53.1-45.1 of the Code of Virginia.

Calendar of Events

Contact: Amy Miller, Regulatory Coordinator, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3262.

BOARD FOR COSMETOLOGY

May 9, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Board for Cosmetology, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8509.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (CRIMINAL JUSTICE SERVICES BOARD)

June 10, 1994 - 10 a.m. - Public Hearing
State Capitol, House Room 1, Richmond, Virginia.

June 6, 1994 - 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 Criminal Justice Services Board intends to adopt regulations entitled: **VR 240-04-4. Crime Prevention Specialists.** The purpose of the proposed regulation is to establish requirements and administrative procedures for individuals employed by local and state law-enforcement agencies who are applying for certification as a crime prevention specialist.

Statutory Authority: §§ 9-170, 9-173.14 and 9-173.15 of the Code of Virginia.

Contact: Patrick D. Harris, Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8467.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

May 20, 1994 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to repeal regulations entitled: **VR 245-01-01. Public Participation Guidelines** and adopt regulations entitled: **VR 245-01-01:1. Public Participation Guidelines.** This regulation requires the director to maintain a list of persons who have requested to be notified of the formation and promulgation of regulations by the department. It also

requires the department to receive petitions for rulemaking, to publish a Notice of Intended Regulatory Action prior to promulgating or amending regulations, and to hold a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment. Finally, this regulation allows the director to appoint an ad hoc advisory committee to assist in the review and development of regulations for the department.

Statutory Authority: §§ 9-6.14:7.1 and 63.1-85.4 of the Code of Virginia.

Contact: Leslie G. Hutcheson, Special Projects Manager, Department for the Deaf and Hard-of-Hearing, 1100 Bank St., 12th Floor, Richmond, VA 23219-3640, telephone (804) 225-2570 or toll-free 1-800-552-7917.

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May 20, 1994 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to amend regulations entitled: **VR 245-02-01. Regulation Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices.** This regulation is to screen applicants for the Telecommunications Assistance Program (TAP) and to determine the applicant's contribution towards the purchase of telecommunications equipment, if any. The amendments allow the department to give priority to first-time applicants during times of fiscal constraint. Renewal applicants, individuals who have previously received equipment through the program, must wait five years to submit subsequent applications and must include proof that the original equipment is no longer working. Additionally, amendments may allow an applicant to request an exchange for new equipment which becomes available through TAP and is deemed a more compatible device for the applicant. Finally, amendments allow for those applicants whose income exceeds 150% of the maximum amount established by the Economic Needs Guidelines to be required to contribute 100% of the contractual cost of devices.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Contact: Bruce A. Sofinski, Communications and Technical Programs, Department for the Deaf and Hard-of-Hearing, 1100 Bank St., 12th Floor, Richmond, VA 23219-3640, telephone (804) 225-2570 or toll-free 1-800-552-7917.

Advisory Board

May 4, 1994 - 10 a.m. - Open Meeting
Department for the Deaf and Hard-of-Hearing, 1100 Bank Street, 12th Floor, Richmond, Virginia. ☒ (Interpreter for

Calendar of Events

the deaf provided upon request)

A regular quarterly business meeting. Public comments will not be received.

Contact: Loretta H. Barker, Administrative Assistant, Department for the Deaf and Hard-of-Hearing, 1100 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917 (V/TTY) or (804) 225-2570 (V/TTY).

Telecommunications Relay Service Advisory Board

† **April 20, 1994 - 10 a.m.** – Open Meeting
Virginia Relay Center, 831 Park Avenue, Norton, Virginia.
☐ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comment permitted with advance notice.

Contact: Loretta H. Barker, Administrative Assistant, Department for the Deaf and Hard-of-Hearing, 1100 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917 (V/TTY) or (804) 225-2570 (V/TTY)

DEPARTMENT OF EDUCATION (STATE BOARD OF)

April 25, 1994 - 1:30 p.m. – Public Hearing
Monroe Building, 101 North 14th Street, Richmond, Virginia.

May 20, 1994 – 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 Education intends to adopt regulations entitled: **VR 270-01-0055. Regulations for the Protection of Students as Participants in Human Research.** These proposed regulations are designed to ensure that the rights of students who may become subjects of research are protected. The regulations specifically address the rights of students in the areas of personal privacy and informed consent. These rights are protected by means of the creation in each school entity of a review committee to oversee all research involving students that is conducted within the realm of its authority.

Statutory Authority: § 22.1-16.1 of the Code of Virginia.

Contact: Lawrence McCluskey, Lead Specialist, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2762.

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June 7, 1994 – 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 adopt regulations entitled: **VR 270-01-0060. Minimum Standards for the Accreditation of Child Day Programs Serving Children of Preschool Age or Younger in Public Schools.** These regulations serve as the basis for the accreditation of all nonmandated programs operated by public schools intended to serve preschool age children not subject to compulsory attendance laws.

Statutory Authority: § 22.1-19 of the Code of Virginia.

Contact: Charles W. Finley, School Accreditation Associate Specialist, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2747 or toll-free 1-800-292-3820.

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June 7, 1994 – 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 adopt regulations entitled: **VR 270-01-0061. Minimum Standards for the Accreditation of Child Day Programs Serving School Age Children Offered in Public Schools.** These regulations serve as the basis for the accreditation of all nonmandated programs operated by public schools intended to serve school age children in before- and after-school programs and summer camps.

Statutory Authority: § 22.1-19 of the Code of Virginia.

Contact: Charles W. Finley, School Accreditation Associate Specialist, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2747 or toll-free 1-800-292-3820.

STATE BOARD OF ELECTIONS

† **May 10, 1994 - 10 a.m.** – Open Meeting
9th Street Office Building, 200 North 9th Street, Room 625, Richmond, Virginia. ☐

A meeting to receive status report on process of certifying Mark Sense voting equipment.

Contact: Margaret O. "Jane" Jones, Executive Secretary Senior, State Board of Elections, 9th Street Office Bldg., 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 786-6551 or toll-free 1-800-552-9745.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD

May 5, 1994 - 5:30 p.m. – Open Meeting

† **June 2, 1994 - 5:30 p.m.** – Open Meeting
Chesterfield County Administration Building, 10001
Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund
Amendment and Reauthorization Act of 1986.

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

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER

April 27, 1994 - 6:30 p.m. – Open Meeting
Gloucester County Administration Building, Conference
Room, Gloucester, Virginia. ☒ (Interpreter for the deaf
provided upon request)

The agenda for the spring quarterly meeting of the
Gloucester Local Emergency Planning Committee will
include (i) discussion of the functional exercise
currently in progress by the Commonwealth and the
local Haz-mat component; and (ii) a review of the
public information campaign.

Contact: Georgette N. Hurley, Assistant County
Administrator, P.O. Box 329, Gloucester, VA 23061,
telephone (804) 693-4042.

LOCAL EMERGENCY PLANNING COMMITTEE - HENRICO

April 20, 1994 - 7 p.m. – Open Meeting
Henrico County Public Safety Building, Division of Fire,
3rd Floor, Parham and Hungary Spring Roads, 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **April 28, 1994 - 6:30 p.m.** – Public Hearing
William Campbell High School, State Route 917, 1st Floor
Library, Naruna, Virginia. ☒

A public briefing and public hearing to consider an
application from Georgia Pacific Corporation to
operate an oriented strand board manufacturing plant.
The facility will be located in the Campbell
County/Brookneal area. An informational briefing will
be conducted before the hearing starting at 6:30 p.m.
The public hearing will begin at 7 p.m.

Contact: Tom Berkeley, Environmental Engineer Senior,
Department of Environmental Quality, Lynchburg Air
Office, 7701-03 Timberlake Rd., Lynchburg, VA 24502,
telephone (804) 582-5120.

† **May 3, 1994 - 7 p.m.** – Public Hearing
Montgomery County Courthouse, Main and Franklin Streets,
Circuit Court Room, Christiansburg, Virginia.

An informational briefing and public hearing to
consider an application from Salem Stone Corporation,
trading as ACCO Stone Company, to amend its permit
dated February 22, 1990, to increase the annual
throughput limitation on their existing overburden
stone screening plant at their limestone quarry in
Montgomery County, Virginia.

Contact: Bob G. Merrill, Environmental Engineer,
Department of Environmental Quality, Roanoke Air Office,
5338 Peters Creek Road, Suite D, Roanoke, VA 24019,
telephone (703) 561-7000.

Interagency Committee on Land Application of Sewage Sludge

† **May 18, 1994 - 10 a.m.** – Open Meeting
Department of Environmental Quality, Innsbrook Corporate
Center, 4900 Cox Road, Training Room, Glen Allen,
Virginia.

A meeting to discuss PAN rates for the SCAT
regulations, the use of values for soil productivity
classification and crop N requirements, and the future
role of the committee.

Contact: Martin Ferguson, Department of Environmental
Quality, 4900 Cox Rd., Glen Allen, VA 23060, telephone
(804) 527-5030.

Virginia Pollution Prevention Advisory Committee

† **June 2, 1994 - 1 p.m.** – Open Meeting
Department of Environmental Quality, Innsbrook Corporate
Center, 4900 Cox Road, Glen Allen, Virginia. ☒

A quarterly meeting. The advisory committee has been
established to assist the Department of Environmental
Quality in its implementation of voluntary pollution
prevention technical assistance throughout the
Commonwealth.

Contact: Sharon K. Baxter, Pollution Prevention Manager,
Department of Environmental Quality, P.O. Box 10009,
Richmond, VA 23240-0009, telephone (804) 762-4344 or
(804) 762-4021/TDD ☎

Work Group on Detection/Quantitation Levels

May 4, 1994 - 1:30 p.m. – Open Meeting
Department of Environmental Quality, Lab Training Room,
Room 111, 4949 Cox Road, Glen Allen, Virginia.

Calendar of Events

The department has established a work group on detection/quantitation levels for pollutants in the regulatory and enforcement programs. The work group will advise the Director of the Department of Environmental Quality. Other meetings of the work group have been scheduled at the same time and location for May 18, June 1, June 15, June 29, July 13, July 27, August 10 and August 24. However, these dates are not firm. Persons interested in the meetings of this work group should confirm the date with the contact person below.

Contact: Alan J. Anthony, Chairman, Department of Environmental Quality, 4900 Cox Road, Glen Allen, VA 23060, telephone (804) 527-5070.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 3, 1994 - 9:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☐

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

BOARD OF GAME AND INLAND FISHERIES

May 4, 1994 - 7 p.m. - Public Hearing
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia.

June 10, 1994 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Game and Inland Fisheries intends to amend regulations entitled: **VR 325-04-2. Motorboat Numbering.** Section 58.1-3511 of the Code of Virginia requires commissioners of revenue to assess for personal property taxation purposes motorboats based on where the boats are "normally garaged, docked, or parked." Currently § 1 of this regulation requires individuals applying for a certificate of number for a motorboat to indicate on the application the "locality of principal use," not where the boats are "normally garaged, docked, or parked." Adoption of this proposed amendment to § 1 of VR 325-04-2 will enable the department to gather the information necessary to report motorboat registration to the commissioners of revenue in conformity with § 58.1-3511.

The Soldier's and Sailor's Civil Relief Act provides certain exemptions from local personal property taxation assessment for individuals who are on active

military duty. The Department of Game and Inland Fisheries does not now ask an individual to indicate military status at the time an application is submitted to register a motorboat. As a result, residents who are eligible for assessment relief are assessed personal property taxes and required to complete additional paperwork at the local level. In rectifying the problem, amending § 5 of VR 325-04-2 will enable the department to provide the commissioners of revenue needed military status information so personal property taxes will not be assessed qualifying individuals. This action will also give the Department of Game and Inland Fisheries necessary authority to require individuals to notify the agency in the event there is a change in military status.

Statutory Authority: § 29.1-701 of the Code of Virginia.

Contact: Mark D. Monson, Chief, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000.

May 19, 1994 - 9 a.m. - Open Meeting

May 20, 1994 - 9 a.m. - Open Meeting

Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☐ (Interpreter for the deaf provided upon request)

The board will meet to discuss whether they should initiate a regulation that will provide for the use of crossbows for hunting by physically impaired individuals on their own property. They will also consider final action that will implement a permit fee schedule in accordance with language included in House Bill 1777 during the 1993 General Assembly session. Other topics of discussion include a review of the agency's audit, a financial status report, review and approval of the agency's capital and operating budgets, and a discussion on legislative proposals for the 1995 General Assembly session. Other general and administrative matters, as necessary, may be discussed and the appropriate action will be taken. The board will hold an executive session.

Please note that the board has changed its meeting procedure. Public comment is now accepted on the first meeting day. If the board completes its announced meeting agenda, they will not meet on May 20, 1994.

Contact: Belle Harding, Secretary to the Director, Board of Game and Inland Fisheries, 4010 W. Broad St., P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000.

BOARD FOR GEOLOGY

May 4, 1994 - 10 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond Virginia. ☐

Calendar of Events

A general board meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† **April 25, 1994 - 10:30 a.m.** – Open Meeting
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general meeting.

Contact: Abria M. Singleton, Executive Secretary, Governor's Job Training Coordinating Council, 4615 W. Broad St., 3rd Floor, Richmond, VA 23230, telephone (804) 367-9816, toll-free 1-800-552-7020 or (804) 367-6283/TDD ☎

DEPARTMENT OF HEALTH (STATE BOARD OF)

† **April 26, 1994 - 9 a.m.** – Open Meeting
State Capitol, House Room 2, Richmond, Virginia. ☎

The agency will receive comments from the public regarding revision to the Virginia Radiation Protection Regulations, VR 355-20-100:1 in response to the Notice of Intended Regulatory Action published in this issue of the Virginia Register. The agency also invites comments relative to the questions stated in the Notice of Intended Regulatory Action.

Contact: Leslie P. Foldesi, Director, Bureau of Radiological Health, 1500 E. Main St., Room 104A, Richmond, VA 23219, telephone (804) 786-5932 or toll-free 1-800-468-0138.

May 6, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia, that the State Board of Health intends to amend regulations entitled: **VR 355-30-109. Virginia State Medical Facilities Plan: Diagnostic Imaging Services.** This amendment revises a part of the Diagnostic Imaging Services of the Virginia State Medical Facilities Plan (SMFP) which provides criteria and standards for the approval of certificate of public need projects involving single photon emission computed tomography (SPECT) services. The purpose of this amendment is to allow for an expedited review of projects which involve the replacement of non-SPECT nuclear medicine imaging equipment with equipment which is capable of SPECT. This amendment to the SMFP is being proposed in

conjunction with recently proposed amendments to the COPN Regulations (VR 355-30-000) which would allow such projects to be considered in accordance with the 45-day expedited review process rather than the standard 120-day batched review process.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Contact: Wendy V. Brown, Project Review Manager, Office of Resources Development, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

April 25, 1994 - 1 p.m. – Public Hearing
Fairfax County Government Center, 1200 Government Center Parkway, Conference Room, Fairfax, Virginia.

April 27, 1994 - 1 p.m. – Public Hearing
Roanoke County Administration Center, 5204 Benard Drive, 2nd Floor Meeting Room, Roanoke, Virginia.

April 28, 1994 - 1 p.m. – Public Hearing
Hampton City Hall, 22 Lincoln Avenue, Council Chambers, 8th Floor, Hampton, Virginia.

April 29, 1994 - 1 p.m. – Public Hearing
Albemarle County Office Building, 401 McIntire Road, 2nd Floor, Room 7, Charlottesville, Virginia.

May 6, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.** The proposed regulations require the owner of a public swimming pool to test and post for public viewing the water quality test results for disinfection residuals, pH, and spa water temperatures.

Statutory Authority: §§ 32.1-12 and 32.1-248.1 of the Code of Virginia.

Contact: John E. Benko, M.P.H., Director, Division of Food and Environmental Services, Office of Environmental Health Services, Suite 115, P.O. Box 2448, Richmond, VA 23219, telephone (804) 786-3559.

April 25, 1994 – 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 Health intends to amend regulations entitled: **VR 355-40-400. Regulations Governing the Virginia Medical**

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Scholarship Program. The regulations set forth eligibility, criteria, award process, terms, conditions, and circumstances under which Virginia medical scholarships will be awarded.

Statutory Authority: §§ 32.1-12, 32.1-122.5, 32.1-122.6 and 32.1-122.6:01 of the Code of Virginia.

Contact: Eula Moore, Director, Office of Primary Care Development, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 786-4891.

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April 25, 1994 – Written comments may be submitted is 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 Health intends to adopt regulations entitled: **VR 355-40-700. Rules and Regulations Governing the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.** The regulations provide an incentive to registered nurses in Virginia to become nurse practitioners or nurse midwives and subsequently provide services in medically underserved areas.

Statutory Authority: §§ 32.1-12, 32.1-122.5 and 32.1-122.6:02 of the Code of Virginia.

Contact: Karen Connelly, Director of Public Health Nursing, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 371-4090 or FAX (804) 371-2911.

April 21, 1994 - 10 a.m. – Open Meeting
Radisson Hotel, 700 Settlers Landing Road, Hampton, Virginia. ☒ (Interpreter for the deaf provided upon request)

10 a.m. - 5 p.m. Work session.
7 p.m. - Informal dinner - Radisson Hotel

Contact: Susan R. Rowland, MPA, Assistant to the Commissioner, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3561.

April 22, 1994 - 9 a.m. – Open Meeting
Hampton City Hall, 22 Lincoln Street, City Council Chambers, Hampton, Virginia. ☒ (Interpreter for the deaf provided upon request)

Business meeting and adjournment.

Contact: Susan R. Rowland, MPA, Assistant to the Commissioner, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3561.

April 25, 1994 - 7 p.m. – Open Meeting
Rappahannock Community College, Warsaw, Virginia. ☒

May 12, 1994 - 7 p.m. – Open Meeting

Thomas Nelson Community College, Newport News, Virginia. ☒

May 16, 1994 - 7 p.m. – Open Meeting
Eastern Shore Community College, Melfa, Virginia. ☒

A meeting to discuss the issue surrounding the potential for repacking of foreign crabmeat in Virginia.

Contact: Robert J. Wittman, Deputy Director, Department of Health, 1500 E. Main St., Suite 109, Richmond, VA 23219, telephone (804) 786-7937.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

April 26, 1994 - 9:30 a.m. – Open Meeting
May 24, 1994 - 9:30 a.m. – Open Meeting
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ☒

A monthly meeting.

Contact: Kim Bolden Walker, Public Relations Coordinator, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

May 10, 1994 - 9:30 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia. ☒

June 14, 1994 - 9 a.m. – Open Meeting
Radford University, Radford, Virginia.

A general business meeting. For more information and a time confirmation, contact the council.

Contact: Anne Pratt, Associate Director, 101 N. 14th Street, 9th Floor, Richmond, VA 23219, telephone (804) 225-2632 or (804) 371-8017/TDD ☎

DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)

April 20, 1994 - 10 a.m. – Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☒

A general business meeting of the board.

Contact: Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

Calendar of Events

State Review Board

April 19, 1994 - 10 a.m. - Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☐

A meeting to consider the following properties for nomination to the National Register of Historic Places.

1. Cedar Hill, Rockbridge County
2. Clifton, Rockbridge County
3. Cuckoo, Louisa County
4. Currie House, Blacksburg, Montgomery County
5. Fort Mattapony, King and Queen County
6. Fredericksburg Town Hall and Market Square, Fredericksburg
7. King-Lancaster-McCoy-Mitchell House, Bristol
8. Maiden Spring, Tazewell County
9. Manassas Industrial School Site, Manassas
10. Mulberry Grove, Rockbridge County
11. Oak Spring Farm, Rockbridge County
12. The Oaks, Christiansburg, Montgomery County
13. Riverview, Port Royal, Caroline County
14. La Riviere, Radford
15. St. John's Episcopal Church, King George County
16. Smithfield, Russell County
17. Townfield, Port Royal, Caroline County

Contact: Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 3, 1994 - 9 a.m. - Open Meeting
June 7, 1994 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☐ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

April 18, 1994 - 7 p.m. - Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☐

Under the provisions of the Code of Virginia the Board of Housing and Community Development will conduct a public hearing to solicit additional public

comment on Sections 310.7, Family Day Homes, and 1010.3, Buildings with One Exit, of VR 394-01-21; Sections 110.6.3, 100.7.3, and 108.6, Family Day Homes, of VR 394-01-22, Section 3205.8, Attendant, of VR 394-01-6 and subsection B of § 2.3, Evidence of Ability and Proficiency, of VR 394-01-2. Written comments may be submitted until April 25, 1994, to Norman R. Crumpton.

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

* * * * *

May 6, 1994 - 1 p.m. - Public Hearing
Department of Housing and Community Development, 501 North 2nd Street, 1st Floor Conference Room, Richmond, Virginia.

May 6, 1994 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-103. Multifamily Loan Program.** These guidelines establish the administrative framework for the Virginia Housing Partnership's Multifamily Loan Program as administered by the Department of Housing and Community Development. The guidelines include the scoring criteria for selecting projects and the terms and conditions under which loans and grants will be available. They amend the guidelines published by the department on September 9, 1991. The guidelines have been changed to establish minimum rehabilitation requirements, allow the department to distribute available funds to more than one application round, specify most likely interest rates, authorize the department to charge a commitment fee, and revise the distribution of scoring points.

Statutory Authority: §§ 36-137 and 36-141 et seq. of the Code of Virginia.

Contact: H. Graham Driver, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7122.

Amusement Device Technical Advisory Committee

† **May 11, 1994 - 10 a.m. - Open Meeting**
The Jackson Center, 501 North 2nd Street, 2nd Floor Conference Room, Richmond, Virginia. ☐

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation, and inspection of amusement devices adopted by the Board of Housing and Community Development.

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Contact: Jack A. Proctor, CPCA, Deputy Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7150 or (804) 371-7089/TDD ☎

State Building Code Technical Review Board

† **April 22, 1994 - 10 a.m.** – Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board will hear administrative appeals concerning building and fire codes and other regulations of the department. The board will also issue interpretations and formalize recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Horge, CPCA, Building Code Supervisor, Code Development Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

April 19, 1994 - 11 a.m. – Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☎

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as deemed 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 McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

COUNCIL ON INFORMATION MANAGEMENT

† **May 24, 1994 - 1:30 p.m.** – Open Meeting
Washington Building, 1100 Bank Street, 9th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting.

Contact: Linda Hening, Administrative Staff Specialist,

Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

April 22, 1994 – Written comments may be submitted this through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to **repeal** regulations entitled: **VR 425-01-81. Regulation Governing the Employment of Minors on Farms, in Gardens and In Orchards** and **adopt** regulations entitled: **VR 425-01/81:1. Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards.** The regulation prohibits the employment of minors under 16 years of age in specified hazardous occupations on farms, in gardens and in orchards. The prohibited occupations include operating a tractor of over 20 PTO horsepower; operating or assisting to operate other heavy equipment such as pickers, combines, mowers, harvesters, bailers, grinders, augers, and tillers; operating or assisting to operate earthmoving equipment, fork-lifts, potato combines, and chain saws; working in enclosed areas occupied by dangerous animals; working from ladders; driving certain vehicles; working inside enclosed areas containing dangerous atmospheres; handling poisonous chemicals; handling blasting agents; and handling anhydrous ammonia.

The regulation exempts children below the age of 16 employed by their parents on their own farms, student learners, students in federal extension service and 4-H tractor and machine operation training programs, and students in vocational agricultural training programs. Agricultural employers are required to maintain basic records on minor employees.

The proposed regulation is drafted to be substantively identical to parallel federal child labor regulations insofar as practicable. It is not identical for the following reasons.

In certain cases regarding hazardous occupations, the Code of Virginia is more stringent than the parallel federal regulation. In these matters the department has no discretion and must comply with Virginia statutory law.

The federal child labor regulations have not been revised for many years. Certain training programs required by federal regulations no longer exist. This proposed regulation would permit the use of equivalent currently available training programs.

Since this proposed regulation will replace the Regulation Governing the Employment of Minors 01

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Farms, in Gardens and in Orchards (VR 425-01-81, effective July 1, 1992), the current regulation is being repealed. The agency filed an emergency regulation on June 30, 1993, which is effective through June 29, 1994.

Statutory Authority: §§ 40.1-6(3) and 40.1-100(A)(9) of the Code of Virginia.

Contact: John J. Crisanti, Director, Enforcement Policy, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

Virginia Safety and Health Codes Board

April 22, 1994 – 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 Safety and Health Codes Board intends to repeal regulations entitled: **VR 425-02-11. VOSH Administrative Regulations Manual**. The VOSH Administrative Regulations Manual provides an operational framework of rules and procedures for the administration of the Virginia Occupational Safety and Health Program. Some amendments have been made to the regulation since its initial adoption in 1986. A complete revision of the regulation which will simplify and clarify the language of the administrative manual is being proposed as a new regulation. This regulation will no longer be necessary and is being repealed.

Statutory Authority: §§ 40.1-6 and 40.1-22 of the Code of Virginia.

Contact: John J. Crisanti, Director, Enforcement Policy, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

April 25, 1994 - 10 a.m. – Open Meeting

General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The tentative agenda items for consideration by the board include:

1. Standard for Cadmium in Shipyard Employment, 1915.1027, and Standard for Cadmium in Construction, 1926.1127; Corrections and Technical Amendments.
2. Electric Power Generation, Transmission and Distribution, 1910.269.
3. Final Administrative Regulation for the Virginia Occupational Safety and Health Program, VR 425-02-95.
4. Final public participation guidelines for the Safety and Health Codes Board, VR 425-02-101.

5. Repeal of former VOSH Administrative Regulations Manual, VR 425-02-11.

6. Repeal of former public participation guidelines for Safety and Health Codes Board, VR 425-02-68.

Contact: John J. Crisanti, Director, Environmental Policy, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2384.

DEPARTMENT OF LABOR AND INDUSTRY; SAFETY AND HEALTH CODES BOARD; APPRENTICESHIP COUNCIL

April 22, 1994 – 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 Safety Health Codes Board; Apprenticeship Council intends to repeal regulations entitled: **VR 425-01-68. Public Participation Guidelines**. Public Participation Guidelines were adopted by the Department of Labor and Industry, the Safety and Health Codes Board, and the Apprenticeship Council on September 19, 1984. Emergency Public Participation Guidelines which included the additional provisions required by legislation enacted by the 1993 General Assembly were adopted by the department, board and council prior to July, 1993 and are in effect until June 19, 1994. New guidelines for the department, the Safety and Health Codes Board and the Apprenticeship Council are being promulgated. Therefore, when the new guidelines are adopted, this regulation will no longer be necessary and is being repealed.

Statutory Authority: §§ 9-6.14:7.1 and 40.1-6 of the Code of Virginia.

Contact: Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

LIBRARY BOARD

May 9, 1994 - 10:30 a.m. – Open Meeting

Virginia State Library and Archives, 3rd Floor, Supreme Court Room, 11th Street at Capitol Square, 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 Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

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Archives and Records Management Committee

May 9, 1994 - 9 a.m. – Open Meeting
Virginia State Library and Archives, Office of the State Archivist, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to archives and records management.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Automation and Networking Committee

May 9, 1994 - 9:45 a.m. – Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, Room 4-24, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to automation and networking as they relate to the Virginia State Library Board.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Executive Committee

May 9, 1994 - 8 a.m. – Open Meeting
Virginia State Library and Archives, Office of the State Librarian, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean H. Taylor, Secretary to the State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

General Library Committee

May 9, 1994 - 9 a.m. – Open Meeting
Virginia State Library and Archives, Office of the Director of the General Library Division, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to the General Library Division as they relate to the Virginia State Library Board.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Legislative and Finance Committee

May 9, 1994 - 9:45 a.m. – Open Meeting
Virginia State Library and Archives, Conference Room B,

11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to legislative and financial matters as they relate to the Virginia State Library Board.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Public Library Development Committee

May 9, 1994 - 9 a.m. – Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, Room 4-24, Richmond, Virginia. ☒

A meeting to discuss the issues on the agenda for the Library Board to be held later that morning.

Contact: Tony Yankus, Director, Library Development, 11th Street at Capitol Square, Richmond, VA 23219-3491, telephone (804) 786-2320, toll-free 1-800-336-5266 or (804) 786-3618/TDD ☎

Publications and Cultural Affairs Committee

† **May 9, 1994 - 9:45 a.m.** – Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, Office of the Publications Division Director, Richmond, Virginia.

A meeting to discuss matters pertaining to the committee.

Contact: Jean H. Taylor, Secretary to the State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

STATE COUNCIL ON LOCAL DEBT

April 20, 1994 - 11 a.m. – Open Meeting
James Monroe Building, 101 N. 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regularly scheduled meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the 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 1879, Richmond, VA 23215, telephone (804) 225-4928.

STATE LOTTERY BOARD

April 25, 1994 - 10 a.m. – Open Meeting
† **May 23, 1994 - 10 a.m.** – Open Meeting

State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which have 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 ☎

ADVISORY COMMITTEE ON MAPPING, SURVEYING AND LAND INFORMATION SYSTEMS

† **May 5, 1994 - 10 a.m.** – Open Meeting
Washington Building, 1100 Bank Street, 9th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting.

Contact: Chuck Tyger, Computer Systems Chief Engineer, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

MARINE RESOURCES COMMISSION

April 26, 1994 - 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 sand dunes and beaches; appeals of local wetland board decisions; and 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; and 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)

May 4, 1994 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.1923. Methods and Standards for Establishing Payment Rates - Other Types of Care: Establishment of Rate Per Visit.** This action permits additional comment on clarifying language the agency determines is necessary in the permanent regulations. Permanent regulations are required to supersede existing emergency regulations which were adopted pursuant to a 1993 General Assembly mandate. The regulations provide for the fee-for-service reimbursement of home health agencies.

The section of the State Plan for Medical Assistance affected by this action is Supplement 3 to Attachment 4.19 B, Methods and Standards for Establishing Payment Rates - Other Types of Care, Establishment of Rate Per Visit (VR 460-03-4.1923).

The 1993 General Assembly, in the Appropriations Act (Item 313.P), directed the Board of Medical Assistance Services to adopt revised regulations governing home health agency reimbursement methodologies, effective July 1, 1993, that would (i) eliminate the distinction between urban and rural peer groups; (ii) utilize the weighted median cost per service from 1989 for freestanding agencies as a basis for establishing rates; and (iii) reimburse hospital-based home health agencies at the rate set for freestanding home health agencies. The General Assembly also required that the adopted regulations comply with federal regulations regarding access to care. In addition, the Joint Legislative Audit and Review Commission (JLARC) recommended that a revision be made to the existing statistical methodology.

After the close of the comment period on the proposed regulations, DMAS determined that clarifying language was needed to indicate clearly that Department of Health home health agencies' rates will continue to be determined by using data from its own cost report. Without the clarifying sentence at § 3 B, it might be interpreted that these agencies, which occupy their own unique peer group, were to use data from proprietary freestanding agencies' cost reports.

DMAS' originally proposed regulations were published in the December 27, 1993, Virginia Register for their public comment period from December 28, 1993, to February 25, 1994. No comments were received. Review by the Department of Planning and Budget indicates no objections to the changes. Since the agency has determined that further clarifying changes are needed over those which were originally proposed,

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it is seeking an additional 30-day period of public comment. There is no fiscal impact for the suggested clarifying language.

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

Written comments may be submitted until May 4, 1994, to Richard Weinstein, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

BOARD OF MEDICINE

May 23, 1994 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.** The purpose of the proposed amendments is to further specify current statutes pertaining to limited licenses and intern and resident licenses, provide standardized reference to schools not approved by an accrediting agency recognized by the board, and respecify examination fees for the Podiatric Medical Licensure Examination (PMLEXIS).

Statutory Authority: §§ 54.1-2400, 54.1-2935, 54.1-2936, 54.1-2937, and 54.1-2961 of the Code of Virginia.

Written comments may be submitted until May 23, 1994, to Hilary H. Connor, M.D., Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717.

Contact: Russell Porter, Assistant Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-7197/TDD ☎

† **June 9, 1994 - 9 a.m.** – Open Meeting

† **June 10, 1994 - 9 a.m.** – Open Meeting

† **June 11, 1994 - 9 a.m.** – Open Meeting

† **June 12, 1994 - 9 a.m.** – Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1, 2, 3 and 4, Richmond, Virginia. ☒

A meeting to conduct general board business, receive committee and board reports, review reports, interview licensees, make decisions on disciplinary matters, and discuss any other items which may come before the board. The board will also review any regulations that

may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

Contact: Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Credentials Committee

† **June 10, 1994 - 2 p.m.** – Open Meeting

† **June 11, 1994 - 8:15 a.m.** – Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☒

The 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 to 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, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Informal Conference Committee

April 22, 1994 - 1:30 p.m. – Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☒

† **May 5, 1994 - 9:30 a.m.** – Open Meeting

Holiday Inn, North I-95 and Route 17, Falmouth, 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, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

Legislative Committee

April 22, 1994 - 10 a.m. – Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will meet to review VR 465-02-1, § 4.2., Licensure to Practice Acupuncture and amend the definition of practice; review VR 465-06-1, § 3.1. A tt

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amend educational qualifications; develop a position on testing by the National Board of Podiatry for test score; review and respond to new amendments to the Medical Practice Act passed by the General Assembly; discuss patient management by electronics; and discuss such other items that may be presented to the committee. The chairman will entertain public comments following the adoption of the agenda for 10 minutes on any agenda items.

Contact: Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☐

Advisory Committee on Physician's Assistant

April 22, 1994 - 2 p.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, Board Room 4, Richmond, Virginia. ☐ (Interpreter for the deaf provided upon request)

The committee will meet to (i) review the new amendments to the regulations governing prescribing pharmaceutical agents and the process for inclusion in the protocol; (ii) conduct a review of the definitions of supervision; (iii) review the list of schools which meet the requirements for pharmacology; and (iv) conduct such other business which may come before the committee. The chairman will entertain public comments following the adoption of the agenda for 10 minutes on agenda items.

Contact: Eugenia K. Dorson, Deputy Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☐

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

State Human Rights Committee

April 22, 1994 - 9 a.m. - Open Meeting
Prince William Hospital Center for Psychiatric and Addiction Treatment, 8700 Sudley Road, Route 234, Manassas, Virginia. ☐

A meeting to discuss public and private business relating to the issues of human rights within Department of Mental Health, Mental Retardation and Substance Abuse Services facilities and licensed community programs.

Contact: Elsie D. Little, Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 27, 1994 - 10 a.m. - Open Meeting
Valley Community Services Board, Staunton, Virginia. ☐

A regular monthly meeting. Agenda to be published on April 20. Agenda can be obtained by calling Jane Helfrich.

Tuesday	Informal session	8 p.m.
Wednesday	Committee meetings	9 a.m.
	Regular session	10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

May 18, 1994 - 8:30 a.m. - Open Meeting
Virginia Military Institute, Smith Hall, Lexington, Virginia. ☐

Finals meeting of the VMI Board of Visitors, and a regular meeting to receive committee reports; approve awards, distinctions and diplomas; discuss personnel changes; and elect president pro tem.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206.

STATE MILK COMMISSION

April 20, 1994 - 10:30 a.m. - Open Meeting
200-202 North 9th Street, Suite 1015, Richmond, Virginia. ☐ (Interpreter for the deaf provided upon request)

A regular meeting to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, fiscal matters, and to receive reports from staff of the Milk Commission. The commission may consider other matters pertaining to their responsibilities. Any person who needs accommodation in order to participate at this meeting should contact Edward C. Wilson, Jr., Deputy Administrator, at least five days prior to the meeting date so that suitable arrangements can be made for any appropriate accommodations.

Contact: Edward C. Wilson, Jr., Deputy Administrator, Milk Commission, 200-202 N. 9th St., Suite 1015, Richmond, VA

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23219-3402, telephone (804) 786-2013 or (804) 786-2013/TDD ☎

An informal discussion about potential Virginia Museum of Natural History projects.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Board of Examiners

May 6, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy's Board of Examiners intends to adopt regulations entitled: **VR 480-04-2. Board of Examiners Certification Regulations.** The purpose of the proposed regulation is to set forth requirements for certification of persons performing specialized tasks in mining.

Statutory Authority: § 45.1-12 of the Code of Virginia.

Contact: Harry Childress, Chief, Division of Mines, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (703) 523-8100.

DEPARTMENT OF MOTOR VEHICLES

April 22, 1994 - 9 a.m. – Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.

April 22, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to amend regulations entitled: **VR 485-10-9101. Public Participation Guidelines for Regulation Development and Promulgation.** The proposed amendments revise the existing regulations in accordance with the legislative changes made to the Administrative Process Act in 1993.

Statutory Authority: §§ 9-6.14:7.1 and 46.2-203 of the Code of Virginia.

Contact: Marc Copeland, Legislative Analyst, Department of Motor Vehicles, P. O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-1875.

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

April 29, 1994 - 7:30 – Open Meeting
Cavalier Hotel, Oceanfront at 42nd Street, Virginia Beach, Virginia. ☒

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8616 or (703) 666-8638/TDD ☎

April 30, 1994 - 9 a.m. – Open Meeting
Cavalier Hotel, Oceanfront at 42nd Street, Virginia Beach, Virginia. ☒

A meeting to include reports from the executive, finance, marketing, outreach, personnel, planning/facilities, and research and collections committees. Public comment will be received following approval of the minutes of the January meeting.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8616 or (703) 666-8638/TDD ☎

BOARD OF NURSING

May 20, 1994 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to adopt regulations entitled: **VR 495-04-1. Public Participation Guidelines.** These regulations replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1, 54.1-2400 and 54.1-3005 of the Code of Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

Special Conference Committee

† **April 25, 1994 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

The committee will conduct informal conferences with licensees to determine what, if any, action should be recommended to the Board of Nursing. Public comment will not be received.

Contact: M. Teresa Mullin, R.N., Assistant Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

Calendar of Events

BOARD OF NURSING HOME ADMINISTRATORS

April 27, 1994 - 9:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. ☒

A regularly scheduled meeting.

Contact: Meredyth P. Partridge, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

BOARD OF OPTOMETRY

April 22, 1994 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to adopt regulations entitled: **VR 510-01-2. Public Participation Guidelines.** These regulations will replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1, 54.1-2400 and 54.1-3200 et seq. of the Code of Virginia.

Written comments may be submitted through April 22, 1994, to Carol Stamey, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: Elizabeth A. Carter, Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910.

BOARD OF PHARMACY

April 13, 1994 - 9 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor Conference Room, Room 2, Richmond, Virginia.
☒

Formal hearings, board meeting, and board to adopt final public participation guidelines (VR 530-01-3). This is a public meeting and there will be a 15-minute public comment period from 9 a.m. to 9:15 a.m.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

April 18, 1994 - 10 a.m. - Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the board. Agenda items include discussion of 1994 legislative session, upcoming studies by the board, and program review.

Contact: Joyce K. Brown, Secretary to the Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or (804) 367-9753/TDD ☎

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ADVISORY COUNCIL

April 21, 1994 - 9 a.m. - Open Meeting
Shoney's Inn, 7007 West Broad Street, Conference Room,
Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular bi-monthly meeting. Time is provided for public comment at the start of the meeting.

Contact: Kenneth Shores, Department for Rights of Virginians with Disabilities, Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042/TDD ☎

REAL ESTATE APPRAISER BOARD

April 19, 1994 - 10 a.m. - Open Meeting
June 7, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2039.

Complaints Committee

May 25, 1994 - 10 a.m. - Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to review complaints.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2039.

REAL ESTATE BOARD

† **April 28, 1994 - 9 a.m. - Open Meeting**

Calendar of Events

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular business meeting of the board to include review of investigative matters, consideration of applications, various requests to the board for information, discussion of proposed fee analysis by the department, etc.

Contact: Joan L. White, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

BOARD OF REHABILITATIVE SERVICES

† **April 28, 1994 - 10 a.m.** – Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.

A regular monthly business meeting.

Contact: Susan L. Urofsky, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019 (voice or TDD) or (804) 662-9040/TDD ☎

DEPARTMENT OF REHABILITATIVE SERVICES

April 18, 1994 - 2:30 p.m. – Public Hearing
Department of Rehabilitative Services Tidewater Regional Office, 5365 Robin Hood Road, Suite G, Norfolk, Virginia. ☒

A public hearing opportunity for people with disabilities and other interested individuals, groups and organizations to help develop the 1995 state plans for vocational rehabilitation supported employment and independent living services. Written comments will be accepted through April 22, 1994, at the address below, or comments may be phoned in to 1-800-552-5019 (voice or TDD) from 2:30-7 p.m. on the day of the hearing. A sign language interpreter will be provided.

Contact: Bernard Woodard, Human Services Manager, Department of Rehabilitative Services, Tidewater Regional Office, 5365 Robin Hood Rd., Suite G, Norfolk, VA 23513, telephone (804) 858-6763 or toll-free 1-800-552-5019/TDD ☎

April 22, 1994 - 2:30 p.m. – Public Hearing
Department of Rehabilitative Services, 5904 Old Richmond Highway, Suite 400, Alexandria, Virginia. ☒

A public hearing opportunity for people with disabilities and other interested individuals, groups and organizations to help develop the 1995 state plans for vocational rehabilitation supported employment and independent living services. Written comments will be accepted through April 22, 1994, at the address below,

or comments may be phoned in to 1-800-552-5019 (voice or TDD) from 2:30-7 p.m. on the day of the hearing. A sign language interpreter will be provided.

Contact: Robert Krollman, Program Supervisor, Department of Rehabilitative Services, 5904 Old Richmond Highway, Suite 400, Alexandria, VA 22303, telephone (703) 569-4303 or toll-free 1-800-552-5019/TDD ☎

VIRGINIA RESOURCES AUTHORITY

May 10, 1994 - 9:30 a.m. – Open Meeting
The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

A meeting to (i) approve minutes of the meeting of April 12, 1994; (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., Virginia Resources Authority, 909 East Main Street, Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

SEWAGE HANDLING AND DISPOSAL ADVISORY COMMITTEE

April 21, 1994 - 10 a.m. – Open Meeting
Main Street Station, 1500 East Main Street, Suite 115, Richmond, Virginia.

A regular meeting.

Contact: Hazel L.J. Sanon, Secretary, 1500 E. Main St., Main St. Station, Suite 115, Richmond, VA 23219, telephone (804) 786-1750.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

April 20, 1994 - 10 a.m. – Open Meeting
County of Henrico Administration Building, 4301 East Parham Road, Board of Supervisors Board Room, Richmond, Virginia.

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems 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, P.O. Box 2448, Richmond, VA/23218, telephone (804) 786-1750.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

April 22, 1994 - 10 a.m. - Public Hearing
Department of Social Services, 730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: VR 615-08-1. Virginia Energy Assistance Program.

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

Written comments may be submitted until May 6, 1994, to Charlene H. Chapman, Program Manager, Energy and Emergency Assistance, 730 East Broad Street, 7th Floor, Richmond, Virginia.

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

† May 10, 1994 - 5:30 p.m. - Public Hearing
State Capitol, House Room 4, Richmond, Virginia.

† June 17, 1994 - 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 615-25-01:1. Minimum Standards for Licensed Family Day Homes.

Statutory Authority: §§ 63.1-196 and 63.1-202 of the Code of Virginia.

Written comments may be submitted through June 17, 1994, 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.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF) AND CHILD DAY-CARE COUNCIL

May 21, 1994 - 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 and Child Day-Care Council intend to amend regulations entitled: VR 615-30-01 and VR 175-03-01. General Procedures and Information for Licensure.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until May 21, 1994, to Kathryn Thomas, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219.

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

May 21, 1994 - 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 and Child Day-Care Council intend to adopt regulations entitled: VR 615-26-01 and VR 175-11-01. Standards and Regulations for Licensed Child Day Center Systems.

Statutory Authority: § 63.1-196.01:1 of the Code of Virginia.

Written comments may be submitted until May 21, 1994, to Kathryn Thomas, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219.

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

TRANSPORTATION SAFETY BOARD

† June 6, 1994 - 9:30 a.m. - Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ☐

Calendar of Events

A quarterly meeting to discuss new transportation safety legislation.

Contact: Bill Dennis, Executive Assistant, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2666.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

April 19, 1994 - 10 a.m. – Public Hearing
Tappahannock/Essex Fire Department, Route 627 (0.4 mile west of Route 17), Tappahannock, Virginia. ☒ (Interpreter for the deaf provided upon request)

Fredericksburg district preallocation hearing. A public hearing to receive comments on highway allocations for the upcoming year, and on updating the Six-Year Improvement Program for the interstate, primary, and urban systems, as well as mass transit.

Contact: Claude D. Garver, Jr., Assistant Commissioner of Programming and Planning, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-1476 or (804) 786-4410/TDD ☎

April 20, 1994 - 2 p.m. – Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

April 21, 1994 - 10 a.m. – Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting, on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

April 22, 1994 - 10 a.m. – Public Hearing

Fairfax City Hall, Fairfax, Virginia. ☒ (Interpreter for the deaf provided upon request)

Northern Virginia district preallocation hearing. A public hearing to receive comments on highway allocations for the upcoming year, and on updating the Six-Year Improvement Program for the interstate, primary, and urban systems, as well as mass transit.

Contact: Claude D. Garver, Jr., Assistant Commissioner of Programming and Planning, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-1476 or (804) 786-4410/TDD ☎

June 9, 1994 - 2 p.m. – Public Hearing
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Final allocation hearing for the eastern districts. Final hearing to receive comments on highway allocations for the upcoming year, and on updating the Six-Year Improvement Program for the interstate, primary, and urban systems, as well as mass transit for the Richmond, Fredericksburg, Suffolk, Culpeper and Northern Virginia districts.

Contact: Claude D. Garver, Jr., Assistant Commissioner of Programming and Planning, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-1476 or (804) 786-4410/TDD ☎

June 9, 1994 - 9 a.m. – Public Hearing
Salem District Office, Harrison Avenue, Salem, Virginia. ☒ (Interpreter for the deaf provided upon request)

Final allocation hearing for the western districts. Final hearing to receive comments on highway allocations for the upcoming year, and on updating the Six-Year Improvement Program for the interstate, primary, and urban systems, as well as mass transit for Bristol, Salem, Lynchburg and Staunton districts.

Contact: Claude D. Garver, Jr., Assistant Commissioner of Programming and Planning, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-1476 or (804) 786-4410/TDD ☎

DEPARTMENT OF THE TREASURY (TREASURY BOARD)

April 20, 1994 - 9 a.m. – Open Meeting
James Monroe Building, 101 N. 14th St., 3rd Floor Board Room, Richmond, Virginia.

A regular meeting of the board.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, 101 N. 14th Street, 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA VETERANS CARE CENTER

Board of Trustees

† **April 29, 1994 - 2 p.m.** – Open Meeting
Virginia Veterans Care Center, 4550 Shenandoah Avenue,
Roanoke, Virginia. ☒

A meeting to review the operations of the Virginia
Veterans Care Center.

Contact: John T. Plichta, Executive Director, Virginia
Veterans Care Center, P.O. Box 6334, Roanoke, VA 24017,
telephone (804) 857-6974, toll-free 1-800-220-8387 or (804)
342-8810/TDD ☎

BOARD OF VETERINARY MEDICINE

† **April 21, 1994 - 8:30 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

A board meeting and a brief meeting to adopt
proposed public participation guidelines. Informal
conferences will be conducted. Public comment will
not be received.

Contact: Terri H. Behr, Administrative Assistant, Board of
Veterinary Medicine, 6606 W. Broad St., 4th Floor,
Richmond, VA 23230, telephone (804) 662-9915 or (804)
662-7197/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

April 30, 1994 - 10 a.m. – Open Meeting
Virginia Rehabilitation Center for the Blind, 401 Azalea
Avenue, Richmond, Virginia. ☒

A quarterly meeting to advise the Virginia Board for
the Visually Handicapped on matters related to
services for blind and visually impaired citizens of the
Commonwealth. A portion of this meeting will be
conducted jointly with the Board for the Visually
Handicapped.

Contact: Barbara G. Tyson, Executive Secretary Senior,
397 Azalea Ave., Richmond, VA 23227, telephone (804)
371-3140, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☎

Vocational Rehabilitation Advisory Council

† **May 14, 1994 - 10 a.m.** – Open Meeting
Department for the Visually Handicapped, Administrative
Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

A quarterly meeting to advise the Department for the
Visually Handicapped on matters related to vocational
rehabilitation services for the blind and visually
impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation
Program Specialist, Department for the Visually
Handicapped, 397 Azalea Ave., Richmond, VA 23227,
telephone (804) 371-3140, toll-free 1-800-662-2155 or (804)
371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

† **May 20, 1994 - 10 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia.

A hearing to consider the proposed adoption and
issuance of revisions to the Virginia Voluntary
Formulary. The proposed revisions to the formulary
add and delete drugs and drug products to the
formulary that became effective on February 17, 1993,
and the most recent supplement to that formulary.
Copies of the proposed revisions to the formulary are
available for inspection at the Virginia Department of
Health, Bureau of Pharmacy Services. Written
comments sent to this address and received prior to 5
p.m. on May 20, 1994, will be made a part of the
hearing record.

Contact: James K. Thompson, Bureau of Pharmacy
Services, Department of Health, 109 Governor St., Room B
1-9, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

† **May 9, 1994 - 10 a.m.** – Open Meeting
Department of Environmental Quality, Innsbrook Corporate
Center, 4900 Cox Road, Glen Allen, Virginia.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental
Quality, 629 E. Main St., Richmond, VA 23240, telephone
(804) 762-4378.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **May 17, 1994 - 9 a.m.** – Open Meeting
† **May 18, 1994 - 9 a.m.** – Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 3, Richmond,
Virginia. ☒

A general meeting.

Contact: David E. Dick, Assistant Director, Department of

Calendar of Events

Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

Contact: Patricia Schwab, Committee Clerk, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-5742 or (804) 786-5742/TDD ☎

COLLEGE OF WILLIAM AND MARY

Board of Visitors

† **April 28, 1994 - 2:30 p.m.** – Open Meeting

† **April 29, 1994 - 8 a.m.** – Open Meeting

College of William and Mary, Blow Memorial Hall, Richmond Road, Williamsburg, Virginia.

A regularly scheduled meeting of the Board of Visitors to approve the budgets and fees of the college and Richard Bland College, to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals and/or organizations who request it.

Contact: William N. Walker, Director, Office of University Relations, College of William and Mary, James Blair Hall, Room 308B, P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (804) 221-2630.

LEGISLATIVE

CHESAPEAKE BAY COMMISSION

† **May 5, 1994 - 1 p.m.** – Open Meeting

Chincoteague National Wildlife Refuge, Chincoteague Island, Virginia.

† **May 6, 1994 - 9:15 a.m.** – Open Meeting

Fire Hall, Chincoteague, Virginia.

A quarterly meeting. Topics on the agenda include waterfowl resources in the region, CBC's Forest Policy, Economics Conference of 1995, and ballast water management project.

Contact: Ann Pesiri Swanson, Chesapeake Bay Commission, 60 West St., Suite 200, Annapolis, MD 21401, telephone (410) 263-3420.

SUBCOMMITTEE ON STORMWATER MANAGEMENT

† **May 17, 1994 - 10 a.m.** – Open Meeting

General Assembly Building, 910 Capitol Square, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

An open meeting. SJR 44 (1994)

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

† **April 21, 1994 - 10 a.m.** – Open Meeting

General Assembly Building, 910 Capitol Square, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ☎

The third scheduled meeting for 1993-94.

Contact: William T. McCollum, Executive Director, 701 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 18

Alcoholic Beverage Control Board

April 19

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Historic Resources, Department of
- State Review Board
Professional and Occupational Regulation, Board for
Real Estate Appraiser Board
Virginia Housing Development Authority

April 20

Chesapeake Bay Local Assistance Board
- Central Area Review Committee
Emergency Planning Committee, Local - Henrico
Historic Resources, Board of
Local Debt, State Council on
Milk Commission, State
Sewage Handling and Disposal Appeals Review Board
† Telecommunications Relay Service Advisory Board
Transportation Board, Commonwealth
Treasury Board

April 21

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
Health, State Board of
Protection and Advocacy for Individuals with Mental
Illness Advisory Council
Sewage Handling and Disposal Advisory Committee
Transportation Board, Commonwealth
† Veterinary Medicine, Board of
† Virginia Alcohol Safety Action Program, Commission

Calendar of Events

on

April 22

Health, State Board of
† Housing and Community Development, Department of
of
- State Building Code Technical Review Board
Medicine, Board of
- Legislative Committee
- Advisory Committee on Physician's Assistants
- Informal Conference Committee
Mental Health, Mental Retardation and Substance Abuse Services, Department of

April 25

Accountancy, Board for
† Governor's Job Training Coordinating Council
Health, Department of
- Division of Shellfish Sanitation
Labor and Industry, Department of
- Safety and Health Codes Board
Lottery Board, State
† Nursing, Board of
- Special Conference Committee

April 26

Accountancy, Board for
† Health, Department of
Health Services Cost Review Council, Virginia
Marine Resources Commission

April 27

Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
Emergency Planning Committee, Local - Gloucester
Mental Health, Mental Retardation and Substances Abuse Services, State Board
Nursing Home Administrators, Board of

April 28

† Real Estate Board
† Rehabilitative Services, Board of
† William and Mary, College of
- Board of Visitors

April 29

Museum of Natural History, Virginia
- Board of Trustees
† Virginia Veterans Care Center
- Board of Trustees

April 30

Museum of Natural History, Virginia
- Board of Trustees
Visually Handicapped, Department for the
- Advisory Committee on Services

May 3

Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council

May 4

Deaf and Hard-of-Hearing, Department for the
- Advisory Board
Environmental Quality, Department of
- Work Group on Detection/Quantitation Levels
Geology, Board for

May 5

† Chesapeake Bay Commission
Emergency Planning Committee, Local - Chesterfield County
† Mapping, Surveying and Land Information Systems, Advisory Committee on
† Medicine, Board of
- Informal Conference Committee

May 9

Cosmetology, Board for
Library Board, Virginia State
- Archives and Records Management Committee
- Automation and Networking Committee
- Executive Committee
- General Library Committee
- Legislative and Finance Committee
- Public Library Development Committee
- Publications and Cultural Affairs Committee
† Waste Management Board, Virginia

May 10

† Elections, State Board of
Higher Education, State Council of
Virginia Resources Authority

May 11

† Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee

May 12

Audiology and Speech-Language Pathology, Board of
Health, Department of
- Division of Shellfish Sanitation

May 14

† Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

May 16

Health, Department of
- Division of Shellfish Sanitation

May 17

† Auctioneers Board
† Stormwater Management, Subcommittee on
† Waste Management Facility Operators, Board for

May 18

Agriculture and Consumer Services, Board of
Chesapeake Bay Local Assistance Board
- Central Area Review Committee
† Community Colleges, State Board for
† Environmental Quality, Department of

Calendar of Events

Virginia Military Institute
- Board of Visitors
† Waste Management Facility Operators, Board for

May 19

† Community Colleges, State Board for
Game and Inland Fisheries, Board of

May 20

Game and Inland Fisheries, Board of

May 23

† Lottery Board, State

May 24

Health Services Cost Review Council, Virginia
† Information Management, Council on

May 25

Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
Real Estate Appraiser Board
- Complaints Committee

May 26

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee

June 2

† Emergency Planning Committee, Local - Chesterfield
County
† Pollution Prevention Advisory Committee, Virginia

June 6

† Transportation Safety Board

June 7

Hopewell Industrial Safety Council
Real Estate Appraiser Board

June 9

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
† Medicine, Board of

June 10

† Medicine, Board of
- Credentials Committee

June 11

† Medicine, Board of

June 12

† Medicine, Board of

June 14

Higher Education, State Council of

June 16

Chesapeake Bay Local Assistance Board
- Central Area Review Committee

June 22

Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

PUBLIC HEARINGS

April 18

Housing and Community Development, Board of
Rehabilitative Services, Department of

April 19

Transportation, Department of

April 22

Motor Vehicles, Department of
Rehabilitative Services, Department of
Social Services, Department of
Transportation, Department of

April 25

Education, State Board of
Health, Department of

April 27

Health, Department of

April 28

† Environmental Quality, Department of
Health, Department of

April 29

Health, Department of

May 3

† Environmental Quality, Department of

May 4

Game and Inland Fisheries, Board of

May 6

Housing and Community Development, Board of

May 10

† Social Services, Department of

May 11

Corrections, Board of

May 20

† Virginia Voluntary Formulary Board

June 9

Transportation, Department of

June 10

Criminal Justice Services, Department of