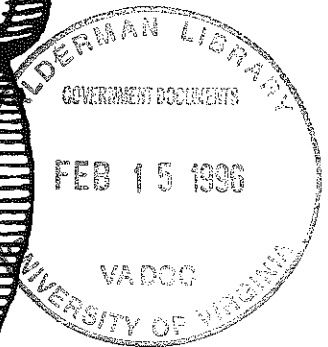
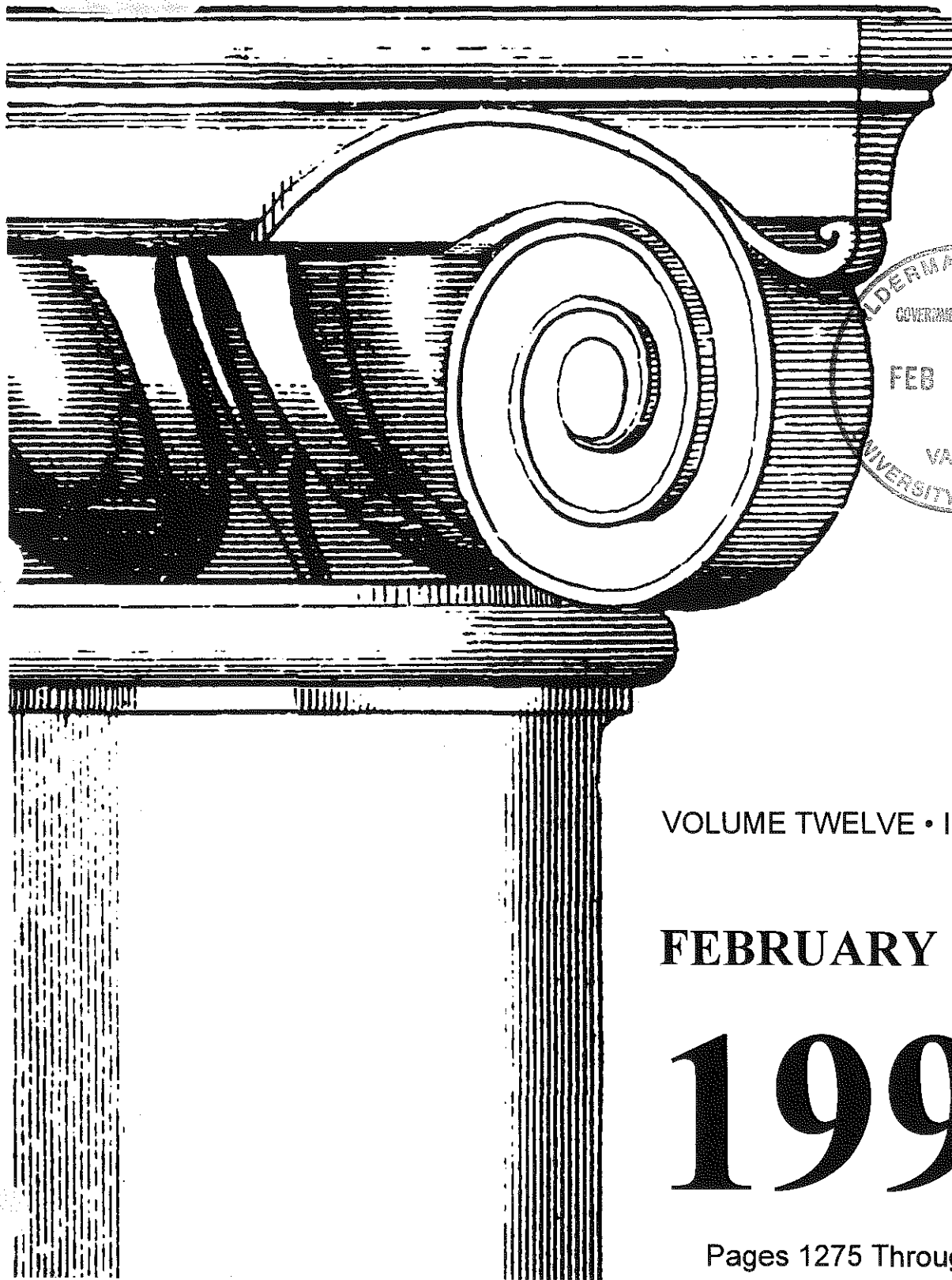


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# THE VIRGINIA REGISTER

VA  
DOC

OF REGULATIONS



VOLUME TWELVE • ISSUE TEN

FEBRUARY 5, 1996

# 1996

Pages 1275 Through 1372

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in *The Virginia Register of Regulations*. In addition, the *Virginia Register* is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the *Virginia Tax Bulletin* issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

#### ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration

of the 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

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

#### EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

#### STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14.7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

#### CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 VA.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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**Members of the Virginia Code Commission:** Joseph V. Gartlan, Jr., Chairman; W. Tayloe Murphy, Jr., Vice Chairman; Russell M. Carneal; Bernard S. Cohen; Frank S. Ferguson; E. M. Miller, Jr.; William F. Parkerson, Jr.; Jackson E. Reasor, Jr.; James B. Wilkinson.

**Staff of the Virginia Register:** E. M. Miller, Jr., Acting Registrar of Regulations; Jane D. Chaffin, Assistant Registrar of Regulations.

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By Noon Wednesday**

**Will Be Published On**

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February 28, 1996

February 5, 1996  
February 19, 1996  
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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

† Indicates entries since last publication of the *Virginia Register*

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## STATE AIR POLLUTION CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution (New Source Review Permits)**. The purpose of the proposed action is make the provisions of the regulation consistent with current federal requirements and the state objectives for the permit program.

Public Meeting: A public meeting will be held by the department in the Training Room, First Floor, Department of Environmental Quality, 629 E. Main Street, Richmond, Virginia, at 9 a.m. on Thursday, February 8, 1996, 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.

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 4:30 p.m. on Friday, February 9, 1996, 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. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

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 amendments drafted pursuant to this notice.

Need: The contemplated regulation is essential to protect the health, safety or welfare of citizens. The reasoning for this conclusion is set forth below.

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

The NAAQS, developed and promulgated by the U.S. Environmental Protection Agency (EPA), establish the maximum limits of pollutants that are permitted in the outside ambient air. EPA requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e., attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the

state will maintain the air pollution concentrations at the reduced levels (i.e., maintenance).

A state implementation plan is the key to the air quality programs. The Clean Air Act is specific concerning the elements required for an acceptable SIP. If a state does not prepare such a plan, or EPA does not approve a submitted plan, then EPA itself is empowered to take the necessary actions to attain and maintain the air quality standards - that is, it would have to promulgate and implement an air quality plan for that state. EPA is also, by law, required to impose sanctions in cases where there is no approved plan or the plan is not being implemented, the sanctions consisting of loss of federal funds for highways and other projects and/or more restrictive requirements for new industry. Generally, the plan is revised, as needed, based upon changes in the Federal Clean Air Act and its requirements.

The basic approach to developing a SIP is to examine air quality across the state, delineate areas where air quality needs improvement, determine the degree of improvement necessary, inventory the sources contributing to the problem, develop a control strategy to reduce emissions from contributing sources enough to bring about attainment of the air quality standards, implement the strategy, and take the steps necessary to ensure that the air quality standards are not violated in the future.

The heart of the SIP is the control strategy. The control strategy describes the emission reduction measures to be used by the state to attain the air quality standards. Once the air quality standard is attained, the agency must have a program to continuously monitor air quality to ensure that it meets the standards. The agency must also have a means to monitor compliance by sources, to prevent the construction of a new or modified source if it will cause a violation of the air quality standards, and to take action as necessary to prevent air pollution levels in the air from creating an emergency condition. In addition, development and enforcement of regulations under the SIP must be continually pursued, as well as development of new plan revisions as federal laws and regulations change.

Most of the agency's regulations are designed to provide the means for implementing and enforcing control measures (primarily stationary source and some mobile source) necessary to carry out the SIP. The chief stationary source control measures are to establish emission standards for existing sources and to require a permit for new or modified sources. The permit is the agency's means to limit the amount of pollutant from the source by means of new source performance standards, and in some cases, to determine its siting.

A key strategy for managing the growth of new emissions is the permit program for new and modified stationary sources. The basic program requires that owners obtain a permit from the agency prior to the construction of a new industrial or commercial facility or the expansion of an existing one. Through preconstruction technology reviews and the issuance

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## Notices of Intended Regulatory Action

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of permits, the agency ensures that new or modified facilities progressively minimize their adverse impact upon the air quality. Therefore, the implementation of new and modified source permit program, emission increases from new and expanding stationary sources can be managed so that affected areas can attain and maintain the air quality standards and accommodate growth.

The basic program (in existence since 1972) was later supplemented by mandate of the CAA with requirements that differ according to the facility's potential to emit a specified amount of a specific pollutant and the air quality status of the various areas within the state where the facility is or will be located. Requirements for facilities considered to be major due to their potential to emit a specified pollutant are more stringent than for less polluting facilities. Requirements for major facilities located or locating in those areas which have ambient air quality concentrations that have not been maintained at or below the health-based standard for a pollutant (nonattainment areas) are considerably more stringent than for those areas which have concentrations maintained at or below the standard (prevention of significant deterioration (PSD) areas). Permits issued in nonattainment areas require the facility owner to apply control technology that meets the lowest achievable emission rate and to obtain emission reductions from existing sources in the area such that the reductions offset the increases from the proposed facility by a ratio greater than one for the emissions contributing to the nonattainment situation. Permits issued in PSD areas require the facility owner to employ control technology that is the best available and, in some cases, to monitor ambient air quality at the site where the facility will be located to determine ambient air background levels of the pollutants to be emitted.

Section 120-08-01 provides a procedural and legal basis for the issuance of a new source permit for proposed new or expanded facilities that will (i) enable the agency to conduct a preconstruction review in order to determine compliance with applicable control technology and other standards, (ii) to assess the impact of the emissions from the facility on air quality, and (iii) provide a state and federally enforceable mechanism to enforce permit program requirements. The regulation also provides the basis for the agency's final action (approval or disapproval) on the permit depending upon the results of the preconstruction review.

Section 120-08-01 requires permits for major new and modifying sources that do not qualify either as PSD or nonattainment area major sources. Permits under § 120-08-01 are also required for sources emitting at levels that are above the exemption levels specified in Appendix R of the regulations.

Alternatives: Alternatives to the proposed regulation amendments being considered by the department are discussed below.

1. Amend the regulation to satisfy the provisions of the law and associated regulations and policies. This option is being considered because it meets the stated purpose of the regulation: to make the provisions of the regulation consistent with current federal requirements and the state objectives for the permit program.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations

and policies. This option is not being considered because the regulation needs to be made consistent with current federal requirements and the state objectives for the permit program.

3. Take no action to amend the regulation and continue to use the regulation in its current state. This option is not being considered because, without change, the regulation would not be consistent with current federal requirements and the state objectives for the permit program.

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

Applicable Statutory Requirements: The contemplated regulation amendments are mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Section 110(a) of the Clean Air Act (CAA) mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

- (1) establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA, including economic incentives such as fees, marketable permits, and auctions of emissions rights;
- (2) establish a program for the enforcement of the emission limitations and schedules for compliance; and
- (3) establish programs for the regulation and permitting of the modification and construction of any stationary source within the areas covered by the plan to assure the achievement of the ambient air quality standards.

40 CFR 51 sets out requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall include several provisions, as summarized below.

Subpart F (Procedural Requirements) specifies definitions of key terms, stipulations and format for plan submission, requirements for public hearings, and conditions for plan revisions and federal approval.

Subpart G (Control Strategy) specifies the description of emissions reductions estimates sufficient to attain and maintain the standards, the description of control measures and schedules for implementation, time periods for demonstrations of the control strategy's adequacy, an emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, stack height provisions, and intermittent control systems.

Subpart I (Review of New Sources and Modifications) specifies legally enforceable procedures, public availability of information

## Notices of Intended Regulatory Action

on sources, identification of responsible agency, and administrative procedures.

Section 51.160 of Subpart I specifies that the plan must stipulate legally enforceable procedures that enable the permitting agency to determine whether the construction or modification of a facility, building, structure or installation, or combination of these will result in either a violation of any part of a control strategy or interference with attainment or maintenance of a national standard and, if such violation or interference would occur, the means by which the construction or modification can be prevented. The procedures must identify types and sizes of facilities, buildings, structures or installations which will be subject to review and discuss the basis for determining which facilities will be subject to review. The procedures must provide that owners of facilities, buildings, structures or installations must submit information on the nature and amounts of emissions and on the location, construction and operation of the facility. The procedures must ensure that owners comply with applicable control strategies after permit approval. The procedures must discuss air quality data and modeling requirements on which applications must be based.

Section 51.161 of Subpart I specifies that the permitting agency must provide opportunity for public comment on information submitted by owners and on the agency's analysis of the effect of construction or modification on ambient air quality, including the agency's proposed approval or disapproval. Section 51.161 also specifies the minimum requirements for public notice and comment on this information.

Section 51.162 of Subpart I specifies that the responsible agency must be identified in the plan.

Section 51.163 of Subpart I specifies that the plan must include administrative procedures to be followed in determining whether the construction or modification of a facility, building, structure or installation will violate applicable control strategies or interfere with the attainment or maintenance of a national standard.

Subpart L (Legal Authority) specifies identification of legal authority to implement plans and assignment of legal authority to local agencies.

Section 51.230 of Subpart L specifies that each state implementation plan must show that the state has the legal authority to carry out the plan, including the authority to perform the following actions:

- (1) adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;
- (2) enforce applicable laws, regulations, and standards, and seek injunctive relief;
- (3) obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources; and
- (4) prevent construction, modification, or operation of a facility, building, structure, or installation, or

combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard.

Section 51.231 of Subpart L requires the identification of legal authority as follows:

- (1) the provisions of law or regulation which the state determines provide the authorities required under § 51.231 must be specifically identified, and copies of such laws or regulations must be submitted with the plan; and
- (2) the plan must show that the legal authorities specified in Subpart L are available to the state at the time of submission of the plan.

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

Public comments may be submitted until 4:30 p.m. on Friday, February 9, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Contact:** Mary E. Major, Policy Analyst Senior, Office of Air Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510 or (804) 698-4021/TDD ☎

VA.R. Doc. No. R96-151; Filed December 15, 1996, 1:48 p.m.

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The heart of the SIP is the control strategy. The control strategy describes the emission reduction measures to be used by the state to attain the air quality standards. Once the air quality standard is attained, the agency must have a program to continuously monitor air quality to ensure that it meets the standards. The agency must also have a means to monitor compliance by sources, to prevent the construction of a new or modified source if it will cause a violation of the air quality standards, and to take action as necessary to prevent air pollution levels in the air from creating an emergency condition. In addition, development and enforcement of regulations under

the SIP must be continually pursued, as well as development of new plan revisions as federal laws and regulations change.

Most of the agency's regulations are designed to provide the means for implementing and enforcing control measures (primarily stationary source and some mobile source) necessary to carry out the SIP. The chief stationary source control measures are to establish emission standards for existing sources and to require a permit for new or modified sources. The permit is the agency's means to limit the amount of pollutant from the source by means of new source performance standards, and in some cases, to determine its siting.

Section 120-08-04 provides a way to establish source-specific regulatory requirements for a specific source without having to adopt broad-based regulatory requirements for a category of sources. The regulation provides a means to make control measures federally enforceable without federal review through the use of state operating permits. In this way, the state is in control of the issuance of the permits.

Section 120-08-04 was developed to provide a procedural and legal basis for the issuance, as needed, of a permit to operate for stationary sources that (i) enhances the agency's ability to ensure compliance with emission standards, (ii) reduces the levels of allowable emissions for existing stationary sources to provide for growth of new emissions, and (iii) provides a state and federally enforceable mechanism to enforce source specific program requirements. The regulation also provides the basis for the agency's final action (approval or disapproval) on the permit depending upon the results of the application review. In addition, the regulation was intended to provide a transition into the implementation of the federal Title V operating permit program in the state.

While the rationale for the existence of the regulation is still valid, the immediate need for the regulation has changed somewhat since the time of its development. Due to insufficient resources, the department has been unable to implement the state operating permit program until now and to provide the transition into the Title V program that was intended. At this time, numerous sources have been determined to be subject to the Title V program because of their potential to emit. Potential to emit must be calculated at maximum design capacity and maximum hours of operation except where federally enforceable permit conditions limit these factors. Permits issued under the state operating permit program will be used to limit the potential to emit of many of the sources which would otherwise be subject to the Title V program.

The regulation has been adopted into the State Implementation Plan by EPA. Due to this status, permits issued under the regulation are both federally and state enforceable. Therefore, the regulation can be used to write permits that limit emissions for sources whose owners are willing to take limits that can legally exempt them from the requirements for an operating permit under Title V of the federal Clean Air Act. Such permits, because they are federally enforceable, do not need EPA approval.

**Alternatives:** Alternatives to the proposed regulation amendments being considered by the department are discussed below.

# Notices of Intended Regulatory Action

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option meets the stated purpose of the regulation amendments: to make the provisions of the regulation consistent with current federal requirements and the state objectives for the permit program.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option could involve the adoption of numerous new regulations that would impose undue administrative burdens and require extensive federal oversight. This approach would not be consistent with current state goals for the air quality program.

3. Take no action to amend the regulations and continue to use the regulation in its current state. This option would not be consistent with current federal requirements and the state objectives for the permit program.

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

Applicable Statutory Requirements: The contemplated regulation amendments are mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Section 110(a) of the Clean Air Act (CAA) mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

- (1) establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA, including economic incentives such as fees, marketable permits, and auctions of emissions rights;
- (2) establish schedules for compliance;
- (3) establish a program for the enforcement of the emission limitations and schedules for compliance; and
- (4) require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

Section 161 mandates that a state implementation plan include emissions limitations and other such measures as may be necessary to prevent significant deterioration of air quality in each region designated pursuant to § 107 as attainment or unclassifiable.

40 CFR 51 sets out requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall include several provisions, including the following:

Subpart F (Procedural Requirements) specifies definitions of key terms, stipulations and format for plan submission,

requirements for public hearings, and conditions for plan revisions and federal approval.

Subpart G (Control Strategy) specifies the description of emissions reductions estimates sufficient to attain and maintain the standards, the description of control measures and schedules for implementation, time periods for demonstrations of the control strategy's adequacy, an emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, stack height provisions, and intermittent control systems.

Subpart K (Source Surveillance) specifies procedures for emissions reports and record-keeping, procedures for testing, inspection, enforcement, and complaints, transportation control measures, and procedures for continuous emissions monitoring.

Subpart L (Legal Authority) specifies identification of legal authority to implement plans.

Section 51.230 of Subpart L specifies that each state implementation plan must show that the state has the legal authority to carry out the plan, including the authority to perform the following actions:

- (1) adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;
- (2) enforce applicable laws, regulations, and standards, and seek injunctive relief;
- (3) obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources;
- (4) abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons;
- (5) prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard;
- (6) require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; and
- (7) make emissions data available to the public as reported and as correlated with any applicable emission standards or limitations.

Section 51.231 of Subpart L requires the identification of legal authority as follows:

- (1) the provisions of law or regulation which the state determines provide the authorities required under § 51.231 must be specifically identified, and copies of

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## Notices of Intended Regulatory Action

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such laws or regulations must be submitted with the plan; and

(2) the plan must show that the legal authorities specified in Subpart L are available to the state at the time of submission of the plan.

Subpart N (Compliance Schedules) specifies legally enforceable compliance schedules, final compliance schedule dates, and conditions for extensions beyond one year.

As an alternative to traditional administrative means (regulations, orders, and new source permits), EPA has recognized the use of state operating permits for the purpose of making CAA requirements federally enforceable. This has been done through the promulgation of a final rule (54 FR 27274, June 28, 1989) which addresses the approval of state operating permit programs into state implementation plans. The final rule also specifies the five criteria that must be met by a state operating permit program in order to be approved into a state implementation plan.

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

Public comments may be submitted until 4:30 p.m. on Friday, February 9, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Air Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4021, FAX (804) 698-4510 or (804) 698-4021/TDD ☎

VA.R. Doc. No. R96-150; Filed December 15, 1996, 1:48 p.m.

### STATE WATER CONTROL BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25 260-10 et seq. (amending 9 VAC 25-260-310). Water Quality Standards.** The purpose of the proposed action is to amend 9 VAC 25-260-310 to establish a site-specific water quality standard for ammonia for Sandy Bottom Branch in Accomack County.

**Need:** Tyson Foods in Accomack County has petitioned the board to amend the water quality standards. This amendment would establish a site-specific standard for ammonia that would apply to the small stream, Sandy Bottom Branch, into which Tyson discharges. The site-specific standard to be proposed would be based on a study funded by Tyson and would be less stringent than the current statewide water quality standard. A site-specific standard would allow Tyson to treat the discharge to a lesser degree than currently required. The adoption of a site-specific standard based on the study designed to protect the less sensitive aquatic community at this site would allow for the protection of the environment in a less burdensome and more cost effective manner.

**Subject Matter and Intent:** The board intends to propose a site-specific standard for ammonia which will be based on the study by Tyson Foods. This study demonstrated that the aquatic life indigenous to Sandy Bottom Branch in Accomack County is more tolerant of ammonia than the most sensitive species protected by the Virginia water quality standard. Based on this study, the Department of Environmental Quality staff believe that a site-specific water quality standard for ammonia could be less restrictive than the Virginia ammonia standard, while protecting the aquatic community in Sandy Bottom Branch. The intent of the proposed regulation is to provide adequate protection to the aquatic life at the site, while requiring no more wastewater treatment than is necessary. This would ensure environmental protection at a reasonable cost.

**Estimated Impacts:** Tyson Foods is the only regulated industry that would be affected by a site-specific standard for this stream. The company may experience a cost savings due to reduced treatment requirements. The chronic standard that the department intends to propose increases the standard by approximately 29% in the summer and 267% in the winter. This site-specific standard would allow higher permit limits. However, at the present time, insufficient information is available to estimate what cost savings could be realized by any reduction in the treatment requirements.

**Alternatives:** One alternative considered was not to propose a site-specific standard for this site and use the existing Virginia water quality standard for ammonia to establish permit limits for this discharger. However, enough information is available to indicate that the resident aquatic life does not need this level of protection and any site-specific standard that will be proposed by the department will be designed to provide adequate protection for the aquatic community in this stream.

Another alternative considered was to propose a single site-specific chronic standard, applicable equally to both winter and summer rather than separate chronic standards applicable to cold and warm water temperatures. Use of a single, year-round chronic standard for this site is not being proposed because the available data support the view that for the resident species, chronic toxicity of ammonia is more pronounced at warmer temperatures than it is under colder conditions. Therefore, a lower criterion is necessary during warm temperatures to protect against adverse effects such as reduced reproduction, while higher concentrations of ammonia can be allowed in the winter and still protect against chronic effects.

**Comments:** The board requests written comments from interested persons on the department's intent to propose a site-specific standard amendment as described above. Comments are requested on the costs and benefits of the intended proposal as well as the stated alternatives or other alternatives. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until 4 p.m. on March 8, 1996.

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## Notices of Intended Regulatory Action

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**Contact:** Alex Barron, Office of Environmental Research and Standards, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4119.

VA.R. Doc. No. R96-187; Filed January 17, 1996, 11:59 a.m.

# PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



## PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

### DEPARTMENT OF STATE POLICE

**April 5, 1996** -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **VR 545-01-07 [19 VAC 30-70-10 et seq.] Motor Vehicle Safety Inspection Rules and Regulations**. The purpose of the proposed amendments is to revise the Motor Vehicle Safety Inspection Rules and Regulations to be consistent with recent changes in state laws, federal regulations, and nationally accepted standards and automotive practices. Minor technical and administrative changes are included.

Statutory Authority: § 46.2-1165 of the Code of Virginia.

**Contact:** Captain W. S. Flaherty, Safety Officer, Department of State Police, Safety Division, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 378-3479.

### STATE WATER CONTROL BOARD

**March 25, 1996 - 7 p.m.** -- Public Hearing  
Rockingham County Board of Supervisors Room, 20 East Gay Street, Harrisonburg, Virginia.

**March 26, 1996 - 1 p.m.** -- Public Hearing  
Municipal Office Building, 150 East Monroe Street, Multi Purpose Room, Wytheville, Virginia.

**March 27, 1996 - 7 p.m.** -- Public Hearing  
James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

**March 28, 1996 - 1:30 p.m.** -- Public Hearing  
Prince William County Administration Center, One County Complex, 4850 Davis Ford Road, McCoart Building, Board Chambers, Prince William, Virginia.

**April 22, 1996** -- Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260-10 et seq. Water Quality Standards**. The purpose of the proposed amendments is to amend the Water Quality Standards as part of the state's triennial review of the regulation and to meet federal requirements.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mrs. Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, or by telephone at (804) 698-4111 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Mrs. Daub no later than 4 p.m. on Thursday, March 7, 1996.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Ms. Eleanore Daub at the address below.

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

**Contact:** Eleanore Daub, Office of Environmental Research and Standards, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

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**March 28, 1996 - 1:30 p.m.** -- Public Hearing  
Prince William County Administration Center, One County Complex, 4850 Davis Ford Road, McCoart Building, Board Chambers, Prince William, Virginia.

**April 22, 1996** -- Public comments may be submitted until 4 p.m. on this date.

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## Public Comment Periods - Proposed Regulations

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-415-10 et seq. Policy for the Potomac River Embayments.** The purpose of the proposed regulation is to establish effluent limits for sewage treatment plants discharging into the Potomac River in Virginia from the Chain Bridge in Arlington County to Route 301 Bridge in King George County.

**Question and Answer Period:** A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

**Accessibility to Persons with Disabilities:** The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mr. Tom Faha, Department of Environmental Quality, 1519 Davis Ford Road, Suite 14, Woodbridge, VA, 22192, or by telephone at (703) 490-8922 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Mr. Faha no later than 4 p.m. on Thursday, March 7, 1996.

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

**Contact:** Tom Faha, Department of Environmental Quality, Northern Regional Office, 1519 Davis Ford Road, Suite 14, Woodbridge, VA 22192, telephone (703) 490-8922.

### **VIRGINIA WORKERS' COMPENSATION COMMISSION**

**March 8, 1996** -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Workers' Compensation Commission intends to amend regulations entitled: **16 VAC 30-50-10 et seq. Rules of the Virginia Workers' Compensation Commission.** A new Rule 14 provides a definition of community for the purpose of determining prevailing charges for medical treatment.

Statutory Authority: § 65.2-201 of the Code of Virginia.

Public comments may be submitted until March 8, 1996, to David W. Haines, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220.

**Contact:** Aljuana C. Brown, Administrative Assistant, Virginia Workers' Compensation Commission, 1000 DMV Dr., Richmond, VA 23220, telephone (804) 367-2067.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**NOTICE:** The Virginia Housing Development Authority is exempted 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:** 13 VAC 10-20-10 et seq. Rules and Regulations for Multi-Family Housing Developments (amending 13 VAC 10-20-10, 13 VAC 10-20-20, and 13 VAC 10-20-40).

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

### Summary:

*The proposed amendments (i) require mortgage loan applicants to complete a previous participation certification; (ii) provide that, as part of the underwriting criteria, such applicant and other principal participants have a predisposition to regulatory compliance and will fully and properly perform all of their respective duties and obligations relating to the proposed multi-family housing development under law, regulation and the mortgage loan documents; and (iii) authorize the executive director to approve for a multi-family rental housing development from 115% to 150% of area median gross income.*

### 13 VAC 10-20-10. Purpose and applicability.

The following rules and regulations (13 VAC 10-20-10 et seq.) will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to mortgagors to provide the construction or permanent financing, or both, of multi-family housing developments (including any such developments to be owned and operated on a cooperative basis) intended for occupancy by persons and families of low and moderate income ("development" or "developments"). This chapter shall be applicable to the making of such mortgage loans directly by the authority to mortgagors, the purchase of such mortgage loans, the participation by the authority in such mortgage loans with mortgage lenders and any other manner of financing of such mortgage loans under the Act. This chapter shall not, however, apply to any developments which are subject to any other rules and regulations adopted by the authority. If any mortgage loan is to provide either the construction or permanent financing (but not both) of a development, this chapter shall be applicable to the extent determined by the executive director to be appropriate for such financing. If any development is subject to federal mortgage insurance or is otherwise assisted or aided, directly or indirectly, by the federal government, the applicable federal rules and regulations shall be controlling over any inconsistent provision. Furthermore, if the mortgage loan on any development is to be insured by the federal government,

the provisions of this chapter shall be applicable to such development only to the extent determined by the executive director to be necessary in order to (i) protect any interest of the authority which, in the judgment of the executive director, is not adequately protected by such insurance or by the implementation or enforcement of the applicable federal rules, regulations or requirements or (ii) to comply with the Act or fulfill the authority's public purpose and obligations thereunder. Developments shall include housing intended to be owned and operated on a cooperative basis. The term "construction," as used herein, shall include the rehabilitation, preservation or improvement of existing structures.

Mortgage loans may be made or financed pursuant to this chapter 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 development to waive or modify any provision herein where deemed appropriated by him for good cause, to the extent not inconsistent with the Act and covenants and agreements with the holders of its bonds.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of this chapter 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, the mortgagor, the contractor, or other members of the development team under the initial closing documents as described in 13 VAC 10-20-60.

This chapter is intended to provide a general description of the authority's processing requirements and not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's multi-family housing programs. This chapter is 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 with respect to any particular development or developments or any multi-family housing program or programs.

### 13 VAC 10-20-20. Income limits and general restrictions.

Under the authority's rules and regulations, to be eligible for occupancy of a multi-family dwelling unit, a person or family shall not have an adjusted family income (as defined therein) greater than (i) in the case of a multi-family dwelling unit for which the board has approved the mortgage loan prior to November 15, 1991, seven times the annual rent, including utilities except telephone, applicable to such dwelling unit; provided, however, that the authority's rules and regulations authorize its board to establish from time to time by resolution and by rules and regulations lower income limits for initial occupancy; or (ii) in the case of a multi-family dwelling unit for which the board has approved the mortgage

loan on or after November 15, 1991, such percentage of the area median gross income as the board may from time to time establish by resolution or by rules and regulations for occupancy of such dwelling unit. In the case of a multi-family dwelling unit described in (i) above, the mortgagor and the authority may agree to apply an income limit established pursuant to (ii) above in lieu of the income limit set forth in (i) above. Income limits are established below in this chapter in addition to the limit set forth in (i) above and in implementation of the provisions of (ii) above.

In the case of developments for which the authority has agreed to permit the mortgagor to establish and change rents without the prior approval of the authority (as described in, and subject to the provisions of, 13 VAC 10-20-100 and 13 VAC 10-20-130), at least 20% of the units in each such development shall be occupied or held available for occupancy by persons and families whose adjusted family incomes (at the time of their initial occupancy) do not exceed 80% of the area median gross income as determined by the authority, and the remaining units shall be occupied or held available for occupancy by persons and families whose adjusted family incomes (at the time of their initial occupancy) do not exceed (i) in the case of units for which the board has approved the mortgage loan prior to November 15, 1991, 150% of such area median gross income as so determined or (ii) in the case of units for which the board has approved the mortgage loan on or after November 15, 1991, 115% of such area median gross income as so determined (or, upon approval of the executive director for good cause, for all or some of the remaining units, 150% of area median gross income as so determined). The income limits applicable to persons and families at the time of reexamination and redetermination of their adjusted family incomes and eligibility subsequent to their initial occupancy shall be ~~as set forth in (i) or (ii), as applicable, in the preceding sentence (or, in the case of units described in (i) in the preceding sentence, such lesser income limit equal to seven times the annual rent, including utilities except telephone, applicable to such dwelling units), in the case of units for which the board has approved the mortgage loan prior to November 15, 1991, 150% of such area median gross income as so determined (or, unless otherwise agreed by the mortgagor and the authority, such lesser income limit equal to seven times the annual rent, including utilities except telephone, applicable to such units) or shall be, in the case of units for which the board has approved the mortgage loan on or after November 15, 1991, 115% of such area median gross income as so determined (or 150% of such area median gross income as so determined, if approved by the executive director as an income limit for all or some of such units pursuant to clause (ii) in the preceding sentence).~~

The board may establish, in the resolution authorizing any mortgage loan to finance a development under this chapter, income limits lower than those provided herein or in the authority's rules and regulations for the occupants of the units in such development.

Furthermore, in the case of developments which are subject to federal mortgage insurance or assistance or are financed by notes or bonds exempt from federal income taxation, federal regulations may establish lower income

limitations which in effect supersede the authority's income limits as described above.

If federal law or rules and regulations impose limitations on the incomes of the persons or families who may occupy all or any of the units in a development, the adjusted family incomes of applicants for occupancy of all of the units in the development shall be computed, for the purpose of determining eligibility for occupancy thereof hereunder and under the authority's rules and regulations, in the manner specified in such federal law and rules and regulations, subject to such modifications as the executive director shall require or approve in order to facilitate processing, review and approval of such applications.

Notwithstanding anything to the contrary herein, all developments and the processing thereof under the terms hereof must comply with (i) the Act; (ii) the applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued by the authority to finance such developments; (iii) in the case of developments subject to federal mortgage insurance or other assistance, all applicable federal laws and regulations relating thereto; and (iv) the requirements set forth in the resolutions pursuant to which the notes or bonds are issued by the authority to finance the developments. Copies of the authority's note and bond resolutions are available upon request.

### 13 VAC 10-20-40. Application and acceptance for processing.

Application for a mortgage loan shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority. *The applicant shall complete a previous participation certificate, in such form as the executive director shall require, which shall provide information about rental housing projects in which the principal participants (or their affiliates) in the proposed development have previously had any interest or participation, all as more fully specified by the executive director.*

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each proposed development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. An evaluation of the ability, experience and , financial capacity *and predisposition to regulatory compliance* of the applicant;
3. A preliminary evaluation of the estimated construction costs and the proposed design and structure of the proposed development;



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## Proposed Regulations

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4. A preliminary review of the estimated operating expenses and proposed rents and a preliminary evaluation of the adequacy of the proposed rents to sustain the proposed development based upon the assumed occupancy rate and estimated construction and financing costs; and

5. A preliminary evaluation of the need for such housing at rentals or prices which persons and families of low and moderate income can afford within the general housing market area to be served by the proposed development.

Based on the authority's review of the applications, *previous participation certificates*, documents, and any additional information submitted by the applicants or obtained from other sources by the authority in its review of the proposed developments, the executive director shall accept for processing those applications which he determines satisfy the following criteria:

1. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to process the application and consummate the initial closing.

2. Subject to further review and evaluation by the authority's staff under 13 VAC 10-20-50, the estimated construction costs and operating expenses appear to be complete, reasonable and comparable to those of similar developments.

3. Subject to further review and evaluation by the authority's staff under 13 VAC 10-20-50, the proposed rents appear to be at levels which will: (i) be affordable by the persons and families intended to be assisted by the authority; (ii) permit the successful marketing of the units to such persons and families; and (iii) sustain the operation of the proposed development.

4. The applicant ~~has~~ *and other principal participants in the proposed development have the experience, ability and , financial capacity and predisposition to regulatory compliance necessary to carry out its their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development and will fully and properly perform all of their respective duties and obligations relating to the proposed development under law, regulation and the applicable mortgage loan documents of the authority.*

5. The proposed development will contribute to the implementation of the policies and programs of the authority in providing decent, safe and sanitary rental housing for low and moderate income persons and families who cannot otherwise afford such housing and will assist in meeting the need for such housing in the market area of the proposed development.

6. It appears that the proposed development and applicant will be able to meet the requirements for feasibility and commitment set forth in 13 VAC 10-20-50 and that the proposed development will otherwise

continue to be processed through initial closing and will be completed and operated, all in compliance with the Act, the documents and contracts executed at initial closing, applicable federal laws, rules and regulations, and the provisions of this chapter and without unreasonable delay, interruptions or expense.

The executive director's determinations with respect to the above criteria shall be based ~~only~~ on the documents and information received or obtained by him at that time *from any source* and are subject to modification or reversal upon his receipt of additional documents or information at a later time. If the executive director determines that the above criteria are satisfied, he will recommend further processing of the application and shall present his recommendation to the board. If the executive director determines that one or more of the above criteria are not satisfied, he may nevertheless, in his discretion, recommend to the board that the application be approved and that the mortgage loan and issuance of the commitment therefor be authorized subject to satisfaction of such criteria in such manner and within such time period as he shall deem appropriate. The board shall review and consider the recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the application and authorize the mortgage loan and the issuance of a commitment therefor, subject to the further review in 13 VAC 10-20-50 and such terms and conditions as the board shall require in such resolution.

A resolution authorizing a mortgage loan to a for-profit housing sponsor shall prescribe the maximum annual rate, if any, at which distributions may be made by such for-profit housing sponsor with respect to the development, expressed as a percentage of such for-profit housing sponsor's equity in such development (such equity being established in accordance with 13 VAC 10-20-80), which rate, if any, shall not be inconsistent with the provisions of the Act. In connection with the establishment of any such rates, the board shall not prescribe differing or discriminatory rates with respect to substantially similar developments. The resolution shall specify whether any such maximum annual rate of distributions shall be cumulative or noncumulative and shall establish the manner, if any, for adjusting the equity in accordance with 13 VAC 10-20-80.

A mortgage loan shall not be authorized by the board unless the board by resolution shall make the applicable findings required by subsection A of § 36-55.39 of the Code of Virginia. The board, however, may in its discretion authorize the mortgage loan without the executive director having previously made the finding, if applicable, required by subsection B of § 36-55.39 of the Code of Virginia, subject to the condition that such finding be made by the executive director prior to the financing of the mortgage loan.

The executive director may impose such terms and conditions with respect to acceptance for processing as he shall deem necessary or appropriate. If any proposed development is so accepted for processing, the executive director shall notify the sponsor of such acceptance and of any terms and conditions imposed with respect thereto. If the executive director determines not to recommend approval of the application, he shall so notify the applicant.

PREVIOUS PARTICIPATION CERTIFICATION

Development Name: \_\_\_\_\_

Development Location: \_\_\_\_\_

For the purpose of this Certification, the following definitions shall apply:

"Affiliate" shall mean any person or business entity that directly or indirectly controls the policy of a principal or has the power to do so. For example, a holding or parent corporation would be an affiliate if one of its subsidiaries is a principal.

"Principal" shall mean any individual, joint venture, partnership, corporation, trust, nonprofit organization, or any other public or private entity that (i) with respect to the proposed development, will participate in the ownership of such proposed development or (ii) with respect to an existing multi-family rental project, has participated in the ownership of such project. In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

This certification must be completed and personally signed by all parties who are to become principals in the proposed development or who are affiliates of such principals, except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they

all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation that is separate from that of his or her organization must report that activity on this Certification and sign his or her name.

Names & Addresses of All Known Principals and affiliates proposed to participate in the development described above (list names alphabetically: last, first middle initial)	Role of Each Principal in Project	Expected % Ownership Interest in Project	Social Security or IRS Employer Number

**Certifications:** I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above on whose behalf such individual certifies) hereby certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached

to this form.

I further certify that:

1. Schedule A contains a listing of every multi-family rental project in which I was a principal during the prior ten years or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification:
  - a. During my participation, no mortgage on a project listed by me has been in default, assigned to the mortgage insurer (governmental or private) or foreclosed, nor has mortgage relief by the mortgagee been given during my participation;
  - b. During my participation, there has not been any breach by the owner of any agreements relating to the construction or rehabilitation, use, operation, management or disposition of the projects listed by me;
  - c. To the best of my knowledge, there are no unresolved findings raised as a result of state or federal audits, management reviews or other governmental investigations concerning the projects listed by me;
  - d. During my participation, there has not been a suspension or termination of payments under any state or federal assistance contract for any of the projects listed by me;
  - e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a state and punishable by imprisonment of two years or less);
  - f. I have not been suspended, debarred or otherwise restricted by any department or agency of the federal government or of any state government from doing business with such department or agency; and
  - g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. All the names of the parties, known to me to be principals in the development in which I propose to participate, are listed above.

4. I am not a Virginia Housing Development Authority ("VHDA") employee or a member of a VHDA employee's immediate household.

5. I am not a principal participant in a rental housing project as of this date on which construction has stopped for a period in excess of 20 days or (in the case of a rental housing project assisted by a federal or state agency) which has been substantially completed for more than 90 days but for which requisite documents for closing, such as the final cost certification, have not been filed with the federal or state agency.

6. To my knowledge I have not been found by any federal or state agency or court to be in noncompliance with any applicable civil rights, equal employment opportunity or fair housing laws or regulations.

7. Statements above (if any) to which I cannot certify have been deleted by striking through the words. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date	Area Code and Telephone No.

**Schedule A: List of Previous Rental Housing Projects** By my name below is the complete list of my previous rental housing projects. Abbreviate where possible. Make full disclosure. Add extra spare sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, "No previous participation, First Experience."

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the project name, city, location, & any government agency involved)	3. List Principal's Role(s) (indicate dates participated)	4. Status of Loan (current, defaulted, assigned or foreclosed)	5. Within last 10 years, was Project in Default during your participation?		
				Yes	No	If "Yes", Explain

# Proposed Regulations

## DEPARTMENT OF STATE POLICE

Title of Regulation: 19 VAC 30-70-10 et seq. ~~Current Official Inspection Manual Motor Vehicle Safety Inspection Rules and Regulations~~ (Adding 19 VAC 30-70-1 through 19 VAC 30-70-9; amending 19 VAC 30-70-10, 19 VAC 30-70-30, 19 VAC 30-70-50, 19 VAC 30-70-60, 19 VAC 30-70-70, 19 VAC 30-70-80, 19 VAC 30-70-90, 19 VAC 30-70-100, 19 VAC 30-70-110, 19 VAC 30-70-120, 19 VAC 30-70-140, 19 VAC 30-70-160, 19 VAC 30-70-250, 19 VAC 30-70-490, 19 VAC 30-70-500, and 19 VAC 30-70-530).

Statutory Authority: § 46.2-1165 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 5, 1996.

(See Calendar of Events section for additional information)

Basis: These revisions are promulgated under the authority of § 46.2-1165 of the Code of Virginia, which requires the Superintendent to promulgate regulations for the inspection of motor vehicles under Title 46.2 of the Code of Virginia.

Purpose: Safety inspectors continue to serve a major role in Virginia's overall highway safety program. The purpose of these changes is to maintain consistency with state law, federal regulations, accepted automotive standards, and practices in our inspection program.

Substance: These amendments to the existing Motor Vehicle Safety Inspection Rules and Regulations are promulgated to incorporate recent changes to state law, federal regulations, nationally accepted standards, and automotive practices. Minor administrative and technical changes are included.

Issues: These changes will provide the Commonwealth with the advantage of having uniform application of statutes, standards, regulations and practices as they relate to federal and industry established safety equipment standards. The public will have the advantage of knowing that any Virginia licensed vehicle bearing a current state inspection sticker will have met the minimum safety standard required by these regulations. Vehicles not in compliance with the revised rules and regulation will be issued a rejection sticker citing the defective safety equipment.

Impact: Only those persons not in compliance with inspection regulations will be adversely affected. Varying costs for repairs to gain compliance will be experienced dependent upon the degree and type of repair needed. The fiscal impact of the proposed regulation is nominal and can be absorbed within the agency's existing budget. The cost associated with preparation and dissemination of these revisions will be borne by the Department of State Police.

### Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity

of any localities and types of businesses or other entities particularly affected; the projected number of persons and employment positions to be affected; and the projected costs to affected businesses or entities to implement or comply with the regulation. The analysis presented below represents DPB's best estimate of these economic impacts.

### Summary of the Proposed Regulation

The proposed regulation amends the current Motor Vehicle Safety Inspection Rules and Regulations to incorporate changes in federal and state law. In addition, the proposed regulation clarifies portions of the existing regulations, and makes minor modifications to certain administrative and technical standards.

### Estimated Economic Impact

Careful review indicates that the majority of amendments contained in the proposed regulation involve either clarifications of the existing regulation, or minor procedural issues.

- An example of the former can be found in 19 VAC 30-70-30 E. This section instructs inspectors to immediately notify the state police if their driver's license is suspended. It has been amended to identify the specific individual or office that the inspector should contact.
- An example of the latter can be found in 19 VAC 30-70-10 G. This section requires that inspection stations post the Official Inspection Procedure sheet at or near "the point of inspection." It has been amended to permit stations to post the sheet more generally so that it can be placed in customer waiting areas rather than the inspector's work area.

The nature of these changes is such that they are unlikely to have tangible economic consequences, and are therefore unlikely to have any economic impact.

A third class of amendments to the regulation may have some minor economic consequences. These amendments stem from a study of the inspection of street rods mandated by House Joint Resolution 38 (1994) and involve the relaxation of some lesser inspection requirements for street rods.

- Some examples of these relaxed inspection requirements are: exemption from the requirement for a brake warning light; allowing parts to be substituted for original suspension components providing the components are installed in accordance with the component manufacturer's specifications; and allowing such vehicles to be equipped with clear plastic or glass headlamp covers to replace the original factory equipment.

Because of the small number of individuals affected by these relaxed requirements and the trivial dollar amounts involved, DPB believes that the economic impact of these amendments is infinitesimally small and does not rise to a level sufficient to justify expenditure of the resources that would be necessary for quantification.

The regulation is anticipated to have no other significant economic impacts.

## Projected Number of Businesses or Other Entities to Whom the Regulation will Apply

Based on information provided by the Department of Motor Vehicles (DMV), there are 3,931,468 motor vehicles currently registered in the Commonwealth. The proposed regulation will apply to the owners of any of these vehicles that are legally operated on state roads and highways.

## Localities and Types of Businesses Particularly Affected

No localities are particularly affected by this proposed regulation. The proposed regulation does particularly affect motor vehicle owners and operators.

## Projected Number of Persons and Employment Positions Affected

The proposed regulation affects owners of the 3,931,468 motor vehicles currently registered in the Commonwealth. The proposed regulation is not anticipated to have any employment effects.

## Projected Costs to Affected Businesses or Entities

No significant additional costs to motor vehicle owners or the public are anticipated.

## Agency Response to Department of Planning and Budget's Economic Impact Analysis:

I have reviewed the Department of Planning and Budget Analyzed Economic Impact Statement regarding VR 545-01-07 [19 VAC 30-70-10 et seq.].

I concur with their impact statement and look forward to moving this process one step closer to closure.

/s/ Col. M. Wayne Huggins  
Superintendent  
Department of State Police  
Date: January 16, 1996

## Summary:

*The proposed amendments to Part I, Guidelines for the Administration of Virginia's Annual Motor Vehicle Inspection Program, reclassify violations of 19 VAC 30-70-520 as Class II offenses. This makes the corrective action for such violations consistent with similar violations in 19 VAC 30-70-150 relating to vehicles less than 10,000 pounds.*

*Amendments also provide for revocation of inspection privileges for the illegal use of inspection supplies.*

*The specific perimeters for the periods of revocation are defined. The process for reinstatement of safety inspector's license and station appointment following a period of suspension or revocation is outlined. Definitions of suspension and revocation are provided.*

19 VAC 30-70-10 is amended to:

1. Clarify that one safety inspector is to be available to perform inspections during the normal business day.
2. Cite paragraph 12 of the Governor's Proclamation rather than paragraph 11.

3. Eliminate the requirement for the "Official Inspection Procedure" sheet to be posted at or near the point of inspection. This change was made to allow placement of the poster in customer waiting areas. The Official Inspection Manual will be available at or near the point of inspection.

4. Require the poster designating a business as an Official Inspection Station to be visible to alert passersby that inspection services are available.

5. Assure inspection regulations are available at or near the place inspections are made.

19 VAC 30-70-30 is revised and amended to identify the specific individual or office to be contacted by inspectors in the event their driver's license is suspended or revoked.

19 VAC 30-70-50 is amended to (i) specify the method for identifying the type vehicle inspected on a trailer/motorcycle decal; (ii) by deleting the reference to green envelopes since these items are no longer used; and (iii) to set forth the procedure for replacement of stolen inspection stickers.

19 VAC 30-70-60 is amended to clarify the specific information to be provided to the operator of any vehicle rejected.

The amendments to 19 VAC 30-70-70 describe the procedure to be followed for processing quarterly inventory reports.

A General Assembly committee studying the inspection of street rods (HJR 38) unanimously agreed there were several inspection regulations adversely affecting street rod owners that should be relaxed for this class of vehicle. A note is added to 19 VAC 30-70-80 and 19 VAC 30-70-90 to exempt street rods from the requirement for a brake failure warning light. Many street rods are not equipped with this light. Due to the special care normally observed by street rod enthusiasts and the limited number of vehicles in this class, this exception will not adversely affect highway safety.

19 VAC 30-70-100 is revised to reflect the proper paragraph citation for the inspection of trailer brakes in accordance with the stopping distance tables.

A note is added to 19 VAC 30-70-110 to allow parts to be substituted for original suspension components for street rods, provided the components are installed in accordance with the component manufacturers specifications. This will allow street rod builders to tune suspension and steering components consistent with the individual steering ratio. The amendments to this section also specify minimum steering wheel size. The rule applying to vehicles weighing 10,001 pounds or more has been deleted since it is included in 19 VAC 30-70-480.

19 VAC 30-70-120 is amended as follows:

1. Subdivision 3 is changed to correct a spelling error.

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## Proposed Regulations

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2. A paragraph is added to subdivision 3 to require rejection of vehicles equipped with a pintle eye or trailer drawbar with cracks or if the pintle eye has any welding repairs. This change makes the regulation consistent with the North American Uniform Out-of-Service criteria.

3. Subdivision 10 is amended to permit trailers to be equipped with one safety chain. This language is consistent with § 46.2-1118 of the Code of Virginia.

Subdivision 9 b is added to 19 VAC 30-70-140 to allow street rods to be equipped with clear, rigid plastic or glass headlamp lens covers to replace original factory equipment.

19 VAC 30-70-160 and 19 VAC 30-70-530 are amended to exclude privately owned vehicles of any member of a fire company, volunteer fire company, volunteer rescue squad or ambulance driver employed by privately owned ambulance services from the class of emergency vehicles permitted to be equipped with a means to flash their headlamps, when emergency warning lamps are activated. This change is necessary due to the change in a related statute made by the 1994 Session of the General Assembly. In addition, these sections are revised to clarify the number and circumstance for the use of driving lights.

19 VAC 30-70-250 is revised to allow the use of any vehicle manufacturer's design for a door opening device or door latching system. This change will permit the use of electronic systems on any vehicle. This is consistent with SAE and FMVSS standards which prescribe tests to assure the system operates and holds the door in a fully closed position.

A note is added to 19 VAC 30-70-360 to assure that headlamp aiming for motorcycles is conducted while the lamps are on high beam. A new paragraph is added to require the high beam indicator on motorcycles to function properly.

19 VAC 30-70-490 is amended by adding a paragraph to require rejection of vehicles equipped with a pintle eye or trailer drawbar with cracks or if the pintle eye has any welding repairs. This change makes the regulation consistent with the North American Uniform Out-of-Service Criteria. This section is also amended to permit trailers to be equipped with one safety chain. This language is consistent with § 46.2-1118 of the Code of Virginia.

19 VAC 30-70-500 is amended to require rejection of vehicles weighing 10,001 pounds or more equipped with wheels or rims with lug nut holes that are elongated. This regulation is consistent with Federal Motor Carrier Safety Standards (49 CFR 571).

19 VAC 30-70-10 et seq. Motor Vehicle Safety Inspection Rules and Regulations.

### CHAPTER 70. CURRENT VIRGINIA OFFICIAL INSPECTION MANUAL MOTOR VEHICLE SAFETY INSPECTION RULES AND REGULATIONS

#### PART I. GUIDELINES FOR THE ADMINISTRATION OF VIRGINIA'S ANNUAL MOTOR VEHICLE INSPECTION PROGRAM.

##### **19 VAC 30-70-1. Purpose and authority.**

The Virginia Annual Motor Vehicle Inspection Program was developed and adopted to promote highway safety. Its aim is to assure that all Virginia registered vehicles be mechanically safe to operate over the highways of the Commonwealth.

The rules and regulations governing the Annual Motor Vehicle Inspection Program are contained in the Official Annual Motor Vehicle Inspection Manual. These rules and regulations are promulgated under the authority of Chapter 10 (§ 46.2-1000 et seq.) of Title 46.2 of the Code of Virginia. All official inspection stations shall comply with these rules and regulations, issuing approval certificates only to those vehicles which the inspections shall determine to be in compliance with those rules and regulations.

These guidelines are intended to ensure a uniform system of corrective action for those who violate the rules and regulations of the Annual Motor Vehicle Inspection Program.

The Official Annual Motor Vehicle Inspection Manual covers administrative procedure as well as numerous vehicular safety items of varying importance. It is, therefore, necessary that the various sections of the manual be divided into categories of seriousness. This will provide a uniform system of corrective action for the certified inspector mechanics and the inspection stations.

##### **19 VAC 30-70-2. Corrective action procedures.**

These procedures are intended to establish an equitable and effective process for treating and correcting unacceptable work performances. When multiple offenses arise out of the same act or inspection, disciplinary action will be taken on the most serious offense. All classes of offenses will apply uniformly to the inspectors involved in the offenses and management alike, where it is revealed that management was involved in the matter or had knowledge of its occurrence.

Unacceptable work performance shall be divided into four groups of offenses based on the seriousness as they pertain to vehicle safety.

Specified disciplinary action for each class offense shall not be exceeded. However, if strong mitigating circumstances exist, the appropriate corrective action will be taken.

##### **19 VAC 30-70-3. Class I offenses.**

Class I offenses are unacceptable work performances less serious in nature, but which require correction in order to maintain an efficient and effective annual motor vehicle inspection program. A violation of any paragraph of the

following sections of the Official Annual Motor Vehicle Inspection Manual and rules and agreements not covered in the Annual Motor Vehicle Inspection Manual or those disseminated by other means shall constitute a Class I offense, unless designated otherwise:

- 19 VAC 30-70-10 A through D
- 19 VAC 30-70-10 F through I
- 19 VAC 30-70-10 K through O
- 19 VAC 30-70-20 in its entirety
- 19 VAC 30-70-30 in its entirety
- 19 VAC 30-70-40 in its entirety
- 19 VAC 30-70-50 in its entirety
- 19 VAC 30-70-60 in its entirety
- 19 VAC 30-70-70 in its entirety
- 19 VAC 30-70-80 B 3
- 19 VAC 30-70-160 in its entirety (except subdivisions I 10 and 11 g (2))
- 19 VAC 30-70-170 in its entirety
- 19 VAC 30-70-200 in its entirety
- 19 VAC 30-70-290 in its entirety
- 19 VAC 30-70-310 in its entirety
- 19 VAC 30-70-330 in its entirety
- 19 VAC 30-70-360 D 4 e and f
- 19 VAC 30-70-410 in its entirety
- 19 VAC 30-70-440 B
- 19 VAC 30-70-530 in its entirety (except subdivisions H 10 i and 11 g (2))
- 19 VAC 30-70-540 in its entirety
- 19 VAC 30-70-570 in its entirety
- 19 VAC 30-70-660 in its entirety

Disciplinary action for Class I offenses shall be:

- 1st offense - Oral reprimand - Recorded on S.P. 164.
- 2nd offense - Oral reprimand by a supervisor - Recorded on S.P. 164.
- 3rd offense - Written reprimand from the Safety Officer or his designee.
- 4th offense - Suspension of not less than 15 nor more than 30 days.

Offenses shall be cumulative in nature and shall remain active for 24 months from date of offense.

### **19 VAC 30-70-4. Class II offenses.**

Class II offenses shall be violations of any section of the Annual Motor Vehicle Inspection Manual considered very serious but the consequence of such violation or omission is

not likely to be an imminent cause or contributing factor to a traffic crash or other vehicle related injury. A violation of the following sections of the Annual Motor Vehicle Inspection Manual shall constitute a Class II offense unless designated otherwise:

- 19 VAC 30-70-150 in its entirety
- 19 VAC 30-70-180 in its entirety
- 19 VAC 30-70-210 in its entirety
- 19 VAC 30-70-230 in its entirety
- 19 VAC 30-70-240 in its entirety
- 19 VAC 30-70-250 in its entirety
- 19 VAC 30-70-260 in its entirety
- 19 VAC 30-70-270 in its entirety
- 19 VAC 30-70-280 in its entirety
- 19 VAC 30-70-300 in its entirety
- 19 VAC 30-70-320 in its entirety
- 19 VAC 30-70-360 A 7 and C 1 through C 13
- 19 VAC 30-70-380 in its entirety
- 19 VAC 30-70-390 in its entirety
- 19 VAC 30-70-420 in its entirety
- 19 VAC 30-70-520 in its entirety
- 19 VAC 30-70-550 in its entirety
- 19 VAC 30-70-580 in its entirety
- 19 VAC 30-70-600 in its entirety
- 19 VAC 30-70-610 in its entirety
- 19 VAC 30-70-620 in its entirety
- 19 VAC 30-70-630 in its entirety
- 19 VAC 30-70-640 in its entirety
- 19 VAC 30-70-650 in its entirety
- 19 VAC 30-70-670 in its entirety
- 19 VAC 30-70-680 in its entirety

Disciplinary action for a Class II offense shall be:

- 1st Offense - Oral reprimand - Recorded on S.P. 164 and confirmed by a supervisor.
- 2nd Offense - Written reprimand from the Safety Officer or his designee.
- 3rd Offense - Suspension of not less than 30 nor more than 60 days.

Offenses are cumulative in nature and shall remain active for a period of 24 months from date of offense.

A Class II offense in combination with three Class I offenses shall be grounds for no less than a 30-day nor more than a 60-day suspension.



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# Proposed Regulations

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## **19 VAC 30-70-5. Class III offenses.**

Class III offenses shall be violations of those sections of the Annual Motor Vehicle Inspection Manual considered most critical from a safety viewpoint. They would consist of the omission of checking or improper approval of an item so critical to the safe operation of a motor vehicle as to have the potential of being the imminent cause or factor of a motor vehicle crash. A violation of the following sections of the Annual Motor Vehicle Inspection Manual shall constitute a Class III offense unless designated otherwise:

- 19 VAC 30-70-10 J
- 19 VAC 30-70-10 P, P1, P2
- 19 VAC 30-70-80 in its entirety (except subdivision B 3)
- 19 VAC 30-70-90 in its entirety
- 19 VAC 30-70-100 in its entirety
- 19 VAC 30-70-110 in its entirety
- 19 VAC 30-70-120 in its entirety
- 19 VAC 30-70-130 in its entirety
- 19 VAC 30-70-140 in its entirety
- 19 VAC 30-70-160 l 10 h and 11 f
- 19 VAC 30-70-160 l 10 g and 11 g (2)
- 19 VAC 30-70-190 in its entirety
- 19 VAC 30-70-220 in its entirety
- 19 VAC 30-70-340 in its entirety
- 19 VAC 30-70-350 in its entirety
- 19 VAC 30-70-360 A and B
- 19 VAC 30-70-360 D 15 through D 22
- 19 VAC 30-70-370 in its entirety
- 19 VAC 30-70-400 in its entirety
- 19 VAC 30-70-440 in its entirety (except subsection B)
- 19 VAC 30-70-450 in its entirety
- 19 VAC 30-70-460 in its entirety
- 19 VAC 30-70-470 in its entirety
- 19 VAC 30-70-480 in its entirety
- 19 VAC 30-70-490 in its entirety
- 19 VAC 30-70-500 in its entirety
- 19 VAC 30-70-510 in its entirety
- 19 VAC 30-70-530 H 10 i and 11 g (2)
- 19 VAC 30-70-560 in its entirety
- 19 VAC 30-70-590 in its entirety

Disciplinary action for a Class III offense shall be:

1st offense - Written reprimand from the Safety Officer or his designee.

2nd offense - Suspension for not less than 45 nor more than 90 days.

Offenses are cumulative in nature and will remain active for a period of 24 months from date of offense.

A Class III offense in combination with two Class II offenses or three Class I offenses shall be grounds for no less than a 60-day nor more than 90-day suspension.

## **19 VAC 30-70-6. Class IV offenses.**

Class IV offenses are those violations considered so critically important to the integrity and credibility of the Official Annual Motor Vehicle Inspection Program as to require immediate and severe disciplinary action. The following violations and actions shall be considered a Class IV offense:

1. Loss of driver's license.
2. Obvious usage of either alcohol and/or drugs by an employee associated with the Annual Motor Vehicle Inspection Program.
3. Loss of inspection stickers through neglect.
4. Improper use of inspection supplies such as placing on a vehicle which has not been inspected.
5. Falsifying inspection receipts or inspection records.
6. Giving false information during an inspection complaint investigation.
7. Performing either an inspection or inspections at a station without authority from the safety officer.
8. The arrest of any person associated with the inspection program for a criminal offense of a nature which would tend to immediately reflect upon the integrity and reputation of the Department of State Police shall be grounds for an immediate suspension and the conviction for such an offense may result in a revocation of the station appointment.
9. The use of profanity or verbal abuse directed at customers presenting their vehicles for inspection by inspectors, managers or business owners.
10. Illegal use of inspection supplies such as stealing, selling, mailing or giving away, shall be grounds for revocation.

Disciplinary action for a Class IV offense shall be immediate suspension or revocation. A suspension shall not be less than 90 days nor more than six months. A revocation shall not be less than one year nor more than three years. Offenses are cumulative in nature and will remain active for a period of 24 months from the date of the offense. For a subsequent violation within 24 months, the suspension shall not be less than six months nor more than one year. In the case of the loss of the driver's license, the suspension shall remain in effect until the driver's license is reinstated and consideration for reinstatement of inspection privileges will be made at that time. A Class IV offense in combination with three Class I offenses, two Class II offenses, or one Class III offense shall be grounds for no less than a 90-day nor more than a six-month suspension.

**19 VAC 30-70-7. General information.**

Any violation under any class of offenses requiring a third suspension within a 24-month period shall be grounds for a revocation. The suspension or revocation period for a subsequent violation requiring suspension or revocation under any class of offenses within a 24-month period shall be twice that of a previous suspension or revocation.

For suspension periods of less than six months, inspection stations and safety inspectors will not be required to file application for reinstatement.

For suspension periods of six months or more, inspection stations and safety inspectors must complete the process as set forth for original appointment. Reapplications may be made 60 days prior to the suspension expiration.

Inspection stations and safety inspectors who have their privilege to perform inspections revoked, must complete the application process as set forth for original appointments after the expiration of the period of revocation.

**19 VAC 30-70-8. Definitions.**

"Official Annual Motor Vehicle Inspection Manual" means Chapter 70 (19 VAC 30-70-1 et seq.) of 19 VAC 30.

"Suspension" means that the privilege or appointment suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Revocation" means that the privilege or appointment revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

**19 VAC 30-70-9. Reserved.**

ARTICLE 4. PART II.  
INSPECTION REQUIREMENTS.

**19 VAC 30-70-10. Official inspection station requirements.**

A. Official inspection stations, except private appointments, shall be open at least eight hours of each normal business day, and shall be able to perform inspections 12 months throughout the year, except during illness of limited duration or normal vacation.

1. Normal business hours are defined as an eight-hour period of time between 8 a.m. and 6 p.m.
2. Stations are not prohibited from performing inspections at times other than during normal business hours.
3. A station which advertises inspections beyond normal business hours shall be able to perform such inspections.
4. If a station desires to maintain business hours which are different from those defined in this section, written permission must be obtained from the safety officer and a sign setting forth the inspection hours must be posted conspicuously at the station where it can be observed by a person desiring to have a vehicle inspected.

B. At least one safety inspector to perform inspections and one inspection lane, meeting the minimum requirements, shall be available for inspection at all times during the normal business day. All inspections must be made only at the locations and in the inspection lane approved by the Department of State Police.

The designated inspection areas, including any location where customers are permitted to enter when submitting vehicles for inspection, must be kept clean, free from excessive dirt, grease, and loose materials.

C. Inspection station facilities must be properly maintained and must present a businesslike appearance to the general public. Property adjacent to the inspection station which is owned or controlled by the station must be free of debris, litter, used parts and junk vehicles. Vehicles properly contained within fenced storage areas shall be deemed to comply with this requirement.

D. Inspections shall be performed on a first come, first serve basis. Motorists shall not be required to make an appointment to obtain an inspection, except that appointments required by paragraph 44 12 of the Governor's Proclamation, which appears at the end of this chapter, shall be made. Businesses that take in motorists' vehicles for inspection at the beginning of the work day shall not be required to stop the work already taken in to provide an inspection for a drive-in motorist, provided inspections are actually being performed at the time and will continue through the day.

E. Safety inspectors, managers who supervise inspection activities and business owners through participation in the inspection program are representatives of the Department of State Police and should conduct themselves in a manner to avoid controversy in dealing with customers presenting vehicles for inspection. The use of profanity or verbal abuse directed at customers presenting their vehicles for inspection will be grounds for suspension from participation in the inspection program and will be considered a Class IV offense as set forth in 19 VAC 30-70-6 of the Guidelines for Administration of Virginia's Annual Motor Vehicle Inspection Program.

Controversy that cannot be calmly resolved by the safety inspector, managers, and owners should be referred to the supervising trooper for handling.

F. The "Certificate of Appointment" must be framed under glass and posted at or near the point of inspection where it can be observed and read by a person submitting a vehicle for inspection.

G. The required "Official Inspection Procedure" sheet furnished each station must be framed under glass and posted conspicuously at or near the point of inspection where it can be observed and read by a person submitting a vehicle for inspection.

H. The poster designating the station as an official inspection station shall be posted in a prominent location, outside or visible outside the station to alert passersby that inspection services are available. Private inspection stations need not comply with this section.

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## Proposed Regulations

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I. Each official inspection station shall display a list with the name(s) and license expiration date of all employees licensed to inspect at that station adjacent to the appointment certificate, where it can be observed by a person submitting a vehicle for inspection.

*The official inspection manual will be kept at or near the point of inspection for ready reference.*

J. Important — Any change in name, ownership or location of any official inspection station cancels the appointment of that station and the Department of State Police must be notified immediately. The department shall be notified when an official inspection station discontinues operation.

K. All inspection supplies, inspection binders and manual, unused stickers, duplicates of certificates issued, bulletins, and other forms are the property of the Department of State Police and must be safeguarded against loss.

L. Inspection supplies issued to an inspection station can be used only by that station and are not to be loaned or reissued to any other station with the exception of inserts.

1. Stations must maintain a sufficient supply of approval stickers, T/M decals and rejection stickers.

2. Inspection stations that exhaust their supply of approval stickers, rejection stickers or T/M decals, shall immediately stop performing new inspections and contact their supervising trooper or the nearest Safety Division office.

M. All losses of stickers must be reported orally at once to the nearest State Police area safety office or supervising inspection trooper.

N. Every precaution against the loss of stickers must be taken. If the loss occurs through carelessness or neglect, a suspension of the station may result.

O. Manuals, bulletins, other regulations and lists of approved equipment must be available at all times for reference. Revisions to the inspection manual must be inserted in the manual at the proper location promptly after being received by the inspection station. Bulletins of temporary interest and pages of bulletins containing the synopsis of manual revisions will be retained in the front of each station's inspection manual for two years. Each safety inspector shall review the material contained in each inspection bulletin and manual revision within 15 days of its receipt. The safety inspector shall certify that the revisions have been reviewed by signing his/her name and placing the date reviewed by the signature on the bottom or reverse side of the bulletin or manual revision cover sheet. Station management shall be responsible to see that each safety inspector is familiar with all bulletins and manual revisions and shall be required to furnish evidence to the department that all bulletins and manual revisions have been reviewed by each licensed inspector.

A copy of the diagram drawn by the investigating trooper, showing the approved inspection lane or lanes will be inserted in a plastic page protector and inserted as the last page of the official inspection manual at each official inspection station. The name of the station and the date will be inserted in the top right corner.

P. Private appointment may be made of company stations or government stations who own and operate a minimum of 20 vehicles and they may inspect only company-owned or government-owned vehicles respectively. When authorized by the department, they may inspect vehicles of a wholly owned subsidiary or leased vehicles.

1. A private station may perform inspections during each month of the year or may elect to inspect only during certain designated months.

2. A private station not electing to inspect vehicles every month of the year which finds it necessary to inspect a vehicle during a month other than those selected for inspection may issue a sticker to the vehicle from the nearest past inspection month.

Q. All official inspection station owners, operators and certified safety inspectors shall comply with the Virginia inspection laws and the inspection rules and regulations. Reports of violations will be investigated and if found to be valid may result in the suspension of the station, suspension of the mechanic, possible court action or other appropriate action. Repeated violations or serious violations may result in a revocation of the station appointment by the Superintendent.

R. The arrest of any person associated with the inspection program for a criminal offense of a nature which would tend to immediately reflect upon the integrity and reputation of the Department of State Police shall be grounds for an immediate suspension and the conviction for such an offense may result in a revocation of the station appointment.

S. When a station has been suspended or revoked, it must release to a member of the Department of State Police all inspection supplies, posters, and papers including the certificate of appointment. Failure to do so is a violation of § 46.2-1172 of the Code of Virginia.

T. The authority of the Superintendent to suspend the designation or appointment of an official inspection station as provided in § 46.2-1163 of the Code of Virginia, or to suspend the certification of a mechanic designated to perform inspections at an official inspection station in keeping with the provisions of § 46.2-1166 of the Code of Virginia, is hereby delegated to any of the following supervisory ranks of the Department of State Police: "Lieutenant Colonel, Major, Captain, Lieutenant and First Sergeant."

### 19 VAC 30-70-30. Inspector requirements.

A. The inspection of motor vehicles required by these rules and regulations shall be made only by those individuals who are certified and licensed as inspectors by the Department of State Police.

B. All certified inspectors shall:

1. Be at least 18 years of age; *and*

2. Have a minimum of one year's practical experience as an automotive mechanic; or 3. have satisfactorily completed a training program in the field of automotive mechanics approved by the Superintendent of State Police.

C. A person who has a minimum of one year's practical experience in repairing motorcycles may be certified to inspect motorcycles only and a person who has one year's practical experience in repairing trailers may be certified to inspect trailers only.

D. C. All mechanics entering the inspection program will be required to satisfactorily pass a written and practical examination exhibiting his knowledge of the inspection procedures.

E. D. Each certified inspector shall possess a valid Virginia driver's license.:

1. Except an inspector who is a resident of an adjoining state holding a valid driver's license in that state and who commutes regularly to work in Virginia; or
2. Except a member of the armed forces of the United States on active duty who holds a driver's license from his home state.

F. E. An inspector whose driver's license is suspended or revoked must immediately notify the ~~Department of State Police in writing~~ *station's supervising trooper or local Safety Division office* of the suspension or revocation.

The suspension or revocation of an inspector's driver's license shall automatically act as a suspension of his privilege to inspect motor vehicles until such suspension or revocation is terminated and the reinstatement has been made by the Superintendent of State Police.

G. F. Each licensed safety inspector must have a valid safety inspector's license in his possession at all times while conducting inspections.

H. G. Each safety inspector with a valid safety inspector's license need only present such valid license to his new employer to commence participation in the program at his new place of employment. Management of the inspection station is required to notify the Safety Division when a safety inspector begins or ends employment. This may be handled by letter or telephone to the Safety Division in Richmond.

I. H. An inspector must promptly notify the Safety Division in writing of any change in his home address as shown on the safety inspector's license. In the event the license becomes mutilated, lost or stolen, the inspector must notify the Department of State Police immediately in writing, requesting a duplicate.

### 19 VAC 30-70-50. Approval stickers and decals.

A. If the vehicle meets all inspection requirements, the inspection sticker receipt shall be legibly filled out with a ball point pen in its entirety and signed by the authorized mechanic making the inspection. The inspection fee, the cost of the repairs relating to the inspection and the identification number must be included.

B. Approval stickers and decals shall be issued according to the following schedule:

#### ANNUAL PROGRAM

Vehicles inspected in January	issued stickers bearing the Number "1"
Vehicles inspected in February	issued stickers bearing the Number "2"
Vehicles inspected in March	issued stickers bearing the Number "3"

Vehicles inspected in April	issued stickers bearing the Number "4"
Vehicles inspected in May	issued stickers bearing the Number "5"
Vehicles inspected in June	issued stickers bearing the Number "6"
Vehicles inspected in July	issued stickers bearing the Number "7"
Vehicles inspected in August	issued stickers bearing the Number "8"
Vehicles inspected in September	issued stickers bearing the Number "9"
Vehicles inspected in October	issued stickers bearing the Number "10"
Vehicles inspected in November	issued stickers bearing the Number "11"
Vehicles inspected in December	issued stickers bearing the Number "12"

All February annual inspection stickers and trailer/motorcycle decals (#2) due to expire at midnight, February 28 automatically will be valid through midnight February 29 each leap year.

C. The numeral decal indicating the month of expiration shall be inserted in the box identified as month and the numeral decal indicating the year of expiration shall be inserted in the box identified as year of the approval sticker and the trailer/cycle decal. Extreme care should be used by inspectors in applying these inserts. On all windshields, except school buses, the sticker is to be placed at the bottom of the windshield so that the inside or left edge of the sticker is one inch to the right of the vertical center of the windshield when looking through the windshield from inside the vehicle. (If the vehicle is normally operated from the right side, the sticker must be placed one inch to the left of the vertical center of the windshield.) On passenger vehicles not equipped with a windshield, the sticker shall be placed on or under the dash and protected in some manner from the weather.

The approval sticker on official yellow school buses is to be placed at the bottom and in the right corner of the windshield when looking through the windshield from inside the vehicle.

EXCEPTION: The approval sticker shall be placed one inch to the right of the vertical center of the windshield when looking through the windshield from the inside on all new flat-face cowl yellow school buses.

Stickers or decals used by counties, cities and towns in lieu of license plates affixed adjacent to the old approval sticker and which are affixed in the location where the new approval sticker is required to be placed will not be removed. In these cases, the approval sticker will be placed as close to one inch to the right of the vertical center of the windshield as it can be placed without removing or overlapping the county, city or town decal.

D. The Virginia statutes require that the inspection sticker be displayed on the windshield or at other designated places at all times. The inspection sticker cannot be transferred from one vehicle to another.

EXCEPTION: If the windshield in a vehicle is replaced, a valid sticker may be removed from the old windshield and placed on the new windshield.

E. The decal issued to a motorcycle shall be affixed to the front left side of the cycle on a flat surface or left front shock where it will be visible after mounting.

F. Trailer decals will be issued to all trailers and semitrailers required to be inspected. (No boat, utility, or travel trailer which is not equipped with brakes shall be required to be inspected.)

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## Proposed Regulations

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G. All trailers must display a trailer decal on that particular vehicle. These decals are to be placed on the left side of the trailer near the front corner. The decal must be affixed to the trailer body or frame. In those instances where a metal back container with a removable transparent cover has been permanently affixed to the trailer body, the decal may be glued to it. The container must be permanently mounted in such a manner that the decal must be destroyed to remove it.

H. In all other cases involving unusually designed trailers such as pole trailers, the inspecting mechanic is to exercise his own good judgment in placing the decal at a point where it will be as prominent as possible and visible for examination.

I. Decals shall be punched to indicate whether issued to a motorcycle or trailer. (*The type vehicle being inspected shall be punched.*)

The receipts are completed in the same manner as other inspection receipts.

J. Appointed stations will keep sufficient inspection supplies on hand to meet their needs. Requests for additional supplies are to be made to the Safety Division by telephone or in writing.

1. Do not make requests for stickers on inventory forms or slips of paper enclosed with returned supplies.
2. Packing slips mailed with inspection supplies will be kept on file at the station for at least 24 months.

K. All unused center inserts used to indicate the month that a sticker or decal expires, in possession of the inspection station at the end of each month shall be retained by the inspection station, properly safeguarded, and used in the inspection of vehicles for the particular month in the following year or be disposed of as directed by the Department of State Police.

All inspection supplies that are voided, damaged, disfigured or become unserviceable in any manner, will be returned to the Safety Division, Department of State Police and replacement supplies will be furnished the station. Expired stickers will be picked up by the station's supervising trooper.

L. The white receipts shall be left in completely used books of approval stickers and decals. Used white receipts shall be removed from all partly used books of approval stickers and decals at the end of each month. All receipts will be forwarded to the Safety Division by the fifth of the month following the month of inspection. All voided approval stickers and decals shall be marked void and returned with the white receipts.

~~NOTE: Do not mail receipts in green envelopes.~~

M. The pink receipt copies of the approval stickers and decals shall be given to the owner or operator of the vehicle.

N. All yellow receipt copies of approval stickers and decals shall be kept on file at the station for at least 24 months. They may be inspected by any law-enforcement officer during normal business hours.

O. Safety Division troopers may replace inspection stickers that have separated from the windshield of motor vehicles

and become lost or damaged without conducting an inspection of the safety components of the vehicle. Such replacement of inspection stickers shall be made only in accordance with the following provisions:

1. A vehicle owner or operator complaining of the loss or damage to the inspection sticker on the windshield of their vehicle due to separation of the sticker from the windshield shall be directed to the nearest Safety Division office or Safety Division trooper.

2. Safety Division troopers, upon receipt of a complaint from a vehicle owner or operator that their inspection sticker has been *stolen*, lost or become damaged due to separation from the windshield will make arrangements to meet the person to effect the replacement of the sticker. *A vehicle owner or operator alleging theft of the inspection sticker will furnish proof to the Safety Division trooper that such theft has been reported to proper law-enforcement authority.*

3. The vehicle owner or operator must produce the original pink inspection receipt indicating a valid approval inspection sticker was issued to the vehicle within the past 11 months. (The vehicle must be reinspected if the expiration of the original inspection sticker is in the month the request is being made.)

4. The Safety Division trooper will verify by the inspection receipt that the vehicle was issued an approval inspection sticker within the past 11 months and issue a replacement inspection sticker to the vehicle.

5. The Safety Division trooper will complete the inspection sticker receipt for the approval sticker from information contained on the original receipt. The date the replacement sticker is issued will be used in the date space. In the space for "Inspection Related Charges," the trooper will insert the word "REPLACEMENT" and the sticker number from the original pink inspection receipt.

6. The Safety Division trooper will sign the receipt vertically in the O.K. column in the "Equipment Inspected" blocks. These blocks will not otherwise be completed.

7. The Safety Division trooper shall place month and year inserts on the inspection sticker to reflect the expiration as shown on the original approval inspection sticker and place the inspection sticker on the windshield in accordance with the requirements of subsection C of *this section*.

8. The Safety Division trooper will staple the original pink inspection receipt to the new white receipt. At the end of each week, the Safety Division trooper will forward all inspection receipts for replacement stickers issued by him to the Safety Division. ~~A list of the inspection receipt numbers and the name and number of the inspection station issuing such replacement stickers will be attached to the receipts. The yellow receipts will be submitted to the area office and maintained on file for 24 months.~~

**19 VAC 30-70-60. Rejection stickers.**

A. Only one rejection sticker shall be issued to any one vehicle. A rejection sticker shall not be issued to any vehicle already bearing such a sticker or to one which bears evidence of previously being issued a rejection sticker.

When a vehicle is bearing a valid or expired rejection sticker, it is not to be removed unless the vehicle meets all of the inspection requirements.

B. A vehicle rejected by one station may be reinspected by another station if the owner desires to have this done; however, that station shall perform a complete inspection of the vehicle.

C. Reinspection of a rejected vehicle by the same station; during the 15-day validity of the rejection sticker need include only a check of the items previously found defective, unless there is an obvious defect that would warrant further rejection of the vehicle. Such reinspection will not constitute a complete inspection and a \$1.00 fee may be charged.

1. If additional defects are detected during reinspection of a vehicle previously rejected, the vehicle will not be issued an approval sticker.
2. No vehicle bearing a valid rejection sticker shall be entitled to receive more than two reinspections by the rejecting station during the validity period of the rejection sticker.
3. The validity period of the rejection sticker shall be 15 days in addition to the day of inspection.

D. If repairs are to be made to a rejected vehicle that would necessitate removing the vehicle from the inspection lane, no rejection sticker need be issued; however, the vehicle must be returned to an approved lane for a recheck of the rejected items and the installation of the approval sticker.

E. If the vehicle does not meet all the requirements and the owner does not authorize immediate repairs, and if a rejection sticker has not already been issued, a rejection sticker will be made out with a ball point pen, the date of issue punched on it, and the sticker affixed to the same location as indicated in 19 VAC 30-70-50 C, E and G. (When affixed to a trailer, the face of the rejection sticker shall be glued to the trailer in order to allow the rejection data on the back side to be read.)

F. The operator of the *rejected* vehicle shall be instructed that ~~the vehicle must be reinspected within 15 days in addition to the day of rejection and that any operation of the vehicle will be at the owner's risk and must be in accordance with law.~~ informed of the following:

1. The rejection sticker is valid for 15 days in addition to the date of inspection.
2. The rejection sticker places no travel restriction on operation of the vehicle and is issued in lieu of an approval sticker.
3. The vehicle operator is legally responsible for any defect if operated on the highway and may be subject to a traffic summons for any existing equipment violation.

G. Duplicate copies (pink) of rejection stickers shall be forwarded, in numerical order, to the Safety Division by the fifth of the month following the month of inspection. The yellow copy shall be retained, in numerical order, by the station for at least 24 months.

**19 VAC 30-70-70. Inventory.**

A. Each inspection station at the end of each quarter, shall fill in the applicable portion of an inspection sticker inventory report (Form SP-221) in duplicate on stickers, trailer/motorcycle decals and rejection stickers used. This report shall be completed by the fifth of April, July, October and January for the preceding quarter and shall be kept on file at the station.

1. At the end of the calendar quarter the monthly totals will be combined into a quarterly total reflecting total number of stickers, trailer/motorcycle decals, rejection stickers and voided stickers used during the quarter. All approval stickers, trailer/motorcycle decals and rejection stickers unused and on hand at the end of the quarter shall be listed in the space provided on the back of the Inventory Report (Form SP-221.)
2. The inventory report after its completion shall be kept *retained* at the inspection station until it is checked *reviewed and picked up* by the station's supervising trooper during his supervisory visit.

~~After the inventory is checked by the supervising trooper, he/she will pick up the inventory form along with a prestamped special color coded preaddressed envelope provided by the Department of State Police. Postage is to be provided by the inspection station.~~

The other copy of the inventory report shall be retained by the station for at least 24 months.

B. The calendar quarterly inventory reports shall be completed according to the following schedule:

Quarter of Year	Months of
1st	January, February, March
2nd	April, May, June
3rd	July, August, September
4th	October, November, December

PART 2. III.

INSPECTION REQUIREMENTS FOR VEHICLES OVER 10,000 POUNDS.

**19 VAC 30-70-80. Service brakes.**

A. The inspector, as a minimum, must drive all vehicles into the inspection lane and test both service and parking brakes.

A. B. A minimum of two wheels or two wheels and drums, one front and one rear, must be removed from each passenger and multi-purpose vehicle with a gross vehicle weight rating of 10,000 pounds or less at the time of inspection, except those listed in *subdivisions 1, 2 and 3*, below. Two front wheels or two front wheels and drums must be removed from vehicles listed in *subdivision 3*, below.

1. Motorcycles.

# Proposed Regulations

2. A new model vehicle, is defined as a vehicle that has not been titled or leased and is less than one year old, measured from October 1 as of each year; or if such motor vehicle does not have a model year, such measurement shall be made from the date of manufacture.

3. Trucks with floating axles that require seal replacement upon removal of rear wheels. The inspection receipt (approval and rejection) shall be marked to reflect which wheels were pulled.

Warning: Lug nuts must be torqued to the manufacturer's specifications to prevent damage to disc rotors. The use of an impact wrench may exceed the manufacturer's specifications and damage disc rotors.

B- C. If any braking problem is detected, the inspector may test drive or require a test drive of the vehicle and use the decelerometer as necessary.

If the decelerometer is used and the vehicle does not meet the minimum standards for stopping distances as shown in subsection HH subdivision F11 of this section, the vehicle shall be rejected.

D. Inspect for and reject if:

G- 1. Vehicle is not equipped with brakes, or any brake has been disconnected, rendered inoperative, or improperly installed.

Trailers having an actual gross weight of less than 3,000 pounds are not required to be equipped with brakes; however, if brakes are installed, these vehicles must be inspected.

## Brake System Failure Indicator Lamp

D- 2. Passenger vehicles manufactured after January 1, 1968, are not equipped with a brake failure warning lamp or warning lamp does not light with parking brake applied when ignition key is turned to the start position, except for anti-lock system. With engine running and parking brake released, the lamp should go off, except for vehicles equipped with anti-lock system. Apply service brake for 10 seconds. If the brake warning lamp lights again, the warning light does not come on when there is a leak, or the light is not functioning properly, the system is defective. *NOTE: This paragraph does not apply to vehicles registered as street rods.*

## Brake Linings and Disc Pads

E- 3. Riveted linings or disc pads are worn to less than 2/32 of an inch over the rivet head(s).

F- 4. Bonded or molded linings or disc pads are worn to less than 2/32 of an inch in thickness or are worn beyond manufacturer's specifications.

G- 5. Wire in wire-backed lining is visible in friction surface.

H- 6. Snap-on brake linings are loose.

I- 7. Any lining is broken or cracked so that lining or parts of lining are not firmly attached to the shoe or has cracks on the friction surface extending to the open edge.

J- 8. Grease or other contamination cannot be satisfactorily removed from the lining, drums, or rotors.

K- 9. Rivets in riveted linings are loose or missing.

L- 10. Any lining or pad is misaligned or does not make full contact with the drum or rotor.

## Brake Drums and Discs

M- 11. Brake drums or brake discs (rotors) are worn or scored to the extent that their remachining would exceed manufacturer's specifications.

N- 12. Brake drums or discs with have any external crack or cracks more than one half the width of the friction surface of the drum or disc. *NOTE: Do not confuse short hairline heat cracks with flexural cracks.*

## Mechanical Linkage

O- 13. Cables are frayed or frozen.

P- 14. Mechanical parts missing, broken, badly worn, or misaligned.

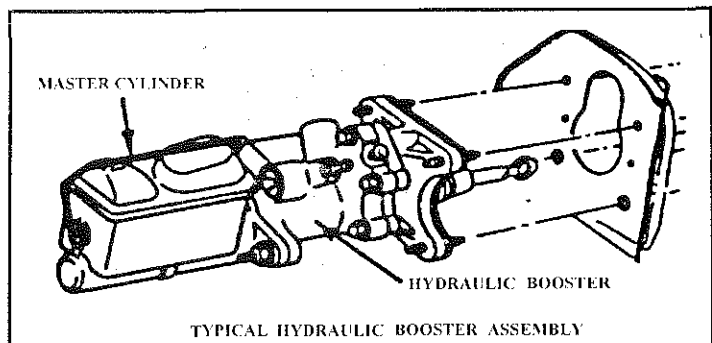
## E. Hydraulic.

*NOTE:* Some motor vehicles, beginning with 1976 models, have a hydraulic power system that serves both the power assisted brakes and power assisted steering system. Some vehicles, beginning with 1985 models, have an integrated hydraulic actuation and anti-lock brake unit using only brake fluid.

1. Brake hydraulic system. Q- Inspector should check the brake hydraulic system in the following manner: test vehicle in a standing position; apply moderate pressure to the brake pedal for 10 seconds. Brake pedal height must be maintained. On vehicles equipped with power assisted systems, the engine should be running.

2. Hydraulic system operation. R- Stop engine, then depress brake pedal several times to eliminate all pressure. Depress pedal with a light foot-force (30 ~~lbs.~~ pounds). While maintaining this force on the pedal, start engine and observe if pedal moves slightly when engine starts.

Reject vehicle if pedal does not move slightly as engine is started while force is on brake pedal.

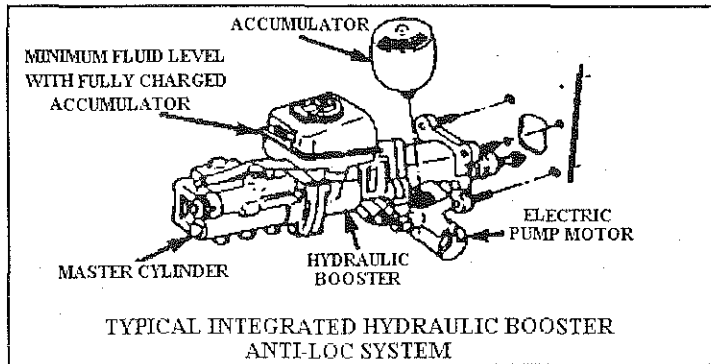


3. Condition of hydraulic booster power brake system. S- Inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; if there is any leakage of fluid at the pump, steering gear or brake booster, or any of the lines or hoses in the system; or if belts are frayed, cracked or excessively worn.

4. Integrated hydraulic booster/anti-lock system operation.  $\mp$ . With the ignition key in the off position, depress brake pedal a minimum of 25 times to deplete all residual stored pressure in the accumulator. Depress pedal with a light foot-force (25 lbs. pounds). Place ignition key in the on position and allow 60 seconds for the brake warning light to go out and the electric pump to shut off.

Reject vehicle if the brake pedal does not move down slightly as the pump builds pressure or if the brake and anti-lock warning lights remain on longer than 60 seconds.

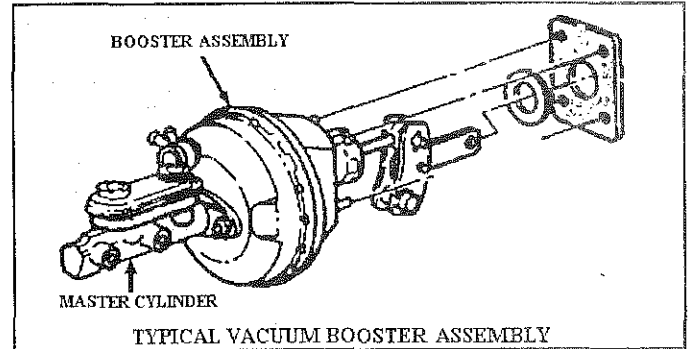


5. Condition of integrated hydraulic booster/anti-lock system with electronic pump.  $\sqcup$ . With the system fully charged, inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; or if there is any leakage of fluid at the pump or brake booster, or any of the lines or hoses in the system.

6. Vacuum system operation.  $\nabla$ . Stop engine then depress brake pedal several times to eliminate all vacuum in the system. Depress pedal with a light foot-force (25 lbs. pounds). While maintaining this force on the pedal, start engine and observe if pedal moves down slightly when engine starts.

Reject vehicle if pedal does not move down slightly as engine is started while force is on the brake pedal. In full vacuum-equipped vehicles, there is insufficient vacuum reserve for one full service brake application after engine is stopped.



7. Condition of vacuum booster power brake system.  $\mathbb{W}$ . Reject vehicle if there are collapsed, cracked, broken, badly chafed or improperly supported hoses and tubes, loose or broken hose clamps.

F. Inspect for and reject if:

General Specifications - Hydraulic Brakes

- X: 1. There is any leakage in the master cylinder, wheel cylinders, or brake calipers. (Do not disturb the dust boot when checking for leaking wheel cylinders.)
- Y: 2. Fluid level in master cylinder is below the proper level for the particular vehicle.
- Z: 3. There is any evidence of a caliper sticking or binding.

Electric Brake System

AA: 4. Trailers show an amperage value more than 20% above or 30% below the brake manufacturer's maximum current rating for each brake.

BB: 5. Ammeter shows no reading or indicator is not steady on application and release of brake controller.

CC: 6. Any terminal connections are loose or dirty; wires are broken, frayed, or unsupported; any single conductor or nonstranded wire or wires below size recommended by brake manufacturers are installed.

DD: 7. Electrical trailer brakes do not apply automatically when breakaway safety switch is operated.

General Specifications

EE: 8. There is any leakage in any hydraulic, air, or vacuum lines; hoses have any cracks, crimps, restrictions, or are abraded exposing fabric; tubing or connections leak, are crimped, restricted, cracked or broken; any valves leak or are inoperative.

Reject the vehicle if the brake hoses or lines are stretched or extended and do not allow for suspension movement.

FF: 9. Brakes are not equalized so as to stop the vehicle on a straight line.

GG: 10. There is less than 1/5 reserve in actuator travel of the service brake when fully applied on all hydraulic,



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mechanical, or power-assisted hydraulic braking systems.

HH. 11. When tested on dry, hard, approximately level road free from loose material, at a speed of 20 miles per hour without leaving a 12-foot wide lane, a brake machine or decelerometer reading in excess of the following distances is obtained: (When in doubt about a vehicle's stopping ability, the inspector shall conduct a road test.)

- a. Any motor vehicle (except motorcycles, trucks, and tractor-trucks with semitrailers attached) four wheel brakes—25 ft. feet.
- b. Any motor vehicle (except motorcycles, trucks, and tractor-trucks with semitrailers attached) two wheel brakes—45 ft. feet.
- c. All combinations of vehicles—40 ft. feet.

## 19 VAC 30-70-90. Brakes: emergency, parking, or holding.

Some vehicles are equipped with an actual emergency brake, while others have only a parking or holding brake. Some types may be actuated by a foot or hand lever, while others may incorporate a switch or valve to actuate the brake. Air and vacuum brake systems may employ spring activating parking brakes.

Inspect for and reject if:

1. Vehicle or combination of vehicles is not equipped with a parking, holding, or emergency brake in good working order of the type installed as original standard factory equipment for the vehicle on which it is installed.
2. The parking brake actuating mechanism does not fully release when the control is operated to the off position.
3. Any mechanical parts are missing, broken, badly worn, or are inoperative.
4. Cables are stretched, worn, or frayed or not operating freely.
5. Parking brake will not hold the vehicle stationary with the engine running at slightly accelerated speed with shift lever in drive position for automatic transmission or shift lever in low gear with clutch engaged for standard shift transmission.
6. On vehicles equipped with automatic transmissions, the vehicle will start in any gear other than (P) park and (N) neutral.
7. Passenger vehicles manufactured after January 1, 1968, are not equipped with a brake failure warning lamp or warning lamp does not light with parking brake applied when ignition key is turned to the start position, except for anti-lock system. With engine running and parking brake released, the lamp should go off, except for vehicles equipped with anti-lock system. Apply service brake for 10 seconds. If the brake warning lamp lights again, the warning light does not come on when there is a leak, or the light is not functioning properly, the system

is defective. *NOTE: This paragraph does not apply to vehicles registered as street rods.*

## 19 VAC 30-70-100. Brakes: trailer (GVWR less than 10,000 pounds).

Inspect for and reject if:

1. Trailer brakes do not comply with provision of 19 VAC 30-70-80 and 19 VAC 30-70-90.
2. Operator does not have full control over brakes.
3. Combination will not stop as required in 19 VAC 30-70-80, paragraph 46 [repealed] F 11 c.
4. All trailers, manufactured or assembled after January 1, 1964, registered for an actual gross weight of 3,000 pounds or more are not equipped with emergency breakaway brakes designed to:
  - a. Apply automatically upon breakaway from towing vehicle.
  - b. Remain fully applied for at least 15 minutes.
  - c. Apply and release by operation of the manual emergency control.
5. A minimum of one wheel must be removed from each axle equipped with brakes to inspect the brake components.

*NOTE:* Trailers registered for an actual gross weight of 3,000 pounds or more, but with a manufacturer's gross weight rating of less than 10,000 pounds need not be equipped with brakes on all wheels.

- a. Exception: Wheels on trailers equipped with open brake mechanisms are not required to be removed.
- b. The inspection receipt approval and rejection shall be marked to reflect on which side the wheel or wheels were pulled.

## 19 VAC 30-70-110. Steering and suspension.

The steering and suspension systems used on vehicles has evolved to where many different suspension systems are being used on vehicles. In order to properly inspect the steering and suspension on vehicles, it may be necessary for the inspection to be made in accordance with manufacturer's recommended procedures.

Inspect for and reject if:

1. Any modification has been made that affects normal functioning of the shock absorbers. The inspector should operate the vehicle when in doubt. (If there is no evidence of the convolutions (coils) of the spring hitting one another, one pair (2) of nonmetallic coil spring stabilizers may be present in each of a vehicle's front coil springs, provided the installation of the stabilizers does not cause the springs to be higher than their original height.)

Shock absorbers in fully extended or compressed position when vehicle is stationary will not function normally.

2. The front end suspension has been modified by the use of lift blocks (a lift block is defined as any solid piece of wood, metal, or other material placed between and separating the vehicle's front axle and the springs.) This does not prohibit the use of shims that may be necessary to correct front end alignment.

3. Any modification has been made to the front end suspension which reduces turning radius, bypasses safety components of original steering mechanism or if there is any lateral movement between the axle and frame.

4. Any modification has been made to the suspension to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision.

Reject the vehicle if it has been modified by any means so as to raise its body more than three inches above the manufacturer's attachment points or the frame rail (exclude original manufacturer's spacers, washers or bushings when measuring).

5. Any modification has been made to cause the wheels to come in contact with the body under normal operating conditions.

6. A motor vehicle has a repair kit or preventive maintenance kit installed on a tie rod end, idler arm, ball joint, or any other part of the vehicle's steering gear.

NOTE: The repair kit or preventive maintenance kit usually consists of a small coil spring and a plastic cap which is placed over the bolt stud of the component and held in place by a retaining nut. There is nothing in this paragraph which prohibits the replacement of parts or components of a motor vehicle's steering gear in order to correct deficiencies in the steering gear.

7. When checked visually, the wheels appear to be out of line or an axle is bent.

8. Any vehicle that shimmies or wanders up to the legal speed limit.

9. Rack and pinion steering bellows (boot) is defective or missing.

10. Power steering is defective and affects adequate steering of the vehicle or power steering fluid in reservoir is below operating level.

NOTE: If the vehicle is equipped with power steering, the engine must be operating during testing.

11. Power steering belts do not have sufficient tension or are worn, frayed or missing.

12. Any modification has been made to any part of the steering or suspension system that affects proper steering or suspension or any part of the original suspension system has been disconnected.

NOTE: "All thread rod material" shall not be used as U-bolts in the suspension system.

*Vehicles registered as street rods may substitute any part of the original suspension system provided the*

*components are installed in accordance with the component manufacturers' specifications.*

13. Any modification or replacement has been made to the steering wheel which affects proper steering. ~~†~~ *The steering wheel shall be rejected if its outside diameter is of a smaller size less than the 13 inches unless original factory equipment.*

14. Steering column has any absence or looseness of bolts or positioning parts, resulting in motion of the steering column from its normal position.

15. A spring is broken, sagging or misaligned, shackles are worn or loose, or if air springs are collapsed.

16. Vehicles designed for shock absorbers or cross stabilizer links if any are disconnected or broken, bent, loose or do not function properly.

17. Any axle positioning parts are cracked, broken, loose, worn or missing resulting in shifting of an axle from its normal position or any control arm bushing is missing.

18. A MacPherson strut installed on a motor vehicle is broken, bent, loose or does not function properly.

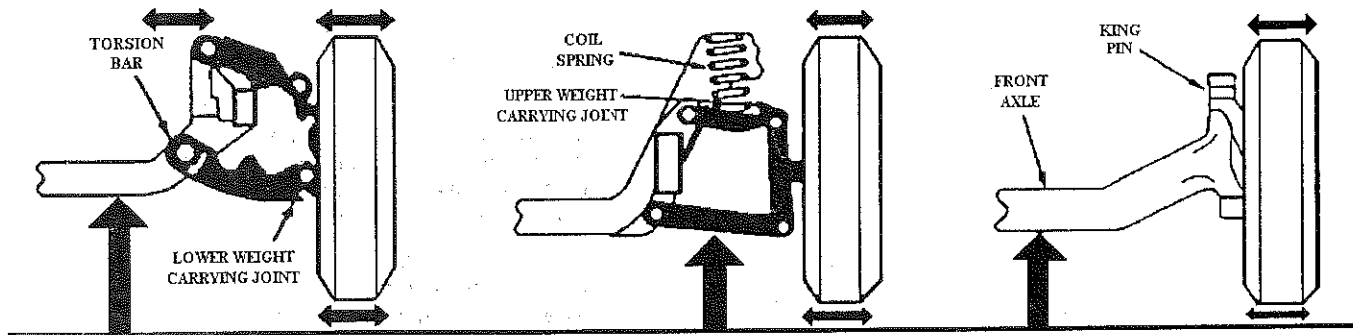
Do not reject a shock absorber or MacPherson strut unless there is evidence of leakage which causes the device not to function properly.

19. King pin play. If vehicle is equipped with king pins, first eliminate all wheel bearing movement by applying service brake. With front end lifted as illustrated for inspecting wheel bearings, (Figure C) grasp the tire at the top and bottom and attempt to move in and out to detect looseness. Measure the movement at the top or bottom of the tire at the outer circumference.

Reject vehicle if measured movement at top or bottom of tire is greater than:

Wheel size: 16 inches or less - 1/4 inch  
17 to 18 inches - 3/8 inch  
over 18 inches - 1/2 inch

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Proper lifting for wheel bearing, steering linkage

looseness, and kingpin play action

FIGURE

A

FIGURE

B

FIGURE

C

## 20. Wheel bearing/steering linkage.

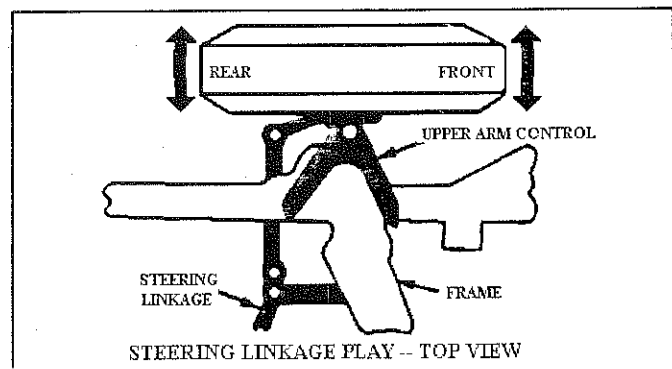
a. Lifting techniques vary for measuring wheel bearing movement. On vehicles with coil spring or torsion bar on lower support arm—hoist at frame (Figure A). On vehicles with coil spring on upper support arm—hoist at lower support arm (Figure B). On front wheel drive vehicles, the inspector must consult manufacturer's lifting information.

b. Front wheel bearings on rear wheel drive vehicles or rear wheel bearings on front wheel drive vehicles—With vehicle lifted properly, grasp tire at top and bottom, rock in and out and record movement. Wheel bearing looseness is detected by the relative movement between the brake drum or disc and the braking plate or splash shield. **CAUTION:** If air suspension vehicles are hoisted via body support area, air spring damage may occur if the air suspension switch is not turned off. Reject vehicle if relative movement between drum and backing plate (disc and splash shield) is more than 1/8 inch measured at the outer circumference of the tire.

c. Reject vehicle if any wheel bearing is excessively worn or not properly adjusted; any cotter key or other locking device is missing or inoperative.

21. Steering linkage play. First eliminate all wheel bearing movement by applying service brake. With vehicle lifted as shown above and wheels in straight ahead position, grasp front and rear of tire and attempt to move assembly right and left without moving the steering gear. Reject vehicle if measured movement at front or rear of tire is greater than:

Wheel Size: 16 inches or less	- 1/4 inch (6.5mm)
17 to 18 inches	- 3/8 inch (9.5mm)
Over 18 inches	- 1/2 inch (13mm)



a. Reject vehicle if there is noticeable play at any point in the steering mechanism (Except General Motors products.) On General Motors products, reject vehicle if play exceeds factory specifications.

b. Reject vehicle if the steering mechanism is unusually tight or binding when turning the steering wheel completely to the left or right or the steering mechanism will not turn in both directions stop to stop.

c. Reject vehicle if the steering stops have been removed or adjusted in so that steering radius is reduced.

22. Steering lash/travel. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and condition must be adequate before testing.

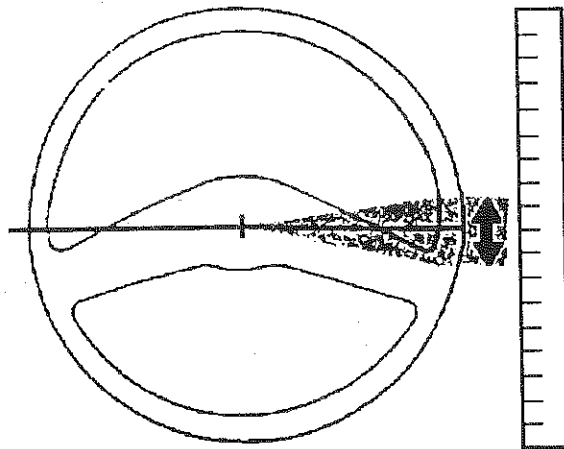
a. With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on the steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can again be detected at the front road wheel (see diagram next page-). Measure lash at steering wheel. Special lash-checking instruments may be used to

measure free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. Reject vehicle if steering wheel movement exceeds:

Power	- 2 inches
Manual	- 3 inches
Rack & Pinion- (Power or Manual)	- 0.4 inch - see note

b. Reject vehicle if inspection reveals excessive wear and/or looseness in any ball stud, end assembly, pivot point, mechanical linkage and/or if steering gear box has any loose or missing bolts, or excessive wear, and/or looseness is found at any other location in the steering that adversely affects the steering of the vehicle.

NOTE: No play is permissible for Volkswagen and Audi vehicles - consult respective manufacturer's specifications.



STEERING LASH

### 23. Steering lash/travel; trucks.

a. Before inspection the vehicle must be placed on a smooth, dry, level surface. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and condition must be adequate before testing.

b. With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can be detected at the front road wheel. Measure lash at steering wheel. Special lash-checking instruments are also available, measuring free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. With vehicle raised, visually inspect steering linkage, ball studs, tie rod end socket assemblies and all pivot points.

NOTE: On vehicles with power steering, engine must be running.

c. Reject vehicle if steering wheel movement exceeds:

### Steering Wheel Size and Lash

#### Power Steering

16 inches or less	- 4½ inches (11.5cm)
18 inches	- 4¾ inches (12.0cm)
20 inches	- 5¼ inches (13.5cm)
22 inches	- 5¾ inches (14.5cm)

#### Manual Steering

16 inches or less	- 2 inches (5.1cm)
18 inches	- 2¼ inches (5.4cm)
20 inches	- 2½ inches (6.4cm)
22 inches	- 2¾ inches (7.0cm)

d. Reject vehicle if inspection reveals excessive wear and/or looseness in any ball stud, end assembly, pivot point, mechanical linkage and/or if steering gear box has any loose or missing bolts, or excessive wear, and/or looseness is found at any other location in the steering that adversely affects the steering of the vehicle.

24. Ball joint wear. There is a trend among U.S. automobile manufacturers toward the use of "wear-indicating" ball joints. Many vehicles on the road, however, do not have wear-indicating ball joints. The inspection of both types will be discussed. Figures 1, 2, 3 and 4 illustrate the proper hoisting for checking ball joints.

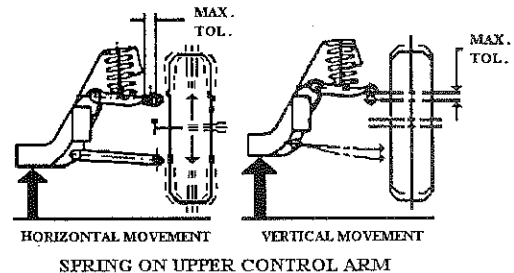


FIGURE 1

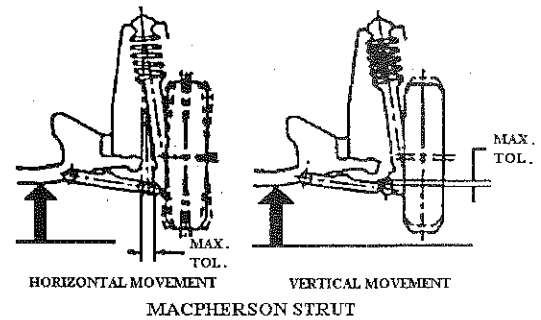
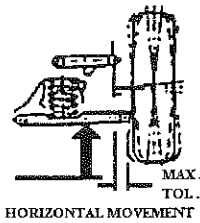


FIGURE 2

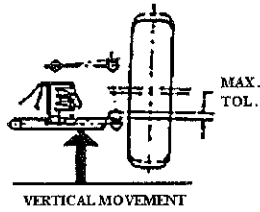
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FIGURE 3



HORIZONTAL MOVEMENT

FIGURE 4



VERTICAL MOVEMENT

SPRING OR TORSION BAR ON LOWER CONTROL ARM  
RAISING POSITIONS FOR SUSPENSION SYSTEMS

a. NOTE: To check ball joint wear on vehicles when the spring is supported on the upper control arm or when the spring is a part of a MacPherson strut or wear in any other type suspension not using ball joints when the front wheels are suspended on a solid axle, the vehicle must be hoisted as shown in Figure 1 or 2.

b. NOTE: Upper control arm must be stabilized in normal load carrying position by means of an upper control or other support tool to insure ball joint is in unloaded position.

c. NOTE: To check ball joint wear on vehicles not listed in above referred to section and diagram or tables when the spring is supported on the lower control arm; and to check the kingpin wear in any other type suspension not previously described when the wheels are independently suspended, the vehicle must be hoisted as shown in Figure 3 or 4.

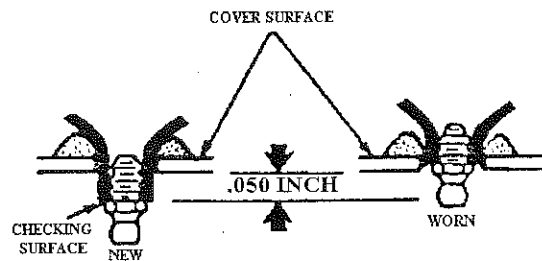
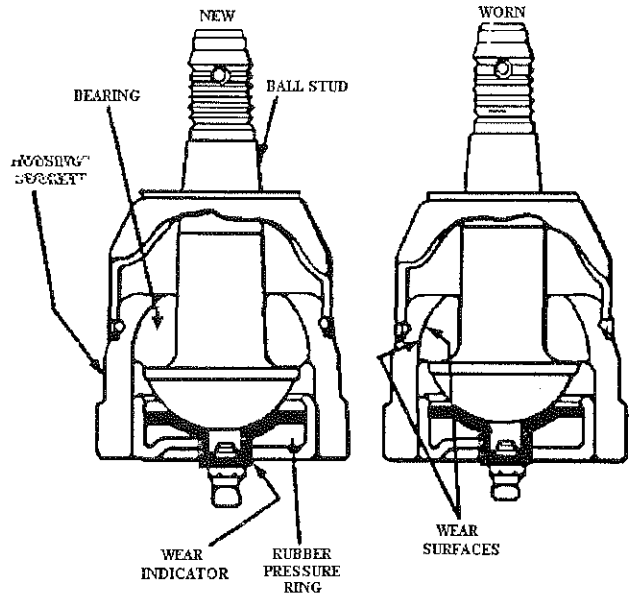
25. Ball joints without wear indicators.

a. Reject vehicle if there is noticeable play in the lower ball joint when hoisted as in Figures 1 or 2, or in the upper ball joint when hoisted as in Figures 3 or 4.

b. Reject vehicle if there is lateral movement in either front wheel in excess of 1/4 inch measured at the outside of the tire up to and including a 16-inch wheel; or in excess of 3/8 inch when the wheel is over 16 inches. This check must be made by grasping the tire at the extreme top and bottom and moving the wheel laterally across the surface. If play is noted, accurate measurement must be made by using the block test or with an accurate measuring device. No rejection should be made unless the specified tolerances are exceeded.

26. Ball joints with wear indicators. Support vehicle with ball joints loaded (in normal driving attitude). Wipe grease fitting and checking surface free of dirt and grease. Determine if checking surface extends beyond the surface of the ball joint cover.

Reject vehicle if checking surface is flush with or inside the cover surface.



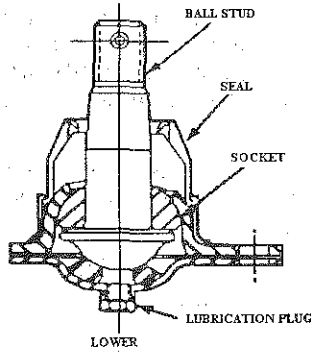
BALL JOINT WEAR INDICATOR

Wear is indicated by the protrusion of the 1/2" diameter boss, (exaggerated for illustration) into which the grease fitting is threaded for greasable ball joints. This same boss exists and should be used to indicate wear in non-greasable ball joints. This round base projects .050" beyond the surface of the ball joint cover on a new, unworn joint.

To inspect for wear, support vehicle by wheels so that the lower ball joints are in a loaded condition. Wipe the grease fitting or boss free of dirt and grease. Observe or scrape a scale, screwdriver or fingernail across the cover. If the grease fitting boss is flush or inside the cover surface, reject vehicle.

27. American Motors Pacer (only). Position vehicle on level surface. Remove lubrication plug from lower ball joint. Check lower ball joint clearance by inserting stiff wire or thin rod into lubrication plug hole until it contacts ball stud. Accurately mark rod with knife or scribe where it aligned with outer edge of plug hole. Distance from ball stud to outer edge of plug hole is ball joint clearance. Measure distance from mark to end of rod. (Anything less than 7/16 inch is acceptable.)

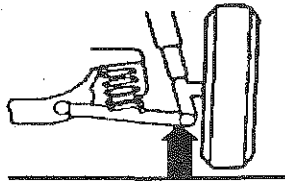
Reject vehicle if distance measured is 7/16 inch or more.



AMC PACER LOWER BALL JOINT

28. Ford Motor Company—Fairmont & Zephyr (1978 - 1983), Mustang & Capri (1979 - Present), Lincoln & Mark (1980 - Present), Continental (1982 - Present), Granada (1981 - 1982), LTD & Marquis (1983 - Present). These models have a new wear-indicating single lower ball joint system. Support the vehicle in normal driving position, with both ball joints loaded. Inspect using same procedure as ball joints with wear indicators.

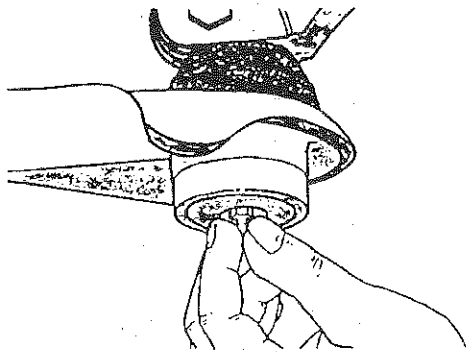
Reject vehicle if checking surface is inside the ball joint cover.



SELECTED FORD - LOWER BALL JOINT

29. Chrysler frontally drive vehicles (lower only). With the weight of the vehicle resting on the road wheels, grasp the grease fitting as shown below and attempt to move fitting. No mechanical assistance or added force is necessary.

Reject vehicle if grease fitting shows any movement.



CHRYSLER FRONTWHEEL DRIVE - LOWER BALL JOINT

30. Ball joints: light trucks. There is a trend among U.S. automobile manufacturers toward the use of "wear-indicating" ball joints on light trucks. Many vehicles on

the road, however, do not have wear indicating ball joints. The inspection of both types will be discussed.

31. Ball joint wear; light trucks. Figures 1, 2, 3 and 4 illustrate the proper hoisting for checking ball joints.

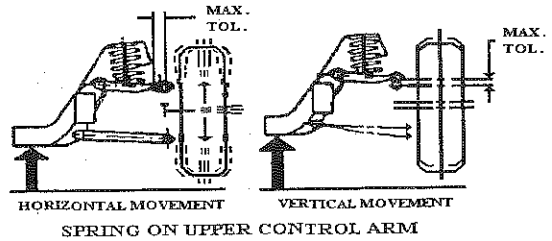


FIGURE 1

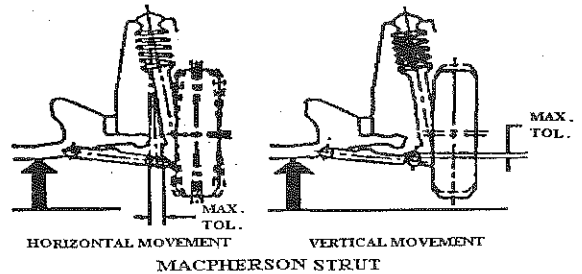


FIGURE 2

FIGURE 3

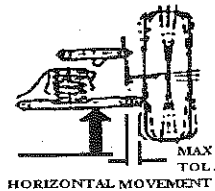
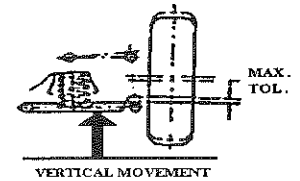


FIGURE 3  
SPRING OR TORSION BAR ON LOWER CONTROL ARM  
RAISING POSITIONS FOR SUSPENSION SYSTEMS

FIGURE 4



a. NOTE: To check ball joint wear on vehicles when the spring is supported on the upper control arm or when the spring is a part of a MacPherson strut or wear in any other type suspension not using ball joints when the front wheels are suspended on a solid axle, the vehicle must be hoisted as shown in Figure 1 or 2.

b. NOTE: Upper control arm must be stabilized in normal load carrying position by means of an upper control or other support tool to insure ball joint is in unloaded position.

c. NOTE: To check ball joint wear on vehicles not listed in previously referred to sections, on and diagrams or tables when the spring is supported on the lower control arm; and to check the king pin wear in any other type suspension not previously described when the wheels are independently suspended, the vehicle must be hoisted as shown in Figure 3 or 4.

32. Vehicles without wear indicator ball joint; light trucks.

a. Reject vehicle if there is noticeable play in the lower ball joint when hoisted as in Figures 1 or 2, or in the

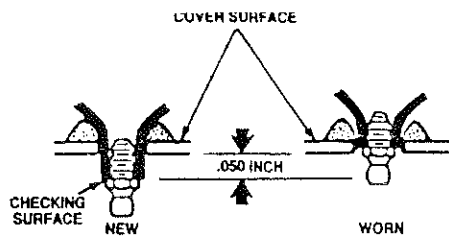
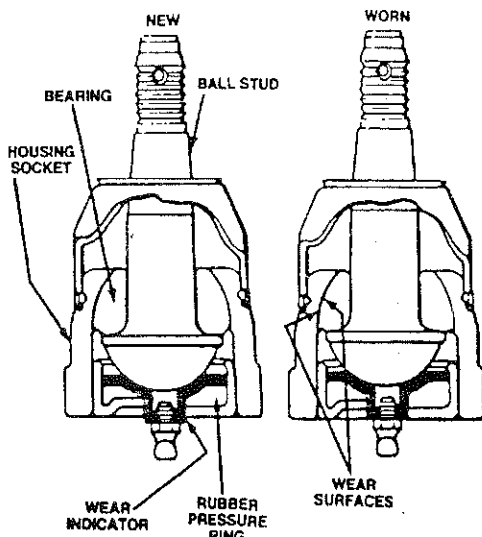
# Proposed Regulations

upper ball joint when hoisted as in Figures 3 or 4 above.

b. Reject vehicle if there is lateral movement in either front wheel in excess of 1/4 inch measured at the outside of the tire up to and including a 16 inch wheel; or in excess of 3/8 inch when the wheel is over 16 inches. This check must be made by grasping the tire at the extreme top and bottom and moving the wheel laterally across the surface. If play is noted, accurate measurement must be made by using the block test or with an accurate measuring device. No rejection should be made unless the specified tolerances are exceeded.

33. Ball joints with wear indicators; light trucks. Support vehicle with ball joints loaded (in normal driving attitude). Wipe grease fitting and checking surface free of dirt and grease. Determine if checking surface extends beyond the surface of the ball joint cover.

Reject vehicle if checking surface is flush with or inside the cover surface.



**BALL JOINT WEAR INDICATOR**

Wear is indicated by the protrusion of the 1/2" diameter boss, (exaggerated for illustration) into which the grease fitting is threaded. This round boss projects .050" beyond the surface of the ball joint cover on a new, unworn joint.

To inspect for wear, support vehicle by wheels so that the lower ball joints are in a loaded condition. Wipe the grease fitting and boss free of dirt and grease. Observe or scrape a scale, screwdriver or fingernail across the cover. If the grease fitting boss is flush or inside the cover surface reject vehicle.

34. Any vehicle inspected in accordance with the recommendation of the manufacturer of such vehicle and found to be within the specification contained in the charts below following tables shall be deemed to meet inspection regulations.

~~35. Reject if sliding trailer tandem or multi-axle assemblies do not lock in place or have worn, broken or missing parts.~~

## BALL JOINT WEAR TABLES

### DOMESTIC AND CAPTIVE IMPORTS\*

Table 1 - Manufacturer's Tolerance For Ball Joint Wear With Spring Or Torsion Bar On Lower Control Arm

Model	Year	Vertical Movement	Horizontal Movement
<b>AMERICAN MOTORS</b>			
Pacer	75-80	Wear Ind.(d)	(a)
<b>BUICK</b>			
All models except listed	57-60	.150"	(a)
	61-70	.100"	(a)
	71-72	.020"(b)	(a)
	73-82	Wear Ind.	(a)
	82-92	.000	.000
Apollo	1974	.0625"	(a)
Century	1981	.020"(b)	(a)
Century, Regal	1984-1973	.020"(b)	(a)
LeSabre, Wildcat, Electra, Park Avenue,			
Centurion	73-88	Wear Ind.	(a)
LeSabre, Electra			
Estate Wagon	88-92	(c)	.125"
Roadmaster Wagon	1991	Wear Ind.	.125"
Opel	74-75	.080"	(a)
	76-79	.040"	(a)
Regal	74-91	Wear Ind.	.000
Riviera	79-85	.125"(e)	(a)
Skylark	80-88	.000	(a)
Special	61-63	.080"	(a)
	64-68	.060"	(a)
Special, Skylark, GS, Sport Wagon	69-70	.070"	(a)
	71-72	.0625"	(a)
<b>CADILLAC</b>			
All models except listed	82-91	.000	.000
Calais, Deville (RWD)			
Fleetwood (RWD)	57-73	.062"	(a)
Brougham (RWD)	74-92	Wear Ind.	.125"
Eldorado	67-85	.125"(e)	(a)
	86-92	(c)	.000
Seville	76-80	Wear Ind.	(a)
	80-85	.125"(e)	(a)
	86-92	(c)	.000

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<b>CHECKER</b>				Fairmont	78-83	Wear Ind.	(a)
Taxicab (A-11, (A-11E), Marathon (A-12W))				Festiva	88-92	No Play	No Play
69-81	.065"	(a)		Granada	81-82	Wear Ind.	(a)
Marathon (A-12, (A-12E))				Ford Crown			
69-74	.065"	(a)		Victoria	79-92	Wear Ind.	(a)
<b>CHEVROLET</b>				LTD	83-86	Wear Ind.	(a)
All models except listed				Mustang	79-92	Wear Ind.	(a)
55-63	.093"	.250"		Taurus	86-88	No Play	No Play
64-70	.060"	.250"		Tempo	83-88	No Play	No Play
71-72	.020"(b)	(a)		Thunderbird	80-88	Wear Ind.	(a)
73-81	Wear Ind.	(a)			89-92	(c)	No Play
82-92	.000	.000		<b>LINCOLN</b>			
87-88	.000	.000		All models thru '79 except listed			
Beretta				52-79	(c)	.250"(6mm)	
Biscayne, Bel Air, Impala, Caprice				82-87	Wear Ind.	(a)	
73-92	Wear Ind.	(a)		Continental	1988	No Play	No Play
70-73	.020"(b)	(a)		Continental (FWD)			
74-92	Wear Ind.	(a)		Lincoln	80-92	Wear Ind.	(a)
76-87	Wear Ind.	(a)		Mark	80-92	Wear Ind.	(a)
80-85	.000	.000		<b>MERCURY</b>			
87-88	.000	.000		All models except listed			
60-63	.093"	(a)		52-79	(c)	.250"(6mm)	
64-69	.060"	(a)		79-86	Wear Ind.	(a)	
55-63	Not Applic.	---		1992	No Play	No Play	
71-82	.060"	(a)		83-88	Wear Ind.	(a)	
83-92	Wear Ind.	(a)		89-92	(c)	No Play	No Play
Deluxe, Malibu, Monte Carlo, Laguna				81-86	No Play	No Play	No Play
71-72	.0625"	(a)		LN7	81-87	No Play	No Play
1973	.020"(b)	(a)		Lynx	79-92	Wear Ind.	(a)
74-84	Wear Ind.	(a)		Grand Marquis	83-86	Wear Ind.	(a)
71-72	.0625"	(a)		Marquis	86-88	No Play	No Play
71-74	.0625"	(a)		Sable	83-88	No Play	No Play
71-74	.0625"	(a)		Topaz	89-92	No Play	No Play
<b>CHRYSLER</b>				Tracer	78-83	Wear Ind.	(a)
All models except listed				Zephyr	80-82	Wear Ind.	(a)
57-64	.050"	(a & h)		XY-7			
65-73	.070"	(a & h)		<b>MERKUR</b>			
74-76	.020"(b)	(a & h)		Scorpio	1988	---	---
77-88	.030"(b)	(a & h)		XR4Ti	86-88	---	---
57-66	.050"	(a & h)		<b>OLDSMOBILE</b>			
67-75	.020"(b)	(a & h)		All models except listed			
<b>DODGE</b>				57-70	.125"	(a)	
All models except listed				71-72	.020"(b)	(a)	
57-67	.050"	(a & h)		73-81	Wear Ind.	(a)	
68-73	.070"	(a & h)		82-88	.000	.000	
74-76	.020"(b)	(a & h)		82-87	.000	.000	
77-87	.030"(b)	(a & h)		Cutlass (FWD)			
70-73	.070"	(a & h)		Cutlass (RWD), F85, Custom			
60-67	.050"	(a & h)		Cruiser			
68-76	.070"	(a & h)		61-63	.090"	(a)	
1973	.070"	(a & h)		64-70	.125"	(a)	
<b>FORD</b>				71-72	.0625"	(a)	
All models thru '79 except listed				1973	.020"(b)	(a)	
54-79	(c)	.250"(6mm)		74-88	Wear Ind.	(a)	
81-88	No Play	No Play		74-85	Wear Ind.	(a)	
Escort, EXP				Eighty-Eight (RWD)	74-84	Wear Ind.	(a)
				Ninety-Eight (RWD)	73-74	.0625"	(a)
				Omega	80-84	.000	.000
				Toronado	66-78	.125"	(a)
					79-85	.125"(e)	(a)



# Proposed Regulations

PLYMOUTH				Maserati	1991	.000	(a)
All models except listed				Laser	84-86	.000	(a)
	57-67	.050"	(a & h)	DODGE			
	68-73	.070"	(a & h)	Aries	1980	.050"	(a)
	74-76	.020"(b)	(a & h)	Aries 400, 600	81-89	.000	(a)
	77-86	.030"(b)	(a & h)	Caravan	84-92	.000	(a)
Barracuda,				Omni	78-80	.050"	(a)
Duster, Valiant	60-67	.050"	(a & h)	Omni, Charger	81-90	.000	(a)
	68-76	.070"	(a)	Daytona	84-92	.000	(a)
Caravelle	85-87	.020"(b)	See Table 2	Lancer	85-89	.000	(a)
Colt	71-72	.020"(b)	(a)	Shadow	87-92	.000	(a)
Cricket	71-72	.070"	(a)	Dynasty	88-92	.000	(a)
Fury	1973	See Table 2	(a & h)	Spirit	89-92	.000	(a)
				Monaco	91-92	.000	.000
PONTIAC				EAGLE			
All models except listed	58-64	.060"	(a)	Premier	88-92	.000	.000
	65-70	.050"	(a)	Medallion	1989	.000	.000
	71-72	.020"(b)	(a)	FORD			
	73-81	Wear Ind.	(a)	Escort, EXP	61-92	No Play	No Play
	82-85	.000	.000	Fairlane	62-70	(c)	.250"(6mm)
Bonneville,				60-70	(c)	.250"(6mm)	
Parisienne	74-91	Wear Ind.	(a)	Falcon	75-80	(c)	No Play
Fiero	86-88			Granada	68-77	(c)	.250"(6mm)
	(front)	Wear Ind.	(a)	Maverick	65-78	(c)	.250"(6mm)
	(rear)	.000	.000	Mustang	89-92	No Play	No Play
Firebird	71-73	.020"(b)	(a)	Probe	68-79	(c)	.250"(6mm)
	74-91	Wear Ind.	(a)	Torino	86-92	No Play	No Play
Grand Am, Grand				Taurus	83-92	No Play	No Play
Prix, LeMans				Tempo	61-66	(c)	.250"(6mm)
(Bonneville)	70-72	.0625"	(a)	LINCOLN			
	1973	.202"(b)	(a)	Versailles	77-79	(c)	No Play
	74-90	Wear Ind.	(a)	Continental (FWD)	88-92	No Play	No Play
LeMans (Tempest)	65-69	.050"	(a)	MERCURY			
Phoenix	82-85	.000	.000	Comet	60-74	(c)	.250"(6mm)
Tempest	61-63	.093"	.250"	Cougar	67-79	(c)	.250"(6mm)
	1964	.060"	.250"	Meteor	62-66	(c)	.250"(6mm)
Ventura	71-74	.0625"	(a)	Monarch	75-80	(c)	No Play
Saturn	91-92	.000"	.000	Montego	68-71	(c)	.250"(6mm)
				Sable	86-92	No Play	No Play
				Topaz	83-92	No Play	No Play
Table 2: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Upper Arm				PLYMOUTH			
Model	Year	Vertical Movement	Horizontal Movement	Horizon	78-80	.050"	(a)
				Horizon, Turismo	81-90	.000	(a)
				Reliant	1980	.050"	(a)
					81-89	.000	(a)
				Voyager	84-92	.000	(a)
				Sundance	87-92	.000	(a)
				Acclaim	89-92	.000	(a)
AMERICAN MOTORS							
All models except Pacer	62-69	No Upper	Ball Joint(g)				
	70-80	.080"	.160"(f)				
	81-88	(c)(g)	.160"(f)				
CHEVROLET							
Chevy II	62-63	.093"	(a)				
	64-67	.060"	.250"				
CHRYSLER							
E-Class, LeBaron, Imperial, New Yorker	82-92	.000	(a)				
Chrysler TC by							

## Proposed Regulations

### IMPORTS

Table 3: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Lower Control Arm

Model	Year	Vertical Movement	Horizontal Movement
<b>ACURA</b>			
All models	86-89	Do Not Test	Do Not Test
<b>ALFA ROMEO</b>			
All models	57-86	.060"	Do Not Test
<b>BMW</b>			
All models except indicated	75-89	1.4mm	Do Not Test
318i	84-85	1.0mm	Do Not Test
325i	84-89	1.0mm	Do Not Test
735i, 750i	87-89	1.0mm	Do Not Test
<b>HONDA</b>			
Civic & CRX	84-89	Do Not Test	Do Not Test
Accord	86-89	Do Not Test	Do Not Test
Prelude	83-89	Do Not Test	Do Not Test
<b>INFINITI</b>			
All models except as listed	90-91	.000	None
M30	90-91	.050	None
<b>ISUZU</b>			
"I Mark" (RWD)	81-85	.040"	Do Not Test
"I Mark" (RWD)	81-85	.040"	Do Not Test
Impulse	83-86	.040"	Do Not Test
Impulse, Stylus	90-92	.040"	Do Not Test
<b>JAGUAR</b>			
All models	72-87	.060"	.040"
All models	1988	.006	.007
<b>MITSUBISHI</b>			
Montero	Thru 88	.020"	Do Not Test
Van/Wagon	1988	None	None
Truck	1988	.02"	Do Not Test
<b>RENAULT</b>			
R-5/LeCar	76-77	.200"	.200"
	78-83	.040"	.040"
<b>ROLLS ROYCE</b>			
All models	67-88	None	None
<b>TOYOTA</b>			
Tercel	Thru 87	None	None
Corolla (FWD)	Thru 87	None	None
MR 2	Thru 87	None	None
Supra	Thru 89	.012 (lower)	None
Truck & 4 Runner	Thru 89	.091 (w/o load)	None

Celica	86-87	None	None
Camry	86-87	None	None
Starlet	81-84	None	None

VOLVO (J)			
Model	Year	Vertical Movement	Horizontal Movement
All models except indicated	Thru 88	3mm	Do Not Test
140, 164, (with spring joint)	Thru 88	5mm	Do Not Test

Table 4: Manufacturer's Tolerances For Ball Joint Wear With MacPherson Strut On Lower Control Arm

Model	Year	Vertical Movement	Horizontal Movement
<b>DATSUN/NISSAN (J)</b>			
All models except indicated	68-89	.040"	None
B210	74-78	.012"	None
F10,310, Sentra, Pulsar	76-86	.060"	None
Stanza (except Wagon)	82-86	.080"	None
Sentra	86-87	.050	None
Maxima, Stanza, Stanza Wagon, 200/240SX, 300ZX, Pulsar/NX	1988	.100	None
Sentra	1988	.000	None
300ZX	1989	.100	None
Sentra, Pulsar/NX, 200/240SX, Maxima	89-91	.000	None
Stanza, 300ZX	90-91	.000	None
Van	87-90	.060	None
Axxess	1990	.000	None

HONDA			
Model	Year	Vertical Movement	Horizontal Movement
Civic	Thru 83	.020"	Do Not Test
Accord	Thru 85	.020"	Do Not Test
Prelude	Thru 82	.020"	Do Not Test

ISUZU			
Model	Year	Vertical Movement	Horizontal Movement
I-Mark (FWD)	85-89	.040"	Do Not Test

MAZDA			
Model	Year	Vertical Movement	Horizontal Movement
All models	81-88	(h)	(h)

MITSUBISHI			
Model	Year	Vertical Movement	Horizontal Movement
Starion	Thru 88	None	None
Galant	Thru 88	None	None
Mirage	Thru 88	None	None
Cordia/Tredia	Thru 88	None	None

PEUGEOT			
Model	Year	Vertical Movement	Horizontal Movement
All models	66-88	None	None

ROVER			
Model	Year	Vertical Movement	Horizontal Movement
3500	1981	None	None

# Proposed Regulations

Manufacturer	Year	Vertical Movement	Horizontal Movement
SAAB			
9000	86-88	None	None
SUBARU			
All models	73-84	Do Not Test	Do Not Test
All models (except Justy)	85-89	.012"	Do Not Test
Justy	87-89	.016"	Do Not Test
TOYOTA (J)			
Celica	Thru 89	None	None
Corolla (RWD)	Thru 87	.098"	None
Corolla (FWD)	Thru 89	None	None
Cressida	Thru 89	.098"	None
Tercel	Thru 89	None	None
MR 2	Thru 89	None	None
Camry	Thru 89	None	None
Starlet	81-84	None	None
Supra	Thru 87	.100"	None
TRIUMPH			
TR7, TR8	1981	1mm	None
VOLKSWAGEN (L)			
All models	74-92	Do Not Test	Do Not Test
VOLVO (L)			
240, 260, 760	Thru 88	3mm	Do Not Test

Table 5: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Upper Arm

Model	Year	Vertical Movement	Horizontal Movement
CITROEN			
All models	Thru 85	None	None
MAZDA (J)			
B2000	Thru 85	(i)	(i)
RENAULT			
Gordini, R-12, 15, 17	Thru 77	.200	.200
Gordini	78-79	.040	.040
SAAB			
99, 900	Thru 88	None	None
TOYOTA			
Van	Thru 89	.091 (w/o load)	None

Table 6: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Lower Arm

Model	Year	Vertical Movement	Horizontal Movement

Manufacturer	Year	Vertical Movement	Horizontal Movement
CHEVROLET			
10, 20, 30 S-Series	60-84 82-84	.094" Wear Ind.	.250" (a)
GMC			
1500, 2500, 3500 S-Series	60-84 82-84	.094" Wear Ind.	.250" (a)
DODGE			
B1, B2, B3, D1, D2, D3, D15, D25, D35, W2, W3, W15, W25, W35, RD2, WM3, MB3, CB3, AD1, AW1, Ramcharger	71-84	.020"(b)	(a)
Rampage	82-84	.000	.000
PLYMOUTH			
PB1, PB2, PB3, PD1, PW1, Trail Duster	74-84	.020"(b)	(a)
INTERNATIONAL			
100, 150, 200	74-80	.095"	(a)

\* Captive Imports are passenger cars imported by license agreements with U.S. Motor Vehicle Manufacturers and sold thru domestic dealership.

NOTE: Vehicles with wear indicating ball joints - inspect with ball joint loaded.

- (a) Do not test ball joints by horizontal movement.
- (b) Preloaded by rubber or springs.
- (c) Do not test joints vertically. Check horizontal movement only using dial indicator.
- (d) See inspection procedure for AMC Pacer (only).
- (e) Measured at drive axle nut.

(f) Horizontal movement tests for American Motors cars from 1970 thru 1986 excluding Pacer. Play should be measured at outside wheel rim and not at the ball joint.

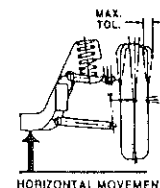
See drawing at right for proper placement of dial indicator.

(g) No play allowed on lower ball joint.

(h) See inspection procedure Chrysler Upper Ball Joint.

\* Information for foreign manufacturers was furnished by Automotive Importers of America, Inc. (AIA) and is limited to models represented by their membership.

(i)



Criteria of Mazda Model Ball Joints

Model	Year	Criteria Pounds	Test
GLC	81-85	63-109 lbs.	*1
GLC Wagon	81-86	0.88 lbs. or more	*2
RX-7	81-85	0.88 lbs. or more	*2
	86-88	4.4 - 7.7 lbs.	*3
323	86-88	1.8 - 3.1 N'm	*3

626	83-88	4.4 - 7.7 lbs.	*3
929	1988	1.1 - 2.6 lbs.	*3
B2000	86-87	40 lbs. or less	*3
B2200	87-88	4.4 - 7.7 lbs.	*3
B2600	87-88	4.4 - 7.7 lbs.	*3

\*1: Measure the turning force at the end of the ball joint arm by using a pull scale.

\*2: Measure the turning force at the end of knuckle arm by using a pull scale.

\*3: Install the Mazda special tool to the ball stud, and then measure by using a pull scale.

(j) Check vertical ball joint movement will ball joints fully loaded. With vehicle resting on all wheels, use a pry bar or similar leverage to apply vertical force to lower control arm at ball joint and observe play on properly attached dial indicator.

(k) To be measured at ball joint. Use .090" maximum tolerance if measured at tire sidewall (includes wheel bearing clearance).

(l) Ball joints with damaged boots shall be replaced.

LIGHT DUTY TRUCK  
BALL JOINT WEAR TABLE

GENERAL MOTORS DOMESTIC AND CAPTIVE IMPORTS

Table 1 - Maximum Tolerance for ball joint wear. All suspensions included.

Model	Year	Horizontal Movement	Ball Joint Vertical Movement	
			Lower	Upper

CHEVROLET

Astro 2WD	85-93	.125"	Wear Indicator	No Play
Astro All WD	90-93	N/A	.080"	No Play
Beauville Van	1993	.125"	Wear Indicator	No Play
	71-92	.125"	.094"	No Play
Blazer 4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
Chevy Van	1993	.125"	Wear Indicator	No Play
	71-92	.125"	.094"	No Play
Crew Cab 2WD	92-93	N/A	.080"	No Play
	71-91	.125"	.094"	No Play
Crew Cab 4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
El Camino	71-85	.125"	.063"	No Play
Hi-Cube Van	71-93	.125"	.094"	No Play
Lumina APV	90-93	N/A	No Play	None
Luv	72-82		.060"	No Play
Motor Home	72-93	.125"	.094"	No Play
Pickup 2WD	87-93	N/A	.080"	No Play
	71-86	.125"	.094"	No Play
Pickup 4x4	87-93	N/A	.080"	No Play
	71-86	N/A	.040"	No Play
Sport Van	1993	.125"	Wear Indicator	No Play
	71-92	.125"	.094"	No Play
Step Van	72-93	.125"	.094"	No Play
Suburban 2WD	92-93	N/A	.080"	No play
	71-91	.125"	.094"	No Play

Suburban 4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No play
S-10 Blazer 2WD	82-93	.125	Wear Indicator	No Play
S-10 Pickup 2WD	83-93	.125"	.125"	No Play
S-10 Blazer 4x4	82-93	.125"	Wear Indicator	No Play
S-10 Pickup 4x4	83-93	.125"	.125"	No Play
Tracker	89-93	N/A	No Play	None

GMC

Bonus Cab 2WD	92-93	N/A	.080"	No Play
	71-91	.125"	.094"	No Play
Bonus Cab 4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
Caballero	78-85	.125"	.063"	No Play
Hi-Cube Van	71-93	.125"	.094"	No Play
Jimmy 4x4	71-91	N/A	.040"	No Play
Magna Van	71-92	.125"	.094"	No Play
	1993	.125"	Wear Indicator	No Play
Pickup 2WD	87-93	N/A	.080"	No Play
	71-86	.125"	.094"	No Play
Pickup 4x4	87-93	N/A	.080"	No Play
	71-86	N/A	.040"	No Play
Rally Van	71-92	.125"	.094"	No Play
	1993	.125"	Wear Indicator	No Play
Safari 2WD	85-93	.125"	Wear Indicator	No Play
Safari All WD	90-93	N/A	.080"	No Play
Sprint	71-77	.125"	.063"	No Play
Suburban 2WD	92-93	N/A	.080"	No Play
	71-91	.125"	.094"	No Play
Suburban 4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
S-15 Blazer 2WD	82-93	.125"	Wear Indicator	No Play
S-15 Blazer 4x4	82-93	.125"	Wear Indicator	No Play
S-15 Pickup 2WD	83-93	.125"	.125"	No Play
S-15 Pickup 4x4	83-93	.125"	.125"	No Play
Value Van	72-93	.125"	.094"	No Play
Vandura	1993	.125"	.094"	No Play
Vandura	71-92	.125"	Wear Indicator	No Play
Yukon 4x4	92-93	N/A	.080"	No Play

OLDSMOBILE

Bravada	91-93	.125"	.125"	No Play
Silhouette	90-93	N/A	No Play	None

PONTIAC

Trans Sport	90-93	N/A	No Play	None
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## Proposed Regulations

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### 19 VAC 30-70-120. Frame, engine mounts, coupling devices and emergency chains.

Inspect for and reject if:

1. Frame or unitized body of any motor vehicle, trailer or semitrailer is broken or cracked at any location, including any welded joint and/or is rusted or corroded to the point the frame is weakened.
2. Engine or transmission mounts are broken or missing.
3. Trailer hitch or ~~pinde~~ *pin*tle hook is not securely attached.

*Reject if the pin*tle eye or trailer drawbar has any cracks or if any welding repairs have been made to the pintle eye.

4. Chains, cables, etc., used to attach a towed vehicle are not securely attached or are broken, worn or abraded.
5. Fifth wheel does not lock in position or have a locking mechanism in proper working order.
6. Fifth wheel assembly system has any leak of fluid or air.
7. Fifth wheel has any broken, missing, or damaged parts; or is not securely attached to the frame.
8. Trailer kingpin is not secure, broken, or worn so as to prevent secure fit in fifth wheel.
9. Any movement is detected at any location where any device has been placed between the body and the chassis.
10. Trailer is not equipped with *an* emergency chain or chains.

NOTE: Fifth wheel assembly system does not require emergency chain. A fifth wheel is defined as a device which interfaces with and couples to the upper coupler assembly of a semitrailer. The upper coupler assembly is a structure consisting of an upper coupler plate, kingpin and supporting framework which interfaces with and couples to a fifth wheel. Ball and socket connections also referred to as hitch and coupling connections are not fifth wheel assemblies and do require safety chains.

### 19 VAC 30-70-140. Headlamps; except motorcycles.

A. Inspect for and reject if:

1. Any motor vehicle is not equipped with headlamps of an approved type.
2. Headlights are not of the same approved type except sealed beam headlamps. At least two headlamps are required.
3. In any headlamp the lens is cracked, broken, discolored, or rotated away from the proper position, or the reflector is not clean and bright.
4. Moisture or water buildup in headlamp is such that it affects the aimable pattern.
5. Lens is other than clear.

6. Bulbs are not of an approved type or are over 32 candlepower. (Sealed beam lamps including the ones which permit the use of a replacement halogen bulb are the only lamps approved with over 32 candlepower.) Ordinary lenses and reflectors were not designed for over 32 candlepower bulbs.

7. Any filament or bulb in headlamps fails to burn properly or headlamps are not at the same location or configuration as designed by manufacturer. (Location and type of headlamps can be found in ~~subdivision 33~~ *subsection E of this section.*)

8. Wiring is dangling or connections are loose, or if proper filaments do not burn at different switch positions, or if switches—including foot or hand dimmer—do not function properly, and are not convenient to the driver.

9. Foreign material is placed on or in front of the headlamp lens or interferes with the beam from the lamp. No glazing may be placed over or in front of the headlamps unless it is a part of an approved headlamp assembly.

a. Reject if vehicle has wire, unapproved plastic covers, any other materials which are not original equipment or any colored material placed on or in front of the headlamps.

b. *Vehicles registered as street rods may have clear, rigid plastic or glass headlamp lens covers in front of sealed beam units to replace original manufacturer's equipment.*

10. Lamps can be moved easily by hand due to a broken fender or loose support, or if a good ground is not made by the mounting.

11. A headlamp visor is over two inches long unless part of the original body design.

12. The high beam indicator in the driver's compartment does not burn when the high or "country" beam is on or does not go off when the low beam is on. (Vehicles not originally equipped with an indicator are not required to comply unless sealed beam headlamps have been installed.)

B. Aiming the headlamps.

43. 1. Headlamps shall be checked for proper aim by using either an optical or a mechanical headlamp aimer on every motor vehicle inspected, except vehicles with on-board aimers.

Headlamp aim on vehicles with on-board aimers shall be checked by visually examining the leveling device mounted either on or adjacent to the headlamp. Reject the vehicle if the leveling device shows the headlamp adjustment to exceed indicated specifications.

NOTE: Driving lamp and fog lamps must be aimed using the optical or mechanical aimer, according to instructions in 19 VAC 30-70-160 I 10 i and 11 g (2).

44. 2. Headlamps are not aimed within the following tolerances using the optical aimer.

a. The center of the hot spot of all single element high beam lamps is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline.

b. The left edge of the lamp pattern of any low beam lamp or any combination or multi-element lamp is more than four inches to the left or right of the vertical centerline or the top edge of the lamp pattern is more than four inches above or below the horizontal centerline when checked on low beam.

C. Optical aimer.

45. 1. Approved optical headlamp machines may be used to properly aim any of the headlamps. Optical aimers must be properly calibrated and used in the manner recommended by the manufacturer.

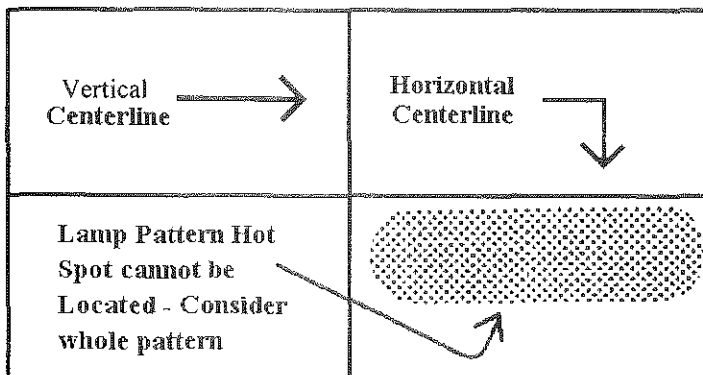
The optical headlamp machine must be aligned to the vehicle in accordance with the manufacturer's specifications.

46. 2. When aiming headlamps, first look for the type of lamp, which will be found embossed on the lens. The type determines which aiming requirements must be followed for the optical aimer.

47. 3. All low beam or combination/multi-element headlamps must be set by aiming the lamp pattern with the lamps set on low beam.

48. 4. Pattern should be aimed so that the left edge does not extend to the left or right of straight ahead, and the top of the pattern should be even with the horizontal.

Pattern "A" represents the light pattern as it should appear on the view screen of the approved aimer.

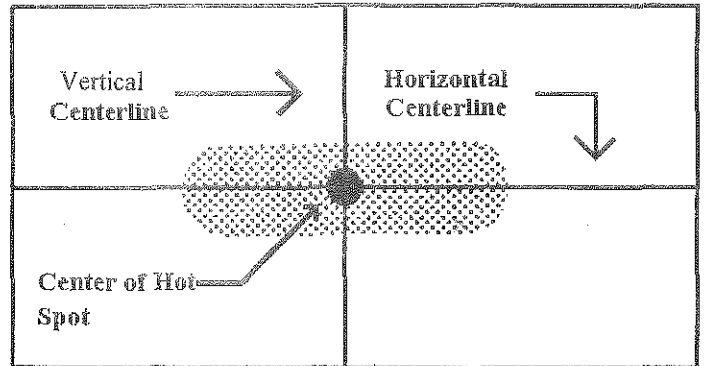


PATTERN A - COMBINATION MULTI-ELEMENT OR LOW BEAM LAMP

49. 5. All single element high beam headlamps shall be set by aiming the center of the hot spot with the lamps set on high beam.

20. 6. Aim straight ahead—center of the hot spot should be centered with the vertical and horizontal centerlines.

Pattern "B" represents the light pattern as it should appear on the view screen of the approved aimers.



PATTERN B - SINGLE ELEMENT HIGH BEAM LAMP

24. 7. When lamp pairs are mounted horizontally, the low beam lamp must be on the outer side and when mounted vertically, the low beam lamp must be at the higher position in the pair.

22. 8. The four headlamp system must be wired so that only the lower beam lamp will burn when the light beams are depressed. When switched to high beams, both high beam and low beam may burn.

The "F" type halogen headlamp 1986 (LF-UF) of the four headlamp system will function in the following manner: system must be used so the low beam does not burn with the high beam.

D. Mechanical aimers.

23. 1. Mechanical aimers can be used to aim only those headlamps that have "aiming" pads molded into the lens.

24. 2. Mechanical aimers must be properly calibrated and used with the proper adapter recommended by the manufacturer. (The adapter setting will be embossed on the face of some lamps.)

25. 3. Turn on headlamps and check all filaments—both high and low beam. Turn off headlamps before checking for adjustments. Do not turn on headlamps while mechanical aimers are attached to the headlamp.

26. 4. All headlamps that are found not to be within the four-inch tolerance shall be adjusted to zero inches up or down and zero inches to the right or left.

E. Headlamps on vehicles used for snow removal 27. Approved auxiliary headlamps may be mounted above the conventional headlamps. (These lamps must be in compliance with this section, in its entirety, *subdivision 7 of 19 VAC 30-70-150*, ~~*subdivision 7*~~, and *subdivision 1 of 19 VAC 30-70-170*, ~~*subdivision 4*~~.)

Inspect for and reject if:

28. 1. Lamps are not approved type headlamps.

29. 2. Lamps are not mounted in a manner which will permit proper aiming.

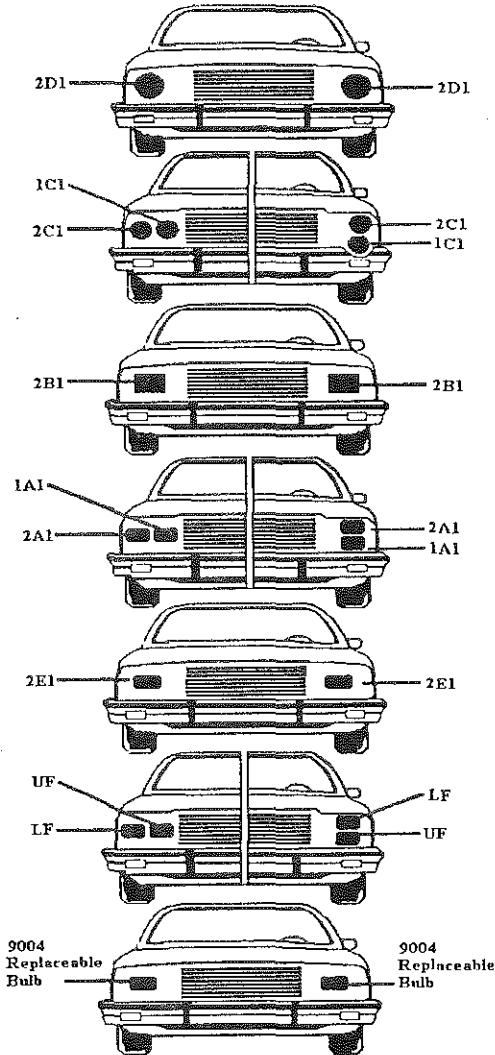
30. 3. Lamps are mounted so as to obstruct the driver's vision.

# Proposed Regulations

34. 4. The auxiliary headlamp circuit does not contain a switch which will deactivate the primary headlamp system when the auxiliary headlamps are in use.

32. 5. Auxiliary headlamps are not aimed in accordance with the provisions of subdivision 14 B 2 of this section.

33. 6. Headlamps are not wired in accordance with the provisions of subdivision 22 C 8 of this section.



Locations of Type 1, Type 2, LF/UF, and Replaceable Bulb Headlamps

NOTE: Always inspect the following sealed beam and replaceable bulb, and integral beam headlamps on LOW BEAM only;

- 5 ¼ inch, marked 2, 2C, or 2C1
- 7 inch, marked 2, 2D, or 2D1
- 100 x 165mm rectangular, marked 2A, 2A1, or 2E1, 2G1 or 2H1
- 200 x 142mm rectangular, marked 2B or 2B1
- Replacement Replaceable bulb headlamp, marked LF with 9004 (HB1)

- 92 x 160mm rectangular, marked LF
- Replaceable bulb headlamps with 9006 (HB4) alone or in combination with 9005 (HB3)
- 55 x 135mm rectangular, marked L
- Integral beam headlamp when high and low beam reflectors move together.

## 19 VAC 30-70-160. Auxiliary lamps: backup; cornering; driving; fog; spot and warning.

A. Auxiliary lamps on a vehicle consist of seven general types: backup lamps, cornering lamps, driving lamps, fog lamps with an amber or clear lens, spot lamps and warning lamps, and daytime running lamps.

B. School buses may be equipped with an eight-lamp warning system of two red and two amber warning lamps of an approved type on the front and rear of such vehicle.

1. School buses may also be equipped with roof mounted flashing white or amber warning lamps of an approved type.

2. In addition to required warning lamps, school buses may be equipped with a stop signal arm consisting of an octagonal sign which meets FMVSS specifications (Federal Motor Vehicle Safety Standards, 49 CFR 571 et seq.) The stop signal arm shall be reflectorized or be equipped with two red warning lamps of an approved type.

C. There is no limit on the number of backup lamps that a vehicle may have so long as they are of an approved type.

D. No more than four lamps, including two headlamps, may be lighted at any time to provide general illumination ahead of the vehicle.

E. Approved type blue or blue and red lights are permitted on any law-enforcement vehicle. Approved type red warning lights or red and white lights showing to the front are permitted on fire department vehicles, including publicly owned state forest warden vehicles, ambulances, any rescue vehicle used for emergency calls, animal warden vehicles, school buses and vehicles used by security personnel at the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Incorporated, or the Tultex Corporation. No more than two flashing or steady-burning red lights or red and white combination lights of an approved type may be installed on one vehicle owned by any member of a fire company, volunteer fire company or volunteer rescue squad.

F. Vehicles mentioned in subsection E above of this section permitted to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights (except vehicles owned by any member of a fire company, volunteer fire company, volunteer rescue squad or any ambulance driver employed by a privately owned ambulance service) may be equipped with the means to flash their headlamps when their emergency warning lamps are activated provided:

1. The headlamps are wired to allow either the upper beam or lower beam to flash but not both; and;

2. The headlamp system includes a switch or device which prevents flashing of headlamps when headlamps are required to be lighted pursuant to current statute.

G. Any fire vehicle used exclusively for fire fighting, any ambulance or rescue or lifesaving vehicle used for the principal purpose of emergency relief or any wrecker used for the principal purpose of towing disabled vehicles may be equipped with clear auxiliary lamps which shall be used exclusively for lighting emergency scenes. Such lamps shall be of a type permitted by the superintendent. Any government-owned *government-owned* police vehicle may be equipped with clear auxiliary lamps of a type approved by the superintendent.

H. Approved type amber flashing, blinking or alternating lights are permitted on vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways and vehicles used for the principal purpose of removing hazardous or polluting substances from the state waters or drainage areas on or along public highways. Such lamps are permitted on vehicles used for servicing automatic teller machines, refuse collection vehicles, hi-rail vehicles and on vehicles used for towing or escorting over-dimensional materials, equipment, boats, or manufactured housing units by authority of highway hauling permit.

1. Approved type amber flashing, blinking or alternating lights are permitted on fire apparatus, ambulances, and rescue and life-saving vehicles, provided the amber lights are mounted or installed on the rear of the vehicles.

2. Approved type amber flashing, blinking or alternating lights are permitted on vehicles owned and used by businesses providing security services and vehicles used to collect and deliver the United States mail, vehicles used by law enforcement personnel in the enforcement of laws governing motor vehicle parking, government owned law enforcement vehicles provided the lights are used for giving directional warning and vehicles used to provide escort for funeral processions.

3. An approved type amber flashing, blinking or alternating light may be mounted on the rear of any vehicle used to transport petroleum products. The light must be wired through the reverse gear circuit and activate in conjunction with the back-up lights and audible alarm.

I. Inspect for and reject if:

1. Vehicle has an auxiliary lamp being used for a purpose other than for which it was approved;

EXCEPTION: Any lighting device mounted above the level of the regular headlamps which is both covered and not illuminated, other than lamps required, shall not be considered for inspection. Fog and driving lamps mounted below the level of the regular headlamps must be checked for aim as outlined in subdivisions L 9 and M 7 I 10 i and 11 g of this section.

2. A vehicle has installed on it a warning lamp that is not of an approved type or has been altered.

Reject if the vehicle has wire, unapproved plastic covers, any other materials which are not original equipment or any colored material placed on or in front of any auxiliary lamps: backup, cornering, driving, fog, spot, or warning lamps.

3. Vehicle is equipped with a combination of auxiliary lamps which include more than two fog lamps, or more than two spot lamps, or more than two driving lamps. Reject a vehicle equipped with a headlamp mounted or used as an auxiliary lamp.

*NOTE: Vehicles equipped, from the factory, with two driving lamps should not be rejected.*

4. Vehicle is equipped with an auxiliary lamp that does not function properly. (If an auxiliary lamp has been modified by removing the wiring, bulb and socket, the unit will be considered an ornament and not a lamp and will not be considered in inspection.)

5. Vehicle is equipped with a lighted advertising sign. Except commercial motor vehicles, buses operated as public carriers, taxicabs, and privately-owned passenger cars used for home delivery of commercially prepared food. Commercial motor vehicles, buses operated as public carriers, and taxicabs may be equipped with vacant and destination signs and one steady burning white light for illumination of external advertising. Privately-owned passenger cars used for home delivery of commercially prepared food may be equipped with one steady burning white light for the nighttime illumination of a sign identifying the business delivering the food. Do not reject approved identification lights.

6. Any lamp is not of an approved type or if lamps to be burned together as a pair do not emit the same color light.

7. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

8. Backup lamps are not required. However, if installed they must operate and be inspected.

J. Inspect for and reject if:

1. a. Lamps are not of an approved type or a lamp has been altered;

2. b. Wiring or electrical connections are defective;

3. c. The lens has a piece broken from it. The lens may have one or more cracks provided in off-color light does not project through the crack or cracks;

4. d. Lens is other than clear;

5. e. Lamps are not wired into the reverse gear or an independent circuit;

6. 9. **Cornering—Lamps—**Cornering lamps are not required. However, if installed they must operate and be inspected.

K. Inspect for and reject if:



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# Proposed Regulations

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- 4. a. Lamps are not of an approved type or a lamp has been altered;
  - 2. b. Wiring or electrical connections are defective;
  - 3. c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks;
  - 4. d. The color of the light is other than clear or amber;
  - 5. e. The lamps do not burn in conjunction with the turn signals;
6. 10. Driving lamps are not required. However, if installed they must operate and be inspected.

L. Inspect for and reject if:

- 4. a. Driving lamps are installed on vehicles equipped with the four headlamp system, except the "F" type headlamp system;
- 2. b. A vehicle is equipped with more than two driving lamps;
- 3. c. Driving lamps are not of an approved type or have been altered;
- 4. d. The color of the lamp is other than white;
- 5. e. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or crack;
- 6. f. Wiring or electrical connections are defective;
- 7. g. Any driving lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent excessive vibration;
- 8. h. Driving lamps are not wired so that they will burn only when the high beams of the regular headlamps are activated;
- 9. i. Driving lamps are not aimed so that the center of the hot spot drops three inches in 25 feet so that the hot spot is directly ahead of the lamp;

NOTE: Driving lamps must be aimed using the optical headlight aimer.

- 4. j. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment;

11. Fog lamps are not required. However, if installed they must operate and be inspected.

M. Inspect for and reject if:

- 4. a. A vehicle is equipped with more than two fog lamps;
- 2. b. Lamps are not of an approved type or a lamp has been altered.
- 3. c. The lens is other than clear or amber. Fog lamps may have black-end bulbs or small metal caps over the end of the bulb;

- 4. d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or crack;

- 5. e. Wiring or electrical connections are defective;

- 6. f. Any fog lamp is mounted above the level of the regular headlamps, or is not mounted firmly;

- 7. g. Lamps are not wired and aimed according to the following instructions:

- a. (1) Fog lamps are general illumination lamps as covered in ~~19 VAC 30-70-160~~, subsection D of this section. They must burn through the tail light circuit even if on a separate switch. If installed on a vehicle with a four-headlamp system, or a vehicle equipped with driving lamps, they must be wired into the low beam circuit.

- b. (2) Fog lamps must be aimed so that the top edge of the high intensity zone is set at the horizontal centerline and the left edge of the high intensity zone is set at the vertical centerline. (Same as low beam headlights.)

NOTE: Fog lamps must be aimed using the optical headlight aimer.

- c. (3) A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

d. 12. Spot lamps are not required. However, if installed they must operate and be inspected.

N. Inspect for and reject if:

- 4. a. Vehicle is equipped with more than two spot lamps;
- 2. b. Lamps are not of an approved type or a lamp has been altered;
- 3. c. The lens in any spot lamp is other than clear;
- 4. d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or crack;
- 5. e. Wiring or electrical connections are defective;

6. 13. Daytime Running Lamps (DRLs) are not required. However, if installed they must operate and be inspected. DRLs must be installed in pairs.

NOTE: DRLs may or may not be wired into the tail light circuit.

O. Inspect for and reject if:

- 4. a. Any lamp, except headlamps, used as DRLs is not marked "DRL;"
- 2. b. Fog lamps or parking lamps are used as DRLs;
- 3. c. More than one pair of lamps are used and or designated as DRLs;

4. *d.* A DRL is mounted higher than 34 inches measured to the center of the lamp;

5. *e.* The color is other than white to amber;

6. *f.* DRLs do not deactivate when the headlamps are in any "on" position.

Any DRL optically combined with a turn signal or hazard lamp must deactivate when the turn signal or hazard lamp is activated and then reactivate when the turn signal or hazard lamp deactivates.

**19 VAC 30-70-250. Doors.**

Inspect for and reject if:

1. If each door located at the left and right side of the driver's seat is not equipped with a handle or an opening device similar to that installed by the vehicle manufacturer *manufacturers* which will permit the opening of the door from the outside and inside of the vehicle.

2. If each door located to the left and right side of the driver's seat is not equipped with a latching system similar to that installed by the vehicle manufacturer *manufacturers* which will hold the door in its proper closed position.

PART 3. IV.

INSPECTION REQUIREMENTS FOR MOTORCYCLES.

**19 VAC 30-70-360. Motorcycle lights: headlamp, rear, signal, warning.**

A. Inspect for and reject if:

1. Motorcycle is not equipped with at least one motorcycle headlamp.

2. Any motorcycle headlamp is not of an approved type. A motorcycle may have one or two headlamps, but not more than two. In addition to the headlamp or lamps, a motorcycle may be equipped with not more than two auxiliary headlamps of a type approved by the superintendent and identified as "auxiliary front lamps."

3. Lens and reflector do not match except in sealed units, or if the lens is cracked, broken or rotated, or if the lens and reflector are not clean or bright.

Any motorcycle lights—headlamp, rear lamp, signal or warning lamp have any wire, unapproved lens or plastic covers, any other materials which are not original equipment or any colored material placed on or in front of lamp or lens.

4. Motorcycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute, provided they are equipped with a switch or device which prevents flashing of headlights when headlights are required to be lighted.

5. Lamp is not focused. Look for sagged filament in prefocused bulb.

6. The center of the hot spot is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline.

7. *Lamp is not mounted securely or if switch does not operate properly.*

*NOTE: Inspection is to be performed with lamp on high beam.*

B. Aiming the headlamp. 4. All headlamps that do not comply with subdivision A 6 of this section shall be aimed straight ahead. (Zero inches up or down and zero inches to the right or left.)

~~2. Lamp is not mounted securely or if switch does not operate properly.~~

C. Rear lamp.

Inspect for and reject if:

1. *The high beam indicator does not burn when the high or "country" beam is on or does not go off when the low beam is on.*

~~4. 2. Motorcycle is not equipped with a rear lamp of approved type.~~

~~2. 3. Lamp is not mounted near rear of vehicle, or is not mounted securely, or if lamp does not make a good electrical connection.~~

~~3. 4. Lenses are not red to the rear and clear or amber to the front or any lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.~~

~~4. 5. Filaments in all lamps do not burn when headlamp switch is turned on to any position.~~

~~5. 6. The rear license plate is not illuminated by an approved license plate lamp.~~

D. Signal device (intention to stop or turn).

1. Signal devices are not required on motorcycles; however, if installed they must operate and be inspected.

2. Signal lamps installed on the front of the motorcycle must project an amber light and be located on each side of the vertical centerline of the motorcycle and as far apart as practicable and not closer than nine inches, measured from the optical centerline of the lamps, and to be located on the same level and not less than 20 inches above the ground plate. The optical centerline of the lamp shall not be less than four inches from the retaining ring of the headlamp unit.

3. Signal lamps installed on the rear of the motorcycle shall be red or amber and shall be located on each side of the vertical centerline of the motorcycle as far apart as practicable but not closer than nine inches, measured from the optical centerline of the lens, and to be located on the same level and not less than 20 inches above the ground level.

4. Inspect for and reject if:

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4. a. Motorcycle, except an antique vehicle not originally equipped with a stop lamp, is not equipped with at least one stop lamp of an approved type which automatically exhibits a red or amber light to the rear when the brake control foot pedal or hand grip brake control device is activated. (On motorcycles manufactured prior to January 1, 1972, the activation of the front wheel brake control device is not required to activate the stop lamp.)

2. b. The signal lamp is not of an approved type or does not flash.

3. c. Lens in brake lamp or signal lamp has a piece broken from it. (Lens in brake lamp or signal lamp may have one or more cracks provided an off-color light does not project through the crack or cracks.)

4. d. Wiring or electrical connections are defective.

5. e. Switch is not convenient to the driver and not of an approved type.

6. f. Signal devices are not installed as provided in paragraphs 15 and 16 subdivisions D 1 and 2 of this section.

## E. Warning lights.

Inspect for and reject if:

1. Warning lamps are not of an approved type or have been altered.

2. Any lighted advertising sign.

## PART 4. V.

### INSPECTION REQUIREMENT FOR PASSENGER VEHICLES AND VEHICLES UP TO 10,000 POUNDS.

#### 19 VAC 30-70-490. Frame, engine mounts, coupling devices and emergency chains.

Inspect for and reject if:

1. Frame or unitized body of any motor vehicle, trailer or semitrailer is broken or cracked at any location, including any welded joint and/or is rusted or corroded to the point the frame is weakened.

2. Engine or transmission mounts are broken or missing.

3. Trailer hitch or pintle hook is not securely attached.

*Reject if the pintle eye or trailer drawbar has any cracks or if any welding repairs have been made to the pintle eye.*

4. Chains, cables, etc., used to attach a towed vehicle are not securely attached, or are broken, worn or abraded.

5. Fifth wheel does not lock in position or have a locking mechanism that is in proper working order.

6. Fifth wheel assembly system has any leak of fluid or air.

7. Fifth wheel has any broken, missing, or damaged parts; or is not securely attached to the frame.

8. Trailer kingpin is not secure, or is broken, or worn so as to prevent secure fit in fifth wheel.

9. Any cracks, breaks or damaged parts in the stress or load bearing areas of a coupling device.

10. Trailer is not equipped with an emergency chain or chains.

NOTE: Fifth wheel assembly does not require emergency chains. A fifth wheel is defined as a device which interfaces with and couples to the upper coupler assembly of a semitrailer. The upper coupler assembly is a structure consisting of an upper coupler plate, kingpin and supporting framework which interfaces with and couples to a fifth wheel. Ball and socket connections also referred to as hitch and coupling connections are not fifth wheel assemblies and do require safety chains.

#### 19 VAC 30-70-500. Tires, wheels, rims.

Inspect for and reject if:

1. Any tire is marked specifically for use other than on the highway, such as "For Farm Use Only," or "For Off-Highway Use Only," or any tire marked "Not for Steering Axle."

2. A radial tire is mismatched on the same axle with a bias ply tire or a bias belted tire.

3. Bias ply or bias belted tires are used on the rear axle when radial ply tires are used on the front axle. Except:

a. On a two-axle vehicle equipped with truck tires with 20-inch rim diameter and larger, bias or radial tires may be used on either axle if the vehicle has dual rear wheels, or is equipped with wide-base single tires.

b. Either bias or radial tires may be used on the steering axle of vehicles with three or more axles.

4. Bias tires and radial tires are mixed in a tandem-drive axle combination on a vehicle equipped with truck tires with 20-inch rim diameter and larger.

5. Any tire on the front wheel of a bus, truck or any tractor truck has a tread groove pattern of 4/32 inch or less when measured at any point on a major tread groove.

6. Any bus has regrooved, recapped or retreaded tires on the front wheels.

7. Any motor vehicle, trailer or semitrailer, except the dual wheels installed on motor vehicles having seats for more than seven passengers: (i) operated wholly within a municipality, or (ii) operated by urban and suburban bus lines, which are defined as bus lines operating over regularly scheduled routes and the majority of whose passengers use the buses for traveling a distance of not exceeding 40 miles, measured one way, on the same day between their place of abode and their place of work, shopping areas, or schools, is equipped with a tire which has a tread depth measuring less than 2/32 of an inch when measured as follows: NOTE: The exemptions provided in clauses (i) and (ii) of this paragraph do not

apply to buses owned or operated by any public school district, private school or contract operator of buses.

8. Measure in two adjacent tread grooves where tread is thinnest. If either of the grooves measure  $\frac{2}{32}$  of an inch or more, no further measurements are necessary and tread depth is satisfactory. Do not measure on tread wear indicators.

If both adjacent grooves measure less than  $\frac{2}{32}$  of an inch, the tire tread depth must be measured again at two additional equally spaced intervals around the circumference of the tire in a like manner as the first measurement. If the tread depth is less than  $\frac{2}{32}$  of an inch in two adjacent tread grooves at each of the equally spaced intervals, the tire must be rejected.

NOTE: Refer to Figures 1, 2, 3, and 4 in this section for illustrations of how to measure tire tread.

### MEASURE WHERE THE TREAD IS THINNEST IN TWO ADJACENT TREAD GROOVES

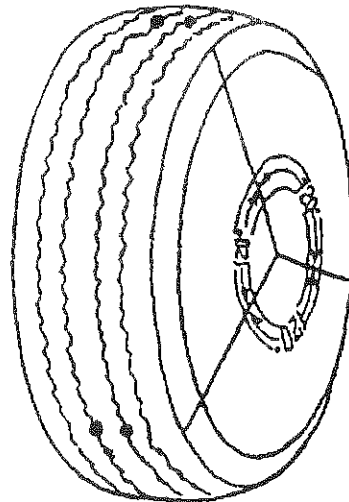


FIGURE 1

### IF THE DEPTH IS LESS THAN $\frac{2}{32}$ -INCH IN BOTH GROOVES MEASURE AT TWO ADDITIONAL EQUALLY SPACED INTERVALS

9. A tire equipped with tread wear indicators if found to have such indicators in contact with the pavement in any two adjacent grooves at three equally spaced intervals around the circumference of the tire. Refer to Figure 2.

### REJECT IF THE TREAD WEAR INDICATORS ARE IN CONTACT WITH THE PAVEMENT IN ANY TWO ADJACENT GROOVES AT THREE EQUALLY SPACED LOCATIONS

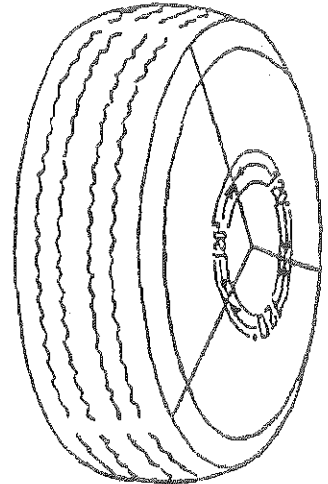


FIGURE 2

10. Any tire has a cut into the fabric.
11. Any tire is worn so that the fabric or steel cord is visible.
12. Any tire has knots or bulges in its sidewalls or if there is evidence of a broken belt under the tread, or if the tread is separating from the fabric.
13. Any tire which has been recut or regrooved except commercial tires so designed and constructed to provide for acceptable and safe recutting and regrooving. (~~Regrooved tires must be identified on both sidewalls as a regroovable tire.~~) Each tire that has been regrooved must be labeled with the word "Regroovable" molded on or into the tire on both sidewalls in raised or recessed letters.
14. Any bolts, nuts or lugs are loose, missing or damaged.
15. Wheels are installed on the vehicle in a reversed position, except the wheels on vehicles which are reversed to perform a part of a dual wheel combination.
16. Rims, or lock rings or wheels are bent, cracked or damaged so as to affect safe operation of the vehicle. *Reject if lug nut holes are elongated (out of round).*
17. Any tire is flat or has an audible air leak.
18. Any tire so mounted or inflated that it comes into contact with its mate or any parts of the vehicle.
19. Any tire and rim size are not the same.
20. Commercial motor vehicles with a gross vehicle weight of 26,001 pounds or more have any welded repair on aluminum wheel(s) on a steering axle or any welded repair (other than disc to rim attachment) on steel drive wheel(s) mounted on the steering axle.

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FIGURE 3

ATTACHED TO BWCS NOTICE DATED 8/21/69

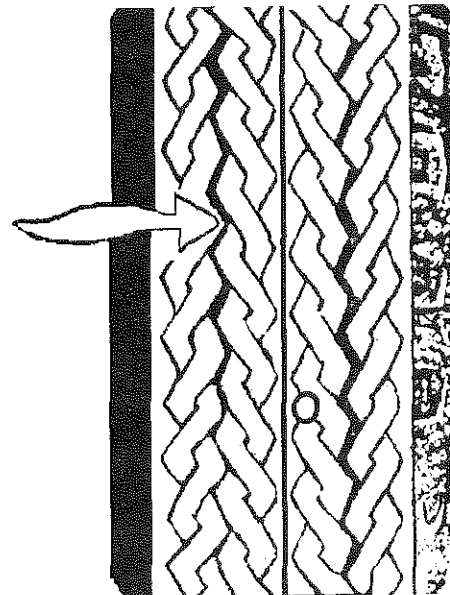
## HOW TO MEASURE TIRE TREAD

When measuring tread depth, a gauge calibrated in 32nds of an inch should be used.

The gauge should be placed at the point in one of the treads indicated by an arrow. Depth reading should not be taken in treads marked with a circle, since these are classified as "minor" treads.

Persons taking measurements will have to use discretion in measuring tread depths not pictured here, however, measurements should not be made in treads which are obviously of a "minor" nature.

This guide merely depicts a number of the most common treads.



### MAJOR TREAD GROOVE

Grooves in the tread design molded through the complete thickness of the tread rubber running around and/or across the tire surface



### MINOR TREAD GROOVE

Remaining tire tread design other than major tread grooves.



### TIE-BAR

Molded rubber located in major tread grooves for the purpose of connecting and supporting the tire treads.

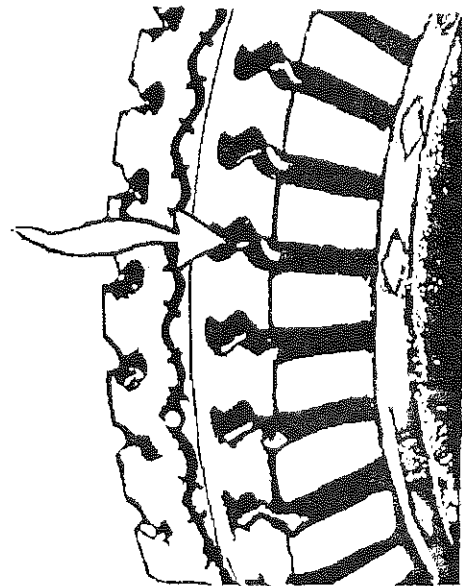
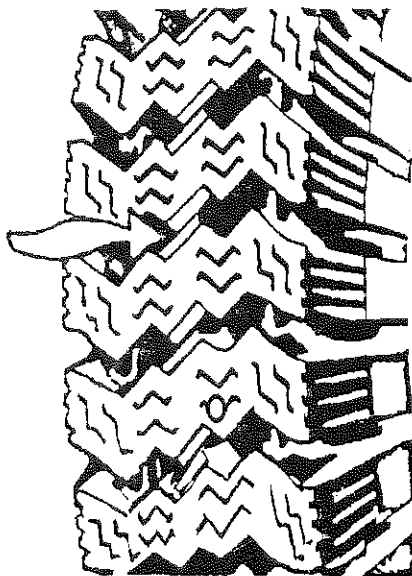
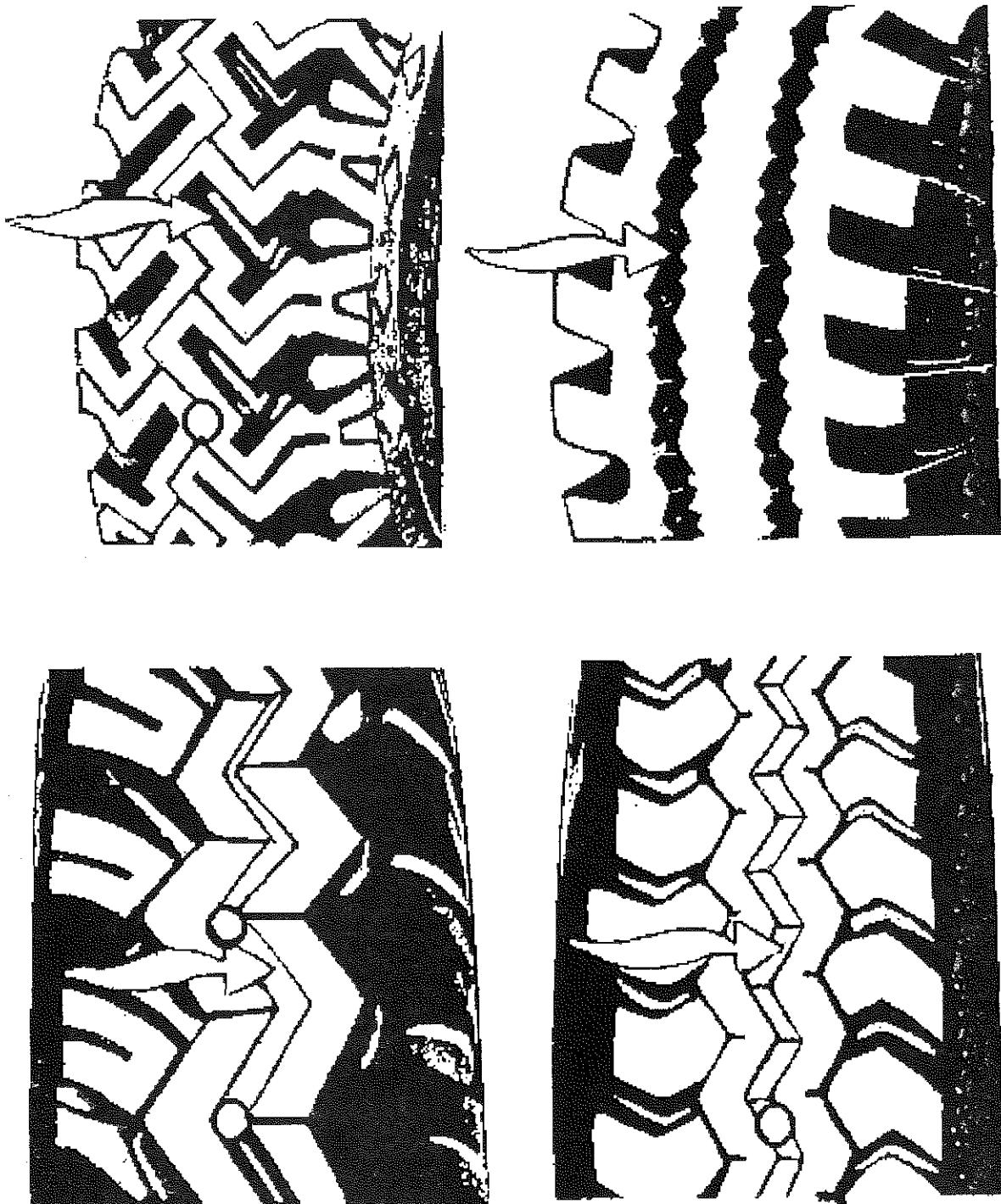


FIGURE 4



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## Proposed Regulations

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### 19 VAC 30-70-530. Auxiliary.

A. Auxiliary lamps on a vehicle consist of seven general types: 1. backup lamps, cornering lamps, driving lamps, fog lamps with an amber or clear lens, spot lamps, warning lamps and daytime running lamps (DRLs).

2. 1. School buses may be equipped with an eight lamp warning system of two red and two amber warning lamps of an approved type on the front and rear of such vehicle.

a. In addition to required warning lamps, school buses may be equipped with a stop signal arm consisting of an octagonal sign which meets FMVSS specifications (Federal Motor Vehicle Safety Standards). The stop signal arm shall be reflectorized or be equipped with two red warning lamps of an approved type.

b. School buses may also be equipped with roof mounted flashing white or amber warning lamps of an approved type.

3. 2. Reject if the vehicle has wire, unapproved plastic covers, any other materials which are not original equipment or any colored material placed on or in front of any auxiliary lamps—backup, cornering, driving, fog, spot or warning lamps.

EXCEPTION: Any lighting device which is both covered and not illuminated, other than lamps required or permitted by this manual, shall not be considered for inspection. Fog and driving lamps mounted below the level of the regular headlights must be checked for aim as outlined in paragraphs K 9 and 7 a of this section.

B. There is no limit on the number of backup lamps that a vehicle may have so long as they are of an approved type.

C. No more than four lamps, including two headlamps may be lighted at any time to provide general illumination ahead of the vehicle.

D. Approved type blue or blue and red lights are permitted on Department of Corrections vehicles designated by the Director of the Department of Corrections and any law-enforcement vehicle. Approved type red warning lights or red and white lights are permitted on fire department vehicles, including publicly owned state forest warden vehicles, ambulances, any rescue vehicle used for emergency calls, vehicles of the Department of Emergency Services, animal warden vehicles, and vehicles used by security personnel at the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Incorporated, or the Tultex Corporation. No more than two flashing or steady-burning red or combination red and white lights of an approved type may be installed on one vehicle owned by any member of a fire company, volunteer fire company, volunteer rescue squad or any ambulance driver employed by a privately owned ambulance service.

E. Vehicles mentioned in paragraph subsection D permitted to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights (except vehicles owned by any member of a fire company, volunteer fire company, volunteer rescue squad or an ambulance driver employed by a privately owned ambulance

service) may be equipped with the means to flash their headlamps when their emergency warning lamps are activated provided:

1. The headlamps are wired to allow either the upper beam or lower beam to flash but not both; and;

2. The headlamp system includes a sensor which prevents flashing of headlamps when headlamps are required to be lighted pursuant to current statute.

F. Any fire vehicle used exclusively for fire fighting, any ambulance or rescue or lifesaving vehicle used for the principal purpose of emergency relief or any wrecker used for the principal purpose of towing disabled vehicles may be equipped with clear auxiliary lamps which shall be used exclusively for lighting emergency scenes. Such lamps shall be of a type permitted by the superintendent. Any government owned police vehicle may be equipped with clear auxiliary lamps of a type approved by the superintendent.

G. Approved type amber flashing, blinking or alternating lights are permitted on vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways and vehicles used for the principal purpose of removing hazardous or polluting substances from the State waters or drainage areas on or along public highways. Such lamps are permitted on vehicles used for servicing automatic teller machines, refuse collection vehicles, hi-rail vehicles and on vehicles used for towing or escorting over-dimensional materials, equipment, boats, or manufactured housing units by authority of highway hauling permit.

1. Approved type amber flashing, blinking or alternating lights are permitted on fire apparatus, ambulances, and rescue and life-saving vehicles, providing the amber lights are mounted or installed on the rear of the vehicles.

2. Approved type amber flashing, blinking or alternating lights are permitted on vehicles owned and used by businesses providing security services and vehicles used to collect and deliver the United States mail.

3. An approved type amber flashing, blinking or alternating light may be mounted on the rear of any vehicle used to transport petroleum products. The light must be wired through the reverse gear circuit and activate in conjunction with the backup lights and audible alarm.

H. Inspect for and reject if:

1. Vehicle has an auxiliary lamp being used for a purpose other than for which it was approved.

Do not reject tractor trucks equipped with cargo lights of an approved type which are mounted on the rear of the tractor cab and wired through an independent switch used to illuminate brake connectors and fifth-wheels for nighttime hookups.

2. A vehicle has installed on it a warning lamp that is not of an approved type or has been altered.

3. Vehicle is equipped with a combination of auxiliary lamps which include more than two fog lamps, or more

than two spot lamps, or more than two driving lamps. Reject a vehicle equipped with a headlamp mounted or used as an auxiliary lamp.

*NOTE: Vehicles equipped, from the factory, with two driving lamps should not be rejected.*

4. Vehicle is equipped with an auxiliary lamp that does not function properly. (If an auxiliary lamp has been modified by removing the wiring, bulb and socket, the unit will be considered an ornament and not a lamp and will not be considered in inspection.)

5. Vehicle is equipped with a lighted advertising sign. Except commercial motor vehicles, and buses operated as public carriers. These vehicles may be equipped with vacant and destination signs and one steady burning white light for illumination of external advertising. Do not reject approved identification lights.

6. Any lamp is not of an approved type or if lamps to be burned together as a pair do not emit the same color light.

7. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

~~I. Backup Lamps:~~ 8. Backup lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- 4. a. Lamps are not of an approved type or a lamp has been altered.
- 2. b. Wiring or electrical connections are defective.
- 3. c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.
- 4. d. Lens is other than clear.
- 5. e. Lamps are not wired into the reverse gear or an independent circuit.

~~J. Cornering Lamps:~~ 9. Cornering lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- 4. a. Lamps are not of an approved type or a lamp has been altered.
- 2. b. Wiring or electrical connections are defective.
- 3. c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.
- 4. d. The color of the light is other than clear or amber.
- 5. e. The lamps do not burn in conjunction with the turn signals.

~~K. Driving Lamps:~~ 10. Driving lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- 4. a. Driving lamps are installed on vehicles equipped with the four headlamp system, except the "F" type headlamp system.
- 2. b. A vehicle is equipped with more than two driving lamps.
- 3. c. Driving lamps are not of an approved type or have been altered.
- 4. d. The color of the lamp is other than white.
- 5. e. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.
- 6. f. Wiring or electrical connections are defective.
- 7. g. Any driving lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent excessive vibration.
- 8. h. Driving lamps are not wired so that they will burn only when the high beams of the regular headlamps are activated.
- 9. i. Driving lamps are not aimed so that the center of the hot spot drops three inches in 25 feet so that the hot spot is directly ahead of the lamp.

*NOTE: Driving lamps must be aimed using the optical headlight aimer.*

10. j. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

~~L. Fog Lamps:~~ 11. Fog lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- 4. a. A vehicle is equipped with more than two fog lamps.
- 2. b. Lamps are not of an approved type or a lamp has been altered.
- 3. c. The lens is other than clear or amber. (Fog lamps may have black end bulbs or small metal caps over the end of the bulb.)
- 4. d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.
- 5. e. Wiring or electrical connections are defective.
- 6. f. Any fog lamp is mounted above the level of the regular headlamps, or is not mounted firmly.
- 7. g. Lamps are not wired and aimed according to the following instructions:

- a. (1) Fog lamps are general illumination lamps as covered in 19 VAC 30-70-160 C. They must burn through the tail light circuit even if on a separate switch. If installed on a vehicle with a four-headlamp



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system or a vehicle equipped with driving lamps, they must be wired into the low beam circuit.

b. (2) Fog lamps must be aimed so that the top edge of the high intensity zone is set at the horizontal centerline and the left edge of the high intensity zone is set at the vertical centerline. (Same as low beam headlights.)

NOTE: Fog lamps must be aimed using the optical headlight aimer.

c. (3) A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

~~M. Spot Lamp:~~ 12. Spot lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

1. a. Vehicle is equipped with more than two spot lamps.
2. b. Lamps are not of an approved type or a lamp has been altered.
3. c. The lens in any spot lamp is other than clear.
4. d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.
5. e. Wiring or electrical connections are defective.

~~N. Daytime Running Lamp (DRL):~~ 13. Daytime running lamps (DRLs) are not required. However, if installed they must operate and be inspected. DRLs must be installed in pairs.

NOTE: DRLs may or may not be wired into the tail light circuit.

Inspect for and reject if:

1. a. Any lamp, except headlamps, used as DRLs is not marked "DRL."
2. b. Fog lamps or parking lamps are used as DRLs.
3. c. More than one pair of lamps are used and/or designated as DRLs.
4. d. A DRL is mounted higher than 34 inches measured to the center of the lamp.
5. e. The color is other than white to amber.
6. f. DRLs do not deactivate when the headlamps are in any "on" position.

Any DRL optically combined with a turn signal or hazard lamp must deactivate when the turn signal or hazard lamp is activated and then reactivate when the turn signal or hazard lamp deactivates.

VA.R. Doc. No. R96-182; Filed January 5, 1996, 9:30 a.m.

## STATE WATER CONTROL BOARD

**REGISTRAR'S NOTICE:** Due to the length, the full text of the Water Quality Standards (9 VAC 25-260-10 et seq.) is not being published; however, a summary is being published in lieu of full text. The full text of the regulations is available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219 or at the Office of the Registrar of Regulations, Virginia Code Commission, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

**Title of Regulation:** ~~VR-680-21-00.~~ 9 VAC 25-260-10 et seq. **Water Quality Standards.**

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

**Public Hearing Dates:**

- March 25, 1996 - 7 p.m. (Harrisonburg)
- March 26, 1996 - 1 p.m. (Wytheville)
- March 27, 1996 - 7 p.m. (Williamsburg)
- March 28, 1996 - 1:30 p.m. (Prince William)

Public comments may be submitted until April 22, 1996.  
(See Calendar of Events section for additional information)

**Basis:** Section 62.1-44.15(3a) of the State Water Control Law, as amended, authorizes the State Water Control Board (board) to establish, amend or cancel water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law. This section also requires the board, at least once every three years, to review the standards and policies and, as appropriate, to propose revisions and changes to the standards and policies. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or cancelled.

Section 307(c)(2)(B) also requires states to adopt criteria for 307(a) toxic pollutants whenever a state conducts its three-year review of water quality standards. The federal regulation at 40 CFR 131.11 requires states to adopt criteria that protect designated uses. Such protection is further mandated in § 101(a)(2) of the Clean Water Act which states that the objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

The federal water quality standards regulation, 40 CFR 131.10, contains specific application of the terms "designated" and "existing uses." With this rulemaking, the board is attempting to make the Virginia water quality standards regulation more consistent with the federal terminology.

The federal regulations developed for the National Pollutant Discharge Elimination System (40 CFR 122.2) and permits for the discharge of dredged or fill material (40 CFR 230.3 and 232.2) include "wetlands" in the definition of "waters of the U.S." With this rulemaking, the board is clarifying that wetlands are included as state waters which is consistent with the federal definition of U.S. waters.

Other changes are incorporated in order to facilitate implementation and/or clarify the existing standards and guidance.

**Purpose:** In order to comply with § 62.1-44.15(3a) of the Code of Virginia and § 303(c) of the Federal Clean Water Act, another review of the water quality standards must be completed.

**Substance:** The primary objectives of this triennial review are to meet the Environmental Protection Agency's requirements for continued compliance with the Clean Water Act and federal regulations described above. These requirements include adding new numerical standards as necessary, and clarifying "designated" and "existing use" terminology in Virginia. Other changes to the regulation were initiated by Department of Environmental Quality (DEQ) staff to facilitate implementation of the standards, clarify the existing standards and guidance or update the regulation based on new information. Other amendments are proposed in response to comments from the Department of Game and Inland Fisheries and the Department of Health. Also, revisions have been made in response to public comment.

The proposed amendments are as follows:

Note: The numbering shown in brackets reflects the new numbers assigned to these sections as codified and published in the Virginia Administrative Code.

**VR 680-21-01.1 and 01.2 A and B [9 VAC 25-260-10 and 9 VAC 25-260-20 A and B]** - The term "wetlands" is added to the "Use Designations" and the "General Standard" in order to recognize wetlands as state waters. This is an EPA requirement.

**VR 680-21-01.1 [9 VAC 25-260-10]** - The use designations from VR 680-21-01.2 [9 VAC 25-260-20] paragraph A of the General Standard are combined with the original use designations in VR 680-21-01.1 [9 VAC 25-260-10]. Also, "existing uses" are defined in order to maintain consistency with federal requirements. The correct reference for mixing zones is also inserted in VR 680-21-01.1 A [9 VAC 25-260-10 A].

**VR 680-21-01.2 A [9 VAC 25-260-20 A]** - The references to existing or designated uses are deleted since this language is combined with VR 680-21-01.1 [9 VAC 25-260-10]. Also, a sentence is added to explain the relationship between designated uses and water quality standards.

**VR 680-21-01.2, 01.4 C, 01.11 B 4 b and 01.11 B 5, 01.14 B 1 and B 2, 01.14 D 1, 01.14 E, 02.2 B [9 VAC 25-260-20; 9 VAC 25-260-40 C; 9 VAC 25-260-110 B 4 b and B 5; 9 VAC 25-260-140 B 1, B 2, D 1, and E; and 9 VAC 25-260-170 B]** - In each of these sections, the language is made consistent with the federal "designated and existing use" terminology. This is an EPA requirement.

**VR 680-21-01.11 B 5 [9 VAC 25-260-110 B 5]** - This paragraph (halogen ban) has been deleted as it was determined to be no longer needed in addition to the existing chlorine standards, and is more stringent than

any federal requirement and, therefore, it should be deleted.

**VR 680-21-01.13 [9 VAC 25-260-130]** - The tributyltin standard is moved to the Table of Standards (VR 680-21-01.14 B [9 VAC 25-260-140 B]).

**VR 680-21-01.14 B [9 VAC 25-260-140 B]** - Thirteen new human health parameters are added, four are deleted and 13 are revised in the "Table of Standards." The saltwater copper aquatic life standards and chlordane acute saltwater aquatic life standard are revised. Also, the reference to the fecal coliform standard is added. The word "soluble" is deleted after the iron and manganese standards so that these metals apply as "dissolved" to maintain consistency with all other metals. A hardness footnote is added to the acute silver standard. A statement is added to footnote one that the metals standards apply to the biologically available form and that dissolved metals shall be considered to be biologically available, or a water effect ratio can be determined and multiplied by the numerical value in the table to produce a biologically available equivalent value. The ratio is intended to apply to individual discharges as well as to groups of discharges located in the same area and water body. Also, the footnote one notation is moved next to the specific metals for which it applies. The phrase "on the average" is added to footnotes two and three to make these statements consistent with EPA terminology. In footnote seven, a phrase is inserted which states that the methyl mercury standard is calculated to protect the marketability of natural resources, e.g., fish and shellfish. A new footnote (eight) is added to clarify that special site specific standards are located in a different section. The phrase "VR 680-21-01.14 B [9 VAC 25-260-140 B] Continued..." is deleted in the ammonia tables. This phrase is not needed as regulatory language and can be placed where necessary in the final publication to improve readability.

**VR 680-21-01.14 D 2 and D 4 b [9 VAC 25-260-140 D 2 and D 4 b]** - Language to allow for site specific standards to the taste, odor and nitrate standards is added. These particular parameters apply in public water supplies. Also, it is stated where the site specific standards are listed in the regulation.

**VR 680-21-01.14 E 1 [9 VAC 25-260-140 E 1]** - The water body variance language is modified to be consistent with federal allowances for removal of designated uses as per 40 CFR 131.10.

**VR 680-21-01.14 E 4 b and 4 c [9 VAC 25-260-140 E 4 b and 4 c]** - This section is revised to specify where the variances are listed in the regulation and make the variances based on designated use removal permanent. Previously all variances were temporary.

**VR 680-21-01.14 E 5 [9 VAC 25-260-140 E 5]** - References to water body variances are removed since these have been replaced by variances based on removal of designated uses. The language is modified so that variances to taste, odor and aesthetic compounds are allowed.

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**VR 680-21-01.14 F [9 VAC 25-260-140 F]** - The details of the water effect ratio (WER) provision mentioned in footnote one of the Table of Standards is added in this new section.

**VR 680-21-01.15 [9 VAC 25-260-150]** - The title of the dioxin standard is changed since now there are many human health standards. Also, the clarification is made that the dioxin standard applies to only one congener.

**VR 680-21-02.2 A [9 VAC 25-260-170 A]** - The phrase "in more than 10% of samples" is added to the 1000 per 100ml fecal coliform standard to make this standard consistent with Clean Water Act § 305(b) reporting guidelines.

**VR 680-21-02.2 B 3 [9 VAC 25-260-170 B 3]** - At the request of the Virginia Health Department, it is clarified that no disinfection may be allowed in certain waters.

**VR 680-21-06.1 C [9 VAC 25-260-250 C]** - The reference to § 316(a) of the Clean Water Act is clarified.

**VR 680-21-07.1 b and f [9 VAC 25-260-310 b and f]** - The Potomac Embayment special standard "b" and Potomac Enforcement Conference - Recommendation 1 (special standard "f") are being deleted and replaced by an updated policy. Also, references to the Potomac Embayment special standard "b" and the Potomac Enforcement Conference special standard "f" are deleted in the appropriate sections of VR 680-21-08.4 [9 VAC 25-260-400] (River Basin Section Tables/Potomac River) to reflect the new policy.

**VR 680-21-07.1 g [9 VAC 25-260-310 g]** - The amendments to the Occoquan Policy are updated.

**VR 680-21-07.1 w [9 VAC 25-260-310 w]** - The Ash Camp Creek zinc socio-economic variance is cancelled.

**VR 680-21-07.1 y [9 VAC 25-260-310 y]** - The Clinch River copper special standard is moved into section "y" so that the letters in this section will remain alphabetical.

**VR 680-21-07.2 A [9 VAC 25-260-320 A]** - The listing of scenic rivers is deleted because they were originally listed for informational purposes only and have no regulatory function for this agency. Also all references to scenic rivers in VR 680-21-08 [9 VAC 25-260-360 et seq.] (River Basin Section Tables) are deleted.

**VR 680-21-07.2 B and C [9 VAC 25-260-320 B and C]** - The reference to trout streams and the endangered species designations are deleted because the only regulatory requirement applicable to these waters was the halogen ban which is also proposed for deletion.

**VR 680-21-07.3 [9 VAC 25-260-350]** - Claytor Lake is added as a nutrient enriched water and the designations are renumbered. Also, the Williams Creek designation is corrected.

**VR 680-21-08.1 [9 VAC 25-260-360]** - In paragraph A, the phrase "river basin" is added after the reference to the York River to make it consistent with the rest of the paragraph and in paragraph B, the reference to the public water supply standards is corrected.

**VR 680-21-08.2 B [9 VAC 25-260-370]** - This language is amended to reduce confusion between the DGI classification system and the DEQ classification system.

**VR 680-21-08.3 A [9 VAC 25-260-380 A]** - The punctuation has been corrected.

**VR 680-21-08.3 D 1 [9 VAC 25-260-380 D 1]** - The reference to public water supplies has been corrected.

**VR 680-21-08.3 D 3 [9 VAC 25-260-390]** - A reference to nutrient enriched waters is added to the river basin section tables. The symbol NEW- (followed by a number which corresponds to the appropriate designation in VR 680-21-07.3 [9 VAC 25-260-350]) appears in the corresponding designations in VR 680-21-08 [9 VAC 25-260-360 et seq.] under the special standards column.

**VR 680-21-08.4 - 08.19 [9 VAC 25-260-400 through 9 VAC 25-260-540]** River Basin Section Tables - Trout waters are updated and the phrase "upstream including all named and unnamed tributaries" has replaced the phrase "to its headwaters" in natural trout stream designations. This was a recommendation by DGIF due to confusion over the definition of headwaters. Public water supplies are updated as per Health Department recommendations. New scenic rivers and all the Nutrient Enriched Waters are notated in the Special Standards Column. The phrase "in this regulation" is added after the phrase "unless otherwise designated" for clarification. Numerous minor changes are made throughout the tables to clarify the section descriptions or classifications.

**Issues:** The Virginia Water Quality Standards Regulation is modified in accordance with Clean Water Act mandates, the federal Water Quality Standards Regulation and State Water Control Law. EPA has required the state to make several modifications to the regulation in order to place Virginia in compliance with federal mandates and regulations. EPA requires including "wetlands" in the General Standard in order to ensure they are recognized as state waters, modifying the current "beneficial use" terminology to be consistent with the federal "designated" and "existing" use terminology, updating the numerical water quality standards to protect designated uses and updating stream classifications to identify those uses. Since EPA has final approval of state water quality standards regulations, the DEQ has opted to include these EPA requirements. If not included, the state will risk federal promulgation of these amendments. The appropriateness of these amendments are issues which warrant public comment and attention.

The DEQ has also added a variable to the numerical metals standards that is consistent with the federal National Toxic Rulemaking. This variable is called the "water effects ratio" and is to be applied to the numerical standards in the permitting process. In the past, the use of "water effect ratios" on numeric water quality standards resulted in a standards modification and were required to be adopted as amendments under the Administrative Process Act and subject to full public participation. With this amendment, public participation will be applied through the permitting process. The use and implementation of this "water effect ratio" will be an important issue in this rulemaking process.

The DEQ had received comments from the Department of Game and Inland Fisheries to add numerous endangered species designations to the regulation. If included, all municipal and industrial facilities discharging into those waters would not be allowed to use chlorine or other halogenated compounds for disinfection or other treatment purposes. Alternately, the department is proposing to delete the halogen ban section of the chlorine policy (VR 680-21-01.11 C [9 VAC 25-260-110 C]), thereby obviating the need for the endangered and threatened species designations. It was determined that none of the activities resulting in chlorine pollution incidences over the past two years were regulated by the halogen ban and thus preventable under the ban. Therefore, the risk of having an accidental release of chlorine to waters containing threatened or endangered species is very remote and this places an unreasonable burden on plant owners. They should be given the same opportunity as other plant owners to employ more conventional means to meet the chlorine water quality standard that is designed to protect aquatic life and has existed since 1986. It was also determined that the halogen ban was more stringent than both federal and state law or regulation; therefore, it should be deleted. Deleting the associated special designation section doesn't mean that threatened or endangered species no longer exist in those waters because those waters were only specifically identified in this regulation because that is where the halogen ban applies. However, this deletion of the halogen ban and the endangered species designations will be an important issue to the public and other state and federal agencies.

With this rulemaking, the DEQ has also elected to update, modify and cancel amendments relating to trout water, public water supplies and nutrient enriched waters. The accuracy of these amendments are important issues so that permits are written to protect water quality.

Finally, the state is required to conduct an impact assessment of the costs and benefits resulting from this regulation. The question of whether the impact assessment adequately reflects the true costs and benefits resulting from this regulation is another issue.

The DEQ has concluded that the proposed amendments to the regulation are necessary to ensure the continued protection of the health, safety and welfare of the citizens of the Commonwealth and provide for the efficient and economical performance of an important governmental function. Advantages to the state are the avoidance of federal promulgation of standards for Virginia; keeping the standards up-to-date and appropriate; and providing potential avenues of regulatory relief and flexibility to the permittees that are not currently available.

The DEQ views this rulemaking to be advantageous to the public for many of the same reasons; i.e., from the standpoint of keeping the standards up-to-date and allowing for potential avenues of relief from the regulation where there are no resulting adverse impact to the water quality. DEQ does not perceive any disadvantages to the public of implementing the proposed regulatory amendments to the water quality standard. However, the public may view this as reduced regulatory control due to the proposed deletion of certain sections of the regulation.

## Impact:

Economic Impact to the Public: It is anticipated that many of the proposed amendments will not affect the public, including localities, since most of the changes are needed to facilitate implementation of and/or clarify existing state regulations and guidance.

Numerical standards for 13 new compounds are proposed to protect human health. These compounds have been found at confirmed levels in effluent, ambient water, sediment or tissue. Many permittees are discharging these toxicants in their effluent at low levels and are not expected to exceed the proposed standards and the effluent will, therefore, not require additional treatment. Also, many of these same permittees are discharging other organics and metals that may already require treatment for removal because of existing regulations. Since most treatment technologies are the same for groups of compounds (such as organics or metals), treatment for the proposed new compounds will most likely not increase construction costs beyond that considered when toxics standards were adopted in March, 1992. It is possible, however, that operation and maintenance costs may increase if any of the proposed new compounds are found at levels exceeding the proposed standards. Likewise, the deletion of four human health compounds and the revisions of 12 human health compounds and one aquatic life standard will not provide any significant financial relief to any permittees since there are still numerous previously adopted standards in the same treatment categories that must be met. However, this effort to update the numerical standards is necessary because this agency is obligated by state law to update all standards based on the most recent scientific information.

Overall, it is expected the impact of these proposed 13 numerical standards will be primarily one of monitoring costs. It is likely that up to 500 permittees may be required to monitor for these new compounds at the time of permit issuance. The cost may range from \$850 to \$2,300 for each outfall at the time of permit issuance every 5 years. However, if the applicant is currently monitoring for all priority pollutants or for groups of compounds, such as volatiles or semivolatiles, in order to characterize their effluent, then these new compounds would not increase present monitoring costs.

The proposed deletion of a socioeconomic variance granted in 1977 to the former Virginia Crafts, which previously discharged to Ash Camp Creek, is not expected to impact the current owner of that facility on Ash Camp Creek (West Point Pepperell). The variance is no longer applicable because the facility has changed ownership and West Point Pepperell is no longer operating.

Most of the proposed revisions to the trout water designations are located in or near national and state parks and are not expected to have financial impacts. However, there are several streams proposed as trout streams that receive discharges that may be required to meet more stringent dissolved oxygen, temperature and/or ammonia limits because of the new designation. Three facilities have been identified; however, it is possible these facilities may be able to meet the more stringent trout water standards by optimizing their existing treatment systems. If additional

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treatment is needed, DEQ staff estimates that capital costs for a nitrification unit process could cost from \$544,000 to \$725,000 per facility, depending on the volume of effluent. Operation of this type of system could cost each facility approximately \$45,000 per year.

In addition, there are two facilities that discharge into areas proposed as new public water supplies. These facilities will now be required to meet human health standards for water and fish consumption. It is unknown what the cost to meet these human health standards will be until the quality of their effluent is determined. If no data are available at the time of their next permit issuance, each of these facilities may have monitoring requirements placed in their permit as previously mentioned.

Finally, if a permittee or a group of permittees choose to demonstrate that the local receiving water alters the toxic effect of metals in their discharge(s), i.e. conduct a water effects ratio study, this type of study could cost up to \$85,000 per outfall.

**State Impact:** These amendments, if adopted, may impact the Department of Environmental Quality in terms of resources and time needed to review water effect ratio studies. The staffing and budget implications for that are not fully known at this time. The work load will be monitored and assessed and, if, necessary, addressed in future budget requests.

**Environmental Impact:** Human populations may be exposed to toxic compounds through drinking water and the consumption of aquatic organisms and these exposures need to be regulated at safe levels. With the proposed adoption of additional human health standards, Virginia is maintaining the intent and purpose of the Commonwealth's water quality standards and the Federal Clean Water Act by providing protection from the carcinogenic and toxic effects of these compounds.

These amendments will also ensure all trout streams and public water supplies are correctly identified and listed in the regulation, thereby providing them an appropriate level of protection through water quality standards that are specifically designed to protect those uses. Another benefit that is not so immediate is the designation of Claytor Lake as a "nutrient enriched water." This designation will require phosphorus limits on any future 50,000 gallon per day or larger point source discharge. This will prevent point source dischargers from contributing nutrients to this water body that is beginning to show signs of impairment through nutrient enrichment.

**Other Impacts:** It should be noted that these regulations will also have a positive impact on other industries or trade groups through direct impact on construction equipment sales and installation industries. Also, there could be a positive economic impact on consultants and laboratories for biological testing for water effects ratio studies and chemical analysis.

**Applicable Federal Requirements:** Section 303(c)(2)(B) of the Clean Water Act requires states to adopt criteria for 307(a) toxic pollutants whenever a state conducts its three-year review of water quality standards. 40 CFR 131.11 requires states to adopt criteria that protect designated uses.

Such protection is further mandated in § 101(a)(2) of the Clean Water Act which states that the objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. While EPA retains approval/disapproval oversight of all water quality standards, the states decide which standards are necessary to protect designated uses. The DEQ staff believes all the amendments are necessary to protect designated uses and uphold the above listed federal requirements.

The federal water quality standards regulation 40 CFR 131.10 contains specific application of the terms "designated" and "existing uses." With this rulemaking, the board is attempting to make the Virginia water quality standards regulation more consistent with the federal terminology.

The federal regulations developed for the National Pollutant Discharge Elimination System (40 CFR 122.2) and permits for the discharge of dredged or fill material (40 CFR 230.3 and 232.2) include "wetlands" in the definition of "waters of the U.S." With this rulemaking, the board is clarifying that wetlands are included as state waters which is consistent with the federal definition of U.S. waters.

**Affected Localities:** The following localities are listed because some of the amendments in the regulation are specific to one area and do not have statewide application. These amendments are found in VR 680-21-07 and 08 [Part VII, 9 VAC 25-260-310 et seq., and Part VIII, 9 VAC 25-260-360 et seq.] (Special Standards and Designations and the River Basin Section Tables).

### Trout Water Amendments:

**Counties:** Albemarle, Allegheny, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Clark, Craig, Culpeper, Dickenson, Franklin, Floyd, Frederick, Giles, Grayson, Greene, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, Wythe

**Cities:** Buena Vista, Clifton Forge, Galax, Lexington, Salem

**Towns:** Abingdon, Blacksburg, Brookneal, Buchanan, Covington, Craigsville, Damascus, Floyd, Grundy, Hillsville, Independence, Jonesville, Lebanon, Marion, Narrows, Pembroke, Pennington Gap, Rural Retreat, Stuart, Troutdale, Wytheville

### Public Water Supply amendments:

**Counties:** Albemarle, Amherst, Bedford, Campbell, Charlotte, Chesterfield, Clarke, Culpeper, Fairfax, Fauquier, Franklin, Giles, Gloucester, Goochland, Halifax, Henrico, Henry, Isle of Wight, Lee, Loudoun, Montgomery, Nelson, Orange, Page, Pittsylvania, Powhatan, Prince Edward, Pulaski, Rappahannock, Roanoke, Rockingham, Scott, Spotsylvania, Tazewell, York

**Cities:** Bedford, Colonial Heights, Lynchburg, Martinsville, Portsmouth, Roanoke, Norfolk, Richmond, Suffolk, Virginia Beach, Williamsburg

**Towns:** Altavista, Berryville, Brookneal, Farmville, Gretna, Hurt, Jonesville, Leesburg, Luray, Pocahontas, Pulaski, Shenandoah, Tazewell, Vinton

## **Deletion of Halogen Ban and Related Sections (Endangered Species Designations and Trout Water Reference):**

These amendments, if adopted, will not affect the localities surrounding these designations since there will be no additional regulatory requirements placed upon the locality. Therefore, the localities do not require notification under this rulemaking.

## **Deletion of Scenic River Designations:**

These amendments were included in the regulation for informational purposes only. The designations still exist in the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia) and the deletion of these designations in this regulation will not affect the localities and, therefore, do not require a notification under this rulemaking.

## **Nutrient Enriched Waters:**

**Counties:** Pulaski

**Towns:** Draper, Dublin, Pulaski

## **Potomac Embayment Standards:**

The affected localities for the amendments to VR 680-21-07.1 b and g [9 VAC 25-260-310 b and g] (and associated sections in the River Basin Section Tables) will be listed and notified through the rulemaking associated with the new Potomac Embayment Policy.

## **Other Amendments in VR 680-21-07 and 08 [Parts VII and VIII]:**

**Counties:** Charlotte, King George

**Cities:** Chesapeake, Virginia Beach

**Towns:** Keysville

Remaining amendments to the regulation are statewide in application and will not cause a particular locality to sustain an impact not experienced by other localities.

## **Summary:**

*Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These narrative statements and numerical limits describe water quality necessary for reasonable, beneficial uses such as swimming, propagation and growth of aquatic life, and domestic water supply.*

*The State Water Control Board (board) proposes to amend the state's Water Quality Standards. These amendments are proposed to comply with § 62.1-44.15(3a) of the State Water Control Law which states that the board shall, at least once every three years, hold hearings for the purpose of reviewing the existing standards of quality, and, as appropriate,*

*adopting new standards or modifying, or cancelling existing standards.*

*Many of the amendments proposed during the current triennial review are primarily required by the Environmental Protection Agency (EPA). Other amendments are proposed in response to comments from the Department of Game and Inland Fisheries, Department of Health and in response to public comment. Finally, several amendments are in response to Department of Environmental Quality (DEQ) technical information.*

*The significant amendments being proposed include:*

**VR 680-21-01 [9 VAC 25-260-10 and 9 VAC 25-260-20]** - The term "wetlands" is added to the "Use Designations" and the "General Standard," and the existing "beneficial use" terminology is made consistent with the federal definition.

**VR 680-21-01.11 B 5 [9 VAC 25-260-110 B 5]** - This paragraph (halogen ban) has been deleted as it was determined to be more stringent than any federal requirement and, therefore, it should be deleted.

**VR 680-21-01.14 B [9 VAC 25-260-140 B]** - Thirteen new human health standards are added, four are deleted and 13 are revised in the "Table of Standards." The saltwater copper aquatic life standards and chlordane acute saltwater aquatic life standard are revised. A statement is added to footnote one that the metals standards apply to the biologically available form and that dissolved metals shall be considered to be biologically available, or a water effect ratio can be determined and multiplied by the numerical value in the table to produce a biologically available equivalent measurement. Adds the term "on the average" to footnotes two and three relating to how often acute and chronic concentrations are not to be exceeded.

**VR 680-21-01.14 D and E [9 VAC 25-260-140 D and E]** - Language to allow for site specific standards and variances to the taste, odor and nitrate standards is added. These particular parameters apply in public water supplies. The water body variance language is modified to be consistent with federal allowances for removal of designated uses as per 40 CFR 131.10.

**VR 680-21-01.14 F [9 VAC 25-260-140 F]** - The details of the water effect ratio (WER) provision mentioned in footnote one of the Table of Standards is added in this new section.

**VR 680-21-07.1 b and f [9 VAC 25-260-310 b and f]** - The Potomac Embayment special standard "b" and Potomac Enforcement Conference - Recommendation 1 (special standard "f") are being deleted and replaced by an updated policy. Also, appropriate references to the Potomac Embayment special standard "b" and the Potomac Enforcement Conference special standard "f" are deleted in corresponding sections of VR 680-21-08.4 [9 VAC 25-260-400] (River Basin Section Tables/Potomac River) to reflect the new policy.

# Proposed Regulations

**VR 680-21-07.1 w [9 VAC 25-260-310 w]** - *The Ash Camp Creek zinc socio-economic variance is cancelled since it no longer applies to the current owner.*

**VR 680-21-07.2 A [9 VAC 25-260-320 A]** - *The listing of Scenic Rivers is deleted as they were listed for informational purposes only and have no regulatory function for this agency.*

**VR 680-21-07.2 B and C [9 VAC 25-260-320 B and C]** - *The reference to trout streams and the endangered species designations are deleted because the only regulatory requirement applicable to these waters was the halogen ban which is also proposed for deletion.*

**VR 680-21-07.3 [9 VAC 25-260-350]** - *Claytor Lake is added as a nutrient enriched water and the designations are renumbered.*

**VR 680-21-08.4 - 08.19 [9 VAC 25-260-400 through 9 VAC 25-260-540]** *River Basin Section Tables - Trout waters are updated and the phrase "upstream including all named and unnamed tributaries" has replaced the phrase "to its headwaters" in natural trout stream designations. The public water supplies are updated. All the Nutrient Enriched Waters are notated in the Special Standards Column.*

VA.R. Doc. No. R96-189; Filed January 17, 1996, 4:48 p.m.

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**Title of Regulation:** 9 VAC 25-415-10 et seq. Policy for the Potomac River Embayments.

**Statutory Authority:** §§ 62.1-14.15(3), 62.1-44.15(10) and 62.1-44.15(14) of the Code of Virginia.

**Public Hearing Date:** March 28, 1996 - 1 p.m.

Public comments may be submitted until April 22, 1996.  
(See Calendar of Events section for additional information)

**Basis:** The basis for this proposed regulation is § 62.1-44.15(3a) of the Code of Virginia. This section authorizes the State Water Control Board (SWCB) to adopt policies protecting the waters of the state.

**Purpose:** The purpose of the proposed regulation is to protect and enhance the water quality of the Virginia Potomac Embayments from the Chain Bridge in Arlington to the Route 301 Bridge in King George County. The proposed regulation sets maximum effluent limits for CBOD<sub>5</sub>, TSS, P, and seasonal NH<sub>3</sub>. It will replace two existing regulations, Potomac Embayment Standards (VR 680-21-07.1 b [9 VAC 25-260-310 b]) and Potomac Enforcement Conference-Recommendation 1 (VR 680-21-07.1 f [9 VAC 25-260-310 f]) which are proposed for repeal as part of the proposed amendments to the Water Quality Standards. The proposed regulation is the result of a petition from the affected Northern Virginia jurisdictions to the SWCB to replace the existing regulations with a regulation which establishes effluent limits based more closely on water quality modeling and clarifies language as to the applicability of the standards.

**Substance:** This proposed regulation will:

1. Set maximum effluent limits for CBOD<sub>5</sub>, TSS, P, and seasonal NH<sub>3</sub> for all domestic sewage treatment discharges and any industrial discharge where these pollutants are the primary constituent of the wastewater.
2. Define a modeling process by which future large discharges would be modeled to assure the required effluent limits are sufficient to protect water quality.
3. Provide clear language as to what type of discharges are exempt from the regulation, e.g., existing single family homes with failing septic systems; combined sewer overflows.
4. Require wastewater treatment for total nitrogen if and when it is determined by the Chesapeake Bay Program studies that nitrogen removal is needed to protect the Bay.

**Issues:** Public comment received following the issuance of the Notice of Intended Regulatory Action was generally in favor of the proposed regulation. Nearly all comments received expressed the need to protect the extra sensitive nature of these waters and the health of the recreational users of the waters. There were discussions concerning the technical justification for the effluent limits prescribed by the proposed regulation since they are more stringent than what water quality modeling would require, in particular, the TSS limit. In the end, the affected jurisdictions agreed to all the effluent limits in the proposed regulation.

**Estimated Impact:** The proposed regulation will affect 103 VPDES permits. Of these:

- 46 will no longer be subject to the regulation since the proposed regulation does not include the waters above the Occoquan Dam which are included in the existing regulation;
- 4 will no longer be subject to the regulation since the proposed regulation does not include tributaries immediately downriver of the Route 301 Bridge;
- 33 are industrial discharges where the primary pollutants of concern are not those prescribed by the proposed regulation and as such would not be affected;
- 16 will not be adversely affected since the regulation is requiring less stringent limits than what their current permits require; and
- 4 permittees that were grandfathered under the existing regulation may have to upgrade their facilities since the proposed regulation does not provide a grandfather clause.

The proposed regulation will eliminate confusion concerning intent and the applicability caused by the existing regulations. The proposed regulation will enable permit writers to issue VPDES permits more efficiently.

**Affected Locality:** The proposed regulation would affect the following jurisdictions: Arlington County, City of Alexandria, Falls Church, Fairfax County, Prince William County, Stafford County, District of Columbia - Department of Corrections, Dale City, Quantico Marine Base, and King George County. All of the above, except Falls Church, which has no affected discharges, are supportive of the proposed regulation. None

of the above will be disproportionately affected by the proposed regulation.

Applicable Federal Requirements: There are no federal requirements applicable to the proposed regulation.

Department of Planning and Budget's Economic Impact Analysis:

This regulation comprises two distinct but related actions: 1) amending the water quality standards for the Potomac embayments to take account of recent advances in modeling water quality; and 2) setting a policy providing for stricter effluent limitations based on a voluntary agreement among the local jurisdictions. Absent the request for stricter standards from the local jurisdictions, the new water quality standards (WQS) for the Potomac embayments would require limits on effluent concentrations (hereinafter referred to as Option 2) sufficient to ensure (with some assurance) that embayment waters would meet those standards. The required effluent concentrations are calculated using a model of the impact of effluents on water quality.

The local jurisdictions have requested somewhat stricter standards (referred to as Option 1) than those implied by the computer model. This request is apparently based on a feeling that, given the importance of the rapidly increasing recreational use of embayment waters to the local economy, the WQS limits do not provide a sufficient margin of safety for local water quality.

This analysis will not make any attempt to determine the economic impact of the change from the current effluent limitations to Option 2. This regulatory adjustment is driven by advances in the technology of water quality modeling and analysis. The newer analysis indicates that the Option 2 limits are what is required to meet the WQS. Thus, any analysis of the economic impact of the change in limitations from those currently in force to Option 2 would implicitly be an analysis of the standards themselves. This is not the appropriate forum for an economic analysis of Virginia water quality standards. No change in target level of water quality is proposed here. It is also outside the scope of this analysis to inquire about whether the water quality model chosen is scientifically valid.

It must be kept in mind, however, that water quality modeling is subject to error and that different parties involved in this controversy may place very different weights on those errors. These differences in valuations appear to be driving the choice of local jurisdictions to move from Option 2 to Option 1. The different valuations of modeling error do have important economic implications and will be considered in this analysis.

Local options generally

In its economic impact analysis manual, DPB has expressed a preference for regulations that increase local regulatory options when the impacts of the regulated activity are local and when the local flexibility will not place a burden on commerce. In the case of environmental regulations, the choice to have locally more stringent standards should be welcomed unless 1) the regulation is being used as a way of accomplishing a goal that is against public policy (racial discrimination, for example), or 2) the regulation places an

unreasonable burden on commerce between jurisdictions. Stricter local environmental quality standards are favored because they may (as in this case) provide incidental benefits to other localities and because the local jurisdiction must pay any extra costs and thus has every incentive to discover any additional costs they will face (also true in this case).

The Potomac embayment standards meet the criteria for a desirable exercise of the local option. The costs are borne locally. In fact, much of the additional cost is borne directly by the governments themselves although some costs will fall on private parties within the political jurisdiction. In addition, while most of the benefits of the proposed standards will benefit the local jurisdictions, some benefits will be felt downstream as well. Finally, there do not appear to be any consequences of this choice that violate important statewide public policies.

The costs and benefits of choosing Option 1 over Option 2

Costs: On paper, the Option 1 effluent limitations for the biological oxygen demand (BOD) and total suspended solids (TSS) are significantly more stringent than those of Option 2. In fact, much of the impetus for the local option came from a perceived need to reduce TSS below the Option 2 limits.<sup>1</sup> While the legal limits on these effluents would be tighter, in practice, the tighter standards will probably have little impact on costs. The reason for this is that, with current and reasonably foreseeable technologies, the tight limits on phosphorus concentrations needed to meet the WQS in the embayments force the treatment plants to meet the Option 1 standards for BOD and TSS.<sup>2</sup> Phosphorus is the limiting nutrient in fresh water, and the tight limits are needed to prevent algal growth. In addition to the phosphorus limits, the WQS limit ammonia nitrogen force treatment plants to tightly control BOD and TSS.

While Option 1 recommends reduction of total nitrogen mass loadings, it is expected that this choice will be driven more by the Chesapeake Bay nitrogen reduction goals and ammonia nitrogen removal rather than by the Option 1 recommendation.

It should be noted that there is some controversy about the conclusion that other limits will drive the TSS down below the Option 1 standard. It may be that the local jurisdictions do not agree that controlling phosphorus and ammonia nitrogen will give them the TSS limits that they want. If they are right, then the costs of meeting the TSS and BOD standards could be substantial. However, based on interviews with numerous parties, we accept the conclusion that there will not be any incremental costs to meeting the TSS and BOD limits in Option 1.

<sup>1</sup> The reason for this will be discussed when we consider the benefits of the proposed standards.

<sup>2</sup> This was the conclusion reached by Tom Faha of DEQ, Jimmie Jenkins of Fairfax County Department of Public Works, and Clifford Randall of VPI. Norman Cole, former Chair of the Virginia Water Control Board, strongly disagreed with this conclusion.



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## Proposed Regulations

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There has been some suggestion<sup>3</sup> that the tighter limits in Option 1 will prevent the proliferation of smaller treatment facilities that depend more on diluting the waste stream to meet the standard than on reducing total mass loadings. If it is true that these smaller "package plants" would be more economical than extending municipal sewer lines to remote new developments then the Option 1 limits do impose an economic cost on the local jurisdictions. Given the probable advent of some control of nitrogen mass loadings, the proliferation of small plants is not seen as likely since there are significant economies of scale in nitrogen removal. This would place smaller plants at a significant cost disadvantage.

**Benefits:** If it is true that Option 1 is not binding and does not imply any additional costs, then it follows immediately that these limits cannot have any physical benefits. That is to say that water quality will not be changed by the imposition of the Option 1 standards. This does not necessarily mean that there are no economic benefits from the tighter standards.

Since the completion of the initial stages of water quality improvements in the Potomac river, water-based recreation has brought significant economic benefits to some areas in jurisdictions along the river. Water contact sports have grown in popularity in the area as well as recreational fishing, and other activities. Much of this increased economic activity could be jeopardized by even one incident of health problems due to water-borne pathogens. Given the level of investment in serving the new recreation market, the local jurisdictions may well desire to take a risk averse approach to the control of water-borne pathogens; that is, they would prefer to pay somewhat more for a greater guarantee of safety. This is simply a way of buying insurance against the possibility of a bad outcome. The sources interviewed for this analysis agreed that, while the affect may be small (even unmeasurable), the reduction of TSS to reduce the probability of water-borne disease was not without scientific justification.

A properly designed water quality model will be neutral toward the direction of error. It is up to policy makers to decide how averse to risk they should be. Thus, it is not surprising that local jurisdictions may wish to elect tighter standards than those implied by a strictly risk neutral water quality model. Especially if the insurance comes at a very low price.

Another benefit may arise from choosing stricter standards. The local jurisdictions may now claim "bragging rights" on the quality of their water. The economic development agencies in the affected counties will be able to claim that they have the strictest water quality standards in the state or region. While this benefit is hard to measure, it could be significant.

Finally, earlier we argued that the Option 1 standards would probably not have a large affect on the number of smaller treatment plants built in the embayment jurisdictions. However, if this conclusion is wrong, then we should consider any increased costs associated with these smaller plants. Smaller treatment facilities will probably have more highly

variable effluent concentrations due to the larger relative impact of each individual user of the facility. This makes monitoring and enforcement more complicated and expensive. It has also been suggested that these smaller facilities generally have less qualified staff which adds to the variability of the quality of effluent.

It follows then that any cost advantages that accrue to the builders of these facilities may be offset to a considerable degree by increased costs of monitoring and enforcement and a greater incidence of transient violations of effluent concentration limitations.

### Conclusion

Based on the preceding analysis, we conclude that the proposed effluent limitations in Option 1 will probably not have any significant impact on the costs of sewage treatment in the affected jurisdictions. Nor will the tighter standards have any measurable physical benefits. However, there may be benefits to the local jurisdictions in providing greater insurance against a serious incident of water-borne disease that could have a serious impact on the value of the Potomac as a recreational resource.

Given that any costs (if they do exist) would be borne locally, while some benefits would fall on other jurisdictions, this regulation fits the case where local autonomy to set stricter limits on effluents is deserving of consideration.

Based on the analysis here, the Option 1 standards will probably have a negligible physical impact but a small but positive economic impact relative to the limits in Option 2.

### Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:

DEQ staff has reviewed the subject economic analysis prepared by the Department of Planning and Budget. DEQ agrees with the overall conclusion that the proposed policy, set to replace the existing Potomac Embayment Standards, will probably not add any significant costs for sewage treatment in the affected jurisdictions in comparison to the option of simply repealing the Potomac Embayment Standards and relying on existing modeling recommendations and permitting regulations.

### Summary:

*The State Water Control Board (SWCB) proposes to adopt a new regulation, Policy for the Potomac Embayments. The proposed regulation would replace two existing regulations within the Commonwealth's Water Quality Standards: Potomac Embayment Standards and Potomac Enforcement Conference-Recommendation 1 (9 VAC 25-260-310 b and f).*

*The proposed regulation will set maximum effluent limits for CBOD<sub>5</sub>, TSS, P, and seasonal NH<sub>3</sub> for discharges to affected waters. The proposed regulation shall apply to all embayments and their tidal and nontidal tributaries, including their headwaters, of the Potomac River, from the fall line at Chain Bridge in Arlington County to the Route 301 Bridge in King George County. The Occoquan River watershed, upstream of the fall line at the Occoquan Dam, shall not be subject to the terms of this*

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<sup>3</sup> This suggestion was made in conversations with Mr. Jimmie Jenkins of the Fairfax County Department of Public Works. The suggestion is also present in some of the letters from the local jurisdictions in support of the Option 1 standards.

policy, since those waters are governed by the Occoquan Policy (9 VAC 25-410-10 et seq.).

This regulation is based on a petition to the SWCB by the counties of Arlington, Fairfax, and Stafford, the Alexandria Sanitation Authority, and the Prince William County Service Authority. The petitioners requested that the effluent limits in the existing regulations be replaced by those which are set forth in the proposed regulation and that a defined modeling process be employed for future effluent requirements. The proposed regulation also eliminates confusion over applicability of the existing regulations.

## Preamble:

The board adopted the Potomac Embayment Standards (PES) in 1971 to address serious nutrient enrichment problems evident in the Virginia embayments and Potomac River at that time. These standards applied to sewage treatment plants discharging into Potomac River embayments in Virginia from Jones Point to the Route 301 Bridge and for expansions of existing plants discharging into the nontidal tributaries of these embayments. The standards were actually effluent limitations for BOD<sub>5</sub>, unoxidized nitrogen, total phosphorus, and total nitrogen.

Based upon these standards, several hundred million dollars were spent during the 1970s and 1980s upgrading major treatment plants in the City of Alexandria and the counties of Arlington, Fairfax, Prince William, and Stafford. Today these localities operate highly sophisticated advanced wastewater treatment plants which have contributed a great deal to the dramatic improvement in the water quality of the upper Potomac estuary. In this effort, the effluent requirements of the original standards for BOD, P, and unoxidized nitrogen have been achieved by some of the facilities.

Even before the planned upgrades at these facilities were completed, questions arose over the high capital and operating costs that would result from meeting all of the requirements contained in the PES. Questions also arose due to the fact that the PES were blanket effluent limitations that applied equally to different bodies of water. Therefore, in 1978, the board committed to reevaluate the PES. In 1984, a major milestone was reached when the Virginia Institute of Marine Science (VIMS) completed state-of-the-art models for each of the embayments. The board then selected the Northern Virginia Planning District Commission (NVPDC) to conduct waste load allocation studies of the Virginia embayments using the VIMS models. In 1988, these studies were completed and effluent limits that would protect the embayments and the mainstem of the Potomac River were developed for each major facility. However, the PES were not amended to reflect the results of these efforts.

Since the PES had not been amended or repealed, VPDES permits had included the PES standards as effluent limits. Since the plants could not meet all of the requirements of the PES, the plant owners operated

under consent orders or consent decrees with operating effluent limits for the treatment plants that were agreed upon by the owners and the board.

In 1991, several Northern Virginia jurisdictions with embayment treatment plants submitted a petition to the board requesting that the board address the results of the VIMS/NVPDC studies. The petitioners initially requested replacing the minimum effluent limitations with a defined modeling process for determining effluent limitations. Their subsequent petition requested effluent limitations and a defined modeling process for determining effluent limitations.

The recommendations in the petition were designed to protect the extra sensitive nature of the embayments along with the Potomac River which have become a popular recreational resource during recent years. The petition included requirements more stringent than would be applied using the results of the modeling/allocation work conducted in the 1980s. With the inherent uncertainty of modeling, the petitioners question whether the results of modeling would provide sufficient protection for the embayments. By this petition, the local governments asked for continued special protection for the embayments based upon a management approach that uses stringent effluent limits. They believe this approach has proven successful over the past two decades. In addition, the petition included a modeling process that will be used to determine if more stringent limits are needed in the future due to increased wastewater discharges.

This policy is based upon the petition and other recommendations from the affected dischargers, public comments, and Department of Environmental Quality staff. By letter dated August 10, 1994, Fairfax County provided documentation that all of the affected jurisdictions reached consensus support for this policy.

9 VAC 25-415-10 et seq. Policy for the Potomac River Embayments.

## CHAPTER 415.

### POLICY FOR THE POTOMAC RIVER EMBAYMENTS.

9 VAC 25-415-10. Purpose.

This chapter provides for the control of point source discharges into the Virginia embayment waters of the Potomac River from the fall line at Chain Bridge in Arlington County to the Route 301 Bridge in King George County.

This chapter also constitutes Special Standard 'b' in the State Water Control Board's Water Quality Standards "Special Standards and Requirements" (9 VAC 25-260-310) for the Potomac River Basin's Potomac River Subbasin (9 VAC 25-260-400).

9 VAC 25-415-20. Affected waters.

This chapter shall apply to all embayments and their tidal and nontidal tributaries, including their headwaters, of the Potomac River, from the fall line at Chain Bridge in Arlington County to the Route 301 Bridge in King George County. The Occoquan River watershed, upstream of the fall line at the

# Proposed Regulations

Occoquan Dam, shall not be subject to the terms of this chapter, since those waters are governed by the Occoquan Policy (9 VAC 25-410-10 et seq.).

## 9 VAC 25-415-30. Policy requirements.

A. Existing discharges and new discharges shall meet the requirements of 9 VAC 25-415-40 unless exempted under subsection B or C of this section.

B. Failing septic systems. Existing residential homes, industrial and commercial operations, public facilities, and any other operation where a septic drainfield system has failed shall be exempt from the requirements of 9 VAC 25-415-40, provided that the applicant demonstrates that it is not feasible to connect to a publicly-owned treatment plant and that there is no feasible alternative except to discharge. Discharge permits shall be issued in conformance with the Virginia Permit Regulation (9 VAC 25-30-10 et seq.) and Virginia General VPDES Permit Regulation for Sewage Discharges Less Than or Equal to 1,000 Gallons per Day (9 VAC 25-110-10 et seq.).

C. Other exemptions. The requirements of 9 VAC 25-415-40 shall not apply to the following types of discharges: combined sewer overflows, stormwater, corrective action remediation, and industrial discharges where BOD and nutrients are not primary pollutants of concern.

## 9 VAC 25-415-40. Effluent limitations.

The following effluent limitations shall apply to all sewage treatment plants:

Parameter	Monthly Avg (mg/l)
CBOD <sub>5</sub>	5
Total Suspended Solids	6
Phosphorus	0.18
NH <sub>3</sub> (Apr 1 - Oct 31)	1
Total Nitrogen	*

\*The Commonwealth of Virginia is working with other states to develop a program to protect the Chesapeake Bay. This program will most likely require nitrogen removal at treatment facilities. Upon the development of a regional, scientifically sound policy by the states involved, the Commonwealth may require nitrogen removal at the treatment plants on the Potomac River. Although no limits are established for total nitrogen at this time, it is the recommendation of the Department of Environmental Quality that treatment to reduce total nitrogen (comparable to reductions achieved by biological nutrient removal) be provided at the time of initial discharge for new plants and at the next upgrade or expansion of existing wastewater treatment plants. The purpose of this recommendation is to provide for the timely installation and operation of the most cost effective treatment possible for reducing nitrogen at the plants so that the nutrient reduction goals of the Chesapeake Bay Program may be obtained. Once a regional program with specific regulations are adopted to protect the Chesapeake Bay, the requirements will become a part of this policy.

The above limitations shall not replace or exclude the discharge from meeting the requirements of the state's Water Quality Standards (9 VAC 25-260-10 et seq.). If water quality modeling demonstrates the necessity for more restrictive limits, the more restrictive limits shall apply.

## 9 VAC 25-415-50. Water quality modeling.

State of the art water quality models shall be used to predict the effect of wastewater discharges on the water quality of the receiving waterbody, the embayment, and the Potomac River. The purpose of the modeling shall be to determine if more stringent limits than those required in 9 VAC 25-415-40 are required to meet water quality standards. Where needed, modeling shall account for and address previous modeling exercises and shall include all relevant point and nonpoint sources. All models shall undergo a peer review process. The models and modeling results shall be considered during the public participation process to ensure proper public input into the modeling process. The models shall be documented and certified by the Virginia Department of Environmental Quality for use in preparing VPDES permits for discharges to the Potomac Embayments and the Potomac River. All changes and modifications to the models shall receive peer review and be appropriately documented. Documentation on the models shall include the basis and reasoning for the recommended models including inputs and assumptions. The rationale shall be described in nontechnical language so someone who is reasonably familiar with water pollution problems can understand the inputs and the reasons behind them.

VA.R. Doc. No. R96-188; Filed January 17, 1996, 4:48 p.m.

## VIRGINIA WORKER'S COMPENSATION COMMISSION

**REGISTRAR'S NOTICE:** The Virginia Worker's Compensation Commission is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

**Title of Regulation:** 16 VAC 30-50-10 et seq. Rules of the Virginia Workers' Compensation Commission (adding 16 VAC 30-50-150).

**Statutory Authority:** § 65.2-201 of the Code of Virginia.

**Public Hearing Date:** N/A -- Written comments may be submitted until March 8, 1996.

(See Calendar of Events section for additional information)

### Summary:

The proposed addition to these rules defines the "community" as it pertains to the determination of appropriate medical costs under § 65.2-605 of the Virginia Workers' Compensation Act. The commission's proposed rule is based on groups of one or two planning districts. A hearing was held on this issue on June 2, 1995, and the commission is now providing an additional period for public comment.

**16 VAC 30-50-150. Rule 14. Definition of community.**

*For the purpose of § 65.2-605 of the Code of Virginia, the word "community" shall mean one or more planning districts as set forth below.*

<i>Community</i>	<i>Planning District(s)</i>
1	Districts 1 and 2
2	District 3
3	District 4
4	District 5
5	Districts 11 and 13
6	District 12
7	District 6
8	District 7
9	District 16
10	Districts 9 and 10
11	District 8
12	Districts 17 and 18
13	Districts 22 and 23
14	Districts 14 and 15
15	District 19

*Whenever an employee receives treatment outside of the Commonwealth, the commission will determine the appropriate community in the state or territory where the treatment is rendered upon application of either the employee, employer (or its representative), or medical provider.*

*When the commission deems appropriate, it may consider additional data to determine the prevailing community rate.*

VA.R. Doc. No. R96-186; Filed January 17, 1996, 9:03 a.m.

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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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 regulation.

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## DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Board

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

**Title of Regulation:** **VR-425-02-52 16 VAC 25-90-1910.266**  
**Logging, General Industry (29 CFR 1910.266).**

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

**Effective Date:** March 15, 1996.

#### Summary:

These changes correct and amend the Logging Operations final rule for General Industry which was published by federal OSHA on October 12, 1994 (59 FR 51672). OSHA clarified language in the regulatory text so that it more accurately expresses the agency's intent with respect to the provisions in question and provides additional information with regard to some of the provisions.

Although OSHA made numerous changes in this amendment to clarify its intent, only the logging operations provisions that were partially stayed by OSHA in February 8, 1995 (60 FR 6447), and then again on August 9, 1995 (60 FR 40457), are outlined specifically. They are as follows:

1. **Cut-Resistant Foot Protection.** Paragraph (d)(1)(v) was corrected to reflect that employers need only ensure that boots used by their employees are cut-resistant (not impervious to) chainsaws. The foot protection must prevent the chain saw from cutting the employee before the employee is able to react, or before the protective material jams the chain saw.

2. **Face Protection.** Paragraph (d)(1)(vii) was revised to indicate that where employees are at risk of facial injury they must wear protection meeting the requirements of Subpart I of Part 1910 (29 CFR 1910.133). Employees involved in the following logging operations require face protection: chipper operators, employees cutting limbs, branches or spring poles, and employees moving through dense underbrush.

Also, a note was added to clarify that where the employer determines that protection against eye and face injury is necessary and provides the employee with a device that protects both the eyes and face, the final rule does not require the employee to wear separate eye protection as well.

3. **First-Aid Kits.** Paragraph (d)(2)(iii) was corrected to eliminate the requirement that employers have first-aid kits reviewed annually by a health care provider. These kits, which include the list of minimum contents, were developed in consultation with the OSHA offices of occupational medicine and occupational health nursing.

4. **Machine Operation on Slopes.** Paragraph (f)(2)(iv) was revised to require that employers assure that logging machine operators follow the instructions, directions and limitations described by the manufacturer in the operating and maintenance manuals.

5. **Machine Shutdown Procedures.** The discharge provision of paragraph (f)(2)(xi) had been stayed to reconsider whether the provision could be misinterpreted to require unnecessary discharging of pressure and stored energy. OSHA corrected this provision to indicate that the hydraulic and pneumatic storage devices must be discharged as specified by the manufacturer.

6. **ROPS Specifications.** Paragraph (f)(3)(ii) was amended to state that only machines manufactured after August 1, 1996 must have ROPS which meet the 1988 Society of Automotive Engineers (SAE) standard. The change was made because, while many machines currently manufactured do meet the 1988 SAE ROPS standard, other machines currently manufactured or in use do not. Machines manufactured on or before August 1, 1996, that comply with the 1979 SAE ROPS standard, are appropriate for use if the ROPS is maintained at its designed level of effectiveness.

7. **Machine Cab Enclosures.** Paragraphs (f)(3)(vii) and (viii) were revised to require that logging machines manufactured after August 1, 1996, have cabs which are completely enclosed, including at entrances (paragraph (f)(3)(vii)). The revised provision also clarifies that the enclosure must be constructed with mesh material or with other material(s) which the employer demonstrates will provide equivalent visibility and protection from penetrating objects. Paragraph (f)(3)(viii) clarifies that logging machines manufactured on or before August 1, 1996, may either comply with revised paragraph (f)(3)(vii) or continue to meet the protective canopy requirements specified in the 1971 pulpwood logging standard.

8. **Machine Brakes.** Paragraph (f)(7)(ii) was corrected to clarify that logging machines placed into initial service after September 8, 1995, must be equipped with three

*braking systems: service brakes, secondary brakes and parking brakes. OSHA is permitting older machines manufactured with primary brakes but without backup brakes to remain in use, provided the employer assures that the service brakes are inspected and maintained at their designed level of effectiveness.*

*9. Maintenance and Inspection of Employee-Owned Vehicles. By amending the definition of "vehicle," OSHA revised paragraphs (g)(1) and (2) to apply the vehicle inspection and maintenance requirements only to vehicles that the employer owns, rents or leases. These inspection requirements apply only if the equipment is used during the work shift. If it is not to be used, it does not need to be inspected.*

*10. Backcuts. Paragraph (h)(2)(vii) was clarified to state that the backcut requirement does not apply to open face felling. The backcut requirement, specified in this paragraph, applies to felling trees using the Humboldt cutting method.*

Agency Contact: Copies of the regulation may be obtained from John J. Crisanti, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Logging, General Industry, (29 CFR 1910.266) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in *The Virginia Register of Regulations*. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On December 11, 1995, the Safety and Health Codes Board adopted an identical version of federal OSHA's corrections and technical amendments to 29 CFR 1910.266, Logging, General Industry, which was published in the Federal Register, Vol. 60, No. 174, p. 47022, Friday, September 8, 1995. The amendments as adopted are not set out.

When the regulations, as set forth in the corrections and technical amendments to the regulation on Logging, General Industry, 29 CFR 1910.266, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
February 9, 1995	June 1, 1995
February 9, 1995	August 9, 1995
September 8, 1995	March 15, 1996

VA.R. Doc. No. R96-169; Filed January 3, 1996, 11:21 a.m.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

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

January 11, 1996

Mr. Charles B. Ashby, Chairman  
Virginia Safety and Health Codes Board  
Department of Labor and Industry  
13 South Thirteenth Street  
Richmond, VA 23219-4101

ATTN: Bonnie H. Robinson, Administrative Staff Specialist

Dear Mr. Ashby:

This letter acknowledges receipt of 16 VAC 25-90-1910.266, Logging, General Industry, § 1910.266, from the Department of Labor and Industry.

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

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a flourish.

E. M. Miller, Jr.  
Acting Registrar of Regulations

\*\*\*\*\*

**Title of Regulation:** VR-425-02-113 16 VAC 25-175-1926.95 through 16 VAC 25-175-1926.107. Personal Protective and Life Saving Equipment, Construction Industry (29 CFR 1926.95 through 29 CFR 1926.107).

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

**Effective Date:** March 15, 1996.

**Summary:**

*The recently revised general requirements for fall protection (Subpart M of Part 1926) were amended to clarify that they do not apply to any steel erection activities. As a result, federal OSHA withdrew amendments to revised Subpart E (29 CFR 1926.104, 29 CFR 1926.105, and 29 CFR 1926.107), which had not yet become effective as of federal OSHA's publication of this revision.*

*Specifically, federal OSHA amended Subpart E by withdrawing the 1994 revisions to 29 CFR 1926.104, Safety Belts, Lifelines and Lanyards; 29 CFR 1926.105, Safety Nets; and 29 CFR 1926.107(b), (c) and (f) (definitions for the terms "lanyard," "lifeline" and "safety belt," respectively), insofar as these provisions relate to steel erection. In the 1994 revision of the fall protection standard, federal OSHA removed and reserved 29 CFR 1926.105 and redesignated 29 CFR 1926.105(a) as the new 29 CFR 1926.753. In addition to the withdrawal of the above-referenced revisions to Subpart E, 29 CFR 1926.753 of Subpart R, Safety Nets, was withdrawn.*

*Pending negotiated rulemaking at the federal level, OSHA will maintain the fall protection requirements for steel erection activities which resulted from this amendment.*

**Agency Contact:** Copies of the regulation may be obtained from John J. Crisanti, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

**Note on Incorporation by Reference**

Pursuant to § 9-6.18 of the Code of Virginia, the Personal Protective and Life Saving Equipment, Construction Industry (29 CFR 1926.95 through 29 CFR 1926.107) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in *The Virginia Register of Regulations*. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On December 11, 1995, the Safety and Health Codes Board adopted an identical version of federal OSHA's correcting amendment to Subpart E of Part 1926, 29 CFR 1926.95 through 29 CFR 1926.107, "Personal Protective and Life Saving Equipment, Construction Industry," which affected 29 CFR 1926.104, 29 CFR 1926.105 and 29 CFR 1926.107. 29 CFR 1926.104 concerns safety belts, lifelines and lanyards; 29 CFR 1926.105 deals with safety nets; and 29 CFR 1926.107 defines terms applicable to Subpart E. This

correcting amendment to Subpart E of Part 1926 was published in the Federal Register, Vol. 60, No. 148, pp. 39254-39255, Wednesday, August 2, 1995, in conjunction with a correcting amendment to Subpart M, "Safety Nets, Construction Industry," 29 CFR 1926.753, and a correcting amendment to 29 CFR 1926.500 through 29 CFR 1926.503, "Fall Protection, Construction Industry." The amendments as adopted are not set out.

When the regulations, as set forth in the correcting amendments to the Personal Protective and Life Saving Equipment, Construction Industry, 29 CFR 1926.95 through 29 CFR 1926.107, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
February 6, 1995	June 1, 1995
February 6, 1995	August 6, 1995
August 2, 1995	March 15, 1996

VA.R. Doc. No. R96-170; Filed January 3, 1996, 11:21 a.m.





COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

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

January 11, 1996

Mr. Charles B. Ashby, Chairman  
Virginia Safety and Health Codes Board  
Department of Labor and Industry  
13 South Thirteenth Street  
Richmond, VA 23219-4101

ATTN: Bonnie H. Robinson, Administrative Staff Specialist

Dear Mr. Ashby:

This letter acknowledges receipt of 16 VAC 25-175-1926.95-107, Personal Protective and Life Saving Equipment, Construction Industry, § 1926.107, from the Department of Labor and Industry.

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

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a small flourish.

E. M. Miller, Jr.  
Acting Registrar of Regulations

\*\*\*\*\*

le of Regulation: **VR-425-02-177 16 VAC 25-175-226.500 through 16 VAC 25-175-1926.503. Fall Protection, Construction Industry (29 CFR 1926.500 through 29 CFR 1926.503).**

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

Effective Date: March 15, 1996.

Summary:

*The recently revised general requirements for fall protection (Subpart M of Part 1926) were amended to clarify that they do not apply to any steel erection activities.*

*OSHA amended 29 CFR 1926.500(a) of Subpart M, Scope and Application, to indicate clearly that the provisions of revised 29 CFR 1926.501, Duty to have Fall Protection; 29 CFR 1926.502, Fall Protection Systems Criteria and Practices; and 29 CFR 1926.503, Training Requirements, do not apply to steel erection activities. The amendment assures that the fall protection requirements for steel erection that were in effect before the issuance of revised Subpart M will continue to be in effect.*

*The revised provisions of Subpart M clearly indicate that Subpart R and specified provisions of Subpart E cover steel erection. Subpart M requires fall protection whenever the potential fall distance is six feet or more.*

*Pending negotiated rulemaking at the federal level, OSHA will maintain the fall protection requirements for steel erection activities which resulted from this amendment.*

Agency Contact: Copies of the regulation may be obtained from John J. Crisanti, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

**Note on Incorporation by Reference**

Pursuant to § 9-6.18 of the Code of Virginia, the Fall Protection, Construction Industry (29 CFR 1926.500 through 29 CFR 1926.503) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in *The Virginia Register of Regulations*. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On December 11, 1995, the Safety and Health Codes Board adopted an identical version of federal OSHA's correcting amendment to Subpart M of Part 1926, "Fall Protection, Construction Industry," which affected 29 CFR 1926.500 (a)(2)(ii), (a)(3)(iv) and (a)(4). This correcting amendment to Subpart M of Part 1926 was published in the Federal Register, Vol. 60, No. 148, pp. 39254-39255, Wednesday, August 2, 1995, in conjunction with the correcting amendment to Subpart E, "Personal Protective and Life Saving Equipment, Construction Industry," affecting 29 CFR 1926.104, 29 CFR 1926.105, and 29 CFR 1926.107, and the

repeal of "Safety Nets, Construction Industry," 29 CFR 1926.753. The amendments as adopted are not set out.

When the regulations, as set forth in the amendments to the Fall Protection, Construction Industry, 29 CFR 1926.500 through 29 CFR 1926.503, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
February 6, 1995	June 1, 1995
February 6, 1995	August 6, 1995
August 2, 1995	March 15, 1996

VA.R. Doc. No. R96-172; Filed January 3, 1996, 11:20 a.m.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

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

January 11, 1996

Mr. Charles B. Ashby, Chairman  
Virginia Safety and Health Codes Board  
Department of Labor and Industry  
13 South Thirteenth Street  
Richmond, VA 23219-4101

ATTN: Bonnie H. Robinson, Administrative Staff Specialist

Dear Mr. Ashby:

This letter acknowledges receipt of 16 VAC 25-175-1926.500-503, Fall Protection, Construction Industry, § 1926.500-1926.503, from the Department of Labor and Industry.

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

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a small flourish.

E. M. Miller, Jr.  
Acting Registrar of Regulations

\*\*\*\*\*

Title of Regulation: ~~VR 425-02-175 16 VAC 25-175-1926.753. Safety Nets, Construction Industry (29 CFR 1926.753) (REPEALED).~~

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

Effective Date: March 15, 1996.

Summary:

*The recently revised general requirements for fall protection were amended to clarify that they do not apply to any steel erection activities. As a result, federal OSHA withdrew amendments to revise Subpart E of Part 1926, 29 CFR 1926.95 through 29 CFR 1926.107, Personal Protective and Life Saving Equipment, Construction Industry, which had not yet become effective as of federal OSHA's publication of this revision (Federal Register, Vol. 60, p. 39254, August 2, 1995).*

*Specifically, federal OSHA amended Subpart E of the Fall Protection Standard for Construction Industry by withdrawing the 1994 revisions to 29 CFR 1926.104, Safety Belts, Lifelines and Lanyards; 29 CFR 1926.105, Safety Nets; and 29 CFR 1926.107(b), (c) and (f) (definitions for the terms "lanyard," "lifeline" and "safety belt," respectively), insofar as these provisions relate to steel erection activities. The 1994 amendment to the fall protection standard removed and reserved 29 CFR 1926.105. Additionally, in 1994 federal OSHA designated paragraph (a) of 29 CFR 1926.105 as the new 29 CFR 1926.753, Safety Nets. This 1995 amendment also withdrew 29 CFR 1926.753 and reinstated the above-mentioned sections as they existed prior to the 1994 amendment to fall protection. In response to federal OSHA's action to withdraw 29 CFR 1926.753, the Safety and Health Codes repealed 29 CFR 1926.753, Safety Nets, Construction Industry, which was adopted by the board on December 19, 1994. Safety nets as fall protection will again be covered by 29 CFR 1926.105, Personal Protective and Life Savings Equipment, Construction Industry.*

Agency Contact: John J. Crisanti, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

VA.R. Doc. No. R96-171; Filed January 3, 1996, 11:21 a.m.



## COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

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

January 16, 1996

Mr. Charles B. Ashby, Chairman  
Virginia Safety and Health Codes Board  
Department of Labor and Industry  
13 South Thirteenth Street  
Richmond, VA 23219-4101

ATTN: Bonnie H. Robinson, Administrative Staff Specialist

Dear Mr. Ashby:

This letter acknowledges receipt of the repeal of 16 VAC 25-175-1926.753, Safety Nets, Construction Industry, § 1926.753, from the Department of Labor and Industry.

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

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr. / jc".

E. M. Miller, Jr.  
Acting Registrar of Regulations

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# STATE LOTTERY DEPARTMENT

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## DIRECTOR'S ORDER NUMBER THIRTY (95)

VIRGINIA'S THIRTY-SIXTH INSTANT GAME LOTTERY,  
"INSTANT MONOPOLY," END OF GAME.

In accordance with the authority granted by Sections 58.1-4006A and 9-6.14:4.1B(15) of the Code of Virginia, I hereby give notice that Virginia's Thirty-Sixth Instant Game, "Instant Monopoly," will officially end at midnight on Thursday, January 4, 1996. The last day for lottery retailers to return for credit unsold tickets from "Instant Monopoly" will be Thursday, January 25, 1996. The last day to redeem winning tickets for "Instant Monopoly" will be Tuesday, July 2, 1996, 180 days from the declared official end of the game. Claims for winning tickets from "Instant Monopoly" will not be accepted after that date. Claims which are mailed and received in an envelope bearing a United States Postal Service postmark of July 2, 1996, 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, 900 East Main Street, Richmond, Virginia; and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

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/ Penelope W. Kyle  
Director  
Date: December 8, 1995

VA.R. Doc. No. R96-175; Filed January 4, 1996, 9:22 a.m.

## DIRECTOR'S ORDER NUMBER THIRTY-ONE (95)

VIRGINIA'S FIFTY-FOURTH INSTANT GAME LOTTERY;  
"WINNER TAKE ALL," FINAL RULES FOR GAME  
OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's fifty-fourth instant game lottery, "Winner Take All." 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, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

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/ Penelope W. Kyle  
Director  
Date: December 15, 1995

VA.R. Doc. No. R96-176; Filed January 4, 1996, 9:22 a.m.

## DIRECTOR'S ORDER NUMBER THIRTY-TWO (95)

"KICKER," VIRGINIA LOTTERY RETAILER SALES  
PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Kicker," Virginia Lottery Retailer Sales Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, February 19, 1996 through Sunday, April 7, 1996. 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, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until April 30, 1996, unless otherwise extended by the Director.

/s/ Penelope W. Kyle  
Director  
Date: December 14, 1995

VA.R. Doc. No. R96-177; Filed January 4, 1996, 9:22 a.m.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: State Plan for Medical Assistance Relating to Home Health Services. VR 460-03-3.1100 [12 VAC 30-50-160]. Narrative for the Amount, Duration and Scope of Services: Home Health Services.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: December 13, 1995

VA.R. Doc. No. R96-181; Filed January 5, 1996, 9:18 a.m.

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Title of Regulation: State Plan for Medical Assistance Relating to Legal Fees for Nursing Facility Appeals. VR 460-03-4.1940:1 [12 VAC 30-90-20 through 12 VAC 30-90-260]. Part II, Nursing Home Payment System.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: December 13, 1995

VA.R. Doc. No. R96-179; Filed January 5, 1996, 9:19 a.m.

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Title of Regulation: VR 460-04-2.2100 [12 VAC 30-110-1200 through 12 VAC 30-110-1240]. Part VII, Medical Assistance Eligibility Resulting from Welfare Reform.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: December 13, 1995

VA.R. Doc. No. R96-178; Filed January 5, 1996, 9:19 a.m.

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Title of Regulation: VR 460-04-8.14 [12 VAC 30-120-260 through 12 VAC 30-120-350]. Part V, MEDALLION.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: December 13, 1995

VA.R. Doc. No. R96-180; Filed January 5, 1996, 9:19 a.m.

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# GENERAL NOTICES/ERRATA

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## Symbol Key

† Indicates entries since last publication of the *Virginia Register*

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### COMMISSION ON LOCAL GOVERNMENT

#### Schedule of Assessments of Mandates on Local Government

Pursuant to the provisions of §§ 2.1-7.1 and 15.1-945.3(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Allen, represents the precise timetable which the listed executive agencies will follow in conducting their assessments of the new and newly identified state and federal mandates on local governments which they administer. In conducting these assessments, agencies will follow the process established by Executive Memorandum 5-94 which became effective April 22, 1994.

For further information, call Larry McMillan, Policy Analyst, Commission on Local Government at (804) 786-6508.

### COMMERCE AND TRADE SECRETARIAT

#### Department of Agriculture and Consumer Services

**Mandate:** Pesticide Container Recycling Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Code of Virginia § 3.1-249.29  
**Assessment Schedule:** Start Date: 3-1-96  
End Date: 4-30-96  
**Duration:** Two Months

#### Department of Forestry

**Mandate:** Demonstration Dry Hydrant Grant Program  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Item 143, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 7-1-96  
End Date: 9-30-96  
**Duration:** Three months

#### Department of Professional and Occupational Regulation

**Mandate:** Asbestos Inspector Licensing  
**Type:** State and Federal Regulation of Optional Activity  
**Statutory Authority:** Code of Virginia § 54.1-503  
**Assessment Schedule:** Start Date: 3-1-96  
End Date: 5-31-96  
**Duration:** Three months

### Virginia Port Authority

**Mandate:** Port Assistance Grant  
**Type:** Condition of State and Federal Financial Aid  
**Regulatory Authority:** Virginia Port Authority Policy on Grants to Local Governments for Financial Assistance for Port Facilities  
**Assessment Schedule:** Start Date: 6-1-96  
End Date: 8-31-96  
**Duration:** Three months

### EDUCATION SECRETARIAT

#### Department of Education

**Mandate:** Electronic Classroom  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Item 162, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 2-1-96  
End Date: 4-30-96  
**Duration:** Three months

**Mandate:** Limited English Proficient Students  
**Type:** Compulsory Order  
**Statutory Authority:** Title V of the Civil Rights Act of 1964  
**Assessment Schedule:** Start Date: 2-1-96  
End Date: 4-30-96  
**Duration:** Three months

**Mandate:** Educational Technology Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Item 164, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 2-1-96  
End Date: 4-30-96  
**Duration:** Three months

**Mandate:** Family Life Education Materials  
**Type:** Compulsory Order  
**Statutory Authority:** Code of Virginia § 22.1-207.1, 22.1-207.2  
**Assessment Schedule:** Start Date: 2-1-96  
End Date: 4-30-96  
**Duration:** Three months



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## General Notices/Errata

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### FINANCE SECRETARIAT

#### Department of the Treasury

**Mandate:** Treasury Board Regional Jail Financing  
**Type:** State and Federal Regulation of Optional Activities  
**Statutory Authority:** Code of Virginia §§ 53.1-82.2, 53.1-82.3  
**Assessment Schedule:** Start Date: 7-1-96  
End Date: 9-30-96  
**Duration:** Three months

### HEALTH AND HUMAN RESOURCES SECRETARIAT

#### Department of Social Services

**Mandate:** Spouse Abuse Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Code of Virginia § 63.1-248.7(c), 63.1-319; Item 465, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 2-1-96  
End Date: 6-30-96  
**Duration:** Five months

**Mandate:** Child Abuse and Neglect Prevention Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Code of Virginia § 63.1-248.7(c), 63.1-319; Item 465, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 10-1-96  
End Date: 3-31-97  
**Duration:** Six months

**Mandate:** Child Abuse and Neglect Treatment Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Code of Virginia § 63.1-248.7(c), 63.1-319; Item 465, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 10-1-96  
End Date: 3-31-97  
**Duration:** Six months

#### Virginia Board for People with Disabilities

**Mandate:** Developmental Disabilities Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Code of Virginia § 51.5-33; P.L. 103-230 (Fed.); Developmental Disabilities Assistance and Bill of Rights Act of 1964  
**Assessment Schedule:** Start Date: 10-1-96  
End Date: 12-31-96  
**Duration:** Three months

### TRANSPORTATION SECRETARIAT

#### Department of Motor Vehicles

**Mandate:** Community Traffic Safety Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Highway Safety Act of 1966, as amended (Fed.); 23 USC 401 et seq.  
**Assessment Schedule:** Start Date: 4-1-96  
End Date: 6-30-96  
**Duration:** Three months

#### Department of Rail and Public Transportation

**Mandate:** Transportation Efficiency Improvement Grant  
**Type:** Condition of State and Federal Financial Aid  
**Statutory Authority:** Item 596, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)  
**Assessment Schedule:** Start Date: 9-1-96  
End Date: 11-30-96  
**Duration:** Three months

### STATE WATER CONTROL BOARD

#### Notice of New Public Meeting Dates and Locations

The State Water Control Board has rescheduled the public meetings to receive comments on the Notices of Intended Regulatory Action on the Aboveground Storage Tank Regulations (VR 680-14-07, VR 680-14-07.1, VR 680-14-08, VR 680-14-08:1, VR 680-14-12, and VR 680-14-13). The new dates are Tuesday, February 13, 1996, at 7 p.m., at the Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia, and on Thursday, February 15, 1996, at 7 p.m., Roanoke County Administration Center, 5204 Bernard Drive, Roanoke, Virginia. In addition, the public comment period has been extended until 4 p.m. on Friday, February 23, 1996.

### 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: (804) 692-0625.

#### 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



Board of Mineral Mining Examiners  
 Fontaine Research Park  
 900 Natural Resources Drive  
 P.O. Box 3727  
 Charlottesville, VA 22903-0723  
 (804) 961-5000

**Application for Certification Examination**

Applicants for certification must complete this form and submit a \$10.00 fee for each exam. Type or print the application in ink and pay the fee with a certified check, cashier's check, or money order made payable to the Treasurer of Virginia. Cash will be accepted if paid in person. Submit the application and fee to the Board of Mineral Mining Examiners at least five working days prior to the date of examination.

1. Full Name \_\_\_\_\_ S.S. # \_\_\_\_\_

2. Address \_\_\_\_\_  
 Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Date of Birth \_\_\_\_\_ Home Phone No. (\_\_\_\_) \_\_\_\_\_  
 Month/Day/Year

4. Total years employed at a mineral mine: \_\_\_\_\_  
 Underground \_\_\_\_\_ Surface \_\_\_\_\_

5. List your current (or most recent) mining experience:

Company Name \_\_\_\_\_

Address \_\_\_\_\_  
 Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Job Title \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
 Month/Day/Year Month/Day/Year

6. I have attached a copy of my valid first aid card or MSHA Form 5000-23, the degrees to be used for credit toward the experience requirement, and payment for the exam.

7. Examination Requested (Check One):

<input type="checkbox"/> Mine inspector (DMME employed)	<input type="checkbox"/> Mineral mining electrician	<input type="checkbox"/> Surface blaster
<input type="checkbox"/> Surface foreman	<input type="checkbox"/> Surface foreman - open pit	<input type="checkbox"/> Underground foreman
<input type="checkbox"/> Underground mining blaster		

I hereby certify that the above answers are true to the best of my knowledge and belief.

Signed \_\_\_\_\_ Date \_\_\_\_\_

DMME-BMME-1 (Revised 01/01/96)

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 OBJECTIONS - RR08

**General Notices/Errata**

**ERRATA**

**DEPARTMENT OF MINES, MINERALS AND ENERGY**

**Board of Mineral Mining Examiners**

Title of Regulation: 4 VAC 25-35-10 et seq. Certification Requirements for Mineral Miners.

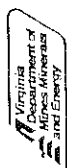
Publication: 12:8 VA.R. 1106-1114 January 8, 1996

Corrections to Final Regulation:

Pages 1110 through 1114, Forms DM-BMME-4, DM-BMME-3, DM-BMME-2, and DM-BMME-1, replace with the following forms:

# General Notices/Errata

Board of Mineral Mining Examiners  
 Fontaine Research Park  
 500 Fontaine Research Drive  
 Suite 300  
 Charlottesville, VA 22903-0723  
 (804) 387-5000



## Verification of Work Experience Form

Complete this form for each employer to verify the experience applicants have been met and have it signed by a company official knowledgeable of your work history before a notary public. Type or print the information in ink and submit to the Board of Mineral Mining Examiners.

1. Full Name \_\_\_\_\_ S.S. # \_\_\_\_\_

2. Address \_\_\_\_\_ Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Employer/Company Name \_\_\_\_\_ Mine Name \_\_\_\_\_ Employer Phone Number(\_\_\_\_) \_\_\_\_\_

VA Mine Permit Number \_\_\_\_\_

Address \_\_\_\_\_ Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

4. a. Job Title \_\_\_\_\_ From \_\_\_\_\_ Month/Day/Year \_\_\_\_\_ To \_\_\_\_\_ Month/Day/Year \_\_\_\_\_

Description of job duties which are applicable to certification requested: \_\_\_\_\_

b. Job Title \_\_\_\_\_ From \_\_\_\_\_ Month/Day/Year \_\_\_\_\_ To \_\_\_\_\_ Month/Day/Year \_\_\_\_\_

Description of job duties which are applicable to certification requested: \_\_\_\_\_

c. Job Title \_\_\_\_\_ From \_\_\_\_\_ Month/Day/Year \_\_\_\_\_ To \_\_\_\_\_ Month/Day/Year \_\_\_\_\_

Description of job duties which are applicable to certification requested: \_\_\_\_\_

DMM-BMME-2 (Revised 07/07/99)

I hereby certify, under the penalties of perjury, that the information related to this applicant's experience as submitted on this form is correct.

Signature of Company Official \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

6. State of \_\_\_\_\_ county/city \_\_\_\_\_ of to wit \_\_\_\_\_

I, \_\_\_\_\_ a notary public in and for the State and county/city \_\_\_\_\_ whose name is signed to #5 above,

do certify that \_\_\_\_\_ Company Official \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ has acknowledged the same before me in my county/city \_\_\_\_\_

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

\_\_\_\_\_, Notary Public

SEAL

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

DMM-BMME-2 (Revised 07/07/99)



Board of Mineral Mining Examiners  
Fontaine Research Park  
900 Natural Resources Drive  
P.O. Box 3727  
Charlottesville, VA 22903-0723  
(804) 961-5000



Board of Mineral Mining Examiners  
Fontaine Research Park  
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Charlottesville, VA 22903-0723  
(804) 961-5000

**Application for Renewal**

Type or print this form in ink and complete the Verification of Work Experience form (DMM-BMME-2), listing work experience acquired since initial certification or renewal. Submit the \$10 fee in the form of a certified check, cashier's check, or money order payable to the Treasurer of Virginia. Cash will be accepted if paid in person at a Division of Mineral Mining office. Submit to the Board of Mineral Mining Examiners so that it is received at least **five working days** prior to the date of examination or class.

1. Full Name \_\_\_\_\_ Home Phone No. (\_\_\_\_) \_\_\_\_\_  
Address \_\_\_\_\_  
Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Certificate No. \_\_\_\_\_ Certificate Expiration Date \_\_\_\_\_

3. Requesting renewal as an:  
 Mine inspector (DMME employed)  Mineral mining electrician  Surface blaster  
 Surface foreman  Surface foreman - open pit  Underground foreman  
 Underground mining blaster

4. Check the statement that applies to you:  
\_\_\_\_ a. I have worked a cumulative minimum of 24 months in the last five years in the area for which I am currently certified and am requesting the examination or refresher class covering changes in regulations and laws.  
\_\_\_\_ b. I have not worked in the area for which I am certified for a total of 24 months in the last five years, so I am requesting the full examination (see 4 VAC 25-35-20 of the certification requirements.)  
\_\_\_\_ c. I have uncorrected violations (described in 6, below), so I am requesting the full examination (see 4 VAC 25-35-20 of the certification requirements.)

5. If you checked a., mark your choice for renewal: \_\_\_\_\_ examination \_\_\_\_\_ refresher course.

6. If you checked c., describe any uncorrected violations issued to you by DMME since you were certified.  
\_\_\_\_\_  
\_\_\_\_\_ *Continue on back if necessary.*

7. Attach a copy of your valid first aid certificate or card or MSHA Form 5000-23, first aid instructor certification, or journeyman card, as applicable to your certification, and the \$10 fee.

I hereby certify that the above answers are true to the best of my knowledge and belief.  
Signed \_\_\_\_\_ Date \_\_\_\_\_

DMM-BMME-3 (Issued 01/10/96)

**Verification of Training Completed for General Mineral Miner Certification**

Type or print this form in ink and submit it to the Board of Mineral Mining Examiners with a \$10 processing fee in the form of a certified check, cashier's check, or money order made payable to the Treasurer of Virginia. Cash will be accepted if paid in person at a Division of Mineral Mining office. Applicants who have completed training shall be provisionally certified for up to 60 days from the date of the training.

1. Full Name \_\_\_\_\_ S.S. # \_\_\_\_\_  
2. Address \_\_\_\_\_  
Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Home Phone No. (\_\_\_\_) \_\_\_\_\_ Date of Employment \_\_\_\_\_  
VA Mine Permit Number \_\_\_\_\_ Mine Phone No. \_\_\_\_\_

4. Employer Company Name \_\_\_\_\_ Mine Name \_\_\_\_\_  
Address \_\_\_\_\_  
Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

5. Job title/description of job duties \_\_\_\_\_

6. I received training in first aid, or I have attached a copy of my valid first aid card, and received training in Virginia's mineral mining law and regulations on \_\_\_\_\_  
Date or Dates \_\_\_\_\_

I hereby certify that the above answers are true to the best of my knowledge and belief.  
Signed \_\_\_\_\_ Date \_\_\_\_\_  
Signature of applicant for certification

I hereby certify to the BMME that the training I provided to the applicant set forth above meets the requirements of Virginia Code § 45.1-161.55.B., Virginia Regulation 4 VAC 25-35-120 B and the applicant has satisfactorily demonstrated to me the required knowledge of first aid practices and the mine safety laws of Virginia.

Name printed and signed \_\_\_\_\_  
Certified foreman, certified MSHA instructor, or instructor approved by DMM to provide training  
Cert. No. \_\_\_\_\_

DMM-BMME-4 (Issued 01/10/96)  
Original - BMME/DMM Copy: Pink - Applicant Copy: Green - Instructor Copy

# General Notices/Errata

## DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Title of Regulation: 24 VAC 30-111-10 et seq. Hauling Permit Manual.

Publication: 12:7 VA.R. 1020-1032 December 25, 1995.

### Corrections to Final Regulation:

Page 1021, 24 VAC 30-111-30, subsection A, line 2, delete "oversize or overweight" and insert "hauling

Page 1022, 24 VAC 30-111-60, column 2, chart, line 7, change "34,00" to "34,000"

Page 1023, column 2, 24 VAC 30-111-90, section title, change "Blanket permit" to General blanket permit"

Page 1029, 24 VAC 30-111-270, column 1, line 7, delete "Residencies"

Page 1032, replace the form entitled "Preliminary Review Request," with the following form:

### Preliminary/Formal Request

All request should be made at least 10 working days prior to desired movement date. Request made within the 10 working day window will be processed as quickly as possible.

Configurations that exceed any of the following dimensions: 16 feet in width, 16 feet in height or 151,000 pounds, are required to submit a valid certificate or letter of insurance from the issuing agent or agency. Insurance shall be valid during duration of move and coverage shall be \$500,000 or more.

Company Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Federal I.D. Number/SSN: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Transmission Company: \_\_\_\_\_

Origin of move: \_\_\_\_\_  
Destination: \_\_\_\_\_  
Requested routes of travel: \_\_\_\_\_  
Requested movement date: \_\_\_\_\_  
Vehicle Trailer Serial # or license #: \_\_\_\_\_

### Commodity Information (including transport vehicle)

Item being moved: \_\_\_\_\_  
Height: \_\_\_\_\_ Rear Overhang: \_\_\_\_\_  
Width: \_\_\_\_\_ Front Overhang: \_\_\_\_\_  
Length: \_\_\_\_\_  
Gross Weight: \_\_\_\_\_  
Will commodity be Hauled  Driven or Towed?  (Please check appropriate box)

Is commodity a hazardous material or contain hazardous materials? Yes  No   
If yes, please state what type of hazardous material \_\_\_\_\_

Please show a diagram of vehicle configuration to include item being transported. Use show axle spacing and weight per axle. (Draw diagram below or attach on a separate sheet)

12-10-95

# CALENDAR OF EVENTS

## Symbol Key

† Indicates entries since last publication of the *Virginia Register*

♿ Location accessible to handicapped

☎ Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

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

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

VIRGINIA CODE COMMISSION

## EXECUTIVE

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Virginia Aquaculture Advisory Board

**February 12, 1996 - 10 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor  
Conference Room, Richmond, Virginia. ♿

The board will meet in regular session to discuss issues related to the Virginia Aquaculture industry. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, P.O. Box 1163, Suite 1003, Richmond, VA 23209, telephone (804) 371-6094.

#### Virginia Corn Board

**February 14, 1996 - 8:30 a.m.** -- Open Meeting  
Marriott Hotel, 50 Kingsmill Road, Conference Center,  
Williamsburg, Virginia. ♿

The board will meet in regular session to discuss issues related to the corn industry and to hear project reports and proposals. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact David Robishaw at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** David Robishaw, Program Director, Virginia Corn Board, 116 Reservoir St., Harrisonburg, VA 22801, telephone (804) 434-2699.

#### Virginia Plant Pollination Advisory Board

**February 9, 1996 - 10 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 4th Floor  
Conference Room, Richmond, Virginia. ♿

A meeting to receive reports from members on the status of honey bee populations and on the past year's production of honey, fruits and vegetables. The board will also consider matters relating to beekeeping education and pollination effectiveness. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Frank M. Fulgham at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Frank M. Fulgham, State Apiarist, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793 or (804) 371-6344/TDD ☎

#### ALCOHOLIC BEVERAGE CONTROL BOARD

**February 5, 1996 - 9:30 a.m.** -- Open Meeting  
**February 21, 1996 - 9:30 a.m.** -- Open Meeting  
Department of Alcoholic Beverage Control, 2901 Hermitage  
Road, Richmond, Virginia. ♿

A meeting to receive and discuss reports and activities from staff members. Other matters have not yet been determined.

**Contact:** W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

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## Calendar of Events

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### ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

#### Board for Architects

† February 16, 1996 - 9 a.m. -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

#### Board for Land Surveyors

† February 22, 1996 - 9 a.m. -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

#### Board for Professional Engineers

† February 29, 1996 - 9 a.m. -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

#### Board for Professional Soil Scientists

† February 15, 1996 - 1:30 p.m. -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A scheduled meeting of the board to address policy and procedural issues and other business matters which may require board action. The meeting is open to the public, however, a portion of the board's business may be discussed in Executive Session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Gerald Morgan so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Gerald W. Morgan, Senior Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

February 15, 1996 - 9:30 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia. ☎

A general board meeting to discuss board business. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Lisa Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

#### Legislative Committee

February 14, 1996 - 3 p.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia. ☎

A regular meeting. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Lisa Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### VIRGINIA AVIATION BOARD

February 20, 1996 - 3 p.m. -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken. Individuals with disabilities should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3630, FAX (804) 236-3635, toll free 1-800-292-1034 or (804) 236-3624/TDD ☎

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**February 21, 1996 - 10 a.m.** -- Public Hearing  
Department of Motor Vehicles, 2300 West Broad Street,  
Conference Room, 7th Floor, Richmond, Virginia.

**April 1, 1996** -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Aviation Board intends to amend regulations entitled: **VR 165-01-02:1 [24 VAC 5-20-10 et seq.] Regulations Governing the Licensing and Operation of Airports and Aircraft and Obstructions to Airspace in the Commonwealth of Virginia.** The purpose of the proposed action is to amend the Virginia Aviation Regulations to (i) comply with statutory changes; and (ii) enact provisions identified per the comprehensive review of regulations (Executive Order 15(94)).

Statutory Authority: §§ 5.1-2.2 and 5.1-2.15 of the Code of Virginia.

**Contact:** Michael A. Waters, Policy Analyst Senior, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150-2502, telephone (804) 236-3631, FAX (804) 236-3625, toll-free 1-800-292-1034 or (804) 236-3624/TDD ☎

**February 21, 1996 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular bi-monthly meeting of the board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

**Contact:** Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3630, FAX (804) 236-3635, toll free 1-800-292-1034 or (804) 236-3624/TDD ☎

## BOARD FOR BARBERS

**† February 5, 1996 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal at least 2 weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### Northern Area Review Committee

**† February 14, 1996 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting. However, written comments are welcome.

**Contact:** Ms. Shawn Smith, Senior Planner, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, or toll-free 1-800-243-7229/TDD ☎

### Southern Area Review Committee

**† February 15, 1996 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting. However, written comments are welcome.

**Contact:** Ms. Shawn Smith, Senior Planner, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, or toll-free 1-800-243-7229/TDD ☎

## CHILD DAY-CARE COUNCIL

**† February 8, 1996 - 9:30 a.m.** -- Open Meeting  
Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level Conference Room 1, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. A public comment period will be held at noon. Please call ahead of time for possible changes in meeting time. The contingent snow date is Friday, February 16, 1996, at the same time and place.

**Contact:** Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775.



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# Calendar of Events

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## STATE BOARD FOR COMMUNITY COLLEGES

**March 13, 1996 - 2:30 p.m.** -- Open Meeting  
Monroe Building, 101 North 14th Street, 15th Floor,  
Richmond, Virginia.

State board committee meetings.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

**March 14, 1996 - 8:30 a.m.** -- Open Meeting  
Monroe Building, 101 North 14th Street, 15th Floor,  
Richmond, Virginia.

A regularly scheduled board meeting.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## BOARD FOR CONTRACTORS

### Recovery Fund Committee

† **March 18, 1996 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to consider claims against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in Executive Session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Holly Erickson at least 2 weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

## BOARD OF CORRECTIONS

**February 14, 1996 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room,  
Richmond, Virginia. ☎

A meeting to discuss matters which may be presented to the board.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## Administrative Committee

**February 14, 1996 - 8:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room,  
Richmond, Virginia. ☎

A meeting to discuss administration matters which may be presented to the full board.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## Correctional Services Committee

**February 13, 1996 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room,  
Richmond, Virginia. ☎

A meeting to discuss correctional services matters which may be presented to the full board.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## CRIMINAL JUSTICE SERVICES BOARD

† **March 13, 1996 - 11 a.m.** -- Open Meeting  
Department of Criminal Justice Services, 805 East Br.  
Street, 5th Floor, Conference Room, Richmond, Virginia. ☎

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system. Public comments will be heard before adjournment of the meeting.

**Contact:** Sherri Stader, Assistant to the Director, Department of Criminal Justice Services, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981.

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

### Advisory Board

**February 7, 1996 - 10 a.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, Washington Building, 1100 Bank Street, 11th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly business meeting of the advisory board. Public comment will be received with advance notice.

**Contact:** Gloria Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, Washington Bldg., 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917 or (804) 225-2570/TDD ☎

## BOARD OF DENTISTRY

February 16, 1996 - 9 a.m. -- Open Meeting  
February 23, 1996 - 9 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)

The Informal Conference Committee will hold conferences. This is a public meeting; however, no public comment will be taken.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD ☎

## BOARD OF EDUCATION

February 22, 1996 - 9 a.m. -- Open Meeting  
Monroe Building, 101 North 14th Street, Richmond,  
Virginia ☎ (Interpreter for the deaf provided upon request)

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

**Contact:** James E. Laws, Jr., Administrative Assistant to the Superintendent for Board Activities, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 654-0540 or toll-free 1-800-292-3820.

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

February 7, 1996 - 3 p.m. -- Open Meeting  
Shawnee Fire Company, 2333 Roosevelt Boulevard,  
Winchester, Virginia.

A regular meeting.

**Contact:** L. A. Miller, Fire Chief, Winchester Fire and Rescue Department, 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 665-5645/TDD ☎

## DEPARTMENT OF ENVIRONMENTAL QUALITY

March 1, 1996 - 10 a.m. -- Open Meeting  
March 29, 1996 - 10 a.m. -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
Richmond, Virginia.

A meeting to obtain advice from interested parties to the Virginia Waste Management Board on desirable features to be incorporated into the Virginia Voluntary Remediation Program. This announcement is to provide public notice that the dates of meetings for the Voluntary Remediation Program has been changed from that which was previously advertised. The public should contact the Department of Environmental Quality prior to attendance to confirm the meeting's occurrence, location and time.

**Contact:** Dr. Wladimir Gulevich, Assistant Division Director, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4236, FAX (804) 698-4327, or (804) 698-4021/TDD ☎

## Work Group on Detection/Quantitation Levels

February 14, 1996 - 1:30 p.m. -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
6th Floor Conference Room, Richmond, Virginia ☎

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 Environmental Quality. Other meetings of the work group have been scheduled at the same time and location for February 14, March 6, March 27, April 10, May 1, May 22, June 12, July 3, and July 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, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4114.

## Technical Advisory Committee for Solid Waste Management Regulations

February 23, 1996 - 10 a.m. -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
First Floor Training Room, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss desirable amendments to the current Virginia Solid Waste Management Regulations (VR 672-20-10) [ 9 VAC 20-80-10 et seq. ]

**Contact:** Dr. Wladimir Gulevich, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4218, FAX (804) 762-4327 or (804) 762-4021/TDD ☎

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

March 6, 1996 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia.

A general board meeting to discuss board business. Public comments will be received for 15 minutes at the beginning of the meeting. Formal hearings will follow the meeting.

**Contact:** Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

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## Calendar of Events

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† **March 7, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia.

Formal hearings continued from Wednesday, March 6,  
1996.

**Contact:** Lisa Russell Hahn, Executive Director, Board of  
Funeral Directors and Embalmers, 6606 W. Broad St., 4th  
Floor, Richmond, VA 23230-1717, telephone (804) 662-9907,  
FAX (804) 662-9943, or (804) 662-7197/TDD ☎

### DEPARTMENT OF GAME AND INLAND FISHERIES

#### Director's Advisory Group

† **March 1, 1996 - 10 a.m.** -- Open Meeting  
Holiday Lake 4H, Appomattox, Virginia.

A meeting to conduct regular business. The Director's  
Advisory Group consists of representatives for the  
agency's constituent groups.

**Contact:** Belle Harding, Secretary to the Director,  
Department of Game and Inland Fisheries, 4010 W. Broad  
St., Richmond, VA 23230, telephone (804) 367-9231 or FAX  
(804) 367-2427.

### BOARD FOR GEOLOGY

† **February 8, 1996 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A general board meeting.

**Contact:** William H. Ferguson, II, Board Administrator,  
Department of Professional and Occupational Regulation,  
3600 W. Broad St., Richmond, VA 23230, telephone (804)  
367-2406 or (804) 367-9753/TDD ☎

### VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**February 27, 1996 - 9:30 a.m.** -- Open Meeting  
Trigon Blue Cross/Blue Shield, 2015 Staples Mill Road,  
Richmond, Virginia. ☎

A monthly meeting of the council.

**Contact:** Richard L. Walker, Director of Administration,  
Virginia Health Services Cost Review Council, 805 E. Broad  
St., 6th Floor, Richmond, VA 23219, telephone (804) 786-  
6371.

### BOARD FOR HEARING AID SPECIALISTS

† **February 5, 1996 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to  
participate in the meeting and requiring special  
accommodations or interpreter services should contact  
Karen W. O'Neal at least 2 weeks prior to the meeting so  
that suitable arrangements can be made. The board fully  
complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department  
of Professional and Occupational Regulation, 3600 W. Broad  
St., Richmond, VA 23230, telephone (804) 367-0500, FAX  
(804) 367-2475 or (804) 367-9753/TDD ☎

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **February 12, 1996 - 9 a.m.** -- Open Meeting  
Monroe Building, 101 North 14th Street, 9th Floor Conference  
Room, Richmond, Virginia. ☎ (Interpreter for the deaf  
provided upon request)

A general business meeting. For additional information,  
contact the council.

**Contact:** Mike McDowell, Senior Coordinator of Public  
Information, State Council of Higher Education, Monroe  
Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804)  
225-2637.

### HOPEWELL INDUSTRIAL SAFETY COUNCIL

**February 6, 1996 - 9 a.m.** -- Open Meeting  
**March 5, 1996 - 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 Services Coordinator,  
300 N. Main St., Hopewell, VA 23860, telephone (804) 541-  
2298.

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

#### State Building Code Technical Review Board

† **February 16, 1996 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North Second Street, 1st Floor  
Conference Room, Richmond, Virginia. ☎ (Interpreter for the  
deaf provided upon request)

A meeting to hear administrative appeals concerning  
building and fire codes and other regulations of the  
department. The board also issues interpretations and  
formalizes recommendations to the Board of Housing  
and Community Development concerning future changes  
to the regulations.

**Contact:** Vernon W. Hodge, Building Code Supervisor, State Building Code Office, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD

## LONGWOOD COLLEGE

### Board of Visitors

† **February 9, 1996 - 1 p.m.** -- Open Meeting  
† **February 10, 1996 - 9:30 a.m.** -- Open Meeting  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia

On February 9 the Student/Academic Affairs Committees, Facilities and Services/Finance Committees, and the Executive Committee will meet. On February 10 the full board will conduct routine business of the board.

**Contact:** William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004.

## MARINE RESOURCES COMMISSION

† **February 27, 1996 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia (Interpreter for the deaf provided upon request)

A meeting to hear and decide marine environmental matters; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide fishery management items 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, Marine Resources 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

## BOARD OF MEDICAL ASSISTANCE SERVICES

† **February 20, 1996 - 9 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia

A meeting to discuss medical assistance service and to take action on issues pertinent to the board. The board may also vote on suggested changes to the by-laws. A copy of the proposed changes to the by-laws may be obtained by contacting the agency. The following articles will be amended: Articles I, II, III, V, VIII, and the Mission Statement.

**Contact:** Nancy Malczewski, Executive Secretary Senior, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**February 23, 1996** -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-160, Narrative for the Amount, Duration, and Scope of Services and Standards Established and 12 VAC 30-60-10 through 12 VAC 30-60-160, Methods Used to Assure High Quality of Care (1995 Expansion of Durable Medical Equipment)**. The purpose of this proposal is to eliminate the requirement that recipients meet home bound criteria in order to receive durable medical equipment by expanding the coverage of medically necessary durable medical equipment and supplies to the entire Medicaid population.

Statutory Authority: § 32.1-325 of the Code of Virginia and § 396 E 5 of the 1995 Appropriations Act.

Public comments may be submitted until February 23, 1996, to C. Mack Brankley, Director, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

## BOARD OF MEDICINE

**February 8, 1996 - 8 a.m.** -- Open Meeting  
**February 9, 1996 - 8 a.m.** -- Open Meeting  
**February 10, 1996 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1, 2, 3 and 4, Richmond, Virginia

A full board meeting will be held on February 8, 1996, to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also meet on February 8, 9, and 10, 1996, to review reports, interview licensees, and make decisions on disciplinary matters. The board will also review any regulations that may

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## Calendar of Events

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come before it. The board will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Credentials Committee

**February 10, 1996 - 8 a.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. ☎

The Credentials Committee will meet in open and closed session to conduct general business, interview applicants 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:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Informal Conference Committee

† **February 8, 1996 - 1:30 p.m. -- Open Meeting**

† **February 9, 1996 - 9 a.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

† **February 27, 1996 - 11 a.m. -- Open Meeting**  
Danville Community College, 1008 South Main Street, Danville, Virginia.

The Informal Conference Committee, composed of three members of the board, will 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 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Advisory Board on Physical Therapy

† **February 23, 1996 - 9 a.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎

This meeting was to have been held on January 12, 1996, and is rescheduled. The board will meet to review public comments and make recommendations to the board regarding the regulatory review of VR 465-03-1 [18 VAC 85-30-10 et seq.], Regulations Governing the

Practice of Physical Therapy, review credentials of exam candidates, and such other issues which may be presented. The board will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† **February 23, 1996 - 1 p.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎

This meeting was to have been held on January 12, 1996, and is rescheduled. The committee will meet to review public comments and make recommendations to the board regarding the regulatory review of VR 465-05-1 [18 VAC 85-50-10 et seq.], Regulations Governing the Practice of Physician's Assistants, review physician's assistants' applications, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## VIRGINIA MILITARY INSTITUTE

### Board of Visitors

**February 10, 1996 - 8:30 a.m. -- Open Meeting**  
Smith Hall, Virginia Military Institute, Lexington, Virginia. ☎

A regular meeting to (i) discuss committee reports; (ii) consider 1996-1997 budget; and (iii) discuss reports on visits to academic departments. No public comment will be received.

**Contact:** Colonel Edwin L. Dooley, Jr., Secretary, Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Division of Mined Land Reclamation

**February 14, 1996 - 9:30 a.m. -- Open Meeting**  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the permit streamlining/standardization work group to advise the agency on development of standardized, streamlined permit applications. This work group meeting is open to the public. There will be a public comment period at the conclusion of the meeting.

**Contact:** Les Vincent, Chief Engineer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8178, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

† **February 20, 1996 - 1 p.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, off U.S. Route 23, Conference Room 116, Big Stone Gap, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting to give interested persons an opportunity to be heard in regard to the FY96 Abandoned Mine Land Consolidated Grant Application to be submitted to the federal Office of Surface Mining.

**Contact:** Roger L. Williams, Abandoned Mine Land Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (540) 523-8247 or toll-free 1-800-828-1120 (VA Relay Center).

## BOARD OF NURSING

**February 5, 1996 - 9 a.m.** -- Open Meeting  
**February 8, 1996 - 9 a.m.** -- Open Meeting  
**February 14, 1996 - 9 a.m.** -- Open Meeting  
**February 21, 1996 - 9 a.m.** -- Open Meeting  
**February 22, 1996 - 9 a.m.** -- Open Meeting  
**February 26, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A special conference committee, comprised of two members of the Board of Nursing, will conduct informal conferences with licensees and certificate holders to determine what, if any, action should be recommended to the board of nursing. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## BOARD OF NURSING HOME ADMINISTRATORS

**February 8, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to conduct informal conferences. No public comment will be received.

**Contact:** Lisa Russell Hahn, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

**February 28, 1996 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A general board meeting to discuss board business. Public comment will be received at the beginning of the meeting for 15 minutes.

**Contact:** Lisa Russell Hahn, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## BOARD OF PHARMACY

† **February 12, 1996 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A formal hearing before a panel of the board. Public comment will not be received.

**Contact:** Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

† **February 13, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A board meeting and formal hearing where the board will complete review of the draft report of the Regulation Committee for comprehensive review of VR 530-01-1 [18 VAC 110-20-10 et seq.], pursuant to Executive Order 15(94). The board will review the economic impact statement from the Department of Planning and Budget on the draft of proposed regulations. This is a public meeting and there will be a 15-minute public comment period, beginning at 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.

## DEPARTMENT OF STATE POLICE

† **April 5, 1996** -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **VR 545-01-07 [19 VAC 30-70-10 et seq.] Motor Vehicle Safety Inspection Rules and Regulations.** The purpose of the proposed amendments is to revise the Motor Vehicle Safety Inspection Rules and Regulations to be consistent with recent changes in state laws, federal regulations, and nationally accepted standards and automotive practices. Minor technical and administrative changes are included.

Statutory Authority: § 46.2-1165 of the Code of Virginia.

**Contact:** Captain W. S. Flaherty, Safety Officer, Department of State Police, Safety Division, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 378-3479.

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## Calendar of Events

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### BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

† February 22, 1996 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting to conduct informal conferences pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

February 22, 1996 - 9 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A formal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

† February 23, 1996 - 8:30 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

An Executive Committee meeting to review credentials. Public comments will not be heard. Beginning at 9:30 a.m., there will be a regular meeting of the board to (i) conduct board business; (ii) consider committee reports, correspondence, and any other matters under the jurisdiction of the board; and (iii) conduct regulatory review. This is a public meeting and there will be a 30-minute general public comment period beginning at 9:45 a.m.

**Contact:** Joyce D. Williams, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

### Regulatory Committee

† February 22, 1996 - 10 a.m. -- Open Meeting  
† March 28, 1996 - 10 a.m. -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A committee meeting to develop regulations for marriage and family therapists licensure. No public comment will be received.

**Contact:** Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575.

### STATE REHABILITATION ADVISORY COUNCIL

† February 12, 1996 - 10 a.m. -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A meeting to conduct regular business.

**Contact:** Kathy Hayfield, State Rehabilitative Advisory Council Staff, Department of Rehabilitation Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7134, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ♿

### VIRGINIA RESOURCES AUTHORITY

February 13, 1996 - 9:30 a.m. -- Open Meeting  
The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

### DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

#### Protection and Advocacy for Individuals with Mental Illness Advisory Council

† February 15, 1996 - 9 a.m. -- Open Meeting  
Department of Health Professions, Southern States Building, 6606 West Broad Street, 5th Floor, Conference Rooms 2 and 3, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled bi-monthly meeting of the council. There will be an opportunity for public comment beginning at 11 a.m.

**Contact:** Jim Hobgood, Program Coordinator, Department for Rights of Virginians with Disabilities, Ninth Street Office Building, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042 or toll-free 1-800-552-3962.

## SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **March 6, 1996 - 10 a.m.** -- Open Meeting  
County of Henrico Government Complex, Parham and  
Hungary Springs Road, Administration Building, 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 (12 VAC 5-610-10 et seq.)  
Sewage Handling and Disposal Regulations.

**Contact:** Beth Bailey Dubis, Secretary to the Board,  
Department of Health, 1500 E. Main St., Suite 115, P.O. Box  
2448, Richmond, VA 23218, telephone (804) 786-1750.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**February 24, 1996** -- Public comments may be submitted  
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of  
the Code of Virginia that the State Board of Social  
Services intends to consider adopting regulations  
entitled: **VR 615-01-57 [22 VAC 40-35-10 et seq.] The  
Virginia Independence Program.** The proposed  
regulation revises the Aid to Families with Dependent  
Children (AFDC) Program. It amends existing eligibility  
criteria related to (i) school attendance; (ii) receipt of  
assistance by minor parents; and (iii) cooperation in  
establishing and collecting support. The regulation adds  
(i) a rule placing a cap on additional benefits for children  
born to an AFDC family, and (ii) a work component, the  
Virginia Initiative for Employment Not Welfare (VIEW), in  
which able-bodied recipients must participate. The  
proposed regulation also includes a diversionary  
assistance component which offers otherwise eligible  
families the option to receive a single payment of up to  
four months assistance to meet an emergency, thereby  
avoiding the need for ongoing monthly AFDC benefits.

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

Public comments may be submitted until February 24, 1996,  
to Constance O. Hall, Program Manager, Department of  
Social Services, 730 East Broad Street, Richmond, Virginia  
23219-1849.

**Contact:** Carolyn Ellis, Program Consultant, Department of  
Social Services, 730 E. Broad St., Richmond, VA 23219-  
1849, telephone (804) 692-1730.

† **February 14, 1996 - 1:30 p.m.** -- Open Meeting

† **February 15, 1996 - 9 a.m.** (if necessary) -- Open Meeting  
Koger Executive Center, 1604 Santa Rosa Road, Wythe  
Building, 1st Floor, Richmond, Virginia. ♿

A work session and formal business meeting.

**Contact:** Kristina Wilhite, Staff, Department of Social  
Services, 730 E. Broad St., Richmond, VA 23219, telephone  
(804) 692-1908, FAX (804) 692-1949, toll-free 1-800-552-  
7096, or toll-free 1-800-552-3431/TDD ☎

## DEPARTMENT OF TAXATION

**March 22, 1996 - 10 a.m.** -- Public Hearing  
Department of Taxation, 2220 West Broad Street, Richmond,  
Virginia.

**March 31, 1996** -- Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of  
the Code of Virginia that the Department of Taxation  
intends to adopt regulations entitled: **VR 630-3-439 [23  
VAC 10-120-291 through 23 VAC 10-120-299]. Major  
Business Facility Job Tax Credit.** The regulation  
provides guidance for qualification, computation and  
recapture of the major business facility job tax credit.

Statutory Authority: § 58.1-439 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Office of Tax  
Policy, Department of Taxation, P.O. Box 1880, Richmond,  
VA 23282-1880, telephone (804) 367-0167 or FAX (804) 367-  
6020.

## COMMONWEALTH TRANSPORTATION BOARD

**February 14, 1996 - 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 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.

**February 15, 1996 - 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. Separate committee meetings may be held  
on call of the chairman. Contact Department of  
Transportation Public Affairs at (804) 786-2715 for  
schedule.

**Contact:** Robert E. Martinez, Secretary of Transportation,  
1401 E. Broad St., Richmond, VA 23219, telephone (804)  
786-8032.



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# Calendar of Events

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## BOARD OF VETERINARY MEDICINE

**February 14, 1996 - 8 a.m.** -- Open Meeting  
Hotel Roanoke Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A board meeting to consider recommendations for a report pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, and to conduct formal hearings. Brief public comment will be received at the beginning of the meeting.

**Contact:** Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD

**February 15, 1996 - 9 a.m.** -- Open Meeting  
Hotel Roanoke Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences.

**Contact:** Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD

## VIRGINIA RACING COMMISSION

**† February 21, 1996 - 9:30 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, Richmond, Virginia.

A meeting to conduct a regular monthly meeting including a report from Colonial Downs.

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

## VIRGINIA VOLUNTARY FORMULARY BOARD

**March 14, 1996 - 10:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

## STATE WATER CONTROL BOARD

**† February 13, 1996 - 7 p.m.** -- Public Hearing  
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

**† February 15, 1996 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive, Roanoke, Virginia.

Meetings originally scheduled for January 8 and 10, 1996, but cancelled due to snow. The purpose of the meeting is to receive comments from the public on the Notices of Intended Regulatory Action released by the State Water Control Board on the Aboveground Storage Tank Program.

**Contact:** David Ormes, Office of Spill Response and Remediation, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4263.

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**March 25, 1996 - 7 p.m.** -- Public Hearing  
Rockingham County Board of Supervisors Room, 20 East Gay Street, Harrisonburg, Virginia.

**March 26, 1996 - 1 p.m.** -- Public Hearing  
Municipal Office Building, 150 East Monroe Street, Multi Purpose Room, Wytheville, Virginia.

**March 27, 1996 - 7 p.m.** -- Public Hearing  
James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

**March 28, 1996 - 1:30 p.m.** -- Public Hearing  
Prince William County Administration Center, One County Complex, 4850 Davis Ford Road, McCoart Building, Board Chambers, Prince William, Virginia.

**April 22, 1996** -- Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260-10 et seq. Water Quality Standards.** The purpose of the proposed amendments is to amend the Water Quality Standards as part of the state's triennial review of the regulation and to meet federal requirements.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mrs. Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, or by telephone at (804) 698-4111 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Mrs. Daub no later than 4 p.m. on Thursday, March 7, 1996.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Ms. Eleanore Daub at the address below.

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

**Contact:** Eleanore Daub, Office of Environmental Research and Standards, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

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**March 28, 1996 - 1:30 p.m. -- Public Hearing**  
Prince William County Administration Center, One County Complex, 4850 Davis Ford Road, McCoart Building, Board Chambers, Prince William, Virginia.

**April 22, 1996 -- Public comments may be submitted until 4 p.m. on this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-415-10 et seq. Policy for the Potomac River Embayments.** The purpose of the proposed regulation is to establish effluent limits for sewage treatment plants discharging into the Potomac River in Virginia from the Chain Bridge in Arlington County to Route 301 Bridge in King George County.

**Question and Answer Period:** A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

**Accessibility to Persons with Disabilities:** The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mr. Tom Faha, Department of Environmental Quality, 1519 Davis Ford Road, Suite 14, Woodbridge, VA, 22192, or by telephone at (703) 490-8922 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Mr. Faha no later than 4 p.m. on Thursday, March 7, 1996.

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

**Contact:** Tom Faha, Department of Environmental Quality, Northern Regional Office, 1519 Davis Ford Road, Suite 14, Woodbridge, VA 22192, telephone (703) 490-8922.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**February 6, 1996 - 10 a.m. - Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD

## VIRGINIA WORKERS' COMPENSATION COMMISSION

**March 8, 1996 -- Public comments may be submitted until this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Workers' Compensation Commission intends to amend regulations entitled: **16 VAC 30-50-10 et seq. Rules of the Virginia Workers' Compensation Commission.** A new Rule 14 provides a definition of community for the purpose of determining prevailing charges for medical treatment.

Statutory Authority: § 65.2-201 of the Code of Virginia.

Public comments may be submitted until March 8, 1996, to David W. Haines, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220.

**Contact:** Aljuana C. Brown, Administrative Assistant, Virginia Workers' Compensation Commission, 1000 DMV Dr., Richmond, VA 23220, telephone (804) 367-2067.

## BOARD OF YOUTH AND FAMILY SERVICES

**February 14, 1996 - 9 a.m. -- Open Meeting**

**March 13, 1996 - 9 a.m. -- Open Meeting**

**April 10, 1996 - 9 a.m. -- Open Meeting**

Department of Youth and Family Services, 700 East Main Street, Richmond, Virginia.

Beginning at 9 a.m., committees will meet to review secure and nonsecure services; at 10 a.m. the full board will meet to act on certifications, policy matters, and other business that may come before the board.

**Contact:** Donald R. Carignan, Policy Analyst, Department of Youth and Family Services, 700 Centre, 700 E. Main St., P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

## LEGISLATIVE

### Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in The Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

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# Calendar of Events

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## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### February 5

Alcoholic Beverage Control Board  
† Barbers, Board for  
† Hearing Aid Specialists, Board for  
Nursing, Board of

#### February 6

Hopewell Industrial Safety Council  
Waterworks and Wastewater Works Operators, Board for

#### February 7

Deaf and Hard-of-Hearing, Department for the  
- Advisory Board  
Emergency Planning Committee, Local - Winchester

#### February 8

† Child Day-Care Council  
† Geology, Board for  
Medicine, Board of  
Nursing, Board of  
Nursing Home Administrators, Board of

#### February 9

Agriculture and Consumer Services, Department of  
- Virginia Plant Pollination Advisory Board  
† Longwood College  
- Board of Visitors  
Medicine, Board of

#### February 10

† Longwood College  
- Board of Visitors  
Medicine, Board of  
- Credentials Committee  
Military Institute, Virginia  
- Board of Visitors

#### February 12

Agriculture and Consumer Services, Department of  
- Virginia Aquaculture Advisory Board  
† Higher Education for Virginia, State Council on  
† Pharmacy, Board of  
† Rehabilitation Advisory Council, State

#### February 13

Corrections, Board of  
- Correctional Services Committee  
† Pharmacy, Board of  
Resources Authority, Virginia  
† Water Control Board, State

#### February 14

Agriculture and Consumer Services, Department of  
- Virginia Corn Board  
Audiology and Speech-Language Pathology, Board of  
† Chesapeake Bay Local Assistance Board  
- Northern Area Review Committee  
Corrections, Board of  
- Administrative Committee

Environmental Quality, Department of  
- Work Group on Detection/Quantitation Levels  
Mines, Minerals and Energy, Department of  
- Division of Mined Land Reclamation  
Nursing, Board of  
† Social Services, State Board of  
Transportation Board, Commonwealth  
Veterinary Medicine, Board of  
Youth and Family Services, Board of

#### February 15

Audiology and Speech-Language Pathology, Board of  
† Chesapeake Bay Local Assistance Board  
- Southern Area Review Committee  
† Professional Soil Scientists, Board for  
† Rights of Virginians with Disabilities, Department for  
- Protection and Advocacy for Individuals with Mental  
Illness Advisory Council  
† Social Services, State Board of  
Transportation Board, Commonwealth  
Veterinary Medicine, Board of  
† Water Control Board, State

#### February 16

† Architects, Professional Engineers, Land Surveyors  
and Landscape Architects, Board for  
- Board for Architects  
† Dentistry, Board of  
† Housing and Community Development, Department of  
- State Building Code Technical Review Board

#### February 20

Aviation Board, Virginia  
† Medical Assistance Services, Board of

#### February 21

Alcoholic Beverage Control Board  
Aviation Board, Virginia  
Nursing, Board of  
† Virginia Racing Commission

#### February 22

† Architects, Professional Engineers, Land Surveyors  
and Landscape Architects, Board for  
- Board for Land Surveyors  
Education, Board of  
Nursing, Board of  
Professional Counselors and Marriage and Family  
Therapists, Board of  
- Regulatory Committee

#### February 23

† Dentistry, Board of  
Environmental Quality, Department of  
- Technical Advisory Committee for Solid Waste  
Management Regulations  
† Medicine, Board of  
- Board on Physical Therapy  
- Advisory Committee on Physician's Assistants  
† Professional Counselors and Marriage and Family  
Therapists, Board of

#### February 26

Nursing, Board of

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## Calendar of Events

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**February 27**

Health Services Cost Review Council, Virginia  
† Marine Resources Commission  
† Medicine, Board of

**February 28**

Nursing Home Administrators, Board of

**February 29**

† Architects, Professional Engineers, Land Surveyors  
and Landscape Architects, Board for  
- Board for Professional Engineers

**March 1**

Environmental Quality, Department of  
† Game and Inland Fisheries, Department of

**March 5**

Hopewell Industrial Safety Council

**March 6**

† Funeral Directors and Embalmers, Board of  
† Sewage Handling and Disposal Appeals Review Board

**March 7**

† Funeral Directors and Embalmers, Board of

**March 13**

Community Colleges, State Board for  
† Criminal Justice Services Board  
- Committee on Training  
Youth and Family Services, Board of

**March 14**

Community Colleges, State Board for  
Voluntary Formulary Board, Virginia

**March 18**

† Contractors, Board for

**March 28**

† Professional Counselors and Marriage and Family  
Therapists, Board of  
- Regulatory Committee

**March 29**

Environmental Quality, Department of

**April 10**

Youth and Family Services, Board of

### PUBLIC HEARINGS

**February 21**

Aviation Board, Virginia

**March 22**

Taxation, Department of

**March 25**

† Water Control Board, State

**March 26**

† Water Control Board, State

**March 27**

† Water Control Board, State

