
THE VIRGINIA REGISTER INFORMATION PAGE

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) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar 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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PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://legis.state.va.us/codecomm/register/regindex.htm>).

January 1999 through December 1999

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
15:9	December 29, 1998 (Tuesday)	January 18, 1999
15:10	January 13, 1999	February 1, 1999
15:11	January 27, 1999	February 15, 1999
15:12	February 10, 1999	March 1, 1999
15:13	February 24, 1999	March 15, 1999
15:14	March 10, 1999	March 29, 1999
INDEX 2 - Volume 15		April 1999
15:15	March 24, 1999	April 12, 1999
15:16	April 7, 1999	April 26, 1999
15:17	April 21, 1999	May 10, 1999
15:18	May 5, 1999	May 24, 1999
15:19	May 19, 1999	June 7, 1999
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Title 1. Administration			
1 VAC 30-130-10	Amended	15:1 VA.R. 44 (4390)	9/15/98
1 VAC 30-140-10	Amended	15:7 VA.R. 978	12/1/98
Title 4. Conservation and Natural Resources			
4 VAC 15-320-20	Amended	15:5 VA.R. 574	1/1/99
4 VAC 15-320-30	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-100	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-120	Amended	15:5 VA.R. 576	1/1/99
4 VAC 15-320-160	Added	15:5 VA.R. 576	1/1/99
4 VAC 15-330-110	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-120	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-140	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-150	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-330-160	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-340-60	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-360-10	Amended	15:5 VA.R. 579	1/1/99
4 VAC 20-20-10	Amended	15:5 VA.R. 579	10/28/98
4 VAC 20-20-35	Added	15:5 VA.R. 579	10/28/98
4 VAC 20-260-30	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-260-40	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-560-40	Amended	15:7 VA.R. 978	12/1/98
4 VAC 20-560-50	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-620-40	Amended	15:5 VA.R. 580	10/28/98
4 VAC 20-620-42 emer	Added	15:5 VA.R. 718	10/30/98-11/17/98
4 VAC 20-720-40	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-50	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-60	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-70	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-70	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-720-80	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-90	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-105	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-960-45	Amended	15:7 VA.R. 982	1/1/99
4 VAC 25-30 (Forms)	Amended	15:7 VA.R. 1020	--
4 VAC 25-35 (Forms)	Amended	15:1 VA.R. 46 (4392)	--
4 VAC 25-40 (Forms)	Amended	15:7 VA.R. 1020	--
4 VAC 25-130-700.5	Amended	15:6 VA.R. 811	1/6/99
4 VAC 25-130-779.22	Repealed	15:6 VA.R. 823	1/6/99
4 VAC 25-130-779.25	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.23	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.25	Amended	15:6 VA.R. 825	1/6/99
4 VAC 25-130-780.35	Amended	15:6 VA.R. 826	1/6/99
4 VAC 25-130-783.25	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.15	Amended	15:6 VA.R. 827	1/6/99

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4 VAC 25-130-784.16	Amended	15:6 VA.R. 828	1/6/99
4 VAC 25-130-784.23	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-800.40	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-816.46	Amended	15:6 VA.R. 832	1/6/99
4 VAC 25-130-816.49	Amended	15:6 VA.R. 834	1/6/99
4 VAC 25-130-816.74	Amended	15:6 VA.R. 836	1/6/99
4 VAC 25-130-816.81	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.89	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.104	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-816.105	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.46	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.49	Amended	15:6 VA.R. 840	1/6/99
4 VAC 25-130-817.74	Amended	15:6 VA.R. 842	1/6/99
4 VAC 25-130-817.81	Amended	15:6 VA.R. 843	1/6/99
4 VAC 25-130-817.89	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-840.11	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-843.14	Amended	15:6 VA.R. 845	1/6/99
4 VAC 25-130-845.17	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.18	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.19	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-130-846.17	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-150-10	Amended	15:2 VA.R. 135	11/11/98
4 VAC 25-150-50	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-60	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-70	Repealed	15:2 VA.R. 139	11/11/98
4 VAC 25-150-80 through 4 VAC 25-150-130	Amended	15:2 VA.R. 139-143	11/11/98
4 VAC 25-150-90	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-135	Added	15:2 VA.R. 143	11/11/98
4 VAC 25-150-160 through 4 VAC 25-150-360	Amended	15:2 VA.R. 143-156	11/11/98
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4 VAC 25-150-435	Added	15:2 VA.R. 159	11/11/98
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4 VAC 25-150-540	Repealed	15:2 VA.R. 165	11/11/98
4 VAC 25-150-560	Amended	15:2 VA.R. 167	11/11/98
4 VAC 25-150-560	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-570	Repealed	15:2 VA.R. 167	11/11/98
4 VAC 25-150-580 through 4 VAC 25-150-610	Amended	15:2 VA.R. 168-169	11/11/98
4 VAC 25-150-610	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-640	Repealed	15:2 VA.R. 171	11/11/98
4 VAC 25-150-650 through 4 VAC 25-150-700	Amended	15:2 VA.R. 171-172	11/11/98
4 VAC 25-150-690	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-710	Repealed	15:2 VA.R. 172	11/11/98
4 VAC 25-150-711	Added	15:2 VA.R. 172	11/11/98
4 VAC 25-150-720 through 4 VAC 25-150-740	Amended	15:2 VA.R. 173	11/11/98
4 VAC 25-150 (Forms)	Erratum	15:6 VA.R. 938	--
Title 9. Environment			
9 VAC 5-20-204	Amended	15:2 VA.R. 174	1/1/99
9 VAC 5-20-205	Amended	15:2 VA.R. 175	1/1/99
9 VAC 25-192 (Forms)	Added	15:3 VA.R. 331	--
9 VAC 25-192-40	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-50	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-60	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-70	Amended	15:3 VA.R. 324	12/1/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-193-70	Erratum	15:2 VA.R. 241	--
9 VAC 25-430-20	Amended	15:6 VA.R. 849	1/6/99
9 VAC 25-430-30	Amended	15:6 VA.R. 853	1/6/99
9 VAC 25-430-40	Amended	15:6 VA.R. 861	1/6/99
9 VAC 25-430-60	Amended	15:6 VA.R. 864	1/6/99
9 VAC 25-440-150	Amended	15:6 VA.R. 872	1/6/99
9 VAC 25-440-151	Added	15:6 VA.R. 880	1/6/99
9 VAC 25-610-10	Amended	15:5 VA.R. 581	1/1/99
9 VAC 25-610-30	Repealed	15:5 VA.R. 582	1/1/99
9 VAC 25-610-90	Amended	15:5 VA.R. 582	1/1/99
9 VAC 25-610-110	Amended	15:5 VA.R. 586	1/1/99
9 VAC 25-610-130	Amended	15:5 VA.R. 589	1/1/99
9 VAC 25-610-140	Amended	15:5 VA.R. 590	1/1/99
9 VAC 25-610-160	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-250	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-330	Amended	15:5 VA.R. 592	1/1/99
9 VAC 25-610-400	Added	15:5 VA.R. 592	1/1/99
Title 12. Health			
12 VAC 5-90-10	Amended	15:6 VA.R. 880	1/6/99
12 VAC 5-90-10	Erratum	15:8 VA.R. 1099	--
12 VAC 5-90-40	Amended	15:6 VA.R. 882	1/6/99
12 VAC 5-90-50	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-60	Repealed	15:6 VA.R. 883	1/6/99
12 VAC 5-90-70	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-80	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-90	Amended	15:6 VA.R. 885	1/6/99
12 VAC 5-90-90	Erratum	15:8 VA.R. 1099	--
12 VAC 5-90-100	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-110	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-120	Repealed	15:6 VA.R. 888	1/6/99
12 VAC 5-90-130	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-150	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-160	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-170	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-180	Amended	15:6 VA.R. 889	1/6/99
12 VAC 5-90-190	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-210	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-220	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-230	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-240	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-250	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-260	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-270	Added	14:26 VA.R. 4251	10/14/98
12 VAC 30-20-170	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-110	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:6 VA.R. 893	1/6/99
12 VAC 30-50-150	Amended	15:6 VA.R. 894	1/6/99
12 VAC 30-50-160	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-210	Amended	15:5 VA.R. 595	1/1/99
12 VAC 30-60-40	Amended	14:26 VA.R. 4254	1/1/99
12 VAC 30-60-40	Amended	15:6 VA.R. 895	1/6/99
12 VAC 30-60-120	Amended	15:6 VA.R. 896	1/6/99
12 VAC 30-60-320	Amended	14:26 VA.R. 4257	1/1/99
12 VAC 30-60-340	Amended	14:26 VA.R. 4259	1/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-80-30	Amended	15:6 VA.R. 900	1/6/99
12 VAC 30-90-264	Amended	14:26 VA.R. 4261	1/1/99
12 VAC 30-90-290	Amended	14:26 VA.R. 4264	1/1/99
12 VAC 30-140-10 through 12 VAC 30-140-50 emer	Added	15:4 VA.R. 478-480	10/23/98-10/22/99
12 VAC 30-150-10 and 12 VAC 30-150-20 emer	Added	15:4 VA.R. 481-483	10/23/98-10/22/99
12 VAC 30-160-00 through 12 VAC 30-160-299 emer	Added	15:4 VA.R. 483-486	10/23/98-10/22/99
12 VAC 30-170-10 and 12 VAC 30-170-20 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
Title 13. Housing			
13 VAC 10-40-230	Amended	15:4 VA.R. 424	10/21/98
Title 14. Insurance			
14 VAC 5-395-10	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-30	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-50	Amended	14:26 VA.R. 4267	8/20/98
Title 16. Labor and Employment			
16 VAC 25-50-10	Amended	15:5 VA.R. 600	1/1/99
16 VAC 25-50-15	Added	15:5 VA.R. 603	1/1/99
16 VAC 25-50-20	Amended	15:5 VA.R. 603	1/1/99
16 VAC 25-50-50	Amended	15:5 VA.R. 604	1/1/99
16 VAC 25-50-70	Amended	15:5 VA.R. 605	1/1/99
16 VAC 25-50-80	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-90	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-120	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-150	Amended	15:5 VA.R. 607	1/1/99
16 VAC 25-50-190	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-240	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-250	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-270	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-290	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-350	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-360	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-370	Amended	15:5 VA.R. 612	1/1/99
16 VAC 25-50-380	Amended	15:5 VA.R. 615	1/1/99
16 VAC 25-50-390	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-430	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-440	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-50-480	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-90-1910.109	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.110	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.111	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.141	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.142	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.151	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.156	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.183	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.261	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.262	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.265	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.267	Repealed	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.268	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1017	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1018	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1029	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1052	Amended	15:5 VA.R. 628	1/1/99
16 VAC 25-100-1915.1001	Amended	15:5 VA.R. 633	1/1/99
16 VAC 25-175-1926.31	Amended	15:5 VA.R. 631	1/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-175-1926.50	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.152	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.906	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.1101	Amended	15:5 VA.R. 633	1/1/99
Title 18. Professional and Occupational Licensing			
18 VAC 60-20-10	Amended	15:5 VA.R. 636	12/23/98
18 VAC 60-20-15	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-16	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 646	12/23/98
18 VAC 60-20-30	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-30	Amended	15:5 VA.R. 647	12/23/98
18 VAC 60-20-50	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-60	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-70	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-80	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-90	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-110	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-120	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-130	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-140	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-150	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-160	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-170	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-180	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-190	Amended	15:5 VA.R. 643	12/23/98
18 VAC 60-20-195	Added	15:5 VA.R. 644	12/23/98
18 VAC 60-20-220	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-230	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-240	Amended	15:5 VA.R. 645	12/23/98
18 VAC 65-20-10	Amended	15:7 VA.R. 982	1/20/99
18 VAC 65-20-20	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-30	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-40	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-50	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-60	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-70	Amended	15:4 VA.R. 426	12/9/98
18 VAC 65-20-80	Repealed	15:4 VA.R. 426	12/9/98
18 VAC 65-20-90	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-100	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-110	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-120	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-130	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-140	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-150	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-160	Repealed	15:7 VA.R. 985	1/20/99
18 VAC 65-20-170	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-180 through 18 VAC 65-20-230	Repealed	15:7 VA.R. 986	1/20/99
18 VAC 65-20-235	Added	15:7 VA.R. 986	1/20/99
18 VAC 65-20-240	Amended	15:7 VA.R. 986	1/20/99
18 VAC 65-20-250 through 18 VAC 65-20-340	Repealed	15:7 VA.R. 987	1/20/99
18 VAC 65-20-350	Amended	15:7 VA.R. 987	1/20/99
18 VAC 65-20-360 through 18 VAC 65-20-390	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-400	Amended	15:7 VA.R. 988	1/20/99
18 VAC 65-20-410	Repealed	15:7 VA.R. 988	1/20/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-20-430	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-440	Amended	15:7 VA.R. 988	1/20/99
18 VAC 65-20-450 through 18 VAC 65-20-490	Repealed	15:7 VA.R. 988-989	1/20/99
18 VAC 65-20-500	Amended	15:7 VA.R. 989	1/20/99
18 VAC 65-20-510	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-520	Repealed	15:7 VA.R. 990	1/20/99
18 VAC 65-20-530	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-540	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-550	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-560	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-580	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-590	Amended	15:7 VA.R. 991	1/20/99
18 VAC 65-20-600	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-610	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-620	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-630	Amended	15:7 VA.R. 991	1/20/99
18 VAC 65-20-640 through 18 VAC 65-20-690	Repealed	15:7 VA.R. 992-994	1/20/99
18 VAC 65-20-700	Amended	15:7 VA.R. 994	1/20/99
18 VAC 65-30-10	Amended	15:7 VA.R. 995	1/20/99
18 VAC 65-30-20	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-30	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-40	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-50	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-60	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-70	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-80	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-90	Amended	15:7 VA.R. 998	1/20/99
18 VAC 65-30-110	Amended	15:7 VA.R. 998	1/20/99
18 VAC 65-30-120	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-140	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-150	Repealed	15:7 VA.R. 999	1/20/99
18 VAC 65-30-160	Repealed	15:7 VA.R. 999	1/20/99
18 VAC 65-30-170	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-180	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-190	Repealed	15:7 VA.R. 1000	1/20/99
18 VAC 65-30-200	Amended	15:7 VA.R. 1000	1/20/99
18 VAC 65-30-210	Repealed	15:7 VA.R. 1001	1/20/99
18 VAC 65-30-220	Added	15:7 VA.R. 1001	1/20/99
18 VAC 65-30-230	Added	15:7 VA.R. 1003	1/20/99
18 VAC 65-40-10	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-20	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-30	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-40	Amended	15:4 VA.R. 433	12/9/98
18 VAC 65-40-50	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-60	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-70	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-80	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-90	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-100	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-110	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-120	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-130	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-140	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-150	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-160	Amended	15:7 VA.R. 1009	1/20/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-40-170	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-180	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-190	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-200	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-201	Added	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-210	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-220	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-230	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-240	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-250	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-260	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-270	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-280	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-290	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-300	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-310	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-320	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-330	Amended	15:7 VA.R. 1011	1/20/99
18 VAC 65-40-340	Amended	15:7 VA.R. 1011	1/20/99
18 VAC 65-40-350 through 18 VAC 65-40-630	Repealed	15:7 VA.R. 1011-1014	1/20/99
18 VAC 65-40-640	Amended	15:7 VA.R. 1014	1/20/99
18 VAC 85-110-10	Amended	15:4 VA.R. 436	12/9/98
18 VAC 85-110-20	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-30	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-35	Added	15:4 VA.R. 437	12/9/98
18 VAC 85-110-40	Repealed	15:4 VA.R. 438	12/9/98
18 VAC 85-110-50	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-60	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-70	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-80	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-90	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-100	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-120	Repealed	15:4 VA.R. 439	12/9/98
18 VAC 85-110-150	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-160	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-170	Repealed	15:4 VA.R. 440	12/9/98
18 VAC 90-20-10	Amended	15:3 VA.R. 333	12/3/98
18 VAC 90-20-20	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-35	Added	15:3 VA.R. 334	12/3/98
18 VAC 90-20-40	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-50	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-60	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-70	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-80	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-90	Amended	15:3 VA.R. 336	12/3/98
18 VAC 90-20-95	Added	15:3 VA.R. 337	12/3/98
18 VAC 90-20-100	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-110	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-120	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-130	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-140	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-150	Repealed	15:3 VA.R. 339	12/3/98
18 VAC 90-20-160	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-170	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-180	Repealed	15:3 VA.R. 340	12/3/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-190	Amended	15:3 VA.R. 340	12/3/98
18 VAC 90-20-210	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-250	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-260	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-275	Added	15:3 VA.R. 341	12/3/98
18 VAC 90-20-280	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-290	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-310	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-330	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-340	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-350	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-400	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-410	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-30-10	Amended	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-30	Amended	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-40	Repealed	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-70	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-80	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-90	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-120	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-140	Repealed	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-150	Repealed	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-160	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-170 through 18 VAC 90-30-210	Repealed	15:7 VA.R. 1017	1/20/99
18 VAC 95-20-10	Amended	15:4 VA.R. 452	12/9/98
18 VAC 95-20-20	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-30	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-40	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-50	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-70	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-80	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-90	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-100	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-110	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-120	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-130	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-140	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-150	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-160	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-170	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-175	Added	15:4 VA.R. 455	12/9/98
18 VAC 95-20-180	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-190	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-200	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-210	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-220	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-225	Added	15:4 VA.R. 457	12/9/98
18 VAC 95-20-230	Amended	15:4 VA.R. 457	12/9/98
18 VAC 95-20-240	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-250	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-260	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-270	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-280	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-290	Amended	15:4 VA.R. 458	12/9/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-300	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-310	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-320	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-330	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-340	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-350	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-360	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-370	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-380	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-390	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-400	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-410	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-420	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-430	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-440	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-450	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-460	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-470	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-480 through 18 VAC 95-20-740	Repealed	15:4 VA.R. 460-463	12/9/98
Appendices I, II and III of 18 VAC 95-20	Repealed	15:4 VA.R. 463-464	12/9/98
18 VAC 105-20-10	Amended	15:6 VA.R. 902	1/6/99
18 VAC 105-20-15	Added	15:6 VA.R. 902	1/6/99
18 VAC 105-20-20	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-30	Repealed	15:6 VA.R. 903	1/6/99
18 VAC 105-20-40	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-45	Added	15:6 VA.R. 904	1/6/99
18 VAC 105-20-50	Amended	15:6 VA.R. 905	1/6/99
18 VAC 105-20-60	Amended	15:6 VA.R. 906	1/6/99
18 VAC 105-20-70	Amended	15:6 VA.R. 906	1/6/99
18 VAC 110-20-10 emer	Amended	15:6 VA.R. 926	11/5/98-11/4/99
18 VAC 110-20-10	Amended	15:8 VA.R. 1070	2/3/99
18 VAC 110-20-20	Amended	15:8 VA.R. 1073	2/3/99
18 VAC 110-20-30	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-40	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-50	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-60	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-70	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-90	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-100	Amended	15:8 VA.R. 1076	2/3/99
18 VAC 110-20-110	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-130 emer	Amended	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-130	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-135 emer	Added	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-140 emer	Amended	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-170	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-190	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-200	Amended	15:8 VA.R. 1078	2/3/99
18 VAC 110-20-210	Amended	15:8 VA.R. 1078	2/3/99
18 VAC 110-20-220	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-230	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-240	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-260	Repealed	15:8 VA.R. 1080	2/3/99
18 VAC 110-20-270	Amended	15:8 VA.R. 1080	2/3/99
18 VAC 110-20-280	Amended	15:8 VA.R. 1081	2/3/99
18 VAC 110-20-290	Amended	15:8 VA.R. 1081	2/3/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-330	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-350	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-355	Added	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-360	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-395	Added	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-400	Amended	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-420	Amended	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-470	Amended	15:8 VA.R. 1084	2/3/99
18 VAC 110-20-500	Amended	15:8 VA.R. 1084	2/3/99
18 VAC 110-20-540	Amended	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-550	Amended	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-555	Added	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-570	Amended	15:8 VA.R. 1086	2/3/99
18 VAC 110-20-580	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-590	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-620	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-621	Added	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-622	Added	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-640	Amended	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-650	Repealed	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-680	Amended	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-690 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-700 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-710 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 110-20-720 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 135-20-10	Amended	15:5 VA.R. 648	1/1/99
18 VAC 135-20-20	Amended	15:5 VA.R. 649	1/1/99
18 VAC 135-20-30	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-40	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-45	Added	15:5 VA.R. 650	1/1/99
18 VAC 135-20-50	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-60	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-80	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-90	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-100	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-110	Amended	15:5 VA.R. 653	1/1/99
18 VAC 135-20-120	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-150	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-160	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-170	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-180	Amended	15:5 VA.R. 655	1/1/99
18 VAC 135-20-190	Amended	15:5 VA.R. 656	1/1/99
18 VAC 135-20-200	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-210	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-220	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-240	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-250	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-260	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-270	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-280	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-290	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-300	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-310	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-320	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-350	Amended	15:5 VA.R. 660	1/1/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 135-20-360	Amended	15:5 VA.R. 661	1/1/99
18 VAC 135-20-370	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-380	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-390	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-400	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-410	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-420	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-430	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-440	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 140-20-10	Amended	15:5 VA.R. 663	12/23/98
18 VAC 140-20-30	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-35	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-37	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-40	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-45	Added	15:5 VA.R. 665	12/23/98
18 VAC 140-20-50	Amended	15:5 VA.R. 665	12/23/98
18 VAC 140-20-60	Amended	15:5 VA.R. 667	12/23/98
18 VAC 140-20-70	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-80	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-90	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-110	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-150	Amended	15:5 VA.R. 669	12/23/98
18 VAC 150-20-10	Amended	15:5 VA.R. 687	12/23/98
18 VAC 150-20-30	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-40	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-50	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-60	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-70	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-75	Added	15:5 VA.R. 690	12/23/98
18 VAC 150-20-80	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-90	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-100	Amended	15:5 VA.R. 690	12/23/98
18 VAC 150-20-110	Amended	15:5 VA.R. 691	12/23/98
18 VAC 150-20-115	Added	15:5 VA.R. 691	12/23/98
18 VAC 150-20-120	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-130	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-140	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-150	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-160	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-170	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-180	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-185	Added	15:5 VA.R. 694	12/23/98
18 VAC 150-20-190	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-195	Added	15:5 VA.R. 696	12/23/98
18 VAC 150-20-200	Amended	15:5 VA.R. 696	12/23/98
18 VAC 150-20-205	Added	15:5 VA.R. 701	12/23/98
18 VAC 150-20-210	Amended	15:5 VA.R. 701	12/23/98
Title 19. Public Safety			
19 VAC 30-70-5	Amended	15:2 VA.R. 177	11/11/98
19 VAC 30-70-7	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-10	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-50	Amended	15:2 VA.R. 180	11/11/98
19 VAC 30-70-70 through 19 VAC 30-70-100	Amended	15:2 VA.R. 181-184	11/11/98
19 VAC 30-70-140	Amended	15:2 VA.R. 185	11/11/98
19 VAC 30-70-160	Amended	15:2 VA.R. 187	11/11/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-70-180	Amended	15:2 VA.R. 190	11/11/98
19 VAC 30-70-180	Erratum	15:8 VA.R. 1099	--
19 VAC 30-70-200	Amended	15:2 VA.R. 192	11/11/98
19 VAC 30-70-440 through 19 VAC 30-70-500	Amended	15:2 VA.R. 192-203	11/11/98
19 VAC 30-70-550	Amended	15:2 VA.R. 207	11/11/98
19 VAC 30-70-570	Amended	15:2 VA.R. 208	11/11/98
19 VAC 30-70-580	Amended	15:2 VA.R. 209	11/11/98
19 VAC 30-70-680	Amended	15:2 VA.R. 211	11/11/98
Title 22. Social Services			
22 VAC 40-35-10	Amended	15:6 VA.R. 922	1/6/99
22 VAC 40-35-125	Added	15:6 VA.R. 924	1/6/99
Title 24. Transportation and Motor Vehicles			
24 VAC 30-200-10	Amended	14:26 VA.R. 4267	10/14/98
24 VAC 30-200-10	Erratum	15:1 VA.R. 50 (4396)	--
24 VAC 30-200-20	Amended	14:26 VA.R. 4268	10/14/98
24 VAC 30-200-30	Amended	14:26 VA.R. 4269	10/14/98
24 VAC 30-200-40	Added	14:26 VA.R. 4270	10/14/98
24 VAC 30-200-40	Erratum	15:1 VA.R. 50	--

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

Supplemental Notice of Intended Regulatory Action

The Division of Consolidated Laboratory Services is providing a supplemental notice of intended regulatory action on its intention to consider promulgating regulations entitled: **1 VAC 30-45-10 et seq. Environmental Laboratory Certification Program.** In addition to laboratories performing tests and analyses required by the Virginia Waste Management Act and the State Water Control Law, § 2.1-429.01 of the Code of Virginia requires that laboratories performing tests and analyses under § 10.1-1300 et seq. (the Air Pollution Control Law) also be covered. This supplemental notice relates only to the coverage by an environmental laboratory certification program of laboratories performing tests and analyses under § 10.1-1300 et seq. (the Air Pollution Control Law). This supplemental notice provides an additional 30-day comment period on the inclusion of these laboratories in the program, including a public meeting. In addition, the notice provides an opportunity for additional volunteers to join the currently formed ad hoc group. Specific information on submitting comments, attending the public meeting, and volunteering for the ad hoc group is set out below.

The division has previously provided notice of its intention to propose for adoption a regulation for environmental laboratory certification (14:25 VA.R. 4032 August 31, 1998). This regulation will establish procedures, standards and requirements for the certification of laboratories performing tests and analyses required by the Virginia Air Pollution Control Law, the Virginia Waste Management Act and the State Water Control Law. The program established by the regulation will ensure that these laboratories provide accurate and consistent tests, analyses, measurements and monitoring. Commercial, private, industrial and municipal laboratories conducting tests, analyses, measurements or monitoring pursuant to the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.) would be affected by the program.

Request for Comments: The purpose of this notice is to solicit comments on the inclusion of laboratories performing tests and analyses under the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.). THERE ARE NO REGULATION AMENDMENTS AVAILABLE FOR PUBLIC COMMENT AT THIS TIME. All comments must be received by the agency contact by 4:30 p.m. on Wednesday, January 20, 1999, in

order to be considered. It is preferred that all comments be provided in writing, along with any supporting documents or exhibits; however, oral comments will be accepted at the meeting. Comments may be submitted by mail, by facsimile transmission (fax number: 804/371-7973), or by personal appearance at the meeting mentioned below. See "Agency Contact" below for the mailing address. Facsimile copies will be accepted only if followed by receipt of the original within one week. All comments, exhibits and documents received are a matter of public record.

Public Meeting: A public meeting will be held by the division in the First Floor Conference Room, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, Virginia 23219, at 10 a.m. on Thursday, January 14, 1999, 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 has formed an ad hoc advisory group to assist in the development of the regulation. However, the group has not yet had its first meeting. If you believe that your interests relate directly to those of laboratories performing tests and analyses under the Virginia Air Pollution Control Law and you desire to be part of the group, notify the agency contact in writing or by facsimile transmission (FAX number: 804/371-7973) by 4:30 p.m., January 20, 1999, and provide your name, address, phone number and the organization you represent (if any). See "Agency Contact" below for the mailing address. Two additional places on the currently formed ad hoc group will be made available for volunteers. Notification of the selection of the new, additional ad hoc advisory group members will be sent to all applicants. 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 (i) to protect the health, safety or welfare of citizens and (ii) for the efficient and economic performance of an important governmental function. The reasoning for this conclusion is set forth below.

Compliance with the State Water Control Law, the Air Pollution Control Law and the Virginia Waste Management Act is determined, to a great extent, by the analysis of samples and other measurements taken of Virginia's water, air and terrain. Accurate and consistent analysis of these samples ensures that the determination of compliance with

Notices of Intended Regulatory Action

Virginia's water quality, air quality and waste management laws is also accurate and consistent. In turn, the health and welfare of the people of the Commonwealth are protected. In addition, samples from those parties whose compliance is being determined are analyzed in an equally consistent and accurate fashion.

Certifying laboratories that do consistent and accurate analyses ensure efficient and economic implementation of the state's water, air and waste laws. The state agency responsible for carrying out the laws will be assured that they can rely upon the analytical results of certified laboratories in determining compliance with these laws.

In addition, the state law requires the use of nationally accepted accreditation standards. Virginia's water quality, air quality and waste management laws and regulations are mandated in part by federal statute and regulation. Because the federal government funds the implementation of these laws in the state to some extent, it also determines whether the state agency carrying out these federal mandates is doing an acceptable job. An accurate, consistent and verifiable analysis in certified laboratories of samples taken to determine compliance provides assurance of the state's competency in implementing federal mandates on water quality, air quality and waste management.

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

1. Develop the regulation to satisfy the provisions of the law and federal standards and policies. This option is being selected because it meets the stated purpose of the regulatory action: to ensure that laboratories perform accurate and consistent tests, analyses, measurements and monitoring required by the Virginia Waste Management Act, Virginia Air Pollution Control Law and the State Water Control Law.
2. Make alternative regulatory changes to those required by the provisions of the law and federal standards and policies. This option is not being selected because it does not meet the stated purpose of the regulation and may not be consistent with state law and federal standards and policies.
3. Take no action to develop the regulation. This option is not being selected because state law requires that a regulation be developed.

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

Section 2.1-429.01 of the Code of Virginia requires that the Division of Consolidated Laboratory Services establish a program by regulation that will certify laboratories conducting tests, analyses, measurements, or monitoring pursuant to the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.) or the State Water Control Law (§ 62.1-44.2 et seq.). The program is to be based on standards adopted by the

National Environmental Laboratory Accreditation Conference sponsored by the U.S. Environmental Protection Agency to ensure accurate and consistent testing and analysis by the certified laboratories.

The state law requires that the program include minimum criteria for the following: (i) laboratory procedures; (ii) performance evaluations; (iii) supervisory and personnel requirements; (iv) facilities and equipment; (v) analytical quality control and quality assurance; (vi) certificate issuance and maintenance; (vii) recertification and decertification; and (viii) granting full and partial exemptions from the program based on compliance and performance. The law also requires that a fee system be established to pay for the costs of certifying laboratories under this program. Procedures for determining the qualifications of laboratories outside of Virginia used to conduct tests and analyses for use in Virginia must also be developed under § 2.1-429.01 of the Code of Virginia. In addition, the law allows other components to be added to the program.

Statutory Authority: §§ 2.1-424 and 2.1-429.01 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., January 20, 1999, to the Director, Bureau of Customer Services, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, Virginia 23219.

Contact: Nancy S. Saylor, Consultant to Division of Consolidated Laboratory Services, Department of General Services, 1 N. 14th St., Richmond, VA 23219, telephone (804) 231-7980 or FAX (804) 231-7980.

VA.R. Doc. No. R98-312; Filed November 25, 1998, 11:30 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board for Contractors has **WITHDRAWN** the Notice of Intended Regulatory Action for **18 VAC 50-22-10 et seq. Board for Contractors Regulations**, which was published in 13:20 VA.R. 2493 June 23, 1997.

BOARD FOR COSMETOLOGY

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board for Cosmetology has **WITHDRAWN** the Notice of Intended Regulatory Action for

Virginia Board for Cosmetology Esthetician/Skin Care Regulations, which was published in 9:1 VA.R. 8 October 5, 1992.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION 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 Commonwealth Transportation Board intends to consider amending regulations entitled: **24 VAC 30-40-10 et seq. Rules and Regulations Governing Relocation Assistance.** The purpose of the proposed action is to amend the regulation to rewrite the existing language to clarify policies and procedures, add examples of payment calculations, and streamline the process used to provide relocation assistance. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 25-253 and 33.1-12(5) of the Code of Virginia.

Public comments may be submitted until February 3, 1999.

Contact: Beverly Fulwider, Program Manager, Department of Transportation, R/W and Utilities Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4366, FAX (804) 786-1706, toll-free 1-800-345-1468, or 1-800-307-4630/TTY ☎

VA.R. Doc. No. R99-69; Filed December 10, 1998, 12:34 p.m.



PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives 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.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

March 19, 1999 – 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 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Payment of Medicare Part A and Part B Deductible Coinsurance.** The purpose of this action is to propose that the Department of Medical Assistance's methodology for calculating coinsurance and deductibles for Medicare Part A and Part B be based on the Medicaid rate of reimbursement rather than the Medicare rate, as permitted by § 4714 of the Balanced Budget Act of 1997. The section of the state plan affected by this action is the Methods and Standards for Establishing Payment Rates-Other Types of Care, Supplement 2, Payment of Medicare Part A and Part B Deductible/Coinsurance (12 VAC 30-80-170).

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

Public comments may be submitted until March 19, 1999, to James Cohen, Manager, Client Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

* * * * *

March 19, 1999 – 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 30-120-10 et seq. Waivered Services (Part VI: Medallion II).** The purpose of this action is to adopt federal law changes related to enrollment periods within health maintenance organizations. These mandatory enrollment periods will improve the continuity of health care for individuals who are enrolled in these health maintenance organizations.

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

Public comments may be submitted until March 19, 1999, to Cheryl Roberts, Manager, Client Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-80-10 et seq. **Methods and Standards for Establishing Payment Rates--Other Types of Care: Payment of Medicare Part A and Part B Deductible Coinsurance (amending 12 VAC 30-80-170).**

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

Public Hearing Date: N/A -- Public comments may be submitted until March 19, 1999.

(See Calendar of Events section for additional information)

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements. The Administrative Process Act provides for this agency's promulgation of proposed regulations subject to the Governor's review.

Subsequent to an emergency adoption action, the agency initiated the public notice and comment process as contained in Article 2 of the APA. The emergency regulation became effective on July 1, 1998. The Notice of Intended Regulatory Action for this regulation was filed with the Virginia Register for publication on September 14, 1998.

Section 4714 of the Balanced Budget Act of 1997 authorizes Medicaid agencies to calculate coinsurance and deductibles for Qualified Medicare Beneficiaries (QMBs) based on the Medicaid reimbursement rate rather than the Medicare rate, which is now the case.

Purpose: The purpose of this action is to propose that the DMAS methodology for calculating coinsurance and deductibles for Medicare Part A and Part B be based on the Medicaid rate of reimbursement rather than the Medicare rate. By reducing these coinsurance and deductible payments these General Funds are available for the General Assembly and the Governor to allocate to more pressing needs of the Commonwealth's citizens.

Substance: DMAS has always paid, and will continue to pay, the full Medicare premium for eligible recipients. This change is about the level of coinsurance and deductibles that DMAS is to pay.

Pursuant to § 4714 of the Balanced Budget Act of 1997, item 335 O of Chapter 464 of the 1998 Acts of the Assembly

requires DMAS to amend the State Plan and all necessary regulations so that payments for coinsurance for QMBs shall be calculated based on the Medicaid rate. Additionally, the Health Care Financing Administration (HCFA) has advised all states' Medicaid programs that if the agency were ordered by a court before August 5, 1997, to pay full Medicare cost-sharing, then that state agency must pursue legal action in order to secure relief from the court's injunction to enable the agency to pay based on the Medicaid rate. DMAS has secured such relief.

This issue is of considerable importance since Medicare rates are usually substantially higher than Medicaid rates. For example, Medicare pays 80% of the Medicare approved payment rate for Part B services and leaves the Medicare patient with a 20% copayment for the service. If a physician provides a Medicare covered service which has a Medicare rate of \$100, Medicare pays the physician \$80 and the patient pays \$20. For those individuals who are QMBs, the Medicaid program is responsible for the copayment.

The controversy, that led to the Rehabilitation Association lawsuit, occurs when the Medicaid rate for the physician's service is below the \$100 Medicare rate. Prior to the court's decision in the lawsuit, if the Medicaid rate was \$88, DMAS reimbursed the provider \$8.00 in order to bring total reimbursement up to the Medicaid approved rate. This previous payment policy was consistent with Medicaid policy for recipients who have private health care insurance. After the court's order, DMAS was required to pay the full copayment amount up to the Medicare rate. In the example above, DMAS has paid the full \$20 instead of the lower \$8.00 amount. Consequently, DMAS's expenditures for QMBs have escalated rapidly.

For nursing facilities, DMAS will limit its coinsurance/deductible payment to the Medicaid maximum instead of the Medicare maximum allowable payment. The combined payments of Medicare and Medicaid will not exceed the Medicaid per diem rate for the specific nursing facility in which the Medicare/Medicaid recipient resides. Nursing facilities are prohibited from collecting more than the Medicaid per diem (Medicare payment plus patient pay). Any excess patient pay must be returned to the recipient.

This action is essential for the efficient and economical performance of an important governmental function by permitting DMAS to pay at the Medicaid rate rather than the Medicare rate.

This regulatory change is not anticipated to have any affect on families.

Issues: The primary advantage to the Commonwealth of this regulatory change is the reduction of payments to providers for individuals who are QMBs thereby making these General Funds available for reallocation by the General Assembly

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and the Governor. This change will not have any affect on these Medicaid recipients. The affected providers will experience reductions in their Medicaid payments. As is discussed in the impact section below, expenditures for this group of individuals has been rapidly escalating over the last few years without an appreciable increase in service delivery.

DMAS received comments during the comment period for the Notice of Intended Regulatory Action (NOIRA) from the Virginia Health Care Association (VHCA) about this State Plan change and the agency's timing of its introduction to affected providers. The VHCA made seven points in its comments:

1. A DMAS Medicaid memo, dated 6/30/98, was received by nursing facilities on 8/19/98, having an effective date of 7/1/98. The nursing facilities were not given ample time to prepare for the procedural changes, especially staff training and billing software modifications.
2. The 6/30/98 memo does not address actions providers should take with respect to claiming payment shortfalls as Medicare bad debts. The VHCA further indicated knowledge of guidance from the Health Care Financing Administration (HCFA) concerning nursing facility procedures for recovering such bad debts from Medicare.
3. The VHCA urged DMAS to seek review and approval from HCFA and the Virginia Office of the Attorney General on its policy which included dual eligibles. The VHCA indicated that it did not believe that § 4714 of the Balanced Budget Act of 1997 granted states the ability to limit Medicare cost-sharing payments for Qualified Medicare Beneficiaries without any indication that the dual eligible population qualifies for similar treatment by state Medicaid programs. The commenter felt that the administrative and case flow burdens related to such changes that may be placed on nursing facilities could be potentially significant.
4. The VHCA pointed out a calculation error on DMAS' part.
5. The VHCA felt that there were a number of questions that remained about this change.
6. The VHCA stated that it believed that DMAS had failed to coordinate this change with local social service agencies and Medicare intermediaries.
7. The VHCA requested that DMAS suspend the implementation of this change pending the approval of HCFA and the Office of the Attorney General, the final State Plan modifications are adopted, and providers are given adequate time to prepare for the change.

DMAS Response: DMAS understands the VHCA's request to delay implementation of this policy change but unfortunately is unable to do so. DMAS regrets the operational difficulties the change creates for providers and will work with each one to correct the problems. With regard to the issue of a calculation error, DMAS has requested

assistance from its fiscal agent to resolve this potential error. The fiscal agent is still investigating this issue.

Additionally, DMAS has confirmed its understanding of the BBA § 4714 with the Office of the Attorney General on the question of the coverage of Qualified Medicare Beneficiaries, including dual eligibles, by this change.

Estimated Impact: There are no localities which are uniquely affected by these regulations as they apply statewide. The federal Balanced Budget Act of 1997 § 4714 clarified that states have the authority to limit the Medicaid reimbursement for Medicare deductibles, coinsurance and copayments for services covered by Medicaid to the difference between the Medicaid rate for the service and Medicare payment. Prior to this clarification there had been considerable controversy as to whether state Medicaid programs were legally liable up to Medicare's reimbursement rates or Medicaid's rates.

As a result of the earlier referenced lawsuit decision, DMAS was required to change its reimbursement policies so that it provided the full reimbursement up to the Medicare approved rate. A budget amendment was passed in the 1996 General Assembly that provided \$23,195,000 (\$11,266,000 GF) in FY 1997 and \$28,999,000 (\$14,079,000 GF) in FY 1998 to provide for the increased costs involved. DMAS has experienced a significant increase in expenditures for QMBs. The table below shows the growth in expenditures for the most affected service types. Expenditures increased from FY 1996 to FY 1997 by over \$24 million, and further growth is forecasted for FY 1998.

<u>FY</u>	<u>Nursing Home</u>	<u>Physicians</u>	<u>Outpatient Hospital</u>
1993	\$8,449,687	\$11,981,475	\$14,702,682
1994	5,765,346	14,342,295	15,976,588
1995	3,829,553	14,123,209	19,969,607
1996	3,780,329	12,187,074	20,556,187
1997	11,474,152	22,458,507	26,843,061
1998*	16,660,502	25,808,684	27,167,848

* FY 1998 is a forecast

The total increase in expenditures for the services listed above when comparing FY 1998 to FY 1996 is approximately \$37 million. The 1998 Appropriations Act reduced Medicaid's FY 1999 projected expenditures by \$27.5 million and the FY 2000 expenditures by \$30 million and instructed DMAS to limit reimbursement for these services to the Medicaid rate. DMAS believes it is consistent and equitable to reimburse providers for Medicare eligibles using the same methodology that is currently utilized to reimburse providers of services to Medicaid recipients with other third party insurance.

Funding Source/Cost to Localities/Affected Entities: All service providers which render services to QMBs will be affected by this action, including: physicians (17,147), nursing facilities (320), inpatient and outpatient hospitals (106), durable medical equipment providers (973). One time cost to make necessary system changes to implement this project totaled \$5,189. There are no ongoing costs since the payment of these claims is completely automated and

thereby covered by the agency's fiscal agent contract for all claims processing.

This action will have no affect on local social services agencies.

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 25 (98). 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, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation allows Medicaid to pay Medicare deductibles and coinsurance charges for Qualified Medicare Beneficiaries (QMBs) at the Medicaid reimbursement rate rather than the Medicare rate.¹ QMBs include individuals who are entitled to Medicare and limited Medicaid benefits as well as individuals that are entitled to Medicare and full Medicaid benefits. The first group (QMB-only) receive limited Medicaid benefits which include only the payment of their Medicare Part A and Part B premiums and the payment of their Medicare deductibles and coinsurance for Medicare services. The second group (QMB-dual eligible) receive Medicaid payment of their Medicare premiums and their Medicare deductibles and coinsurance for Medicare services as well as all Medicaid services covered under the State Plan for Medical Assistance.

Estimated economic impact. The proposed regulation is anticipated to have three primary economic effects: (i) a substantial reduction in DMAS payments to physician and nursing facility providers, (ii) a reduction in patient contributions for nursing facility services, and (iii) a potential decrease in the quantity and quality of physician services.

Provider Payments

The proposed rate change will primarily affect physicians and nursing facilities that provide services for QMBs. DMAS will reduce payments to these providers, since the Medicaid maximum is usually substantially lower than the Medicare maximum allowable payment. DMAS estimates that the Medicaid rate is, on average, approximately 25% lower for physician services than the corresponding Medicare maximum rate. The Medicaid rate is substantially lower for

¹ For reference, Medicare pays 80% of the Medicare approved payment rate for Part B services and the Medicare patient is left with a 20% copayment for the service. For those individuals who are QMBs, the Medicaid program is responsible for the copayment.

nursing facility services as well, however, a reliable estimate of the exact magnitude is unavailable at this time. Medicaid rates are comparable to Medicare rates for outpatient hospital services; therefore this proposed regulation is not expected to have any effect on hospitals.²

The total savings in provider payments are expected to be around \$27.5 million in FY 1999 and \$30 million in FY 2000. Only half of these savings will be from the General Fund, however, since the federal government matches state Medicaid expenditures.

Nursing facilities will not suffer a rate decrease, since they will be able to claim any payment shortfalls as Medicare bad debts. Therefore, any savings in nursing facility payments are in actuality a transfer from the federal government to Virginia. Any decrease in the payments paid by Virginia taxpayers (through DMAS) will be picked up by the federal government (through the Medicare program). This is not the case for physician services, however. Since physicians do not file cost reports with Medicare, they are not able to recoup payment shortfalls from Medicare, and the DMAS savings in physician services payments represent a transfer from the physician providers to the state government.³

Patient Pay Contributions for Nursing Facility Services

In addition to the savings realized by DMAS, this rate change is also expected to reduce patient contributions for nursing facility services.⁴ By this proposal, DMAS prohibits nursing facilities from collecting any more than the Medicaid maximum payment, even if the patient may have additional resources to contribute toward their medical expenses.

A numerical example may help to explain this policy. Assume that the Medicare approved rate for a particular nursing facility service is \$100 per day, while the Medicaid rate for the same service is only \$90. Under the old system, Medicare would pay 80% of their allowable payment (\$80), the patient would contribute what their income allowed (say \$15), and Medicaid would pay the additional \$5.00 to make up the total 20% copayment for the eligible QMB recipient (\$20). Under the proposed regulations, Medicare will still pay \$80, however, the nursing facility would only be allowed to collect \$10 from the patient so as not to exceed the Medicaid allowable payment for the service (\$90), and the nursing facility would then recoup the \$10 shortfall as a Medicare bad debt.

Therefore, the federal government (through the Medicare program) will be paying for something that Virginia citizens would otherwise have paid themselves. This represents a

² Telephone conversation with Michael Jay at DMAS, December 10, 1998.

³ See HCFA Transmittal No. A-98-18 for a discussion of the HCFA policy on Medicare Bad Debt Treatment for Qualified Medicare Beneficiaries.

⁴ For reference, certain persons whose incomes are above the Medicaid standards, but incur medical expenses at least equal to the difference between their income and the applicable income standard may qualify for Medicaid by "spending down." "Spending down" is incurring medical bills that reduce their income to the necessary levels. The financial contribution of these "medically needy" individuals is termed "patient pay."

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reduction in payments made by Virginia citizens to nursing facilities and an increase of federal transfers to the Commonwealth. This produces a net economic benefit for Virginia.

Quantity and Quality of Physician Services

This proposal reduces the payment rates on services for QMBs down to the payment rates established for all other Medicaid recipients. If it is assumed that the rate paid for Medicaid recipients results in an adequate number of providers and an acceptable level of quality, extending that rate to a small subset (between 20 and 25% of total Medicaid recipients) should not have any detectable effect on the quantity and quality of service received by this group.⁵ This result is anticipated to hold for nursing facility services since these providers will still receive the full Medicare rate (the only change for them is the source they receive the money from).

However, the same conclusion may not hold with respect to physician services, where there will be a loss of income for physicians (since they are unable to recoup any rate difference as nursing facilities may) and some physicians already decline to see Medicaid recipients. Reducing the reimbursement rate paid to physicians on services provided for QMBs may cause some physicians to drop out of the QMB provider pool. In addition, the physicians who choose not to offer services at the Medicaid rate may be the most qualified (or those likely to be able to receive higher payments elsewhere), thereby possibly resulting in a marginal decrease in the quality of services provided for QMBs. DPB is not aware of any formal studies that attempt to quantify this effect. Consequently, it is not possible to estimate the lost value in physician services resulting from the rate reduction although it is not expected to be large based on past experience with Medicaid rate changes.

Summary of analysis. The proposed regulation will increase federal transfers to Virginia while reducing state expenditures for nursing facility and physician services, and reducing private patient payments to nursing facilities (for individuals that are required to contribute toward their medical expenses). Aside from administrative costs associated with the rate change, nursing facilities will not be affected financially since their payment shortfalls may be fully recouped as Medicare bad debts. Physicians, on the other hand, do not have the same avenues of relief and consequently will suffer a loss in income that may result in a small reduction in the QMB physician provider pool and the quality of services provided. The total savings in provider payments are estimated at \$27.5 million for FY 1999 and \$30 million for FY 2000; approximately half of these savings will be from the General Fund. Unless there is a substantial reduction in the average quality of physician services for QMB patients, this regulation will result in a positive net economic benefit for Virginia.

⁵ Telephone conversation with Michael Jay at DMAS, December 10, 1998. This figure is an estimate of the QMB population relative to the entire Medicaid population.

Businesses and entities affected. All providers of services to QMBs will be affected by this proposal. Currently this includes 17,147 physicians, 320 nursing facilities, 106 inpatient and outpatient hospitals, and 973 durable medical equipment providers, however physicians and nursing facilities will be the primary entities affected.

Localities particularly affected. No localities will be disproportionately affected by this proposal, as it is applicable statewide.

Projected impact on employment. The proposed change is not expected to have any significant impact on employment in Virginia.

Effects on the use and value of private property. For those physicians who choose to no longer see QMB patients, it can be inferred that this rate change results in a small reduction in the value of their medical license.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Medicare/Medicaid Coinsurance and Deductibles.

Summary:

The proposed amendments allow DMAS to pay Medicare coinsurance and deductible charges for Qualified Medicare Beneficiaries at the Medicaid reimbursement rate rather than the Medicare rate as authorized by § 4714 of the Balanced Budget Act of 1997.

12 VAC 30-80-170. Payment of Medicare Part A and Part B Deductible/Coinsurance.

Except for a nominal recipient copayment (as specified in 12 VAC 30-20-150 and 12 VAC 30-20-160), if applicable, the Medicaid agency uses the following general method for payment:

1. Payments are limited to state plan rates and payment methodologies for the groups and payments listed below and designated with the letters "SP."

For specific Medicare services which are not otherwise covered by this state plan, the Medicaid agency uses Medicare payment rates unless a special rate or method is set out.

Not applicable. There are no special rates or methods used for specific Medicare services which are not otherwise covered by this state plan.

2. Payments are up to the full amount of the Medicare rate for the groups and payments listed below, and designated with the letters "MR."

~~Dual eligibles and QMBs for all state plan covered services.~~

3. Payments are up to the amount of a special rate, or according to a special method for the groups and

payments listed below and designated with the letters "NR."

4. Any exceptions to the general methods used for a particular group or payment are specified.

 Payment of Medicare Part A and Part B
 Deductible/Coinsurance

QMBs: Part A ~~MR SP~~ Deductibles ~~MR SP~~ Coinsurance

Part B ~~MR SP~~ Deductibles ~~MR SP~~ Coinsurance

 Other Part A ~~MR SP~~ Deductibles Coinsurance
 Medicaid ~~MR SP~~

Recipients Part B ~~MR SP~~ Deductibles Coinsurance
~~MR SP~~

(Other
 Dual
 Eligibles)

Dual Part A ~~MR SP~~ Deductibles Coinsurance
 Eligible ~~MR SP~~

(QMB Part B ~~MR SP~~ Deductibles Coinsurance
 Plus) ~~MR SP~~

VA.R. Doc. No. R98-307; Filed December 28, 1998, 3:29 p.m.

Title of Regulation: 12 VAC 30-120-10 et seq. Waivered Services (Part VI: Medallion II) (amending 12 VAC 30-120-360 and 12 VAC 30-120-370).

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

Public Hearing Date: N/A -- Public comments may be submitted until March 19, 1999.

(See Calendar of Events section for additional information)

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services

(DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements. The Administrative Process Act provides for this agency's promulgation of proposed regulations subject to the Governor's review.

Subsequent to an emergency adoption action, the agency initiated the public notice and comment process as contained in Article 2 of the APA. The Notice of Intended Regulatory Action for this regulation was published in the Virginia Register on September 28, 1998.

Chapter 464 of the 1998 Virginia Acts of Assembly, Item 335 M, required DMAS to implement an enrollment period of 12 months for all Medicaid recipients enrolled in Medallion II HMOs, consistent with the provisions of the federal Balanced Budget Act of 1997.

Purpose: The purpose of this proposal is to adopt federal law changes related to enrollment periods within health maintenance organizations. These mandatory enrollment periods will improve the continuity of health care for individuals who are enrolled in these health maintenance organizations.

Substance: The federal Balanced Budget Act of 1997 made changes to the Social Security Act related to changing enrollment periods in HMOs. Prior to the new legislation, states were required to allow Medicaid recipients enrolled in HMOs to change HMOs within two months of their request to change. This requirement essentially had the effect of permitting recipients to change HMOs almost every month, depending upon when they requested the change. Continuous changing prohibited any real management of care on the part of the HMOs and created significant administrative burdens on both the HMOs and DMAS. Several HMOs currently under contract with DMAS have requested on multiple occasions that DMAS change its policy to restrict recipients to one HMO for more than two months, consistent with commercial plans. Unfortunately, federal law at the time of these requests prohibited such a restriction.

As a result of the recent changes in the Balanced Budget Act, the federal law now provides that states may restrict the recipients in HMOs to changing only during specified open enrollment periods. States are required to have open enrollment at least once every 12 months. Based on the support of the HMOs and DMAS, the Governor included language in his budget directing DMAS to implement such an enrollment period policy. The General Assembly approved the budget and the Governor subsequently signed the bill into law on April 14, 1998.

This package restricts disenrollment of Medicaid recipients enrolled in HMOs to specific open enrollment periods, unless they can show just cause. Recipients with sufficient justification will still be permitted to change HMOs immediately, consistent with federal law. The enrollment period policy would apply as long as recipients remain eligible for Medicaid HMO participation, so this policy will not serve to extend enrollment if a recipient loses eligibility.

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Requiring recipients to stay with one particular HMO for a specified enrollment period presents an advantage to all parties involved. The implementation of this enrollment period policy will promote the public welfare by giving the recipients a medical "home." This stability will allow the HMOs to manage the care, track the recipients, and provide continuity of care. HMOs will be able to provide effective preventive care for recipients that currently change HMOs on a regular basis. The state will benefit in the reduction of administrative costs associated with continuous changes of enrollment.

Some recipients may view this change as a disadvantage since their HMO transfer actions will be restricted to a set time period. However, recipients are provided a venue for changing plans if they have sufficient reasons for requesting disenrollment, as well as an annual open enrollment period. The reasons provided are quality of care reasons and will serve to discourage unnecessary change. Recipients are also provided with the ability to appeal any decision made by DMAS. DMAS anticipates no other negative issues associated with this change.

Families will receive better services due to improved continuity of care and improved management of their health care use by their HMO.

Issues: By better managing services to families, HMOs are expected to experience improved fiscal management by reducing duplication of services and more complete provision of services, such as immunizations for children. Families will experience an improved quality of health care. Families or individuals who have sufficient justification to support a change outside of the open enrollment periods will still be permitted to change HMOs. The agency projects no negative issues involved in implementing this proposed change.

This change will affect providers by providing them with a stable recipient panel to manage and by reducing their administrative costs and activities due to frequent recipient health plan changes. This will allow the providers to render better services and improve their management of health care.

Estimated Impact: This change will affect all recipients enrolled in Medallion II HMOs, as well as all HMOs under contract with DMAS for the Medallion II Program. There will not be a fiscal impact to recipients as a result of this change. There will be no fiscal impact on DMAS since recipients will stay in HMOs the same number of months. There are no localities which are uniquely affected by these regulations as they apply statewide.

Funding Source/Cost to Localities/Affected Entities: DMAS has had to make computer system modifications to accommodate these changes. Additionally, existing staff have a few new activities which will be absorbed into the current appropriations and staffing levels. There will be no costs to the localities for this change. Currently, this change only affects the four health maintenance organizations which are operating in the Tidewater area and serving 85,270 recipients.

DMAS is in the process of considering applications from health maintenance organizations to serve the residents of the 33 cities and counties of Central Virginia and the Eastern Shore.

This regulatory action is not expected to have any impact on local departments of social services.

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 25 (98). 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, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation establishes a mandatory enrollment period policy for the Medallion II program. This policy restricts a change in enrollment to the following circumstances: (i) during the annual 60-day open enrollment period, (ii) during the first 90 days of enrollment in a new HMO, or (iii) when DMAS determines there is "good cause" to change.

Estimated economic impact. Previously, there were no restrictions on the number of times a recipient enrolled in Medallion II could change HMOs. All changes were required to be made effective no later than the first day of the second month following the request. The most common reason for switching HMOs, according to Department of Medical Assistance Services (DMAS), was to remain with a PCP who has switched affiliations. Other common reasons included moving out of the area served by the current HMO or dissatisfaction with the service provided by the HMO. All three of these reasons would be accepted as sufficient justification by DMAS for changing HMO plans outside of the annual open enrollment period as long as the request was accompanied by sufficient documentation.

The proposed regulation is not intended to prohibit individuals from changing HMOs for valid reasons, but rather, to reduce "frivolous" and unnecessary switching. There is a weakness in the regulation, however, due to a federally required provision that requires recipients to be allowed to switch HMOs for any reason within the first 90 days of enrollment. This provision may induce behavior contrary to that which is intended by DMAS. Specifically, the intent of the regulation is to maintain recipients in a single HMO for longer periods of time in order to have stable and consistent medical management of treatment and preventive services, and to minimize administrative costs for both the HMOs and DMAS. However, under the proposed plan, recipients can "reset" their 90-day open enrollment period by changing HMOs anytime prior to expiration of the previous

90-day period, conceivably allowing a recipient to change as many times during a year as they can under the current regulations. In some instances, the imminent expiration of the 90-day enrollment window and consequent "locking-in" of the enrollment may encourage recipients to change enrollments sooner and more often than they might have under the current continuous open enrollment system.

DMAS provided the following information:

Quarter	Number of Recipients that Switched	Percent of Total Number of Recipients
January – March, 1997	487	0.7%
July – September, 1997	542	0.6%
October – December, 1997	579	0.7%
January – March, 1998	400	0.4%
April – June, 1998	442	0.5%
July – September, 1998	1,210	1.3%

Source: DMAS; Note: Data for April – June 1997 is unavailable.

As shown in the table above, the percentage of recipients that switch HMOs is relatively small. Even so, in the first quarter after emergency regulations took effect (July 1998 - September 1998) the number of individuals who switched HMOs almost tripled (from 442 to 1,210). DPB also learned that since October 1, 1998, 23 requests for enrollment changes had been submitted to DMAS and all 23 were denied. Without data on subsequent enrollment periods, it is unclear if the increase in enrollment switching observed in the first quarter was (i) a one-time occurrence at the beginning of the restriction period which will be followed by a substantial reduction in the number of switches throughout the remainder of the year (only those approved by DMAS for "good cause"), or (ii) an overall increase in the amount of switching that will continue throughout the year. The data observed so far, however, suggests the former to be the more likely explanation for two reasons: (i) DMAS appears to be narrowly interpreting the sufficient justification clause, and (ii) as the year progresses, the number of individuals who will fall into the 90-day exemption category will decrease exponentially (e.g., only the 1,210 individuals who changed HMO providers in the first quarter are eligible to change again without restriction, and the following quarter only the subset who changed a second time will remain eligible).

In conclusion, the proposed regulation may eliminate unnecessary switching by granting DMAS the authority to evaluate switching requests on grounds of sufficient justification. On the other hand, the proposed policy may also increase the number of switches occurring during the open enrollment and 90-day exemption periods as people may switch to keep their options open in response to the incentives created by the 12-month lock-in period. The overall effect on the amount of switching cannot be known without more experience on how recipients will respond to the new rules, although it is likely to be a net reduction.

There are both costs (reducing the flexibility of Medallion II enrollees to choose their desired HMO provider at any time) and benefits (reduced administrative burdens, potentially better healthcare for Medallion II enrollees) associated with reducing the amount of HMO switching. Since no data is readily available on the magnitude of these costs and benefits, it is not possible to assess the net economic impact of the proposed enrollment policy at this time.

DMAS expects to expand the Medallion II program into Richmond and Central Virginia in April 1999. This will substantially increase the number of individuals enrolled in the Medallion II program. While the proportion of individuals desiring to switch HMOs is not likely to change, the actual magnitude can be expected to increase significantly, which may place additional administrative burdens on DMAS as the volume of requests to change HMOs that it must review grows. Any benefits derived from reducing the level of HMO switching may be countered somewhat by increased administrative costs at DMAS. However, for reasons previously discussed, the net economic impact of this regulation still cannot be estimated with any reliability at this time.

Businesses and entities affected. The proposed changes will affect all health maintenance organizations under contract with DMAS for the Medallion II program and the recipients that they serve. Currently there are four HMOs participating in the Medallion II program, serving 85,270 Medicaid recipients in the Tidewater area. DMAS expects to expand the Medallion II program into Richmond and Central Virginia in April 1999.

Localities particularly affected. The proposed regulations are applicable statewide but to date, the Medallion II program is only operating in the Tidewater area. DMAS expects to expand the Medallion II program into Richmond and Central Virginia in April 1999.

Projected impact on employment. No significant impact on employment is anticipated as a result of the proposed changes.

Effects on the use and value of private property. No significant effects on the use and value of private property are anticipated as a result of the proposed changes.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning 12-Month HMO Enrollment Periods.

Summary:

The proposal adopts federal law changes related to enrollment periods within health maintenance organizations. The proposed regulation establishes a mandatory enrollment period policy for the Medallion II program. This policy restricts a change in enrollment to the following circumstances: (i) during the annual 60-day open enrollment period, (ii) during the first 90 days of enrollment in a new HMO, or (iii) when DMAS determines there is "good cause" to change.

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12 VAC 30-120-360. Definitions.

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

"*Appeal*" means any written communication from a client or his representative which clearly expresses that he wants to present his case to a reviewing authority.

"*Area of residence*" means the recipient's address in the Medicaid eligibility file.

"*Capitation payment*" means the payment issued to an HMO contractor by DMAS on behalf of a client, in return for which the HMO accepts responsibility for the services to be provided under a contract.

"*Client*," "*clients*," "*recipient*" or "*enrollee*" means an individual or individuals having current Medicaid eligibility who shall be authorized by DMAS to be a member or members of Medallion II.

~~"*CMP*" means a competitive medical plan with current Medicare contracts.~~

"Covered services" means Medicaid services as defined in the State Plan for Medical Assistance.

"*Disenrollment*" means a change in enrollment from one Medallion II HMO plan to another.

"DMAS" means the Department of Medical Assistance Services.

"*Eligible person*" means any person determined by DMAS as eligible to receive services and benefits under the State Plan for Medical Assistance.

"*Emergency services*" means services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

1. Placing the client's health or, with respect to a pregnant woman, the health of the woman or her unborn child in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part.

"*Enrollment broker*" means the individual who enrolls recipients in the contractor plan, and who is responsible for the operation and documentation of a toll-free recipient service helpline. The responsibilities of the enrollment broker may include, but shall not be limited to, recipient education and enrollment, recipient marketing and outreach.

"*Foster care*" means a child who received either foster care assistance under Title IV-E of the Social Security Act or state and local foster care assistance.

"*Grievance*" means any request by a client, or a provider on behalf of a client, to an HMO to resolve a dispute regarding coverage or payment for services under the Medallion II Program.

"*Health care plan*" means any arrangement in which any health maintenance organization undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services.

"HMO" means a health maintenance organization, as licensed by the State Corporation Commission's Bureau of Insurance, which undertakes to provide or arrange for one or more health care plans.

"*Network*" means doctors, hospitals or other health care providers who participate or contract with an HMO and as a result, agree to accept a mutually-agreed upon sum or fee schedule as payment in full for covered services.

"*Nonparticipating provider*" means a facility not in the HMO's network or a provider not in the HMO's network practicing at a facility not in the HMO's network.

"*Spend-down*" means the process of reducing countable income by deducting incurred medical expenses for medically needy individuals, as determined in the State Plan for Medical Assistance.

"*Subsidized adoption*" means any child for whom an adoption assistance agreement is in effect.

12 VAC 30-120-370. Medallion II enrollees.

A. DMAS shall determine enrollment in Medallion II. Enrollment in Medallion II is not a guarantee of continuing eligibility for services and benefits under the Virginia Medical Assistance Program.

B. The following individuals shall be excluded from participating in Medallion II. Individuals not meeting the exclusion criteria must participate in the Medallion II program.

1. Individuals who are inpatients in state mental hospitals;
2. Individuals who are approved by DMAS as inpatients in long-stay hospitals, nursing facilities, or intermediate care facilities for the mentally retarded;
3. Individuals who are placed on spend-down;
4. Individuals who are participating in federal waiver programs for home-based and community-based Medicaid coverage;
5. Individuals who are participating in foster care or subsidized adoption programs;
6. Individuals who are in the third trimester of pregnancy upon initial assignment to Medallion II and who request exclusion. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid;

7. Individuals who are in their ninth month of pregnancy, when they are or will be automatically assigned or reassigned, and were not in the Medicaid HMO to which they were assigned or reassigned within the last seven months, if they are seeking care from a provider (physician or hospital or both) not affiliated with the HMO to which they were previously assigned. Exclusion requests may be made by the HMO, a provider, or the recipient. Following the end of the pregnancy, these individuals shall be required to enroll to the extent they remain eligible for Medicaid and do not meet any other exclusion;

8. Individuals who live outside their area of residence for greater than 60 days except those individuals placed there for medically necessary services funded by the HMO;

9. Individuals who enter into a Medicaid approved hospice program in accordance with DMAS criteria;

10. Individuals with any other comprehensive group or individual health insurance coverage;

11. Individuals who have been preassigned to an HMO but have not yet been enrolled, who are inpatients in hospitals other than those listed in subdivisions 1 and 2 of this subsection, until the first day of the month following discharge;

12. Individuals who have been preassigned to an HMO but have not yet been enrolled, who are scheduled for surgery which is scheduled to be within 30 days of initial enrollment into the HMO, which requires an inpatient hospital stay, until the first day of the month following discharge; and

13. Individuals who have been preassigned to an HMO but have not yet been enrolled, who have been diagnosed with a terminal condition and who have a life expectancy of six months or less, if they request exclusion. The client's physician must certify the life expectancy.

C. Medallion II managed care plans shall be ~~marketed~~ *offered* to recipients, and recipients shall be enrolled in those plans, exclusively through an independent ~~marketing~~ *enrollment* broker under contract to DMAS.

D. Clients shall be enrolled as follows:

1. All eligible persons, except those meeting one of the exclusions of subsection B of this section, shall be enrolled in Medallion II.

2. Clients shall receive a Medicaid card from DMAS during the interim period, and shall be provided authorized medical care in accordance with DMAS' procedures, after eligibility has been determined to exist.

3. Once individuals are enrolled in Medicaid, they will receive a letter indicating that they may select one of the contracted HMOs. These letters shall indicate a preassigned HMO, determined as provided in subsection E of this section, in which the client will be enrolled if he

does not make a selection within a period specified by DMAS of not less than 45 days.

4. The effective date of coverage in the Medallion II program for newly eligible individuals under the Virginia Medical Assistance Program (except for those specified under subdivision 6 of this subsection) and individuals who move from the area of their Medallion II HMO shall be assigned to an HMO as described in subdivision 3 of this subsection.

5. A child born to a woman enrolled with an HMO will be enrolled with the HMO from birth until the last day of the third month including the month of birth, unless otherwise specified by the ~~Medicaid Managed Care Health Benefits Manager~~ *Enrollment Broker*. For instance, a child born during the month of February will be automatically enrolled until April 30. By the end of that third month, the child will be disenrolled unless the Medicaid Managed Care Health Benefits Manager *or the Enrollment Broker* specifies continued enrollment. If the child remains an inpatient in a hospital at the end of that third month, the child shall automatically remain enrolled until the last day of the month of discharge, unless this child's parent requests disenrollment.

6. Individuals who lose then regain eligibility for Medallion II within 60 days will be reenrolled into their previous HMO without going through preassignment and selection.

E. Clients who do not select an HMO as described in subdivision D 3 of this section shall be assigned to an HMO as follows:

1. MEDALLION primary care physicians will be asked to select the HMO in which their MEDALLION clients will be enrolled.

2. Clients currently enrolled in "Options" shall be assigned to the HMO in which they participated under "Options" if that HMO contracts with DMAS for Medallion II.

3. Clients not assigned pursuant to subdivision 1 or 2 of this subsection shall be assigned to the HMO of another family member, if applicable.

4. All other clients shall be assigned to an HMO on a basis of approximately equal number by HMO in each locality.

~~F. HMO enrolled recipients shall be permitted to change HMOs, upon request to the Medicaid Managed Care Health Benefits Manager. The disenrollment will be effective no later than the first day of the second month following the request.~~

~~Clients in State Plan defined HMOs which are also CMPs or are federally qualified HMOs will be permitted to change HMOs upon request to the Medicaid Managed Care Health Benefits Manager only.~~

F. Following their initial enrollment into an HMO, recipients shall be restricted to that HMO until the next open enrollment

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period, unless appropriately disenrolled or excluded by the department.

~~1. During DMAS-specified open enrollment periods; the first 90 calendar days of enrollment in an HMO, a client may disenroll from that HMO to enroll into another HMO for any reason. Such disenrollment shall be effective no later than the first day of the second month after the month in which the client requests disenrollment.~~

~~2. During the first month of the six-month enrollment period;~~

~~3. If a combination of complex medical factors of the client, in the sole discretion of DMAS, would be better served under another contracted HMO; or~~

~~4. 2. During the remainder of the enrollment period, the client may only disenroll from one HMO into another upon determination by DMAS that good cause exists as determined under subsection H of this section.~~

~~G. DMAS will inform those HMOs which are CMPs, or are federally qualified HMOs, of open enrollment periods. Open enrollment periods will occur at a minimum of twice per calendar year and will be held no more than six months apart. CMPs and federally qualified HMOs will notify their enrolled recipients of open enrollment periods no less than 30 days before the start of each new period of enrollment and at least twice each year. The department shall conduct an annual open enrollment for all Medallion II participants. The open enrollment period shall be the 60 calendar days before the end of the enrollment period. At least 60 days prior to the open enrollment period, DMAS will inform the recipient of the opportunity to remain with the current HMO or change to another HMO, without cause, for the following year. Enrollment selections will be effective on the first of the next month following the open enrollment period. Recipients who do not make a choice during the open enrollment period will remain with their current HMO and shall have priority over those individuals who are seeking to enroll with that HMO.~~

H. Disenrollment for good cause may be requested at any time.

1. After the first 90 days of enrollment in an HMO, clients must request disenrollment from DMAS based on good cause. The request must be made in writing to DMAS and cite the reasons why the client wishes to disenroll. Good cause for disenrollment shall include the following:

~~4- a. A recipient's desire to seek services from a federally qualified health center which is not under contract with the current HMO but is under contract to another HMO available to the recipient; or~~

~~2- b. Performance or nonperformance of service to the recipient by an HMO or one or more of its providers which is deemed by the department's external quality review organizations to be below the generally accepted community practice of health care. This may include poor quality care;~~

c. Lack of access to necessary specialty services covered under the State Plan;

d. A client has a combination of complex medical factors that, in the sole discretion of DMAS, would be better served under another contracted HMO or provider; or

e. Other reasons as determined by DMAS through written policy directives.

2. DMAS shall determine whether good cause exists for disenrollment.

3. Good cause for disenrollment shall be deemed to exist and the disenrollment shall be granted if DMAS fails to take final action on a valid request prior to the first day of the second month after the request.

4. The DMAS determination concerning good cause for disenrollment may be appealed by the client in accordance with the department's client appeals process at 12 VAC 30-110-10 through 12 VAC 30-110-380.

5. The current HMO shall provide, within two working days of a request from DMAS, information necessary to determine good cause.

VA.R. Doc. No. R99-1; Filed December 28, 1998, 1:40 p.m.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S 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 10-40-10 et seq. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-20, 13 VAC 10-40-130, 13 VAC 10-40-160, 13 VAC 10-40-210, 13 VAC 10-40-220 and 13 VAC 10-40-230).

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

Summary:

The proposed amendments revise the requirements of the authority's flexible alternative mortgage loan program and (i) permit the authority to delegate to servicing agents the responsibility for underwriting and issuing commitments for the assumption of existing authority mortgage loans; (ii) provide that the applicant's employment for the preceding two-year period must be documented and that education or training shall be considered in satisfaction of this requirement in certain circumstances; (iii) provide that all part-time employment

must be continuous for a minimum of 24 months, except that the authority may consider part-time employment that is continuous for more than 12 months but less than 24 months in certain circumstances; (iv) permit the authority to require the payment of an additional origination fee not in excess of 1.0% of the loan amount in step rate program loans; (v) permit the authority to finance, with tax exempt bond proceeds or through the flexible alternative program, condominium units that are not in FNMA, FHLMC, FHA, VA or RHS approved developments if the additional risk of such financing is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant; (vi) provide that the principal amount of an FHA plus program loan may not exceed 3.0% of the lesser of the sales price or appraised value; (vii) provide that, in the FHA plus program, the combined first and second loan may not exceed the sum of the lesser of the sales price or appraised value plus closing costs and fees; (viii) provide that, in the FHA plus program, verified liquid funds in an amount not less than 1.0% of the sales price must be contributed by the borrower towards closing costs and prepaid items, retained as cash reserves after closing or so contributed and retained in the aggregate of 1.0%; (ix) provide that, in the FHA plus program, the borrower may not receive any loan proceeds in excess of the amount of funds paid by the borrower prior to closing; (x) provide that, if an authority flexible alternative program loan is to refinance an existing mortgage loan, such loan to be refinanced must have been closed for more than one year and no advances made within the preceding 12 months; (xi) provide that, if an authority flexible alternative program loan is to refinance an existing loan which financed the applicant's acquisition of the property, the requirement described in clause (x) above shall not apply if the maximum authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value; and (xii) clarify that the combined loan to value limitation in the flexible alternative program includes an existing mortgage loan to be subordinated to the authority loan.

13 VAC 10-40-20. Origination and servicing of mortgage loans.

A. The originating of mortgage loans and the processing of applications for the making or financing thereof in accordance herewith shall, except as noted in subsection G of this section, be performed through commercial banks, savings and loan associations, private mortgage bankers, redevelopment and housing authorities, and agencies of local government approved as originating agents ("originating agents") of the authority. The servicing of mortgage loans shall, except as noted in subsection H of this section, be performed through commercial banks, savings and loan associations and private mortgage bankers approved as servicing agents ("servicing agents") of the authority.

To be initially approved as an originating agent or as a servicing agent, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a net worth equal to or in excess of \$250,000 or such other amount as the executive director shall from time to time deem appropriate, except that this qualification requirement shall not apply to redevelopment and housing authorities and agencies of local government;
3. Have a staff with demonstrated ability and experience in mortgage loan origination and processing (in the case of an originating agent applicant) or servicing (in the case of a servicing agent applicant); and
4. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each originating agent approved by the authority shall enter into an originating agreement ("originating agreement"), with the authority containing such terms and conditions as the executive director shall require with respect to the origination and processing of mortgage loans hereunder. Each servicing agent approved by the authority shall enter into a servicing agreement with the authority containing such terms and conditions as the executive director shall require with respect to the servicing of mortgage loans.

An applicant may be approved as both an originating agent and a servicing agent ("originating and servicing agent"). Each originating and servicing agent shall enter into an originating and servicing agreement ("originating and servicing agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the originating and servicing of mortgage loans hereunder.

For the purposes of this chapter, the term "originating agent" shall hereinafter be deemed to include the term "originating and servicing agent," unless otherwise noted or the context indicates otherwise. Similarly, the term "originating agreement" shall hereinafter be deemed to include the term "originating and servicing agreement," unless otherwise noted or the context indicates otherwise. The term "servicing agent" shall continue to mean an agent authorized only to service mortgage loans. The term "servicing agreement" shall continue to mean only the agreement between the authority and a servicing agent.

Originating agents and servicing agents shall maintain adequate books and records with respect to mortgage loans which they originate and process or service, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents and servicing agents for originating and processing or for servicing mortgage loans hereunder shall be established

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from time to time by the executive director and shall be set forth in the originating agreements and servicing agreements applicable to such originating agents and servicing agents.

B. The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to originating agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any originating agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as

he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. This chapter constitutes a portion of the originating guide of the authority. The processing guide and all exhibits and other documents referenced herein are not included in, and shall not be deemed to be a part of this chapter. The executive director is authorized to prepare and from time to time revise a processing guide and a servicing guide which shall set forth the accounting and other procedures to be followed by all originating agents and servicing agents responsible for the origination, closing and servicing of mortgage loans under the applicable originating agreements and servicing agreements. Copies of the processing guide and the servicing guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the originating guide (including the processing guide) and the servicing guide.

D. The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its originating agents and (ii) agree to purchase individual mortgage loans from its originating agents or servicing agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement or servicing agreement, the originating guide, the servicing guide, the Act and this chapter.

If the applicant and the application for a mortgage loan meet the requirements of the Act and this chapter, the executive director may issue on behalf of the authority a mortgage loan commitment to the applicant for the financing of the single family dwelling unit, subject to the approval of ratification thereof by the board. Such mortgage loan commitment shall be issued only upon the determination of the authority that such a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions, and such determination shall be set forth in the mortgage loan commitment. The original principal amount and term of such mortgage loan, the amortization period, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the mortgage loan commitment issued on behalf of the authority with respect to such mortgage loan.

E. The authority may purchase from time to time existing mortgage loans with funds held or received in connection

with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's originating agents and servicing agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The sales prices of the single family housing units financed by such mortgage loans, the gross family incomes of the mortgagors thereof, and the original principal amounts of such mortgage loans shall not exceed such limits as the executive director shall establish, subject to approval or ratification by resolution of the board. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to originating agents and servicing agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the selected originating agents and servicing agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the applicable originating agreement or servicing agreement and the servicing guide. Such mortgage loans and the purchase thereof shall in all respects comply with the Act and the authority's rules and regulations.

F. The executive director may, in his discretion, delegate to one or more originating agents all or some of the responsibility for underwriting, issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. *The executive director may delegate to one or more servicing agents all or some of the responsibility for underwriting and issuing commitments for the assumption of existing authority mortgage loans without prior review and approval by the authority.* If the executive director determines to make any such delegation, he shall establish criteria under which originating agents may qualify for such delegation. If such delegation has been made, the originating agents shall submit all required documentation to the authority at such time as the authority may require. If the executive director determines that a mortgage loan does not comply with any requirement under the originating guide, the applicable originating agreement, the Act or this chapter for which the originating agent was delegated responsibility, he

may require the originating agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

G. The authority may utilize financial institutions, mortgage brokers and other private firms and individuals and governmental entities ("field originators") approved by the authority for the purpose of receiving applications for mortgage loans. To be approved as a field originator, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have made any necessary filings or registrations and have received any and all necessary approvals or licenses in order to receive applications for mortgage loans in the Commonwealth of Virginia;
3. Have the demonstrated ability and experience in the receipt and processing of mortgage loan applications; and
4. Have such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each field originator approved by the authority shall enter into such agreement as the executive director shall require with respect to the receipt of applications for mortgage loans. Field originators shall perform such of the duties and responsibilities of originating agents under this chapter as the authority may require in such agreement.

Field originators shall maintain adequate books and records with respect to mortgage loans for which they accept applications, shall permit the authority to examine such books and records, and shall submit to the authority such reports and information as the authority may require. The fees to the field originators for accepting applications shall be payable in such amount and at such time as the executive director shall determine.

In the case of mortgage loans for which applications are received by field originators, the authority may process and originate the mortgage loans; accordingly, unless otherwise expressly provided, the provisions of this chapter requiring the performance of any action by originating agents shall not be applicable to the origination and processing by the authority of such mortgage loans, and any or all of such actions may be performed by the authority on its own behalf.

H. The authority may service mortgage loans for which the applications were received by field originators or any mortgage loan which, in the determination of the authority, originating agents and servicing agents will not service on terms and conditions acceptable to the authority or for which the originating agent or servicing agent has agreed to terminate the servicing thereof.

13 VAC 10-40-130. Underwriting.

A. In general, to be eligible for authority financing, an applicant must satisfy the following underwriting criteria which demonstrate the willingness and ability to repay the

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mortgage debt and adequately maintain the financed property.

1. An applicant must document the receipt of a stable current income which indicates that the applicant will receive future income which is sufficient to enable the timely repayment of the mortgage loan as well as other existing obligations and living expenses.

2. An applicant must possess a credit history which reflects the ability to successfully meet financial obligations and a willingness to repay obligations in accordance with established credit repayment terms.

3. An applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan hereunder. The authority will consider previous foreclosures (other than on authority financed loans) on an exception basis based upon circumstances surrounding the cause of the foreclosure, length of time since the foreclosure, the applicant's subsequent credit history and overall financial stability. Under no circumstances will an applicant be considered for an authority loan within three years from the date of the foreclosure. The authority has complete discretion to decline to finance a loan when a previous foreclosure is involved.

4. An applicant must document that sufficient funds will be available for required down payment and closing costs.

a. The terms and sources of any loan to be used as a source for down payment or closing costs must be reviewed and approved in advance of loan approval by the authority.

b. Sweat equity, the imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence, generally is not an acceptable source of funds for down payment and closing costs. Any sweat equity allowance must be approved by the authority prior to loan approval.

5. Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed. If there is a substantial increase in such expenses, the applicant must demonstrate his ability to pay the additional expenses.

6. All applicants are encouraged to attend a home ownership educational program to be better prepared to deal with the home buying process and the responsibilities related to homeownership. The authority may require all applicants applying for certain authority loan programs to complete an authority approved homeownership education program prior to loan approval.

B. In addition to the requirements set forth in subsection A of this section, the following requirements must be met in

order to satisfy the authority's underwriting requirements for conventional loans. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. The following rules apply to the authority's employment and income requirement.

a. *Employment for the preceding two-year period must be documented. Education or training for employment during this two-year period shall be considered in satisfaction of this requirement if such education or training is related to applicant's current line of work and adequate future income can be anticipated because such education and training will expand the applicant's job opportunities.* The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See 13 VAC 10-40-50 C.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. The following rules apply to income derived from sources other than primary employment.

(1) When considering alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) When considering social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) All part-time employment must be continuous for a minimum of ~~six~~ 24 months, *except that the authority may consider part-time employment that is continuous for more than 12 months but less than 24 months if such part-time employment is of a stable nature and is likely to continue after closing of the mortgage loan.* ~~Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment. Part-time employment as the primary employment will also be required to be continuous for six months.~~

(4) Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. The following rules apply to an applicant's credit:

a. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references and history are considered to be important requirements in order to obtain an authority loan.

b. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. The authority has complete discretion to decline a loan when a bankruptcy is involved.

c. An applicant is required to submit a written explanation for all judgments and collections. In most cases, judgments and collections must be paid before an applicant will be considered for an authority loan.

3. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

4. An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's ability to make mortgage loan payments in the months following loan closing) do not

exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage loan.

5. Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose unless approved in advance by the authority. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

6. A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available.

C. The following rules are applicable to FHA loans only.

1. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 hereof remain in effect due to treasury restrictions or authority policy.

2. Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

D. The following rules are applicable to VA loans only.

1. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements (including those described in 13 VAC 10-40-30 through 13 VAC

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10-40-100) remain in effect due to treasury restrictions or authority policy.

2. The funding fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

3. VA certificates of reasonable value (CRV's) are acceptable in lieu of an appraisal.

E. The following rules are applicable to Rural Development loans only.

1. The authority will normally accept Rural Development underwriting requirements and property standards for Rural Development loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 remain in effect due to treasury restrictions or authority policy.

2. The Rural Development guarantee fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

F. With respect to FHA and VA loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see 13 VAC 10-40-180 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain FHA requirements. For the purposes of underwriting buydown mortgage loans, the reduced monthly payment amount may be taken into account based on FHA guidelines then in effect (see also subsection C or D of this section, as applicable).

G. Unlike the program described in subsection E of this section which permits a direct buydown of the borrower's monthly payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

13 VAC 10-40-160. Reservations/fees.

A. The authority currently reserves funds for each mortgage loan on a first come, first serve basis. Reservations are made by specific originating agents or field originators with respect to specific applicants and properties. No substitutions are permitted. Similarly, locked-in interest rates are also nontransferable. Funds will not be reserved longer than 60 days unless the originating agent requests and receives an additional one-time extension prior to the 60-day deadline. Locked-in interest rates on all loans, including those on which there may be a VA Guaranty, cannot be reduced under any circumstances.

B. An applicant, including an applicant for a loan to be guaranteed by VA, may request a second reservation if the

first has expired or has been cancelled. If the second reservation is made within 12 months of the date of the original reservation, the interest rate will be the greater of (i) the locked-in rate or (ii) the current rate offered by the authority at the time of the second reservation.

C. The originating agent or field originator shall collect a nonrefundable reservation fee in such amount and according to such procedures as the authority may require from time to time. Under no circumstances is this fee refundable. A second reservation fee must be collected for a second reservation. No substitutions of applicants or properties are permitted.

D. The following other fees shall be collected.

1. In connection with the origination and closing of the loan, the originating agent shall collect at closing or, at the authority's option, simultaneously with the acceptance of the authority's commitment, an amount equal to 1.0% of the loan amount (please note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only); *provided, however, that the executive director may require the payment of an additional fee not in excess of 1.0% of the loan amount in the case of a step loan (i.e., a loan on which the initial interest rate is to be increased to a new interest rate after a fixed period of time).* If the loan does not close, then the origination fee shall be waived.

2. The originating agent shall collect from the seller at the time of closing an amount equal to 1.0% of the loan amount.

13 VAC 10-40-210. Condominium requirements.

A. For conventional loans, the originating agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The originating agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

B. For FHA, VA or Rural Development loans, the authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, by VA, in the case of a VA loan or be Rural Development, in the case of a Rural Development loan.

C. The executive director may waive any requirements in subsections A and B of this section if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant.

13 VAC 10-40-220. FHA plus program.

A. Notwithstanding anything to the contrary herein, the authority may make loans secured by second deed of trust liens ("second loans") to provide downpayment and closing cost assistance to eligible borrowers who are obtaining FHA loans secured by first deed of trust liens. Second loans shall not be available to a borrower if the FHA loan is being made under the FHA buydown program or is subject to a step

adjustment in the interest rate thereon or is subject to a reduced interest rate due to the financial support of the authority.

B. The second loans shall not be insured by mortgage insurance; accordingly, the requirements of 13 VAC 10-40-120 regarding mortgage insurance shall not be applicable to the second loan.

C. The requirements of 13 VAC 10-40-110 regarding calculation of maximum loan amount shall not be applicable to the second loan. In order to be eligible for a second loan, the borrower must obtain an FHA loan for the maximum loan amount permitted by FHA. The *principal amount of the second loan shall be for the lesser of: 1. The lesser of sales price or appraised value plus FHA allowable closing fees (i.e., fees which FHA permits to be included in the FHA acquisition cost and to be financed) minus the FHA maximum base loan amount, seller paid closing costs and 1.0% of the sales price, or 2. not exceed 3.0% of the lesser of the sales price or appraised value plus \$1,400.*

In no event shall the combined FHA loan and the second loan amount exceed *(i) the sum of the lesser of the sales price or appraised value plus closing costs and fees or (ii) the authority's maximum allowable sales price.*

Verified liquid funds (funds other than gifts, loans or retirement accounts) in an amount not less than 1.0% of the sales price must be: (i) contributed by the borrower towards closing costs or prepaid items; (ii) retained by the borrower as cash reserves after closing; or (iii) contributed and retained by the borrower for the purposes of clauses (i) and (ii), respectively. At the closing, the borrower may not receive any loan proceeds in excess of the amount of funds paid by the borrower prior to closing.

D. With respect to underwriting, no additional requirements or criteria other than those applicable to the FHA loan shall be imposed on the second loan.

E. The second mortgage loan shall be assumable on the same terms and conditions as the FHA loan.

F. No origination fee or discount point shall be collected on the second loan.

G. Upon approval of the applicant, the authority will issue a mortgage loan commitment pursuant to 13 VAC 10-40-170. The mortgage loan commitment will include the terms and conditions of the FHA loan and the second loan and an addendum setting forth additional terms and conditions applicable to the second loan. Also enclosed in the commitment package will be other documents necessary to close the second loan.

13 VAC 10-40-230. Flexible alternative mortgage loan programs.

A. The executive director may establish flexible alternative mortgage loan programs. 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to such flexible alternative mortgage loan programs, with the following modifications:

1. The following requirements shall not apply: (i) the new mortgage requirement; (ii) the requirements as to the use of the property in a trade or business; (iii) the requirements as to acquisition cost and sales price of the property to be financed; (iv) the requirement that the applicant shall not have had a present ownership interest in his principal residence within the preceding three years; (v) the net worth requirement; (vi) the requirements for the payment by the seller of an amount equal to 1.0% of the loan in 13 VAC 10-40-160 D 2; and (vii) the lot size restriction in 13 VAC 10-40-50 C 3;

2. The gross income of the applicant or applicants shall not exceed 120% of the applicable median family income without regard to household size;

3. A nonpermanent resident alien who signs the note as a coborrower with either a U.S. citizen or a permanent resident alien shall be an eligible borrower under 13 VAC 10-40-30 C, provided that such nonpermanent resident alien meets all other eligibility criteria set forth in this chapter as modified by this section;

4. At the time of closing, the applicant must occupy or intend to occupy within 60 days (90 days in the case of new construction) the property to be financed as his principal residence;

5. The property to be financed must be one of the following types: (i) a single family residence (attached or detached); (ii) a unit in a condominium which is approved for financing by FNMA or FHLMC or satisfies the requirements for such financing, *except that the executive director may waive any of such requirements if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant;* or (iii) a doublewide manufactured home permanently affixed to the land;

6. The land, residence and all other improvements on the property to be financed must be expected to be used by the borrower primarily for residential purposes;

7. Personal property which is related to the use and occupancy of the property as the principal residence of the borrower and is customarily transferred with single family residences may be included in the real estate contract, transferred with the residence and financed by the loan; however, the value of such personal property shall not be considered in the appraised value;

8. The principal amount of the mortgage loan shall not exceed the limits established by FNMA or FHLMC for single family residences;

9. Loan proceeds may be used to refinance the applicant's existing mortgage loan or loans on the property only if (i) the applicant receives no proceeds of the authority's loan ~~and only if~~; (ii) such loan proceeds are not used to refinance any authority mortgage loan or to refinance any bridge loan which refinanced any authority mortgage loan; and (iii) *the existing mortgage loan was closed more than one year prior to submission*

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of the application for the authority mortgage loan, and no advances on such existing mortgage loan have been made within the 12 months preceding the submission of such application. Clause (iii) shall not apply to existing mortgage loans which financed the applicant's acquisition of the property if the authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value;

10. Mortgage insurance shall not be required, except that in the case of manufactured homes mortgage insurance shall be required in accordance with this chapter;

11. The maximum combined loan-to-value ratio (including any other loans, *such as existing mortgage loans to be subordinated to the authority loan*, to be secured by the property at the time of closing) shall be 97%;

12. The applicant or applicants must have a history of receiving stable income from employment or other sources with a reasonable expectation that the income will continue in the foreseeable future; typically, verification of two years' stable income will be required; and education or training in a field related to the employment of the applicant or applicants may be considered to meet no more than one year of this requirement;

13. The applicant must establish a credit history satisfactory to the authority and, in particular, must satisfy the following: (i) no bankruptcy or foreclosure within the preceding three years; no housing payment past due for 30 days in the preceding 24 months; no more than one payment past due for 30 days or more on any other debt or obligation within the preceding 12 months; no outstanding collection, judgment or 30-day past due account; and a minimum credit score of 620 if the loan-to-value ratio is 95% or less or 660 if the loan-to-value ratio exceeds 95% or (ii) no previous bankruptcy or foreclosure; no outstanding collection or judgment or more than one 30-day past due account within the past 12 months; no previous housing payment past due for 30 days; minimum of three sources of credit with satisfactory payment histories at least two years old; no more than nine accounts currently open; and no more than three new accounts opened in the past 12 months (in establishing guidelines to implement the flexible alternative mortgage loan programs, the authority may refer to the credit requirements in clause (i) of this subdivision as the "alternative" credit requirements and the requirements in clause (ii) of this subdivision as the "standard" credit requirements);

14. Homeownership education approved by the authority shall be required for any borrower who is a first time homeowner if the loan-to-value ratio exceeds 95%;

15. Seller contributions for closing costs and other amounts payable by the borrower in connection with the purchase or financing of the property shall not exceed 4.0% of the contract price;

16. Sources of funds for the down payment and closing costs payable by the borrower shall be limited to the borrower's funds, gifts or unsecured loans from relatives, grants from employers or nonprofit entities not involved in the transfer or financing of the property, and unsecured loans on terms acceptable to the authority (payments on any unsecured loans permitted under this subdivision 16 shall be included in the calculation of the debt/income ratios described below), and documentation of such sources of funds shall be in form and substance acceptable to the authority;

17. The maximum debt ratios shall be 35% and 43% in lieu of the ratios of 32% and 40%, respectively, set forth in 13 VAC 10-40-130 B 4;

18. Cash reserves at least equal to two months' loan payments must be held by the applicant if the loan-to-value ratio exceeds 95%; cash reserves at least equal to one month's loan payment must be held by the applicant if the loan-to-value ratio is greater than 90% and is less than or equal to 95%; and no cash reserves shall be required if the loan-to-value ratio is 90% or less;

19. The payment of points (a point being equal to 1.0% of the loan amount) in addition to the origination fee shall be charged as follows: if the loan-to-value ratio is 90% or less, one-half of one point shall be charged; if the loan-to-value ratio is greater than 90% and is less than or equal to 95%, one point shall be charged; and if the loan-to-value ratio exceeds 95%, one and one-half point shall be charged.

In addition to the above, a reduction of one-half of one point will be made to applicants meeting the credit requirements in clause 13 (i) above with a credit score of 700 or greater; and

20. The interest rate which would otherwise be applicable to the loan shall be reduced by .25% if the loan-to-value ratio is 80% or less.

B. The documents relating to requirements of the federal tax code governing tax-exempt bonds shall not be required.

C. For assumptions of loans, the above requirements for occupancy of the property as the borrower's principal residence, the above income limit, and the underwriting criteria in the regulations as modified by this section must be satisfied.

D. The authority may require that any or all loans financed under such alternative mortgage programs be serviced by the authority.

Except as modified hereby, all of the requirements, terms and conditions set forth in 13 VAC 10-40-10 through 13 VAC 10-10-40-220 shall apply to the flexible alternative mortgage loan programs.

VA.R. Doc. No. R99-74; Filed December 29, 1998, 10:47 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (amending 4 VAC 20-620-30 and 4 VAC 20-620-40).

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendments delay the opening date of the 1999 summer flounder fishery until January 4. The amendments also address bycatch in the fishery by allowing the landing of summer flounder after the directed fisheries close provided the summer flounder does not exceed 10% by weight of all other species on board.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-30. Commercial harvest quotas.

A. During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through H of this section:

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds.

C. During the period of January 4 through March 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section.

D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in subsection A of this section after deducting the amount specified in subsection B.

E. During the period of November 15 through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section and as may be further modified by subsection F.

F. During the periods set forth in subsections C and D of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in subsection E of this section. During the period specified in subsection B of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in subsection E of this section. A projection of harvest under this subsection will be made on or about November 15.

G. For each of the time periods and quotas set forth in subsections C, D, and E of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. It shall be unlawful for any person to harvest or to land Summer Flounder for commercial purposes after the commercial harvest or landing quota as described in this section has been attained and announced as such.

H. It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.

4 VAC 20-620-40. Commercial vessel possession limitations.

A. During the period of January 4 through March 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of ~~200 pounds~~ 10% by weight of all other landed species on board the vessel.

B. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting

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Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of ~~400 pounds~~ *10% by weight of all other landed species on board the vessel.*

C. During the period of July 1 through November 14 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of ~~400 pounds~~ *10% by weight of all other landed species on board the vessel.*

D. During the period November 15 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of ~~400 pounds~~ *10% by weight of all other landed species on board the vessel.*

E. For each of the time periods set forth in subsections A, B and D of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

F. Each possession limit described in subsections A, B and D of this section shall be determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, B and D of this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter.

G. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

H. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

I. Any boat or vessel possessing more than the lawful limit of Summer Flounder which has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

J. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

VA.R. Doc. No. R99-73; Filed December 28, 1998, 1:42 p.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

REGISTRAR'S NOTICE: Due to its length, Amendment 14 of the Virginia Hazardous Waste Management Regulations (9 VAC 20-60-10 et seq.) filed by the Virginia Waste Management Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, and at the Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219.

Title of Regulation: **9 VAC 20-60-10 et seq. Virginia Hazardous Waste Management Regulations (amending 9 VAC 20-60-60, 9 VAC 20-60-70, 9 VAC 20-60-260, 9 VAC 20-60-270, 9 VAC 20-60-420, 9 VAC 20-60-430, 9 VAC 20-60-440, 9 VAC 20-60-450, 9 VAC 20-60-460, 9 VAC 20-60-470, 9 VAC 20-60-480, 9 VAC 20-60-490, 9 VAC 20-60-500, 9 VAC 20-60-970, 9 VAC 20-60-980, 9 VAC 20-60-990, 9 VAC 20-60-1000, 9 VAC 20-60-1010, 9 VAC 20-60-1030, 9 VAC 20-60-1040, 9 VAC 20-60-1050, 9 VAC 20-60-1060, 9 VAC 20-60-1080, 9 VAC 20-60-1090, 9 VAC 20-60-1100, 9 VAC 20-60-1110, 9 VAC 20-60-1120, 9 VAC 20-60-1130, 9 VAC 20-60-1140, 9 VAC 20-60-1150, 9 VAC 20-60-1160, 9 VAC 20-60-1170, 9 VAC 20-60-1180, 9 VAC 20-60-1200, 9 VAC 20-60-1250, 9 VAC 20-60-1260, 9 VAC 20-60-1270, 9 VAC 20-60-1280, 9 VAC 20-60-1370, 9 VAC 20-60-1380, 9 VAC 20-60-1390, 9 VAC 20-60-1400, 9 VAC 20-60-1410, 9 VAC 20-60-1420, and 9 VAC 20-60-1430; adding 9 VAC 20-60-12, 9 VAC 20-60-14, 9 VAC 20-60-17, 9 VAC 20-60-18, 9 VAC 20-60-124, 9 VAC 20-60-261, 9 VAC 20-60-262, 9 VAC 20-60-263, 9 VAC 20-60-264, 9 VAC 20-60-265, 9 VAC 20-60-266, 9 VAC 20-60-268, 9 VAC 20-60-273, 9 VAC 20-60-279, 9 VAC 20-60-305, 9 VAC 20-60-315, 9 VAC 20-60-325, 9 VAC 20-60-1495, and 9 VAC 20-60-1505; repealing 9 VAC 20-60-10, 9 VAC 20-60-100, 9 VAC**

20-60-110, 9 VAC 20-60-120, 9 VAC 20-60-130, 9 VAC 20-60-140, 9 VAC 20-60-150, 9 VAC 20-60-160, 9 VAC 20-60-170, 9 VAC 20-60-180, 9 VAC 20-60-190, 9 VAC 20-60-200, 9 VAC 20-60-210, 9 VAC 20-60-220, 9 VAC 20-60-230, 9 VAC 20-60-240, 9 VAC 20-60-250, 9 VAC 20-60-280, 9 VAC 20-60-290, 9 VAC 20-60-300, 9 VAC 20-60-310, 9 VAC 20-60-320, 9 VAC 20-60-330, 9 VAC 20-60-340, 9 VAC 20-60-350, 9 VAC 20-60-360, 9 VAC 20-60-370, 9 VAC 20-60-380, 9 VAC 20-60-390, 9 VAC 20-60-400, 9 VAC 20-60-410, 9 VAC 20-60-510, 9 VAC 20-60-520, 9 VAC 20-60-530, 9 VAC 20-60-540, 9 VAC 20-60-550, 9 VAC 20-60-560, 9 VAC 20-60-570, 9 VAC 20-60-580, 9 VAC 20-60-590, 9 VAC 20-60-600, 9 VAC 20-60-610, 9 VAC 20-60-620, 9 VAC 20-60-630, 9 VAC 20-60-640, 9 VAC 20-60-650, 9 VAC 20-60-660, 9 VAC 20-60-670, 9 VAC 20-60-680, 9 VAC 20-60-710, 9 VAC 20-60-720, 9 VAC 20-60-730, 9 VAC 20-60-740, 9 VAC 20-60-750, 9 VAC 20-60-760, 9 VAC 20-60-770, 9 VAC 20-60-780, 9 VAC 20-60-790, 9 VAC 20-60-800, 9 VAC 20-60-810, 9 VAC 20-60-820, 9 VAC 20-60-830, 9 VAC 20-60-840, 9 VAC 20-60-850, 9 VAC 20-60-860, 9 VAC 20-60-870, 9 VAC 20-60-880, 9 VAC 20-60-890, 9 VAC 20-60-930, 9 VAC 20-60-940, 9 VAC 20-60-950, 9 VAC 20-60-1310, 9 VAC 20-60-1330, 9 VAC 20-60-1340, 9 VAC 20-60-1350, 9 VAC 20-60-1360, 9 VAC 20-60-1440, 9 VAC 20-60-1450, 9 VAC 20-60-1460, 9 VAC 20-60-1470, and 9 VAC 20-60-1480).

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

Effective Date: February 17, 1999.

Summary:

Amendment 14 incorporates the changes made by the United States Environmental Protection Agency (EPA) from July 1, 1991, through September 19, 1994, plus the Universal Waste Rule of May 11, 1995. The changes reflect EPA changes in the management of used oil, land disposal restrictions, corrective action management units, and reflect other technical corrections for recordkeeping, exporting of hazardous waste, boilers and industrial furnaces, revised treatment standards for hazardous wastes, and universal treatment standards. New, simplified rules for universal waste handlers are included. The amendments include other changes designed to correct inconsistencies between the Virginia regulation and that of EPA. The requirement for annual reports is reduced to a biennial report requirement to be consistent with EPA.

Amendment 14 also replaces existing text in the Commonwealth's regulations with new provisions that incorporate the text of the federal regulations by reference. The text replaced is text that is similar to or verbatim of the text of the federal regulations; however, in some cases, provisions that are included to maintain consistency of the requirements in the Amendment 14 edition of the Commonwealth's regulations and previous editions where no change in the requirements is intended. Amendment 14 also incorporates rules for

managing mercury-containing lamps that are wastes as universal wastes, in order to facilitate recycling of these wastes. Mercury-containing lamps that are wastes are not included in the federal regulation as one of the listed universal wastes.

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

Agency Contact: Copies of the amendments may be obtained from and questions may be directed to Robert Wickline, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23219, telephone (804) 698-4213.

VA.R. Doc. No. R97-433; Filed December 29, 1998, 10:49 a.m.

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act for the following five regulatory actions. Section 9-6.14:4.1 C 12 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action (NOIRA) in conformance with the provisions of § 9-6.14:7.1 B; (ii) forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 9-6.14:7.1 F; and (iv) conducts at least one public hearing on the proposed general permit. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **9 VAC 25-150-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing (REPEALING).**

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

Effective Date: June 30, 1999.

Summary:

The State Water Control Board has repealed this general permit regulation for storm water discharges associated with industrial activity at heavy manufacturing facilities. The general permit expires on June 30, 1999, and dischargers that were previously authorized by it can apply for coverage under the industrial storm water general permit, 9 VAC 25-151-10 et seq. Owners covered under the expiring general permits who wish to continue to discharge under a general permit must

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register for coverage under the new general permit not later than June 30, 1999, in order to avoid a lapse in permit coverage.

Summary of Public Comment and Agency Response: Refer to 9 VAC 25-151-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity.

Agency Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

VA.R. Doc. No. R98-106; Filed December 29, 1998, 10:51 a.m.

* * * * *

Title of Regulation: **9 VAC 25-151-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity.**

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

Effective Date: June 30, 1999.

Summary:

The State Water Control Board adopted a general permit regulation that authorizes the discharge of storm water runoff from industrial sites. This general permit replaces three general permits, 9 VAC 25-150-10 et seq., 9 VAC 25-160-10 et seq., and 9 VAC 25-170-10 et seq., which expire June 30, 1999. Owners covered under the expiring general permits, who wish to continue to discharge under a general permit, must register for coverage under the new general permit not later than June 30, 1999.

Substantive changes have been made to the regulation since it was last published in the Virginia Register. These changes include: revisions to the registration, no exposure exemption and termination request requirements in 9 VAC 25-151-50 and 9 VAC 25-151-60; addition of chromium to the monitoring requirements for wood preserving facilities in 9 VAC 25-151-90; deletion of authorization to discharge for ready-mix concrete (9 VAC 25-151-130) and nonmetallic mineral mining industries (9 VAC 25-151-180) because these categories already have separate general permits; clarification of the board's intent to cover only those discharges from coal mines and coal mining related activities that are not regulated by the Virginia Department of Mines, Minerals and Energy at 9 VAC 25-151-160; exemption of source-separated recyclers from the storm water monitoring requirements for scrap and waste recycling facilities at 9 VAC 25-151-210; and deletion of 9 VAC 25-151-390, Evaluation of Chapter and Petitions for Reconsideration or Revision, since this section is no longer required by law or executive order.

This general VPDES permit regulates storm water contamination from industrial activity at manufacturing facilities in 29 industrial sectors. Storm water contamination is to be controlled through the implementation of a storm water pollution prevention plan. It establishes a standard pollution prevention plan format for all sectors and sector-specific requirements where necessary. Industrial facilities may be exempted from the requirement to develop the pollution prevention plan where they can certify that storm water is not contaminated by industrial activity. Pollution prevention plans must include descriptions of potential pollution sources, site-specific storm water management controls, and site compliance evaluations.

Certain industrial sectors are required to monitor the quality of their storm water runoff and report the results to the Department of Environmental Quality. Technology-based effluent limitations are established for storm water runoff from coal piles, log storage areas, phosphate fertilizer manufacturing areas, areas where asphalt paving and roofing emulsions are manufactured and material storage areas of cement manufacturing plants.

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

Agency Contact: Copies of the amendments may be obtained from and questions may be directed to Robert Wickline, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23219, telephone (804) 698-4213.

CHAPTER 151.

GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY.

9 VAC 25-151-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the VPDES Permit Regulation (9 VAC 25-31-10 et seq.) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Coal pile runoff" means the rainfall runoff from or through any coal storage pile.

"Colocated industrial activity" means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of 9 VAC 25-151-90 through 9 VAC 25-151-380.

"Commercial treatment and disposal facilities" means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities

treating or disposing exclusively residential hazardous wastes are not included in this definition.

"Inactive landfill" means a landfill that, on a permanent basis, will no longer receive waste and has completed closure in accordance with any applicable federal, state, or local requirements.

"Industrial activity" - the following categories of facilities are considered to be engaging in "industrial activity":

(1) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (1998) (except facilities with toxic pollutant effluent standards which are exempted under category (10) of this definition);

(2) Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);

(3) Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) (1998) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act of 1977 (SMCRA) (91 USC § 445 et seq.) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

(4) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC § 6901 et seq.);

(5) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA;

(6) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification Codes 5015 and 5093 (OMB SIC Manual, 1987);

(7) Steam electric power generating facilities, including coal handling sites;

(8) Transportation facilities classified as SIC Codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operation, airport deicing operation, or which are otherwise identified under categories 1 through 7 or 9 and 10 of this definition are associated with industrial activity;

(9) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved POTW pretreatment program under 9 VAC 25-31-10 et seq. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 9 VAC 25-31-420 through 720;

(10) Facilities under SIC Codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within categories 2 through 9.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

"Large and medium municipal separate storm sewer system" means all municipal separate storm sewers that are located in the following municipalities: the City of Norfolk; the City of Virginia Beach; Fairfax County; the City of Chesapeake; the City of Hampton; Prince William County; Arlington County; Chesterfield County; Henrico County; the City of Newport News; and the City of Portsmouth.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish,

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district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW).

"No exposure" means all industrial materials or activities are protected by a storm resistant cover so that they are not exposed to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment, industrial machinery, raw materials, intermediate products, by-products, or waste products, however packaged.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Section 313 water priority chemicals" means a chemical or chemical categories which: (i) are listed at 40 CFR 372.65 (1998) pursuant to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986) (42 USC § 11001 et seq.); (ii) are present at or above threshold levels at a facility subject to EPCRA § 313 reporting requirements; and (iii) that meet at least one of the following criteria: (a) are listed in Appendix D of 40 CFR Part 122 (1998) on either Table II (Organic priority pollutants), Table III (Certain metals, cyanides and phenols) or Table V (Certain toxic pollutants and hazardous substances); (b) are listed as a hazardous substance pursuant to § 311(b)(2)(A) of the Clean Water Act at 40 CFR 116.4 (1998); or (c) are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC § 9601 et seq.); any chemical the facility is required to report pursuant to EPCRA § 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under § 311 of the Clean Water Act (see 40 CFR 110.10 (1998) and 40 CFR 117.21 (1998)) or § 102 of CERCLA (see 40 CFR 302.4 (1998)).

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under 9 VAC 25-31-10 et seq. For the categories of industries identified in categories (1) through (9) of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in category (10) of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

"Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

9 VAC 25-151-20. Purpose.

This general permit regulation governs all new and existing storm water discharges associated with industrial activity through a point source to surface waters or through a municipal or nonmunicipal separate storm sewer system to surface waters.

9 VAC 25-151-30. Delegation of authority.

The director, or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

9 VAC 25-151-40. Effective date of the permit.

This general permit will become effective on June 30, 1999. This general permit will expire five years from [~~June 30, 1999~~ the effective date] .

9 VAC 25-151-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files the registration statement of 9 VAC 25-151-60 [and any fees required by 9 VAC 25-20-10 et seq.], receives a copy of the general permit, complies with the requirements of 9 VAC 25-151-70 et seq. and provided that:

1. Facilities with colocated industrial activities shall comply with all applicable effluent limitations, monitoring and pollution prevention plan requirements of each section of 9 VAC 25-151-70 et seq. in which a colocated industrial activity is described;
2. This permit may authorize storm water discharges associated with industrial activity that are mixed with other storm water discharges requiring a VPDES permit provided that the owner obtains coverage under this VPDES general permit for the industrial activity discharge and a VPDES general or individual permit for the other storm water discharges. The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge; and
3. The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit.

B. Limitations on coverage.

1. The owner shall not be authorized to discharge under this general permit if the owner has been required to obtain an individual permit pursuant to 9 VAC 25-31-170 B;
2. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges;
3. The following storm water discharges associated with industrial activity are not authorized by this permit:
 - a. Discharges that are not listed under the coverage sections contained in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.];
 - b. Discharges that are mixed with sources of nonstorm water other than nonstorm water discharges that are:
 - (1) In compliance with a different VPDES permit; or
 - (2) Identified by and in compliance with 9 VAC 25-151-70 D 1 (Prohibition of nonstorm water discharges);
 - c. Discharges that are located at a facility where a VPDES permit has been terminated (other than at the request of the permittee) or denied;

d. Discharges that the director determines cause, or may reasonably be expected to cause, or be contributing to a violation of a water quality standard;

e. Discharges subject to storm water effluent guidelines, not described under 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.]; and

f. Discharges from inactive mining, inactive landfills, or inactive oil and gas operations occurring on federal lands where an owner cannot be identified.

C. Conditional exemption from permit requirements for no exposure of industrial activities and materials to storm water. Discharges composed entirely of storm water [located at industrial facilities which would otherwise be required to have a permit and] which meet the no exposure definition in 9 VAC 25-151-10 do not require a VPDES permit if the owner of the facility satisfies the conditions of this paragraph. This exemption does not apply to storm water discharges from [steam electric power generating facilities, hazardous waste treatment, storage or disposal facilities,] facilities required to obtain an individual permit under 9 VAC 25-31-170 B or [to] discharges individually designated under 9 VAC 25-151-50 C 3. Actions taken to qualify for this provision shall not interfere with the attainment or maintenance of water quality standards, including designated uses.

To establish that the facility meets the definition of no exposure described in this paragraph, an owner must submit a written certification to the department which fulfills the requirements of 9 VAC 25-151-60 C.

1. Any owner claiming the no exposure exemption must:
 - a. Notify the department at the beginning of each permit term [~~or~~ ,] prior to commencing discharges during a permit term [or upon attaining no exposure status during a permit term];
 - b. Allow the department, or the municipality where the facility discharges into a municipal separate storm sewer system, to inspect the facility and allow the department or the municipality to make such inspection reports publicly available upon request;
 - c. Upon request, also submit a copy of the certification to the municipality in which the facility is located; and
 - d. Sign [~~and certify~~] the certification in accordance with 9 VAC 25-151-70 E 11.
2. If there is a change in circumstances which causes exposure of industrial activities or materials to storm water, the owner must comply immediately with all the storm water program requirements of 9 VAC 25-31-120, including applying for and obtaining coverage under a VPDES permit.
3. Requests for a no exposure exemption that meet the requirements of 9 VAC 25-151-50 C 1 shall be deemed

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acceptable unless the owner is notified otherwise by the department.

4. Even if an owner certifies to no exposure under 9 VAC 25-151-50 C 1, the department retains the authority to require the owner of a facility to apply for an individual or general permit if the department has determined that the discharge:

- a. Is, or may reasonably be, causing or contributing to the violation of a water quality standard; or
- b. Is, or may reasonably be, interfering with the attainment or maintenance of water quality standards, including designated uses.

D. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-151-60. Registration statement; no exposure certification; notice of termination.

A. Deadlines for submitting registration statement. The owner of a facility with storm water discharges associated with industrial activity who is proposing to be covered by this general permit shall file a complete VPDES general permit registration statement in accordance with this chapter.

1. Existing facility. Except as provided in 9 VAC 25-151-60 A 4 (New owner) [-] and 9 VAC 25-151-60 A 5 (Late notification), owners who intend to obtain coverage under this general permit for an existing storm water discharge associated with industrial activity, not currently covered by a VPDES permit, shall submit a registration statement [~~within 90 days of the effective date of this general permit~~ by September 30, 1999] .

2. New facility. Except as provided in 9 VAC 25-151-60 A 3 (Oil and gas operations), 9 VAC 25-151-60 A 4 (New owner), and 9 VAC 25-151-60 A 5 (Late notification), owners of facilities that begin industrial activity after [~~the effective date of this general permit~~ June 30, 1999,] shall submit a registration statement at least 30 days prior to the commencement of the industrial activity at the facility.

3. Oil and gas operations. Owners of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that after [~~the effective date of this general permit~~ June 30, 1999,] have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 (1998), 40 CFR 117.21 (1998), or 40 CFR 302.6 (1998), must submit a registration statement in accordance with the requirements of 9 VAC 25-151-60 B within 14 calendar days of the first knowledge of such release.

4. New owner. Where the owner of a facility with a storm water discharge associated with industrial activity that is covered by this permit changes, the new owner of

the facility must submit a registration statement at least 30 days prior to the change.

5. Late notification. An owner of a storm water discharge associated with industrial activity is not precluded from submitting a registration statement in accordance with the requirements of this section after the applicable dates provided in 9 VAC 25-151-60 A 1 through 9 VAC 25-151-60 A 4.

6. Facilities previously subject to the storm water general permits or an individual VPDES permit. Owners of eligible facilities previously covered by an expiring general permit or an individual permit for storm water discharges associated with industrial activity may elect to be covered by this permit by submitting a registration statement. To avoid a lapse in permit coverage, registration statements from eligible facilities [~~may~~ shall] be submitted during the [90-day] period [~~90 days~~] prior to the expiration date of the applicable storm water general permit or individual permit.

7. Discharges to municipal separate storm sewer systems. Where the discharge of storm water associated with industrial activity is through a large or medium municipal separate storm sewer system, the owner shall notify the operator of the municipal system receiving the discharge and submit a copy of their registration statement to the municipal system operator.

B. Registration statement contents. The owner shall submit a registration statement which shall contain the following information:

1. Facility owner's name, mailing address and telephone number;
2. Facility location;
3. Facility ownership status: federal, state, public or private;
4. Primary and secondary standard industrial classification (SIC) codes;
5. A statement indicating if storm water runoff is discharged to a municipal separate storm sewer system (MS4). If yes, the name of the MS4 operator;
6. Receiving water body of direct discharge or municipal separate storm sewer system for each outfall;
7. Other existing VPDES permit numbers;
8. A statement indicating if this facility is subject to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) for any § 313 water priority chemicals;
9. A statement indicating if this facility discharges storm water runoff from coal storage piles;
10. A statement indicating if the facility is a steam electric power generator, a hazardous waste treatment, storage or disposal facility regulated under RCRA subtitle

C, or a landfill or land application site regulated under RCRA subtitle D;

[11. Indicate if a storm water pollution prevention plan has been prepared in accordance with the requirements of 9 VAC 25-151-80 et seq.;]

[~~44.~~ 12.] A topographic map or other map which indicates the location of the facility, [the location of all storm water discharges,] the water body receiving discharge(s) and other surface waterbodies within a 1/2-mile radius of the facility;

[13. A list of the Standard Industrial Classification (SIC) codes for the industrial activities associated with each storm water discharge point; and]

[~~14.~~ 14.] The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

[~~13. A signature on~~] The registration statement [shall be signed] in accordance with 9 VAC 25-31-110.

C. No exposure certification. In order to qualify for an exemption from the requirements for obtaining a permit based on a claim of no exposure, one certification must be completed for each facility or site seeking the exemption. The owner shall submit a no exposure certification which shall contain the following information:

1. Facility owner's name, mailing address and telephone number;
2. Facility location;
3. Primary and secondary standard industrial classification (SIC) codes;
4. Exposure checklist. Are any of the following items exposed to precipitation, now or in the foreseeable future, and is the drainage from these areas discharged from the site to surface waters or to a municipal separate storm sewer system? Answer as appropriate to describe conditions at the facility:
 - a. Vehicles used in material handling (except adequately maintained mobile equipment);
 - b. Industrial machinery or equipment;
 - c. Residue from the cleaning of machinery or equipment;

d. Materials associated with vehicular maintenance, cleaning or fueling;

e. Materials or products during loading/unloading or transporting activities;

f. Materials or products at uncovered loading docks;

g. Materials or products stored outdoors (except products intended for outside use, e.g., cars);

h. Materials or products handled/stored on roads or railways owned or maintained by the certifier;

i. Materials or spill/leak residues accumulated in storm water inlets;

j. Residuals on the ground from spills/leaks (including subsurface residuals from percolation);

k. Materials contained in open or deteriorated storage tanks/drums/containers;

l. Industrial activities conducted outdoors;

m. Materials or products from past outdoor industrial activity;

n. Waste material;

o. Process wastewater disposed of outdoors (unless otherwise permitted);

p. Particulate matter from roof stacks/vents not otherwise regulated (i.e., under an air quality control permit) and in quantities detectable in the storm water outflow;

q. Visible deposits of residuals near roof or side vents; and

r. Spills/leaks resulting from maintenance of stacks or air exhaust systems; and

5. The following certification: "I certify that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the facility identified in this document. I understand that I am obligated to make this certification once every five years to the department and, if requested, to the municipality (or other local government entity) in which this facility is located providing the facility discharges storm water into the local municipal separate storm sewer system (MS4). I understand that I must seek coverage under a VPDES storm water permit prior to any point source discharge of exposed storm water from the facility. I understand that I must allow the department, or municipality where the discharge is into the MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. Additionally, I certify under penalty of law this document was prepared under my direction and that qualified personnel gathered and evaluated the information submitted. Based upon my knowledge of the personnel directly involved in gathering the information, the information is true, accurate and complete. I am aware

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there are significant penalties for providing false information, including the possibility of fine and imprisonment."

[~~6. A signature on~~] The no exposure certification [shall be signed] in accordance with 9 VAC 25-31-110.

D. Notice of termination. The owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination shall be filed in situations where all storm water discharges associated with industrial activity authorized by this general permit are eliminated, where the owner of storm water discharges associated with industrial activity at a facility changes, or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit. The owner shall submit a notice of termination which shall contain the following information:

1. Facility owner's name, mailing address and telephone number;
2. Facility location;
3. VPDES storm water general permit number;
4. A statement indicating if you are no longer the owner of the facility;
5. A statement indicating if the storm water discharges associated with industrial activity have been eliminated;
6. A statement indicating if the storm water discharges associated with industrial activity are covered by an individual VPDES permit;
7. A statement indicating if termination of coverage is being requested for another reason; and
8. The following certification: "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated or covered under a VPDES individual permit or that I am no longer the owner of the industrial activity [or permit coverage should be terminated for another reason listed above] . I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit."

[~~9. A signature on~~] The notice of termination [shall be signed] in accordance with 9 VAC 25-31-110.

9 VAC 25-151-70. General permit conditions applicable to all storm water discharges associated with industrial activity.

Any owner whose registration statement is accepted by the director will receive the following general permit and shall comply with the requirements therein and be subject to the VPDES Permit Regulation, 9 VAC 25-31-10 et seq. Facilities with colocated industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section of this chapter in which a colocated industrial activity is described. All pages of 9 VAC 25-151-70 and 9 VAC 25-151-80 apply to all storm water discharges associated with industrial activity covered under this general permit. Not all pages of 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.] will apply to every permittee. The determination of which pages apply will be based on an evaluation of the regulated activities located at the facility.

A. Permit cover page.

General Permit No.: VAR5

Effective Date:

Expiration Date:

GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of facilities with storm water discharges associated with industrial activity are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Conditions Applicable to All VPDES Permits, Part III - Storm Water Pollution Prevention Plan and Part IV - Sector-Specific Permit Requirements, as set forth herein.

B. Effluent limitations and compliance monitoring requirements. The following effluent limitations and compliance monitoring requirements are applicable to all discharges of storm water associated with industrial activity authorized under this general permit.

1. Numeric effluent limitations for discharges associated with a specific industrial activity are described in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.]. Facilities with colocated industrial activities shall comply [on a discharge-by-discharge basis] with all applicable effluent limitations of each section of this chapter in which a colocated industrial activity is described.

2. Compliance monitoring requirements. Permittees with storm water discharges subject to effluent limitations described in 9 VAC 25-151-70 B 3 and 9 VAC 25-151-90 [~~through 9 VAC 25-151-380 et seq.~~] shall monitor the discharges for the presence of the pollutant subject to the effluent limitation at least annually. Monitoring shall be conducted in accordance with 9 VAC 25-151-70 C, except that the low concentration waiver of 9 VAC 25-151-70 C 4 b, the representative discharge provision of 9 VAC 25-151-70 C 5 and the alternative certification provision of 9 VAC 25-151-70 C 6 are not applicable to storm water discharge monitoring for compliance with effluent limitations. Results of the compliance monitoring shall be reported in accordance with 9 VAC 25-151-70 E 3. In addition to the analytical results, permittees shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

3. Coal pile runoff.

a. Effluent limitations. Any discharge composed of coal pile runoff shall not exceed a maximum concentration at any time of 50 mg/L total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids. The pH of coal pile runoff discharges shall be within the range of 6.0 to 9.0. Runoff from coal piles located at steam electric generating facilities and at facilities with previous coverage under a general permit for storm water shall be in compliance with these limits upon submittal of the registration statement. Runoff from coal piles at all other types of facilities shall comply with these limitations as expeditiously as practicable, but in no case later than March 26, 2000.

b. Compliance monitoring requirements for coal pile runoff. During the period beginning on date of coverage under the general permit and lasting through the expiration date of this permit, permittees with storm water discharges containing coal pile runoff shall monitor such storm water for: pH and TSS (mg/L) at least annually (one time per year). In addition to the parameters listed above, the permittee shall comply with the compliance monitoring requirements of 9 VAC 25-151-70 B 2.

C. Monitoring and reporting requirements.

1. Monitoring requirements. [~~a. Except as required by paragraph C 1 b, only~~] Those permittees with discharges or activities identified in 9 VAC 25-151-70 B 3

and 9 VAC 25-151-90 [~~through 9 VAC 25-151-380 et seq.~~] are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under 9 VAC 25-151-70 B 3 and 9 VAC 25-151-90 [~~through 9 VAC 25-151-380 et seq.~~] are additive. Permittees with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section [on a discharge-by-discharge basis] .

[~~b. The director may provide written notice to any permittee otherwise exempt from the sampling requirements of this general permit, requiring discharge sampling in accordance with the general permit, or specifying an alternative monitoring frequency or specifying additional parameters to be analyzed.~~]

2. Analytical monitoring requirements. Permittees are required to monitor their storm water discharges for the pollutants of concern listed in the appropriate table(s) in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380 et seq.~~]. Permittees must monitor their storm water discharges associated with industrial activity at least semi-annually (two times per year) during the second and fourth years of coverage under the general permit, except as provided in 9 VAC 25-151-70 C 4 through 9 VAC 25-151-70 C 6. The second year is the period beginning one year after the date of coverage under the general permit lasting through two years after the date of coverage under the general permit and the fourth year is the period beginning three years after the date of coverage under the general permit lasting through four years after the date of coverage under the general permit. Permittees required to perform monitoring shall monitor samples collected during the sampling periods of: January through June, and July through December. Permittees must report in accordance with 9 VAC 25-151-70 E 3. In addition to the parameters listed in the appropriate tables in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380 et seq.~~], the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

3. Sample type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is

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representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the nonstorm water discharge.

4. Sampling waiver.

a. Adverse conditions. When a permittee is unable to collect samples within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

b. Low concentration waiver. When the average concentration for a pollutant calculated from all monitoring data collected from an outfall during the monitoring period for the second year after coverage under this general permit is less than or equal to the corresponding value for that pollutant listed in the applicable table in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.] under the column Monitoring Cut-Off Concentration, a permittee may waive monitoring and reporting requirements in the monitoring period beginning in the fourth year after coverage under this general permit. [Values for pH monitoring must be within the range of 6.0 to 9.0 standard units.] The exclusion from monitoring in the fourth year of the permit is conditional on the facility maintaining industrial operations and best management practices that will ensure a quality of storm water discharges consistent with the average concentrations recorded during the second year of [coverage under] the permit. Permittees who monitored their storm water discharges under another VPDES permit may submit data from that monitoring with their registration statement for coverage under this general permit [(provided the data are from samples collected no more than three years prior to the date the registration statement is submitted)]. If the average concentration for a pollutant calculated from this earlier monitoring data is at or below the applicable monitoring cut-off concentration, the permittee may waive monitoring for that pollutant in both the second

and fourth years after coverage under the general permit. For any low concentration waiver, the permittee must submit to the [~~director~~ department], in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.

c. Inactive and unstaffed facilities. When a permittee is unable to conduct the chemical storm water sampling required in applicable sections of 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.] at an inactive and unstaffed facility, the permittee may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The permittee must submit to the [~~director~~ department], in lieu of monitoring data, a certification statement on the discharge monitoring report stating that the facility is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

5. Representative discharge. When a facility has two or more outfalls that, based on a consideration of the industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area ([~~e.g.~~ i.e.] , low (under 40%), medium (40 to 65%) or high (above 65%)) shall be provided in the plan. Permittees required to submit monitoring information under this permit shall include the description of the location of the outfalls, [an] explanation of why outfalls are expected to discharge substantially identical effluents, and [an] estimate of the size of the drainage area and runoff coefficient with the discharge monitoring report.

6. Alternative certification. A permittee is not subject to the monitoring requirements of this permit provided the permittee makes a certification for a given outfall, on a pollutant-by-pollutant basis, in lieu of the monitoring reports required under 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.], under penalty of law, signed in accordance with 9 VAC 25-151-70 E 11, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and

are not expected to be exposed to storm water for the certification period. Such certification must be retained with the storm water pollution prevention plan, and submitted to the department in accordance with 9 VAC 25-151-70 E 3. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under 9 VAC 25-151-70 E 3. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.

7. Reporting monitoring results.

a. Reporting to the department. Permittees shall submit monitoring results for each outfall associated with industrial activity, or a certification in accordance with 9 VAC 25-151-70 C 4 through 9 VAC 25-151-70 C 6, according to the requirements of 9 VAC 25-151-70 E 3. For each outfall, one signed discharge monitoring report form must be submitted to the department per storm event sampled.

b. Additional reporting. In addition to filing copies of discharge monitoring reports in accordance with 9 VAC 25-151-70 E 3, permittees with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the director must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system at the same time. Permittees not required to report monitoring data and permittees that are not otherwise required to monitor their discharges need not comply with this provision.

8. Quarterly visual examination of storm water quality. All permittees shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted [~~below~~ in subdivision 8 c, d or e of this subsection]. Unless another schedule is established in applicable sections of 9 VAC 25-151-90 [~~through 9 VAC 25-151-390~~ et seq.], the examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. [~~The examination shall be made during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.~~]

a. Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of

storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the [~~previously~~ previous] measurable (greater than 0.1 inch rainfall) storm event. [The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted.] Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

b. Visual examination reports must be maintained onsite with the pollution prevention plan. The report shall include [the outfall location,] the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

c. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area ([~~0-9~~ i.e.], low (under 40%), medium (40 to 65%), or high (above 65%)) shall be provided in the plan.

d. When a permittee is unable to [~~collect samples over the course of the visual examination period as a result of~~ conduct the visual examination due to] adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local

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flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (such as drought, extended frozen conditions, etc.).

e. When a permittee is unable to conduct visual storm water examinations at an inactive and unstaffed site, the owner of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

D. Special conditions.

1. Prohibition of nonstorm water discharges. Except as provided in this paragraph or in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.], all discharges covered by this permit shall be composed entirely of storm water. The following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with this general permit:

- a. Discharges from fire fighting activities;
- b. Fire hydrant flushings;
- c. Potable water sources including waterline flushings;
- d. [~~Drinking fountain water,~~] Uncontaminated compressor condensate [~~;~~ ;
- e.] Irrigation drainage;
- [~~e. f.~~] Lawn watering;
- [~~f. g.~~] Routine external building washdown that does not use detergents or other compounds;
- [~~g. h.~~] Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- [~~h. i.~~] Air conditioning condensate;
- [~~i. Compressor condensate;~~]
- j. Uncontaminated springs;
- k. Uncontaminated ground water; and
- l. Foundation or footing drains where flows are not contaminated with process materials such as solvents.

All other nonstorm water discharges must be in compliance with a VPDES permit (other than this permit) issued for the discharge.

2. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan

for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) or 40 CFR Part 302 (1998) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of 9 VAC 25-151-70 E 7 as soon as he has knowledge of the discharge. In addition, the storm water pollution prevention plan required under 9 VAC 25-151-80 must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

3. Colocated industrial activity. In the case where a facility has industrial activities occurring onsite which are described by any of the activities in 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.], those industrial activities are considered to be colocated industrial activities. Storm water discharges from colocated industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.] applicable to [~~the~~ that particular] colocated industrial activity. The permittee shall determine which additional pollution prevention plan and monitoring requirements are applicable to the colocated industrial activity by examining the narrative descriptions of each coverage section (Discharges covered under this section).

4. The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit.

5. There shall be no discharge of floating solids or visible foam in other than trace amounts.

E. Conditions applicable to all VPDES permits.

1. Monitoring.

- a. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
- b. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (1998) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
- c. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and

analytical instrumentation at intervals that will insure accuracy of measurements.

2. Records.

a. Records of monitoring information shall include:

- (1) *The date, exact place, and time of sampling or measurements;*
- (2) *The individual(s) who performed the sampling or measurements;*
- (3) *The date(s) and time(s) analyses were performed;*
- (4) *The individual(s) who performed the analyses;*
- (5) *The analytical techniques or methods used; and*
- (6) *The results of such analyses.*

b. *Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.*

3. Reporting monitoring results.

a. *The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.*

b. *Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.*

c. *If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (1998) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR or reporting form specified by the department.*

d. *Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.*

4. *Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request, copies of records required to be kept by this permit.*

5. *Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.*

6. *Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:*

a. *Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or*

b. *Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.*

7. *Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of 9 VAC 25-151-70 E 6; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of 9 VAC 25-151-70 E 6, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:*

- a. *A description of the nature and location of the discharge;*
- b. *The cause of the discharge;*
- c. *The date on which the discharge occurred;*
- d. *The length of time that the discharge continued;*

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- e. *The volume of the discharge;*
- f. *If the discharge is continuing, how long it is expected to continue;*
- g. *If the discharge is continuing, what the expected total volume of the discharge will be; and*
- h. *Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.*

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

8. *Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with 9 VAC 25-151-70 E 9 b. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:*

- a. *Unusual spillage of materials resulting directly or indirectly from processing operations;*
- b. *Breakdown of processing or accessory equipment;*
- c. *Failure or taking out of service some or all of the treatment works; and*
- d. *Flooding or other acts of nature.*

9. *Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.*

a. *An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:*

- (1) *Any unanticipated bypass; and*
- (2) *Any upset which causes a discharge to surface waters.*

b. *A written report shall be submitted within 5 days and shall contain:*

- (1) *A description of the noncompliance and its cause;*
- (2) *The period of noncompliance, including exact dates and times, and if the noncompliance has not*

been corrected, the anticipated time it is expected to continue; and

(3) *Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.*

The board may waive the written report on a case-by-case basis for reports of noncompliance under 9 VAC 25-151-70 E 9 if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

c. *The permittee shall report all instances of noncompliance not reported under 9 VAC 25-151-70 E 9 a or b, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in 9 VAC 25-151-70 E 9 b.*

NOTE: The immediate (within 24 hours) reports required in 9 VAC 25-151-70 E 7, 8 and 9 may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

10. *Notice of planned changes.*

a. *The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:*

(1) *The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:*

(a) *After promulgation of standards of performance under § 306 of Clean Water Act which are applicable to such source; or*

(b) *After proposal of standards of performance in accordance with § 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;*

(2) *The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or*

(3) *The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application*

process or not reported pursuant to an approved land application plan.

b. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

11. Signatory requirements.

a. Registration statement. All registration statements shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in 9 VAC 25-151-70 E 11 a or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in 9 VAC 25-151-70 E 11 a;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(3) The written authorization is submitted to the department.

c. Changes to authorization. If an authorization under 9 VAC 25-151-70 E 11 b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of 9 VAC 25-151-70 E 11 b shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

d. Certification. Any person signing a document under 9 VAC 25-151-70 E 11 a or b shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

13. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

14. Effect of a permit. This permit does not convey any property rights in either real or personal property or any

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exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

15. *State law.* Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (9 VAC 25-151-70 E 21), and "upset" (9 VAC 25-151-70 E 22) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

16. *Oil and hazardous substance liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

17. *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

18. *Disposal of solids or sludges.* Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

19. *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

20. *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

21. Bypass.

a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient

operation. These bypasses are not subject to the provisions of 9 VAC 25-151-70 E 21 b and c.

b. Notice.

(1) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

(2) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in 9 VAC 25-151-70 E 9.

c. Prohibition of bypass.

(1) *Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:*

(a) *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*

(b) *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and*

(c) *The permittee submitted notices as required under 9 VAC 25-151-70 E 21 b.*

(2) *The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed above in 9 VAC 25-151-70 E 21 c (1).*

22. Upset.

a. *An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of 9 VAC 25-151-70 E 22 b are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.*

b. *A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:*

(1) *An upset occurred and that the permittee can identify the cause(s) of the upset;*

(2) *The permitted facility was at the time being properly operated;*

(3) *The permittee submitted notice of the upset as required in 9 VAC 25-151-70 E 9; and*

(4) The permittee complied with any remedial measures required under 9 VAC 25-151-70 E 19.

c. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

23. *Inspection and entry.* The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

24. *Permit actions.* Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

25. *Transfer of permits.*

a. Permits are not transferable to any person except after notice to the department. Except as provided in 9 VAC 25-151-70 E 25 b, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

b. As an alternative to transfers under 9 VAC 25-151-70 E 25 a, this permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in 9 VAC 25-151-70 E 25 b (2).

26. *Severability.* The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

9 VAC 25-151-80. Storm water pollution prevention plans.

A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) [~~plans~~ plan] developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of 9 VAC 25-151-80 D. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations, 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

A. Deadlines for plan preparation and compliance.

1. *Existing facilities.* Except as provided in subdivisions 3, 4, and 5 of 9 VAC 25-151-80 A, all existing facilities and new facilities that begin operation on or before June 30, 1999, shall prepare and implement the plan as expeditiously as practicable, but not later than March 26, 2000.

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2. *New facilities.* Facilities that begin operation after June 30, 1999, shall prepare and implement the plan prior to submitting the registration statement.

3. *Oil and gas facilities.* Oil and gas exploration, production, processing or treatment facilities that are not required to submit a registration statement but which have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 (1998) or 40 CFR 302.6 (1998), shall prepare and implement the plan on or before the date 60 calendar days after first knowledge of such discharge.

4. *Measures that require construction.* In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than June 30, 2002. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

5. *Extensions.* Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.

B. Signature and plan review.

1. *Signature/Location.* The plan shall be signed in accordance with 9 VAC 25-151-70 E 11, and be retained onsite at the facility that generates the storm water discharge in accordance with 9 VAC 25-151-70 E 2 b. For inactive facilities, the plan may be kept at the nearest office of the permittee.

2. *Availability.* The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available upon request to the department.

3. *Required modifications.* The director, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this permit. Within 60 days of such notification from the director (or as otherwise provided by the director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the director a written certification that the requested changes have been made.

C. *Keeping plans current.* The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to surface waters or if the storm water pollution prevention plan proves to be

ineffective in eliminating or significantly minimizing pollutants from sources identified under 9 VAC 25-151-80 D (Contents of the Plan) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the department in the same manner as 9 VAC 25-151-80 B.

D. *Contents of the plan.* The contents of the pollution prevention plan shall comply with the requirements listed below and those in the appropriate section of 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.]. These requirements are cumulative. If a facility has collocated activities that are covered in more than one section of 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.], that facility's pollution prevention plan must comply with the requirements listed in all applicable sections. The following requirements are applicable to all storm water pollution prevention plans developed under this general permit. The plan shall include, at a minimum, the following items.

1. *Pollution prevention team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of potential pollutant sources.* Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under 9 VAC 25-151-80 D 2 c have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes and wastewaters, locations used for the treatment, filtration, or storage of water supplies, liquid storage tanks, processing areas, and storage

areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls;

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified;

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of submission of a registration statement to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the submission of a registration statement to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives;

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility [~~after the date of three years~~ within the three-year period immediately] prior to the date of submission of a registration statement to be covered under this permit. Such list shall be updated as appropriate during the term of the permit;

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit; and

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices, and wastewater treatment activities to include sludge

drying, storage, application or disposal activities. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, total suspended solids, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility [7] and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

a. Good housekeeping. Good housekeeping requires the [clean and orderly] maintenance of areas that may contribute pollutants to storm water discharges [~~in a clean, orderly manner~~]. The plan shall describe procedures performed to minimize contact of materials with storm water runoff. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, material handling areas, and loading/unloading areas.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) [~~as well as ;~~] [~~inspecting~~ inspection] and testing [of] facility equipment and systems to uncover conditions that could cause breakdowns or failures [~~resulting~~ which could result] in discharges of pollutants to surface waters [7 ;] and [~~ensuring~~] appropriate maintenance of such equipment and systems.

c. Spill prevention and response procedures. Areas where potential spills that can contribute pollutants to storm water discharges can occur, and their accompanying drainage points [,] shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. [~~Qualified~~] Facility personnel [who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan] shall be identified to inspect designated equipment and areas of the facility. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. A set of

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tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. *Employee training.* Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

f. *Recordkeeping and internal reporting procedures.* A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. *Nonstorm water discharges.*

(1) The plan shall include a certification that the discharge has been tested or evaluated for the presence of nonstorm water discharges. The certification shall include the identification of potential significant sources of nonstorm water at the site, a description of the results of any test and/or evaluation for the presence of nonstorm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with 9 VAC 25-151-70 E 11. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required was not feasible, along with the identification of potential significant sources of nonstorm water at the site. A permittee that is unable to provide the certification required by this paragraph must notify the department in accordance with 9 VAC 25-151-80 D 3 g (3).

(2) Except for flows from fire fighting activities, sources of nonstorm water listed in 9 VAC 25-151-70 D 1 that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

(3) *Failure to certify.* Any permittee that is unable to provide the certification required (testing for nonstorm water discharges), must notify the department within 270 days after the date of coverage under this general permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of nonstorm water discharges; the results of such test or other relevant observations; potential sources of nonstorm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible.

(4) If the facility discharges wastewater, other than storm water, via an existing VPDES permit, the VPDES permit authorizing the discharge must be referenced in the plan. Nonstorm water discharges to surface waters that are not authorized by a VPDES permit are unlawful, and must be terminated.

h. *Sediment and erosion control.* The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

i. *Management of runoff.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those that control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices; reuse of collected storm water (such as for a process or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices [7] and wet detention/retention devices [7 ;] or other equivalent measures.

4. *Comprehensive site compliance evaluation.* [Qualified Facility] personnel [who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan] shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall include the following:

a. Areas contributing to a storm water discharge associated with industrial activity such as material storage, handling, and disposal activities shall be

visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made;

b. Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with 9 VAC 25-151-80 D 2 and pollution prevention measures and controls identified in the plan in accordance with 9 VAC 25-151-80 D 3 shall be revised as appropriate within two weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation;

c. A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with 9 VAC 25-151-80 D 4 b shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with 9 VAC 25-151-70 E 11; and

d. Where compliance evaluation schedules overlap with inspections required under 9 VAC 25-151-80 D 3 d, the compliance evaluation may be conducted in place of one such inspection.

E. Special pollution prevention plan requirements. In addition to the minimum standards listed in 9 VAC 25-151-80 D and 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.], the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines.

1. Additional requirements for storm water discharges associated with industrial activity that discharge into or through municipal separate storm sewer systems serving a population of 100,000 or more.

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal

separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the director shall make plans available to the municipal operator of the system upon request.

2. Additional requirements for storm water discharges associated with industrial activity from facilities subject to EPCRA § 313 requirements. In addition to the requirements of 9 VAC 25-151-90 [~~through 9 VAC 25-151-380~~ et seq.] and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under EPCRA § 313 [, prior to May 1, 1997,] for chemicals that are classified as § 313 water priority chemicals in accordance with the definition in 9 VAC 25-151-10, except as provided in 9 VAC 25-151-80 E 2 b (2), and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices that are necessary to provide for conformance with the following guidelines.

a. In areas where § 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under 9 VAC 25-151-80 E 2 c. At a minimum, one of the following preventive systems or its equivalent shall be used:

(1) Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or

(2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

b. In addition to the minimum standards listed under 9 VAC 25-151-80 E 2 a, and except as otherwise exempted under 9 VAC 25-151-80 E 2 c, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable state rules, regulations, and guidelines.

(1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for § 313 water priority chemicals.

(a) No tank or container shall be used for the storage of a § 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

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- (b) Liquid storage areas for § 313 water priority chemicals shall be operated to minimize discharges of § 313 chemicals. Appropriate measures to minimize discharges of § 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
- (2) Material storage areas for § 313 water priority chemicals other than liquids. material storage areas for § 313 water priority chemicals other than liquids that are subject to runoff, leaching, or wind shall incorporate drainage or other control features that will minimize the discharge of § 313 water priority chemicals by reducing storm water contact with [~~§ 313 water priority~~ those] chemicals.
- (3) Truck and rail car loading and unloading areas for liquid § 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid § 313 water priority chemicals shall be operated to minimize discharges of [~~§ 313 water priority~~ those] chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of § 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
- (4) Areas where § 313 water priority chemicals are transferred, processed, or otherwise handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of § 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with § 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of § 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying § 313 water priority chemicals without secondary containment.
- (5) Discharges from areas covered by subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b.
- (a) Drainage from areas covered by subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of § 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
- (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
- (c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of § 313 water priority chemicals, return the spilled material to the facility.
- (d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) Facility site runoff other than from areas covered by subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b. Other areas of the facility (those not addressed in subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b), from which runoff that may contain Section 313 water priority chemicals or spills of § 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- (7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of § 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures that could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered that may result in significant releases of § 313 water priority chemicals to waters of the United States, action to stop the leak or otherwise prevent the significant release of § 313 water priority chemicals to waters of the United States shall be

immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a § 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with federal, state, and local requirements and as described in the plan.

(8) Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel that work in areas where § 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address [÷] pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation that are designed to minimize discharges of § 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of § 313 water priority chemicals can be isolated and contained before a discharge of [a § 313 water priority chemical those chemicals] can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

c. Facilities subject to reporting requirements under EPCRA § 313 for chemicals that are classified as ["] § 313 water priority chemicals ["] in accordance with the definition in 9 VAC 25-151-10 that are handled and stored onsite only in gaseous or nonsoluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in 9 VAC 25-151-80 E 2. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with 9 VAC 25-151-70 E 11.

d. The storm water pollution prevention plan shall be certified in accordance with 9 VAC 25-151-70 E 11.

3. Additional requirements for salt storage. Storage piles of salt used for deicing or other commercial or industrial purposes and that generate a storm water discharge associated with industrial activity that is discharged to surface waters shall be enclosed or covered to prevent exposure to precipitation, except for

exposure resulting from adding or removing materials from the pile. Permittees shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than [June 30, 2002 three years after the date of coverage under the general permit]. Permittees with previous coverage under a VPDES general permit for storm water shall be compliant with this provision upon submittal of the registration statement. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters.

9 VAC 25-151-90. Timber products facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: establishments generally classified under Standard Industrial Classification (SIC) Major Group 24 that are engaged in cutting timber and pulpwood, merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in wood preserving or in manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under 9 VAC 25-151-310.

B. Special conditions. Prohibition of nonstorm water discharges.

1. Discharges of boiler blowdown and water treatment wastewaters, noncontact and contact cooling waters, wash down waters from treatment equipment, and storm water that has come in contact with areas where spraying of chemical formulations designed to provide surface protection, to surface waters, or through municipal separate storm sewer systems are not authorized by this permit. The owners of such discharges must obtain coverage under a separate VPDES discharge permit.

2. In addition to the discharges described in 9 VAC 25-151-70 D 1, the following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with 9 VAC 25-151-90 C and the effluent limitations described in 9 VAC 25-151-90 D: discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. A site map indicating the location of treatment chemical storage areas [÷ ,] treated wood and residue storage areas [÷ ,] wet decking areas [÷ ,] dry decking areas [÷ ,] untreated wood and residue

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storage areas [; ,] and treatment equipment storage areas.

b. Where information is available, facilities that have used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or wood preserving activities onsite in the past should identify in the inventory the following: areas where contaminated soils, treatment equipment, and stored materials still remain and management practices employed to minimize the contact of these materials with storm water runoff.

2. Measures and controls. The description of storm water management controls shall address the following areas of the site: log, lumber and other wood product storage areas; residue storage areas, loading and unloading areas; material handling areas; chemical storage areas; and equipment/vehicle maintenance, storage and repair areas. Facilities that surface protect and/or preserve wood products should address specific BMPs for wood surface protection and preserving activities. The pollution prevention plan should address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping measures in storage areas, loading and unloading areas, and material handling areas should be designed to:

- (1) Limit the discharge of wood debris;
- (2) Minimize the leachate generated from decaying wood materials; and
- (3) Minimize the generation of dust;

b. Preventive maintenance. Periodic removal of debris from ditches, swales, diversions, containment basins, sediment ponds and infiltration measures should be performed to limit discharges of solids and to maintain the effectiveness of the controls.

c. Spill prevention and response procedures. Response schedules should be developed to limit tracking of spilled materials to other areas of the site. Leaks or spills of wood surface protection or preservation chemicals shall be cleaned up immediately in accordance with applicable RCRA regulations at 40 CFR Part 264 (1998) and 40 CFR Part 265 (1998).

d. Inspections. Permittees are required to conduct quarterly visual inspections of BMPs. Material handling, and unloading and loading areas should be inspected daily whenever industrial activities occur in those areas. If no activities are occurring, no inspection is required. Inspections at processing areas, transport areas, and treated wood storage areas of facilities performing wood surface protection and preservation activities should be performed monthly to assess the usefulness of practices in

minimizing drippage of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges. The inspections shall include:

- (1) An assessment of the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures;
- (2) Visual inspection of sediment and erosion BMPs to determine if soil erosion has occurred; and
- (3) Visual inspections of storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

e. Sediment and erosion control. When developing the plan, the following areas of the site should be considered: loading and unloading areas, access roads, material handling areas, storage areas, and any other areas where heavy equipment and vehicle use is prevalent. The following erosion and sediment controls shall be considered to minimize the discharge of sediments from the site: stabilization measures such as seeding, mulching, contouring, porous pavement, paving and sodding or its equivalent and structural measures such as sediment traps and silt fences or other equivalent measures.

3. Comprehensive site compliance evaluation. Such evaluations shall include areas contributing to a storm water discharge associated with industrial activity such as locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas. These areas shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system.

D. Numeric effluent limitations.

1. In addition to the numeric effluent limitations described in 9 VAC 25-151-70 B, the following limitations shall be met by existing and new facilities.

Wet deck storage area runoff. Nonstorm water discharges from areas used for the storage of logs where water, without chemical additives, is intentionally sprayed or deposited on logs to deter decay or infestation by insects are required to meet the following effluent limitations: pH shall be within the range of 6.0-9.0, and there will be no discharge of debris. Chemicals are not allowed to be applied to the stored logs. The term "debris" is defined as woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1 in.) diameter round opening and is present in the discharge from a wet deck storage area. Permittees subject to these numeric limitations

must be in compliance with these limitations through the duration of permit coverage.

2. **Compliance monitoring requirements.** Permittees with log storage area spray water discharges which are covered by this permit must monitor the discharge for the presence of debris and pH at least annually. In addition to the parameters listed above, the permittee shall provide an estimate of the total volume (in gallons) of the discharge sampled.

E. **Monitoring and reporting requirements.** Analytical monitoring requirements. Timber product facilities are required to monitor their storm water discharges for the pollutants of concern listed in the appropriate table (Table 90-1, 90-2, 90-3 or 90-4).

Table 90-1.

Monitoring Requirements for General Sawmills and Planing Mills Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L
Total Recoverable Zinc	120 mg/L

Table 90-2.

Monitoring Requirements for Wood Preserving Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Arsenic	50 mg/L
[Total Recoverable Chromium	16 mg/l]
Total Recoverable Copper	18 mg/L

Table 90-3.

Monitoring for Log Storage and Handling Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

Table 90-4.

Monitoring Requirements for Hardwood Dimension and Flooring Mills; Special Products Sawmills Not Elsewhere Classified; Millwork, Veneer, Plywood and Structural Wood; Wood Containers; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities Not Elsewhere Classified.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

9 VAC 25-151-100. Paper and allied products manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm

water discharges from the following activities: facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

B. **Special conditions.** Prohibition of nonstorm water discharges. There are no additional requirements beyond those in 9 VAC 25-151-70 D 1.

C. **Storm water pollution prevention plan requirements.** In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. **Good housekeeping.** The plan shall describe procedures performed to minimize contact of materials with storm water runoff. Examples include cleaning of lots and roofs that collect debris [÷ , and] routine cleaning of wastewater treatment [÷] and other waste disposal (such as sludge handling) locations.

2. **Management of runoff.** Appropriate measures may include: screens or fences used to protect dust and particulate collection activities from wind or to minimize the effects of wind on material loading and storage [÷ and ;] processing activities to eliminate or reduce wind blown or airborne pollutants; secondary containment of storage areas such as berms and dikes; diversionary structures to direct storm water away from areas of potential contamination; and tarpaulins, roofs, or other coverings of outdoor storage or industrial activities or other equivalent measures.

D. **Numeric effluent limitations.** There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. **Monitoring and reporting requirements.** Analytical monitoring requirements. Paperboard mills are required to monitor their storm water discharges for the pollutant of concern listed in Table 100.

Table 100.

Monitoring Requirements for Paperboard Mills.

Pollutants of Concern	Monitoring Cut-Off Concentration
Biochemical Oxygen Demand	30 mg/L

9 VAC 25-151-110. Chemical and allied products manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC code shown:

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1. Basic industrial inorganic chemicals (including SIC Code 281);

2. Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other humanmade fibers, except glass (including SIC Code 282);

3. Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC Code 284);

4. Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC Code 285);

5. Industrial organic chemicals (including SIC Code 286);

6. Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC Code 287);

7. Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry soaps, and writing and stamp pad ink; industrial compounds, such as boiler and heat insulating compounds; metal, oil, and water treatment compounds; waterproofing compounds; and chemical supplies for foundries (including facilities with SIC Code 289);

8. Ink and paints, including china painting enamels, India ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC Code 3952, limited to those listed; for others in SIC Code 3952 not listed above, see 9 VAC 25-151-330); and

9. Medicinal chemicals and pharmaceutical products, including the grading, grinding and milling of botanicals (including SIC Code 283).

~~[B. Discharges not covered by this section. Storm water discharges from drug manufacturing facilities and other establishments classified as SIC Code 283.~~

G. B.] Special conditions. Prohibition of nonstorm water discharges. In addition to those nonstorm water discharges prohibited under 9 VAC 25-151-70 D 1, this section does not authorize the discharge of:

1. Inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans;

2. Washwaters from material handling and processing areas. This includes areas where containers, equipment, industrial machinery, and any significant materials are exposed to storm water; or

3. Washwaters from drum, tank, or container rinsing and cleaning.

[~~D. C.~~] Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. The site map developed for the facility shall include access roads, rail cars and tracks; the location of transfer of substances in bulk; and machinery.

b. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following: access roads, rail cars and tracks; the location of transfer of substances in bulk; and machinery.

2. Measures and controls.

a. Nonstructural controls. Good housekeeping. At a minimum, the permittee shall:

(1) Schedule regular pickup and disposal of garbage and waste materials, or use other appropriate measures to reduce the potential for the discharge of storm water that has come into contact with garbage or waste materials. This schedule shall be included in the plan. Individuals responsible for waste management and disposal shall be informed of the procedures established under the plan;

(2) Routinely inspect for leaks and the condition of drums, tanks and containers. Ensure that spill cleanup procedures are understood by employees;

(3) Keep an up-to-date inventory of all materials present at the facility. While preparing the inventory, all containers should be clearly labeled. Hazardous containers that requires special handling, storage, use and disposal shall be clearly marked; and

(4) Maintain clean ground surfaces.

b. Inspections.

~~[(1) A wet weather inspection (during a rainfall event) shall be conducted in the second (April to June) and third (July to September) quarters of each year. A dry weather inspection (no precipitation) shall be conducted in the first (January to March) and fourth (October to December) quarters. Such inspections shall be documented and this documentation shall be retained as part of the pollution prevention plan. Changes based on the results of the quarterly inspections shall be~~

~~made in a timely manner. When a seasonal dry period is sustained for more than three months, a dry weather inspection will satisfy the wet weather inspection requirement.~~

(2)] All areas exposed to precipitation at the facilities shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented or whether additional control measures are needed. Structural storm water management measures (diking, berming, curbing, sediment and erosion control measures, stabilization controls, etc.) required under this section shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

c. Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

d. Structural practices. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate structural measures. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained.

e. Practices for material handling and storage areas. Permittees shall ensure the implementation of practices that conform with the following:

(1) In areas where liquid or powdered materials are stored, facilities shall provide either diking, curbing, berms, or other appropriate measures to reduce the potential of discharge of liquid or powdered materials in storm water;

(2) In all other outside storage areas including storage of used containers, machinery, scrap and construction materials, and pallets, facilities shall prevent or minimize storm water runoff to the storage area by using curbing, culverting, gutters, sewers or other forms of drainage control;

(3) In all storage areas, roofs, covers or other forms of appropriate protection shall be used to prevent storage areas from exposure to storm water and wind. For the purpose of this paragraph, tanks would be considered to be appropriate protection;

(4) In areas where liquid or powdered materials are transferred in bulk from truck or rail cars, permittees shall provide appropriate measures to minimize contact of material with precipitation. Permittees

shall consider providing for hose connection points at storage containers to be inside containment areas, and [providing] drip pans to be used in areas that are not in a containment area, where spillage may occur (e.g., hose reels, connection points with rail cars or trucks) or equivalent measures;

(5) In areas of transfer of contained or packaged materials and loading/unloading areas, permittee shall consider providing appropriate protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks or an equivalent;

(6) Drainage from areas covered by 9 VAC 25-151-110 [D C] 2 e should be restrained by valves or other positive means to prevent the discharge of a spill or leak. Containment units may be emptied by pumps or ejectors; however, these shall be manually activated;

(7) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-or-closed design; and

(8) If facility drainage is not engineered as above, the final discharge point of all in-facility sewers should be equipped to prevent or divert the discharge, in the event of an uncontrolled spill of materials, and return the spilled material to the facility.

f. Sediment and erosion control. The plan shall describe permanent stabilization practices and shall ensure that disturbed portions of the site are stabilized. Stabilization practices may include: permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

E. Numeric effluent limitations.

1. In addition to the numeric effluent limitations described in 9 VAC 25-151-70 B, the following effluent limitations shall be met by existing and new discharges with phosphate fertilizer manufacturing runoff. The provisions of this paragraph are applicable to storm water discharges from the phosphate subcategory of the fertilizer manufacturing point source category (40 CFR 418.10 (1998)). The term contaminated storm water runoff shall mean precipitation runoff, that during manufacturing or processing, comes into contact with any raw materials, intermediate product, finished product, by-products or waste product. The concentration of pollutants in storm water discharges shall not exceed the effluent limitations in Table 110-1.

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Table 110-1.
Numeric Effluent Limitations.

Effluent Characteristics	Effluent Limitations (mg/L)	
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P)	105	35
Fluoride	75	25

2. Compliance monitoring requirements. In addition to the monitoring required in 9 VAC 25-151-110 F, permittees with contaminated storm water runoff from phosphate fertilizer manufacturing facilities must monitor their contaminated storm water discharges for the presence of phosphorus and fluoride at least annually (one time per year).

F. Monitoring and reporting requirements. Analytical monitoring requirements. Agricultural chemical manufacturing facilities; industrial inorganic chemical facilities; soaps, detergents, cosmetics, and perfume manufacturing facilities; and plastics, synthetics, and resin manufacturing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Tables 110-2, 110-3, 110-4, and 110-5 below.

Table 110-2.
Agricultural Chemicals Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Nitrate plus Nitrite Nitrogen	0.68 mg/L
Total Kjeldahl Nitrogen	1.5 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L
Phosphorus	2 mg/L

Table 110-3.
Industrial Inorganic Chemicals Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Kjeldahl Nitrogen	1.5 mg/L
Nitrate plus Nitrite Nitrogen	0.68 mg/L

Table 110-4.
Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L
Nitrate plus Nitrite Nitrogen	0.68 mg/L
Total Recoverable Zinc	120 mg/L

Table 110-5.
Plastics, Synthetics, and Resins Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-120. Asphalt paving and roofing materials and lubricant manufacturers.

A. Discharges covered under this section. This section of the permit describes requirements for all existing point source discharges of storm water associated with industrial activity to surface waters from: facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) Codes 2951 and 2952; portable asphalt plant facilities (also commonly identified by SIC Code 2951); and facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC Code 2992.

B. Limitations on coverage. The following storm water discharges associated with industrial activity are not authorized by this section of the permit:

- Storm water discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC Code 2911;
- Storm water discharges from oil recycling facilities; and
- Storm water discharges associated with fats and oils rendering.

C. Special conditions. Prohibition of nonstorm water discharges. There are no additional prohibitions beyond those listed in 9 VAC 25-151-70 D 1.

D. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

- Measures and controls. Inspections. Material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance, cleaning, and fueling areas, material handling vehicles, equipment and processing areas shall be inspected.

2. Comprehensive site compliance evaluation. Areas contributing to a storm water discharge associated with industrial activity including; material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance, cleaning, and fueling areas, material handling vehicles, equipment and processing areas, and areas where aggregate is stockpiled outdoors shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system.

E. Numeric effluent limitations.

1. In addition to the numeric effluent limitations listed in 9 VAC 25-151-70 B, discharges from areas where production of asphalt paving and roofing emulsions occurs may not exceed the limitations in Table 120-1.

Table 120-1.
Numeric Effluent Limitations.

Effluent Characteristics	Effluent Limitations (mg/L)	
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed
Total Suspended Solids (TSS)	23	15
Oil and Grease	15	10
pH	9.0 su	6.0 su minimum

2. Compliance monitoring requirements. Permittees with facilities that produce asphalt paving or roofing emulsions shall monitor their storm water discharges associated with these activities for the presence of TSS, oil and grease, and for pH at least annually (one time per year).

F. Monitoring and reporting requirements. Analytical monitoring requirements. Asphalt paving and roofing materials manufacturing facilities are required to monitor their storm water discharges for the pollutant of concern listed in Table 120-2.

Table 120-2.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

9 VAC 25-151-130. Glass, clay, cement, concrete, and gypsum product manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay product including tile and brick; manufacturing pottery and porcelain electrical supplies; manufacturing concrete products;

manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass (SIC Code 3211); glass containers (SIC Code 3221); pressed and blown glass, not elsewhere classified (SIC Code 3229); glass products made of purchased glass (SIC Code 3231), where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water; hydraulic cement (SIC Code 3241); brick and structural clay tile (SIC Code 3251); ceramic wall and floor tile (SIC Code 3253); clay refractories (SIC Code 3255); structural clay products not elsewhere classified (SIC Code 3259); vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC Code 3261); vitreous china table and kitchen articles (SIC Code 3262); fine earthen ware table and kitchen articles (SIC Code 3263); porcelain electrical supplies (SIC Code 3264); pattern products (SIC Code 3269); concrete block and brick (SIC Code 3271); concrete products, except block and brick (SIC Code 3272); [~~ready-mix concrete (SIC Code 3273);~~] lime (SIC Code 3274); gypsum products (SIC Code 3275); cut stone and stone products (SIC Code 3281); abrasive products (SIC Code 3291); asbestos products (SIC Code 3292); minerals and earths, ground or otherwise treated (SIC Code 3295); mineral wool (SIC Code 3296); nonclay refractories (SIC Code 3297); and nonmetallic mineral products not elsewhere classified (SIC Code 3299).

B. Special conditions. Prohibition of nonstorm water discharges. The discharge of pavement washwaters are only authorized where the permittee has minimized the presence of spilled materials in accordance with 9 VAC 25-151-130 C 2 a.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. Facilities shall also identify, on the site map, the location of any: bag house or other dust control device; recycle/sedimentation pond, clarifier or other device used for the treatment of process wastewater and the areas that drain to the treatment device.

2. Measures and controls.

a. Good housekeeping.

(1) Facilities shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust and other significant materials in storm water from paved portions of the site that are exposed to storm water. Measures used to minimize the presence of these materials may include regular sweeping, or other equivalent measures. The plan shall indicate the frequency of sweeping or other measures. The frequency shall be determined based upon consideration of the amount of industrial activity

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occurring in the area and frequency of precipitation, but shall not be less than once per week when cement, aggregate, kiln dust or fly ash are being handled or otherwise processed in the area.

(2) Facilities shall prevent the exposure of fine granular solids such as cement [~~fly ash~~] and kiln dust to storm water. Where practicable, these materials shall be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

b. Inspections. The inspection shall take place while the facility is in operation and shall at a minimum include all of the following areas that are exposed to storm water at the site: material handling areas, aboveground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas.

c. Employee training. Training should address topics such as spill response, good housekeeping, truck wash out procedures, equipment wash down procedures and material management practices.

d. Nonstorm water discharges. Facilities engaged in production of ready-mix concrete, concrete block, brick or other products shall include in the certification a description of measures that ensure that process wastewater that results from washing of trucks, mixers, transport buckets, forms or other equipment are discharged in accordance with a separate VPDES [permit] or are recycled. Facilities with wash water recycle ponds shall include an estimate of the amount of rainfall (in inches) required to cause the recycle pond to overflow in a 24-hour period.

D. Numeric effluent limitations.

1. In addition to the numeric effluent limitations described by 9 VAC 25-151-70 B, the following limitations shall be met by existing and new facilities.

Cement manufacturing facility, material storage runoff. Any discharge composed of runoff that derives from the storage of materials including raw materials, intermediate products, finished products, and waste materials that are used in or derived from the manufacture of cement shall not exceed the limitations in Table 130-1. Runoff from the storage piles shall not be diluted with other storm water runoff or flows to meet these limitations. Any untreated overflow from facilities designed, constructed and operated to treat the volume of material storage pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the TSS or pH limitations. Facilities subject to these numeric effluent limitations must be in compliance with these limits upon commencement of coverage and for the entire term of this permit.

Table 130-1.
Numeric Effluent Limitations.

Effluent Characteristics	Effluent Limitation
Total Suspended Solids (TSS)	50 mg/L Daily Maximum
pH	Within the range 6.0 - 9.0 su

2. Compliance monitoring requirements. Permittees with cement manufacturing facilities must monitor runoff from material storage for the presence of TSS and pH at least annually (one time per year).

E. Monitoring and reporting requirements. Analytical monitoring requirements.

1. Clay product manufacturers include: brick and structural clay tile manufacturers (SIC Code 3251); ceramic wall and floor tile manufacturers (SIC Code 3253); clay refractories (SIC Code 3255); manufacturers of structural clay products, not elsewhere classified (SIC Code 3259); manufacturers of vitreous china table and kitchen articles (SIC Code 3232); manufacturers of vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC Code 3261); manufacturers of fine earthen ware table and kitchen articles (SIC Code 3263); manufacturers of porcelain electrical supplies (SIC Code 3264); pottery products (SIC Code 3269); and nonclay refractories (SIC Code 3297). Permittees with these industrial activities must monitor for the pollutant listed in Table 130-2.

2. Concrete and gypsum product manufacturers include: concrete block and brick manufacturers (SIC Code 3271), concrete products manufacturers (SIC Code 3272), [~~ready-mixed concrete manufacturers (SIC Code 3273)~~], lime (SIC Code 3274), gypsum product manufacturers (SIC Code 3275), and manufacturers of mineral and earth products (SIC Code 3295). Permittees with these industrial activities must monitor for the pollutants listed in Table 130-3.

Table 130-2.
Monitoring Requirements for Clay Product Manufacturers.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L

Table 130-3.
Monitoring Requirements for Concrete and Gypsum Product Manufacturers.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS)	100 mg/L
pH	[within the range] 6.0 - 9.0 su
Total Recoverable Iron	1 mg/L

9 VAC 25-151-140. Primary metals facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the primary metal industry, which includes the following types of facilities.

1. Steel works, blast furnaces, and rolling and finishing mills, including: steel wire drawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC Code 331).
2. Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC Code 332).
3. Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC Code 333).
4. Secondary smelting and refining of nonferrous metals (SIC Code 334).
5. Rolling, drawing, and extruding of nonferrous metals [~~including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire~~] (SIC Code 335).
6. Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC Code 336).
7. Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC Code 339).

Activities covered include, but are not limited to, storm water discharges associated with coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore.

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements beyond those described in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating locations used for the treatment, storage or disposal of wastes such as spent solvents or baths, sand, slag or dross, liquid storage tanks or drums, processing areas including pollution control equipment such as baghouses, and storage areas of raw materials such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. The map shall also indicate areas of the facility where accumulation of significant amounts of particulate matter from operations such as furnace or oven emissions or losses from coal/coke handling

operations, etc., is likely, and could result in a discharge of pollutants to surface waters.

2. Measures and controls.

a. Good housekeeping. The pollution prevention plan should consider implementation of the following measures, or equivalent measures, where applicable.

- (1) Establish a cleaning or maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, particularly areas of material loading/unloading, material storage and handling, and processing.
- (2) Pave areas of vehicle traffic or material storage where vegetative or other stabilization methods are not practical. Institute sweeping programs in these areas as well.
- (3) For unstabilized areas of the facility where sweeping is not practical, storm water management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures, that effectively trap or remove sediment should be considered.

b. Source controls. The permittee shall consider preventive measures to minimize the potential exposure of all significant materials to precipitation and storm water runoff. The permittee should consider the implementation of the following measures, or equivalent measures, to reduce the exposure of all materials to storm water.

- (1) Relocating all materials, including raw materials, intermediate products, material handling equipment, obsolete equipment, and wastes currently stored outside to inside locations.
- (2) Establishment of a schedule for removal of wastes and obsolete equipment to minimize the volume of these materials stored onsite that may be exposed to storm water.
- (3) Substitution of less hazardous materials, or materials less likely to contaminate storm water, or substitution of recyclable materials for nonrecyclables wherever possible.
- (4) Constructing permanent or semipermanent covers, or other similar forms of protection over stockpiled materials, material handling and processing equipment. Options include roofs, tarps, and other covers. This may also include the use of containment bins or covered dumpsters for raw materials, waste materials and nonrecyclable waste materials.
- (5) Dikes, berms, curbs, trenches, or other equivalent measures to divert runoff from material storage, processing, or waste disposal areas.

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c. Preventive maintenance.

(1) A schedule for inspection and maintenance of all particulate emissions control equipment should be established to ensure proper operation. Detection of any leaks or defects that could lead to excessive emissions shall be repaired as soon as practicable. Where significant settling or deposition from process emissions are observed during proper operation of existing equipment, the permittee shall consider ways to reduce these emissions including but not limited to: upgrading or replacing existing equipment; collecting runoff from areas of deposition for treatment or recycling; or changes in materials or processes to reduce the generation of particulate matter.

(2) Structural best management practices (BMPs) will be visually inspected for signs of washout, excessive sedimentation, deterioration, damage, or overflowing, and shall be repaired or maintained as soon as practicable.

d. Inspections. Inspections shall address, at a minimum, the following areas where applicable:

(1) Air pollution control equipment such as baghouses, electrostatic precipitators, scrubbers, and cyclones, should be inspected on a routine basis for any signs of disrepair such as leaks, corrosion, or improper operation that could limit their efficiency and lead to excessive emissions. The permittee should consider monitoring air flow at inlets and outlets, or equivalent measures, to check for leaks or blockage in ducts. Visual inspections shall be made for corrosion, leaks, or signs of particulate deposition or visible emissions that could indicate leaks;

(2) All process or material handling equipment such as conveyors, cranes, and vehicles should be inspected for leaks, drips, etc., or for the potential loss of materials; and

(3) Material storage areas such as piles, bins or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks or drums, should be examined for signs of material losses due to wind or storm water runoff.

e. Sediment and erosion control. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those that control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures which the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm

water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures.

f. Management of runoff. Permittees shall consider implementation of the following storm water management practices or other equivalent measures to address pollutants of concern:

(1) Vegetative buffer strips, filter fabric fence, sediment filtering boom, or other equivalent measures, that effectively trap or remove sediment prior to discharge through an inlet or catch basin;

(2) Media filtration such as catch basin filters and sand filters;

(3) Oil/water separators or the equivalent; and

(4) Structural BMPs such as settling basins, sediment traps, retention or detention ponds, recycling ponds or other equivalent measures.

D. Numeric effluent limitations. There are no additional effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Primary metals facilities are required to monitor their storm water discharges for the pollutants of concern listed in Tables 140-1, 140-2, 140-3, and 140-4.

Table 140-1.

Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC Code 331) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Zinc	120 mg/L

Table 140-2.

Iron and Steel Foundries (SIC Code 332) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Suspended Solids	100 mg/L
Total Recoverable Copper	18 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L

Table 140-3.
Rolling, Drawing, and Extruding of Nonferrous Metals (SIC Code 335) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Copper	18 mg/L
Total Recoverable Zinc	120 mg/L

Table 140-4.
Nonferrous Foundries (SIC Code 336) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Copper	18 mg/L
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-150. Metal mining (ore mining and dressing) facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from active and inactive metal mining and ore dressing facilities (Standard Industrial Classification (SIC) Major Group 10) if the storm water has come into contact with, or is contaminated by, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation. SIC Major Group 10 includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals (ores) and also includes all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. For the purposes of this section, the term "metal mining" includes all ore mining and/or dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. All storm water discharges from inactive metal mining facilities and storm water discharges from the following areas of active, and temporarily inactive, metal mining facilities are the only discharges covered by this permit: waste rock/overburden piles outside the active mining area; topsoil piles; offsite haul/access roads if outside of the active mining area; haul/access roads constructed of waste rock/overburden if outside of the active mining area; onsite haul/access roads not constructed of waste rock/overburden spent ore except if mine water is used for dust control; runoff from tailings dams/dikes when not constructed of waste rock/tailings and no process fluids are present; runoff from tailings dams/dikes when constructed of waste rock/tailings and no process fluids are present if outside the active mining area; concentration building if no contact with material piles; mill site if no contact with material piles; office/administrative building and housing if mixed with storm water from industrial area; chemical storage area; docking facility except if excessive contact with waste product; explosive storage; fuel storage;

vehicle/equipment maintenance area/building; parking areas (if necessary); power plant; truck wash areas except when excessive contact with waste product; unreclaimed, disturbed areas outside of active mining area; reclaimed areas released from reclamation bonds prior to December 17, 1990; and partially/inadequately reclaimed areas or areas not released from reclamation bond. Note: Discharges from overburden/waste rock and overburden/waste rock-related areas are subject to 40 CFR Part 440 (1998) if the source of the drainage flows is within the "active mining area" and the resulting storm water flows drain to a point source. For such sources outside the active mining area, coverage under this permit would be available if the discharge is composed entirely of storm water and not subject to 40 CFR Part 440 (1998).

B. Limitations on coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:

1. Discharges from active metal mining facilities that are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440 (1998)). Coverage under this permit does not include adit drainage or contaminated springs or seeps at active facilities, temporarily inactive facilities, or inactive facilities; and
2. Storm water discharges associated with an industrial activity from inactive mining operations occurring on federal lands where an owner cannot be identified.

C. Special definitions. The following definitions are only for this section of the general permit:

"Active metal mining facility" means a place where work or other related activity to the extraction, removal, or recovery of metal ore is being conducted. With respect to surface mines, an "active metal mining facility" does not include any area of land on or in which grading has been completed to return the earth to a desired contour and reclamation work has begun.

"Inactive metal mining facility" means a site or portion of a site where metal mining and/or milling activities occurred in the past but is not an active metal mining facility, as defined in this permit and that portion of the facility does not have an active mining permit issued by the applicable (federal or state) governmental agency.

"Temporarily inactive metal mining facility" means a site or portion of a site where metal mining and/or milling activities occurred in the past, but currently are not being actively undertaken, and the facility has an active mining permit issued by the applicable (federal or state) government agency that authorizes mining at the site.

D. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of mining activities. A description of the mining and associated activities taking place at the site

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that affect or may affect storm water runoff intended to be covered by this permit. The description shall report the total acreage within the mine site, an estimate of the number of acres of disturbed land and an estimate of the total amount of land proposed to be disturbed throughout the life of the mine. A general description of the location of the mining site relative to major transportation routes and communities shall also be provided.

2. Description of potential pollutant sources.

a. *Drainage.* A site topographic map that indicates: storage areas for chemicals and explosives; areas used for storage of overburden, materials, soils or wastes; location of mine drainage (where water leaves mine) or any other process water; tailings piles/ponds, both proposed and existing; heap leach pads; points of discharge from the property for mine drainage or any other process water; springs, streams, wetlands and other surface waters; and boundary of tributary areas that are subject to effluent limitations guidelines. Factors to consider include the mineralogy of the ore and waste rock (e.g., acid forming).

b. *Inventory of exposed materials.* A summary of any existing ore or waste rock/overburden characterization data, including results of testing for acid rock generation potential. If the ore or waste rock/overburden characterization data are updated due to a change in the ore type being mined, the storm water pollution prevention plan shall be updated with the new data.

3. Measures and controls.

a. *Inspections.* Provisions for qualified personnel to inspect designated equipment and mine areas at least on a quarterly basis for active sites. For temporarily inactive sites, the inspections should be quarterly; however, inspections are not required when adverse weather conditions (e.g., snow) make the site inaccessible. All material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion control systems and sediment control devices shall also be inspected to determine if they are working properly. The use of a checklist developed by the facility is encouraged.

b. *Sediment and erosion control.* The measures to consider include diversion of flow away from areas susceptible to erosion (measures such as interceptor dikes and swales, diversion dikes, curbs and berms); pipe slope drains; subsurface drains; and drainage/storm water conveyance systems (channels or gutters; open top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector; and culverts), stabilization methods to prevent or minimize erosion (such as temporary or permanent seeding; vegetative buffer strips; protection of trees; topsoiling; soil conditioning; contouring;

mulching; geotextiles (matting, netting, or blankets); riprap; gabions; and retaining walls), and structural methods for controlling sediment (such as check dams; rock outlet protection; level spreaders; gradient terraces; straw bale barriers; silt fences; gravel or stone filter berms; brush barriers; sediment traps; grass swales; pipe slope drains; earth dikes; other controls such as entrance stabilization, waterway crossings or wind breaks; or other equivalent measures).

c. *Capping.* Where capping of a contaminant source is necessary, the source being capped and materials and procedures used to cap the contaminant source must be identified. In some cases, the elimination of a pollution source through capping contaminant sources may be the most effective control measure for discharges from inactive ore mining and dressing facilities.

d. *Treatment.* A description of how storm water will be treated prior to discharging to surface waters if treatment of a storm water discharge is necessary. Storm water treatments include the following: chemical/physical treatment; oil/water separators; and artificial wetlands.

e. *Storm water diversion.* For inactive metal mining facilities, a description of how and where storm water will be diverted away from potential pollutant sources to prevent storm water contamination. Storm water diversions may include the following: interceptor dikes and swales; diversion dikes curbs and berms; pipe slope drains; subsurface drains; drainage/storm water conveyance systems (channels or gutters, open top box culverts and waterbars, rolling dips and road sloping, roadway surface water deflector, and culverts) or equivalent measures.

E. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

F. *Monitoring and reporting requirements.* Analytical monitoring requirements. Active copper ore mining and dressing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 150 below.

Table 150.

Monitoring Requirements for Active Copper Mining Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS)	100 mg/L

9 VAC 25-151-160. Coal mines and coal mining-related facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from coal mining-related areas (SIC Major

Group 12) if [(i)] they are not subject to effluent limitations guidelines under 40 CFR Part 434 (1998) [or (ii) they are not subject to the standards of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (91 USC § 445 et seq.) and the Virginia Department of Mines, Minerals and Energy's individual permit requirements. The requirements of this section shall apply to storm water discharges from coal mining-related activities exempt from SMCRA, including the public financed exemption, the 16-2/3% exemption, the private use exemption, the under 250 tons exemption, the nonincidental tippie exemption, and the exemption for coal piles and preparation plants associated with the end user. Storm water discharges from inactive mining activities occurring on federal lands where an owner cannot be identified are not eligible for coverage under this permit]. Storm water discharges from the following portions of [eligible] coal mines and coal mining related facilities may be eligible for this permit: haul roads (nonpublic roads on which coal or coal refuse is conveyed), access roads (nonpublic roads providing light vehicular traffic within the facility property and to public roadways), railroad spurs, sidings, and internal haulage lines (rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas), conveyor belts, chutes, and aerial tramway haulage areas (areas under and around coal or refuse conveyor areas, including transfer stations), equipment storage and maintenance yards, coal handling buildings and structures, coal tipples, coal loading facilities and inactive coal mines and related areas (abandoned and other inactive mines, refuse disposal sites and other mining-related areas on private lands). [~~Storm water discharges from inactive mining activities occurring on federal lands where an owner cannot be identified are not eligible for coverage under this permit.]~~

B. Special conditions. Prohibition of nonstorm water discharges. In addition to the broad prohibition of nonstorm water discharges of 9 VAC 25-151-70 D 1, point source discharges of pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not occur as storm water discharges in response to precipitation events are also excluded from coverage under this permit. In addition, floor drains from maintenance buildings and other similar drains in mining and preparation plant areas are prohibited.

C. Storm water pollution prevention plan requirements. [~~Most of the active coal mining-related areas described in 9 VAC 25-151-160 A are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to the Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation to implement SMCRA. All SMCRA requirements regarding control of erosion, siltation and other pollutants resulting from storm water runoff, including road dust resulting from erosion, shall be primary requirements of the pollution prevention plan and shall be included in the contents of the plan directly, or by reference. Where determined to be appropriate for~~

~~protection of water quality, additional sedimentation and erosion controls may be warranted.] In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include at a minimum, the following items.~~

1. Description of potential pollutant sources.

a. **Drainage.** A site map [~~, such as a drainage map required for SMCRA permit applications,] that [indicate indicates] drainage areas and storm water outfalls. These shall include but not be limited to the following:~~

(1) Drainage direction and discharge points from all applicable mining-related areas described in 9 VAC 25-151-160 A, including culvert and sump discharges from roads and rail beds and also from equipment and maintenance areas subject to storm runoff of fuel, lubricants and other potentially harmful liquids;

(2) Locations exposed to precipitation that contain acidic spoil, refuse or unreclaimed disturbed areas; and

(3) Locations where liquid storage tanks containing potential pollutants, such as caustics, hydraulic fluids and lubricants, are exposed to precipitation.

b. **Risk identification and summary of potential pollutant sources.** A narrative description of the potential pollutant sources from the following activities: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil. Specific potential pollutants shall be identified, where known.

2. Measures and controls.

a. **Good housekeeping.** Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner. These would be practices that would minimize the generation of pollutants at the source or before it would be necessary to employ sediment ponds or other control measures at the discharge outlets. Where applicable, such measures or other equivalent measures would include the following: sweepers and covered storage to minimize dust generation and storm runoff; conservation of vegetation where possible to minimize erosion; watering of haul roads to minimize dust generation; collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance; or other equivalent measures.

b. **Preventive maintenance.** Where applicable, such measures would include the following: removal and proper disposal of settled solids in catch basins to allow sufficient retention capacity; periodic

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replacement of siltation control measures subject to deterioration such as straw bales; inspections of storage tanks and pressure lines for fuels, lubricants, hydraulic fluid or slurry to prevent leaks due to deterioration or faulty connections; or other equivalent measures.

~~[e. Inspections. In addition to or as part of the comprehensive site evaluation, qualified facility personnel shall be identified to inspect designated areas of the facility at appropriate intervals specified in the plan. The following shall be included in the plan.~~

~~(1) Active mining-related areas and those inactive areas under SMCRA bond authority. The plan shall require quarterly inspections by the facility personnel for areas of the facility covered by pollution prevention plan requirements. This inspection interval corresponds with the quarterly inspections for the entire facility required to be provided by SMCRA authority inspectors for all mining-related areas under SMCRA authority, including sediment and erosion control measures. Inspections by the facility representative may be done at the same time as the mandatory inspections performed by SMCRA inspectors. Records of inspections shall be maintained.~~

~~(2) Inactive mining-related areas not under SMCRA bond. The plan shall require annual inspections by the facility representative.~~

~~(3) Inspection records. The plan shall require that inspection records of the facility representative and those of the SMCRA authority inspector shall be maintained. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections.~~

d. c.] Sediment and erosion control. The following sediment and erosion control measures or other equivalent measures, should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff.

(1) Stabilization measures. Interim and permanent stabilization measures to minimize erosion and lessen amount of structural sediment control measures needed, including: mature vegetation preservation; temporary seeding; permanent seeding and planting; temporary mulching, matting, and netting; sod stabilization; vegetative buffer strips; temporary chemical mulch, soil binders, and soil palliatives; nonacidic road surfacing material; and protective trees.

(2) Structural measures. Structural measures to lessen erosion and reduce sediment discharges, including: silt fences; earth dikes; straw dikes; gradient terraces; drainage swales; sediment traps; pipe slope drains; porous rock check dams; sedimentation ponds; riprap channel protection;

capping of contaminated sources; and physical/chemical treatment of storm water.

(3) Management of flow. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (other than those as sediment and erosion control measures listed above) used to manage storm water runoff in a manner that reduces pollutants in storm water runoff from the site. The plan shall provide that the measures, which the permittee determines to be reasonable and appropriate, shall be implemented and maintained. Appropriate measures may include: discharge diversions; drainage/storm water conveyances; runoff dispersion; sediment control and collection; vegetation/soil stabilization; capping of contaminated sources; treatment; or other equivalent measures.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Coal mining facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 160.

Table 160.
Monitoring Requirements for Coal Mining Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Suspended Solids	100 mg/L

~~[F. Visual examination of storm water quality. Coal mining-related facilities shall perform and document a visual examination of a representative storm water discharge at the following frequencies: quarterly for active areas under SMCRA bond located in areas with average annual precipitation over 20 inches; semi-annually for inactive areas under SMCRA bond, and active areas under SMCRA bond located in areas with average annual precipitation of 20 inches or less; visual examinations are not required at inactive areas not under SMCRA bond. Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water runoff or snow melt: Quarterly: January through March; April through June; July through September; and October through December. Semi-annually: January through June and July through December. Examinations shall be made of samples collected within the first 60 minutes (or as soon thereafter as practical, but not to exceed two hours) of when the runoff or snowmelt begins discharging.]~~

9 VAC 25-151-170. Oil and gas extraction facilities.

A. Discharges covered under this section. This permit covers all existing point source discharges of storm water

associated with industrial activity to surface waters from oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which [~~are required to be permitted under 40 CFR 122.26(c)(1)(iii)~~] (1998) have had a discharge of a reportable quantity of oil or a hazardous substance for which notification is required under 40 CFR 110.6 (1998), 40 CFR 117.21 (1998) or 40 CFR 302.6 (1998)]. These include "... oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden raw material, intermediate products, finished products, by-products or waste products located on the site of such operations." Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oilfield service, supply and repair industries. This section also covers petroleum refineries listed under SIC Code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR Part 419 (1998) and 40 CFR Part 435 (1998) respectively are not included. Note that areas eligible for coverage at petroleum refineries will be very limited because the term "contaminated runoff," as defined in 40 CFR 419.11 (1998), includes "... runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property." Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not commingled with "contaminated runoff," include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, [finished product,] by-product, waste material, chemical, and material storage areas; loading and unloading areas; transmission pipelines, and, processing areas. Storm water discharges associated with industrial activity from inactive oil and gas operations occurring on federal lands where an owner cannot be identified are not covered by this permit.

B. Special conditions. There are no additional requirements beyond those listed in 9 VAC 25-151-70 D.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. The site map will indicate all areas subject to the effluent guidelines requirement of "No Discharge" in accordance with 40 CFR 435.32 (1998) and the existing structural controls to achieve compliance with the "No Discharge" requirement.

b. Risk identification and summary of potential pollutant sources.

(1) The plan shall include a narrative description of the potential pollutant sources from the following

activities: loading and unloading operations; outdoor storage activities; chemical, cement, mud or gel mixing activities; outdoor manufacturing or processing activities; drilling or mining activities; significant dust or particulate generating processes; and onsite waste disposal practices, equipment cleaning and rehabilitation activities. List any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

(2) In its description of potential pollutant sources, the plan must include information about the reportable quantities release which triggered the permit application requirements. Such information must include: the nature of the release (e.g., spill of oil from a drum storage area); the amount of oil or hazardous substance released; amount of substance recovered; date of the release; cause of the release (e.g., poor handling techniques as well as lack of containment in area); area affected by release, including land and waters; procedure to cleanup release; actions or procedures implemented to prevent or better respond to a release; and remaining potential contamination of storm water from release. The analysis shall take into account human health risks, the control of drinking water intakes, and the designated uses of the receiving stream.

2. Measures and controls.

a. Inspections. Equipment and vehicles which store, mix or transport hazardous materials will be inspected routinely, but not less than quarterly. [For temporarily or permanently inactive oil and gas extraction facilities within Major SIC Group 13, which are remotely located and unstaffed, the inspections shall be performed at least annually.] A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

b. Sediment and erosion control. Unless covered by another VPDES permit, the additional erosion control requirement for well drillings oil, sand, and shale mining areas are as follows:

(1) Site description. Each plan shall provide a description of the following:

(a) A description of the nature of the exploration activity;

(b) Estimates of the total area of the site and the area of the site that is expected to be disturbed due to the exploration activity;

(c) An estimate of the runoff coefficient of the site;

(d) A site map indicating drainage patterns and approximate slopes, the location of major control

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structures identified in the plan, and surface waters; and

(e) The name of the receiving water(s) and the ultimate receiving water(s) of the runoff.

(2) Controls. The pollution prevention plan shall include a description of controls appropriate for the activity and implement such controls. The description of controls shall address the following minimum components:

(a) A description of vegetative practices designed to preserve existing vegetation where attainable and revegetate open areas as soon as practicable after grade drilling. Such practices may include: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other equivalent measures. The permittee shall initiate appropriate vegetative practices on all disturbed areas within 14 calendar days of the last activity at that area.

(b) A description of structural practices that, to the degree attainable, divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other equivalent measures.

(3) Offsite vehicle tracking of sediments shall be minimized.

(4) Procedures in a plan shall provide that all erosion controls on the site are inspected at least once every seven calendar days. Weekly inspections are necessary to ensure erosion controls continue to effectively reduce the amount of sediment carried offsite.

c. Reportable quantity (RQ) release. The permittee must describe the measures taken to clean up RQ releases or related spills of materials, as well as measures proposed to avoid future releases of RQs. Such measures may include, among others: improved handling or storage techniques; containment around handling areas of liquid materials; and use of improved spill cleanup materials and techniques.

d. Vehicle and equipment storage areas. The storage of vehicles and equipment awaiting or having completed maintenance must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The plan may consider the use of drip pans under vehicles and equipment, indoor storage of the

vehicles and equipment, installation of berming and diking of this area, or other equivalent measures.

e. Vehicle and equipment cleaning and maintenance areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment cleaning. The plan may consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to a sanitary sewer, and/or collecting the storm water runoff from the cleaning area and providing treatment or recycling. The discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be authorized under a separate VPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment maintenance and rehabilitation. The plan may consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor where the practice would result in the exposure of pollutants to storm water, using dry cleanup methods, collecting the storm water runoff from the maintenance area and providing treatment or recycling, or other equivalent measures.

f. Materials and chemical storage areas. Storage units of all chemicals and materials (e.g., fuels, oils, used filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids, detergents drilling mud components, acids, organic additives) must be maintained in good condition so as to prevent contamination of storm water. Hazardous materials must be plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan may consider indoor storage of the materials and/or installation of berming and diking at the area.

g. Chemical mixing areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from chemical mixing areas. The plan may consider covering the mixing area, using spill and overflow protection, minimizing runoff of storm water to the mixing area, using dry cleanup methods, and/or collecting the storm water runoff and providing treatment or recycling. The plan may consider installation of berming and diking of the area.

D. Numeric effluent limitations. There are no additional requirements beyond those listed in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional requirements beyond those listed in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[9 VAC 25-151-180. ~~Mineral mining and processing facilities.~~

~~A. Discharges covered under this section. This permit covers all existing point source discharges of storm water associated with industrial activity to surface waters from active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14). Storm water discharges associated with industrial activity which are subject to an existing effluent limitation guideline (40 CFR Part 436 (1998)) are not authorized by this permit. Storm water discharges associated with industrial activity from inactive mineral mining activities occurring on federal lands where an owner cannot be identified are not eligible for coverage under this permit. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with industrial activity from construction activities, provided that the storm water discharge from the construction activity is in compliance with the terms of a different VPDES general permit or individual permit authorizing such discharges.~~

~~B. Special conditions. There are no additional requirements beyond those in 9 VAC 25-151-70 D.~~

~~C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include at a minimum, the following items:~~

~~1. Measures and controls.~~

~~a. Preventive maintenance. The maintenance program requires periodic removal of debris from discharge diversions and conveyance systems. These activities should be conducted in the spring, after snowmelt, and during the fall season. Permittees using ponds to control their effluents frequently use impoundments or sedimentation ponds as their BAT/BCT. Maintenance schedules for these ponds must be provided in the pollution prevention plan.~~

~~b. Inspections. Owners of active facilities are required to conduct quarterly visual inspections of all BMPs. Temporarily and permanently inactive operations are required to perform annual inspections. The inspections shall include: i) an assessment of the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures; ii) visual inspections of vegetative BMPs, serrated slopes, and benched slopes to determine if soil erosion has occurred; and iii) visual inspections of material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.~~

~~c. Recordkeeping and internal reporting procedures. Ineffective BMPs must be recorded and the date of their corrective action noted.~~

~~d. Sediment and erosion control. Permittees must indicate the location and design for proposed BMPs to~~

~~be implemented prior to land disturbance activities. For sites already disturbed but without BMPs, the permittee must indicate the location and design of BMPs that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks. Reclamation activities must continue until final closure notice has been issued.~~

~~e. Management of runoff. In the plan, the permittee must describe the storm water pollutant source area or activity (i.e., loading and unloading operations, raw material storage piles, etc.) to be controlled by each storm water management practice.~~

~~2. Comprehensive site compliance evaluation. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites, due to remote location and inaccessibility, site evaluations must be conducted at least once every three years.~~

~~D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.~~

~~E. Monitoring and reporting requirements. Analytical monitoring requirements. Permittees with dimension and crushed stone, and nonmetallic minerals (except fuels), and sand and gravel mining activities are required to monitor their storm water discharges for the pollutants of concern listed in Table 180.~~

Table 180.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Sand and Gravel Mining Dimension and Crushed Stone and Nonmetallic Minerals (Except Fuels)	
Total Suspended Solids (TSS)	100 mg/L

9 VAC 25-151-190. 9 VAC 25-151-180.] Hazardous waste treatment, storage, or disposal facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA.

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements under this section other than those stated in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. There are no additional requirements under this section other than those stated in 9 VAC 25-151-80 D.

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D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Permittees with hazardous waste treatment, storage, or disposal facilities (TSDFs) are required to monitor their storm water discharges for the pollutants of concern listed in Table [490 180].

Table [490 180].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L
Total Suspended Solids (TSS)	100 mg/L
Total Organic Carbon (TOC)	110 mg/L
Total Recoverable Arsenic	50 μ g/L
Total Recoverable Cadmium	3.9 μ g/L
Total Cyanide	22 μ g/L
Total Recoverable Lead	120 μ g/L
Total Recoverable Mercury	2.4 μ g/L
Total Recoverable Selenium	20 μ g/L
Total Recoverable Silver	4.1 μ g/L

[9 VAC 25-151-200. 9 VAC 25-151-190.] Landfills [and,] land application sites [and open dumps].

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activity from waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with state/federal criteria established under RCRA Subtitle D. Landfills, land application sites, and open dumps that have storm water discharges from other types of industrial activities such as vehicle maintenance, truck washing, and/or recycling may be subject to additional requirements specified elsewhere in this permit. Storm water discharges associated with industrial activities from inactive landfills, land application sites, and open dumps occurring on federal lands where an owner cannot be identified are ineligible for coverage under this permit.

B. *Special conditions.* Prohibition of nonstorm water discharges. In addition to the broad nonstorm water prohibition in 9 VAC 25-151-70 D 1, the discharge of leachate and vehicle and equipment wash waters to surface waters or a municipal separate storm sewer system is not authorized by this permit. Permittees with such discharges must obtain coverage under a separate VPDES permit (other than this permit).

C. *Storm water pollution prevention plan requirements.* In addition to the requirements in 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. *Drainage.* A site map indicating locations of active and closed landfill cells or trenches, locations of active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and locations of any leachate collection and handling systems.

b. *Risk identification and summary of potential pollutant sources.* Include a narrative description of potential pollutant sources associated with any of the following, outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill, land application, or open dumping areas; uncontrolled leachate flows; failure or leaks from leachate collection and treatment systems; haul roads; and vehicle tracking of sediments.

2. Measures and controls.

a. *Preventive maintenance.* Where applicable, permittees addressed by this section shall also: (i) maintain containers used for outdoor chemical and significant materials storage to prevent leaking or rupture; (ii) maintain all elements of leachate collection and treatment systems to prevent commingling of leachate with storm water; and (iii) maintain the integrity and effectiveness of any intermediate or final cover, including making repairs to the cover as necessary to minimize the effects of settlement, sinking, and erosion.

b. *Inspections.*

(1) For operating landfills, open dumps, and land application sites, qualified personnel shall inspect areas of landfills and open dumps that have not yet been finally stabilized, active land application areas, areas used for storage of materials/wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Erosion and sediment control measures shall be observed to ensure they are operating correctly.

(2) For inactive landfills, open dumps, and land application sites, qualified personnel shall inspect: landfill or open dump stabilization and structural erosion control measures and leachate collection and treatment systems, and all closed land application areas.

c. Recordkeeping and internal reporting procedures. Landfill and open dump owners shall provide for a tracking system for the types of wastes disposed of in each cell or trench of a landfill or open dump. Land application site owners shall track the types and quantities of wastes applied in specific areas.

d. Sediment and erosion control. Landfill and open dump owners shall provide for temporary stabilization of materials stockpiled for daily, intermediate, and final cover. Stabilization practices to consider include, but are not limited to, temporary seeding, mulching, and placing geotextiles on the inactive portions of the stockpiles. Landfill and open dump owners shall provide for temporary stabilization of inactive areas of the landfill or open dump which have an intermediate cover but no final cover. Landfill and open dump owners shall provide for temporary stabilization of any landfill or open dumping areas which have received a final cover until vegetation has established itself. Land application site owners shall also stabilize areas where waste application has been completed until vegetation has been established.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Landfill/land application/open dump sites are required to monitor their storm water discharges for the pollutants of concern listed in Table [200 190].

Table [200 190].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS) ⁱ	100 mg/L
Total Recoverable Iron ⁱⁱ	1 mg/L

ⁱ Applicable to all landfill, open dump, and land application sites.

ⁱⁱ Applicable to all facilities except MSWLF areas closed in accordance with Virginia Solid Waste Management Regulation, 9 VAC 20-80-10 et seq. requirements.

[~~9 VAC 25-151-210.~~ 9 VAC 25-151-200.] Automobile salvage yards.

A. Discharges covered under this section. The requirements of this section apply to point source discharges of storm water associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (Standard Industrial Classification (SIC) Code 5015).

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements under this section other than those stated in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items:

1. Description of potential pollutant sources.

a. Drainage. The map must include an estimation (in acres) of the total area used for industrial activity including, but not limited to, dismantling, storage, and maintenance of used motor vehicles and motor vehicle parts. The map must also indicate the location of the following activities where such activities are exposed to precipitation: vehicle storage areas; dismantling areas; parts storage areas, including engine blocks, tires, hub caps, batteries, hoods, and mufflers; fueling stations; vehicle and equipment maintenance areas; cleaning areas (parts, vehicles, and/or equipment); loading and unloading areas; locations used for the treatment, storage, and disposal of wastes; and liquid storage tanks and drums for fuel and other fluids.

b. Summary of potential pollutant sources. In conducting the assessment, the permittee must consider the potential for the following activities to contribute pollutants: vehicle storage areas; dismantling areas; parts storage areas, including engine blocks, tires, hub caps, batteries, and hoods; fueling stations; vehicle and equipment maintenance areas; cleaning areas (parts and vehicles and/or equipment); loading/unloading areas; locations used for the treatment, storage, and disposal of wastes; and liquid storage tanks and drums for fuel and other fluids.

2. Measures and controls. The pollution prevention plan must discuss the reasons each selected control or practice is appropriate for the facility and how each will address the potential sources of storm water pollution. The plan also must include a schedule specifying the time or times during which each control or practice will be implemented. In addition, the plan should discuss ways in which the controls and practices relate to one another and, when taken as a whole, produce an integrated and consistent approach for preventing or controlling potential storm water contamination problems.

a. Preventive maintenance. The maintenance program shall include periodic removal of debris from discharge diversions, conveyance systems, and impoundments/ponds. These activities should be conducted in the spring, after snow melt, and during the fall season. Maintenance schedules for sedimentation/impoundments must be provided in the pollution prevention plan.

b. Spill and leak prevention and response procedures. After clean up from a spill, absorbants must be promptly placed in containers for proper disposal. All vehicles that are intended to be dismantled must be properly drained of all fluids prior to being dismantled or crushed, or other equivalent means must be taken

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to prevent leaks or spills of fluids including motor oil, transmission fluid, fuel and antifreeze.

c. *Inspections.* Upon arrival at the site, or as soon as feasible thereafter, vehicles must be inspected for leaks. Any equipment containing oily parts, hydraulic fluids, or any other types of fluids shall be inspected at least quarterly (four times per year) for signs of leaks. Any outdoor storage of fluids including, but not limited to, brake fluid, transmission fluid, radiator water, and antifreeze, must be inspected at least quarterly for leaks. All outdoor liquid storage containers (e.g., tanks, drums) must be inspected at least quarterly for leaks.

Qualified facility personnel are required to conduct quarterly visual inspections of BMPs. The inspections shall include: (i) an assessment of the integrity of storm water flow diversion and source minimization systems and (ii) visual inspections of dismantling areas, vehicle and equipment maintenance areas, vehicle, equipment, and parts cleaning and storage areas, and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

d. *Employee training.* Employee training must, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, and solvents; spill prevention and response; fueling procedures; good housekeeping practices; and used battery management.

e. *Management of runoff.* The plan must consider management practices, such as berms or drainage ditches on the property line, that may be used to prevent runoff from neighboring properties. Berms must be considered for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage. The installation of detention ponds must also be considered. The permittee shall consider the installation of a filtering device to receive runoff from industrial areas. The installation of oil/water separators must also be considered.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Automobile salvage yards are required to monitor their storm water discharges for the pollutants of concern listed in Table [240 200].

Table [240 200].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Lead	120 mg/L

[~~9 VAC 25-151-220.~~ 9 VAC 25-151-210.] Scrap recycling and waste recycling facilities.

A. *Discharges covered under this section.* The requirements listed under this section are applicable to storm water discharges from the following activities: facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC Code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC Code 5093) are also covered under this section. Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from nonindustrial and residential sources (also identified as SIC Code 5093) (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

B. *Special conditions.* Prohibition of nonstorm water discharges. There are no special conditions under this section other than those in 9 VAC 25-151-70 D.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the following general requirements for the storm water pollution prevention plan are applicable to activities which reclaim and recycle either recyclable nonliquid and liquid waste materials. In addition to the general requirements, [~~9 VAC 25-151-220 C-2-a~~ subdivision 2 a of this subsection] identifies special requirements for scrap recycling and waste recycling facilities (nonsource-separated facilities) that handle nonliquid wastes. Paragraph [~~9 VAC 25-151-220 C-2-b~~ subdivision 2 b of this subsection] identifies special requirements for waste recycling facilities that handle only liquid wastes. [~~Paragraph 9 VAC 25-151-220 C-2-c~~ subdivision 2 c of this subsection] identifies special requirements for recycling facilities, including MRFs, that receive only source-separated recyclable materials primarily from nonindustrial and residential sources. The plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources.* Drainage. A site map indicating locations where significant materials are exposed to precipitation including scrap and waste material storage and outdoor scrap and waste processing equipment. Scrap recycling facilities that handle turnings that have been previously exposed to cutting fluids will delineate these containment areas as required in [~~9 VAC 25-151-220 C-2-a~~ (3) subdivision 2 a (3) of this subsection].

2. Measures and controls.

a. *Scrap and waste recycling facilities (nonsource-separated, nonliquid recyclable wastes).* The following special conditions have been established for the pollution prevention plan for those scrap and waste recycling facilities that receive, process and provide wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). This section of the permit is intended to distinguish waste recycling facilities that receive both nonrecyclable and recyclable materials from those recycling facilities that only accept recyclable materials primarily from nonindustrial and residential sources. Under the description of measures and controls in the storm water pollution prevention plan, the plan will address all areas that have a reasonable potential to contribute pollutants to storm water discharges and will be maintained in a clean and orderly manner. At a minimum, the plan will address the following activities and areas within the plan.

(1) *Inbound recyclable and waste material control program.* The plan shall include a recyclable and waste material inspection program to minimize the likelihood of receiving materials that may be significant pollutant sources to storm water discharges. At a minimum, the plan shall address the following:

(a) *Provision of information/education flyers, brochures and pamphlets to encourage suppliers of scrap and recyclable waste materials to drain residual fluids, whenever applicable, prior to its arrival at the facility.* This includes vehicles and equipment engines, radiators, and transmissions, oil-filled transformers, and individual containers or drums;

(b) *Activities which accept scrap and materials that may contain residual fluids (e.g., automotive engines containing used oil, transmission fluids, etc.) shall describe procedures to minimize the potential for these fluids from coming in contact with either precipitation or runoff.* The description shall also identify measures or procedures to properly store, handle and dispose of these residual fluids;

(c) *Procedures pertaining to the acceptance of scrap lead-acid batteries.* Additional requirements for the handling, storage and disposal or recycling of batteries shall be in conformance with conditions for a scrap lead-acid battery program;

(d) *A description of training requirements for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and*

(e) *Liquid wastes, including used oil, shall be stored in materially compatible and nonleaking*

containers and disposed or recycled in accordance with all requirements under the Resource Recovery and Conservation Act (RCRA), and other state or local requirements.

(2) *Scrap and waste material stockpiles/storage (outdoors).* The plan shall address areas where significant materials are exposed to either storm water runoff or precipitation. The plan must describe those measures and controls used to minimize contact of storm water runoff with stockpiled materials, processed materials and nonrecyclable wastes. The plan should include measures to minimize the extent of storm water contamination from these areas. The permittee may consider the use of permanent or semipermanent covers, or other similar forms of protection over stockpiled materials where the permittee determines that such measures are reasonable and appropriate. The permittee may consider the use of sediment traps, vegetated swales and strips, to facilitate settling or filtering out of pollutants. The permittee shall consider within the plan the use of the following BMPs (either individually or in combination) or their equivalent to minimize contact with storm water runoff:

(a) *Promoting the diversion of runoff away from these areas through such practices as dikes, berms, containment trenches, culverts and/or surface grading;*

(b) *Media filtration such as catch basin filters and sand filters;*

(c) *Silt fencing; and*

(d) *Oil/water separators, sumps and dry adsorbents in stockpile areas that are potential sources of residual fluids (e.g., automotive engine storage areas).*

(3) *Stockpiling of turnings previously exposed to cutting fluids (outdoors).* The plan shall address all areas where stockpiling of industrial turnings previously exposed to cutting fluids occurs. The plan shall implement those measures necessary to minimize contact of surface runoff with residual cutting fluids. The permittee shall consider implementation of either of the following two alternatives or a combination of both or equivalent measures:

(a) *Alternative 1: Storage of all turnings previously exposed to cutting fluids under some form of permanent or semi-permanent cover. Discharges of residual fluids from these areas to the storm sewer system in the absence of a storm event is prohibited. Discharges to the storm sewer system as a consequence of a storm event is permitted provided the discharge is first directed through an oil/water separator or its equivalent.*

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Procedures to collect, handle, and dispose or recycle residual fluids that may be present shall be identified in the plan; or

(b) *Alternative 2: Establish dedicated containment areas for all turnings that have been exposed to cutting fluids where runoff from these areas is directed to a storm sewer system, providing the following: (i) containment areas constructed of either concrete, asphalt or other equivalent type of impermeable material; (ii) a perimeter around containment areas to prevent runoff from moving across these areas. This would include the use of shallow berms, curbing, or constructing an elevated pad or other equivalent measure; (iii) a suitable drainage collection system to collect all runoff generated from within containment areas. At a minimum, the drainage system shall include a plate-type oil/water separator or its equivalent. The oil/water separator or its equivalent shall be installed according to the manufacturer's recommended specifications, whenever available, and these specifications will be kept with the plan; (iv) a schedule to maintain the oil/water separator (or its equivalent) to prevent the accumulation of appreciable amounts of fluids. In the absence of a storm event, no discharge from containment areas to the storm sewer system are prohibited unless covered by a separate VPDES permit; and (v) identified procedures for the proper disposal or recycling of collected residual fluids.*

(4) *Scrap and waste material stockpiles/storage (covered or indoor storage). The plan shall address measures and controls to minimize residual liquids and accumulated particulate matter, originating from scrap and recyclable waste materials stored indoors or under cover, from coming in contact with surface runoff. The permittee shall consider including in the plan the following or equivalent measures:*

(a) *Good housekeeping measures, including the use of dry absorbent or wet vacuum clean up methods, to collect, handle, store and dispose or recycle residual liquids originating from recyclable containers (e.g., beverage containers, paint cans, and household cleaning products containers);*

(b) *Prohibiting the practice of allowing washwater from tipping floors or other processing areas from discharging to any portion of a storm sewer system; and*

(c) *Disconnecting or sealing off all existing floor drains connected to any portion of the storm sewer system.*

(5) *Scrap and recyclable waste processing areas. The plan shall address areas where scrap and waste processing equipment are sited. This includes measures and controls to minimize surface runoff from coming in contact with scrap processing*

equipment. In the case of processing equipment that generate visible amounts of particulate residue (e.g., shredding facilities) the plan shall describe good housekeeping and preventive maintenance measures to minimize contact of runoff with residual fluids and accumulated particulate matter. At a minimum, the permittee shall consider including in the plan the following or other equivalent measures:

(a) *A schedule of periodic inspections of equipment for leaks, spills, malfunctioning, worn or corroded parts or equipment;*

(b) *Preventive maintenance program to repair and/or maintain processing equipment;*

(c) *Measures to minimize shredder fluff from coming in contact with surface runoff;*

(d) *Use of dry-absorbents or other cleanup practices to collect and to dispose or recycle spilled or leaking fluids;*

(e) *Installation of low-level alarms or other equivalent protection devices on unattended hydraulic reservoirs over 150 gallons in capacity. Alternatively, provide secondary containment with sufficient volume to contain the entire volume of the reservoir.*

The permittee shall consider employing the following additional BMPs or equivalent measures: diversion structures such as dikes, berms, culverts, containment trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment; oil/water separators, sumps or the equivalent in processing areas that are potential sources of residual fluids and grease; permanent or semipermanent covers, or other similar measures; retention and detention basins or ponds, sediment traps or vegetated swales and strips, to facilitate settling or filtering out of pollutants in runoff from processing areas; or media filtration such as catch basin filters and sand filters.

(6) *Scrap lead-acid battery program. The plan shall address measures and controls for the proper handling, storage and disposition of scrap lead-acid batteries. (Note: This permit does apply to the reclaiming of scrap lead-acid batteries, i.e., breaking up battery casings to recover lead.) The permittee shall consider including in the plan the following or equivalent measures:*

(a) *Segregating all scrap lead-acid batteries from other scrap materials;*

(b) *A description of procedures and/or measures for the handling, storage and proper disposal of cracked or broken batteries;*

(c) *A description of measures to collect and dispose of leaking battery fluid (lead-acid);*

(d) A description of measures to minimize and, whenever possible, eliminate exposure of scrap lead-acid batteries to precipitation or runoff; and

(e) A description of employee training for the management of scrap batteries.

(7) *Erosion and sediment control.* The plan shall identify all areas associated with industrial activity that have a high potential for soil erosion and suspended solids loadings [τ () i.e., areas that tend to accumulate significant particulate matter []]. Appropriate source control, stabilization measures, nonstructural, structural controls or an equivalent shall be provided in these areas. The plan shall also contain a narrative discussion of the reason(s) for selected erosion and sediment controls. At a minimum, the permittee shall consider in the plan, either individually or in combination, the following erosion and sediment control measures:

(a) Filtering or diversion practices, such as filter fabric fence, sediment filter boom, earthen or gravel berms, curbing or other equivalent measure;

(b) Catch basin filters, filter fabric fence, or equivalent measures, placed in or around inlets or catch basins that receive runoff from scrap and waste storage areas, and processing equipment; or

(c) Sediment traps, vegetative buffer strips, or equivalent, to remove sediment prior to discharge through an inlet or catch basin.

(8) *Structural controls for sediment and erosion control.* In instances where significant erosion and suspended solids loadings continue after installation of one or more BMPs, the permittee shall consider providing in the plan for a detention or retention basin or other equivalent structural control. All structural controls shall be designed using good engineering practice. All structural controls and outlets that are likely to receive discharges containing oil and grease must include appropriate measures to minimize the discharge of oil and grease through the outlet. This may include the use of an absorbent boom or other equivalent measures.

Where space limitations (e.g., obstructions caused by permanent structures such as buildings and permanently-sited processing equipment and limitations caused by a restrictive property boundary) prevent the siting of a structural control ([\neq e.g.] , retention basin) such a determination will be noted in the plan. The permittee will identify in the plan what existing practices shall be modified or additional measures shall be undertaken to minimize erosion and suspended sediment loadings in lieu of a structural BMP.

(9) *Spill prevention and response procedures.* To prevent or minimize storm water contamination at loading and unloading areas, and from equipment or container failures, the permittee shall consider including in the plan the following practices:

(a) Description of spill prevention and response measures to address areas that are potential sources of leaks or spills of fluids;

(b) Leaks and spills should be contained and cleaned up as soon as possible. If malfunctioning equipment is responsible for the spill or leak, repairs should also be conducted as soon as possible;

(c) Cleanup procedures should be identified in the plan, including the use of dry absorbent materials or other cleanup methods. Where dry absorbent cleanup methods are used, an adequate supply of dry absorbent material should be maintained onsite. Used absorbent material should be disposed of properly;

(d) Drums containing liquids, including oil and lubricants, should be stored indoors; or in a bermed area; or in overpack containers or spill pallets; or in similar containment devices;

(e) Overfill prevention devices should be installed on all fuel pumps or tanks;

(f) Drip pans or equivalent measures should be placed under any leaking piece of stationary equipment until the leak is repaired. The drip pans should be inspected for leaks and checked for potential overflow and emptied regularly to prevent overflow and all liquids will be disposed of in accordance with all requirements under RCRA; and

(g) An alarm and/or pump shut off system should be installed and maintained on all outside equipment with hydraulic reservoirs exceeding 150 gallons (only those reservoirs not directly visible by the operator of the equipment) in order to prevent draining the tank contents in the event of a line break. Alternatively, the equipment may have a secondary containment system capable of containing the contents of the hydraulic reservoir plus adequate freeboard for precipitation. Leaking hydraulic fluids should be disposed of in accordance with all requirements under RCRA.

(10) *Quarterly inspection program.* A quarterly inspection shall include all designated areas of the facility and equipment identified in the plan. The inspection shall include a means of tracking and conducting follow up actions based on the results of the inspection. The inspections shall be conducted by members of the storm water pollution prevention team. At a minimum, quarterly inspections shall include the following areas: all outdoor scrap

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processing areas; all material unloading and loading areas (including rail sidings) that are exposed to either precipitation or storm water runoff; areas where structural BMPs have been installed; all erosion and sediment BMPs; outdoor vehicle and equipment maintenance areas; vehicle and equipment fueling areas; and all areas where waste is generated, received, stored, treated, or disposed and which are exposed to either precipitation or storm water runoff.

The objective of the inspection shall be [to] identify any corroded or leaking containers, corroded or leaking pipes, leaking or improperly closed valves and valve fittings, leaking pumps and/or hose connections, and deterioration in diversionary or containment structures that are exposed to precipitation or storm water runoff. Spills or leaks identified during the visual inspection shall be immediately addressed. Structural BMPs shall be visually inspected for signs of washout, breakage, deterioration, damage, or overflowing and breaks shall be repaired or replaced as expeditiously as possible.

(11) *Employee training.* At a minimum, storm water control training appropriate to their job function shall be provided for truck drivers, scale operators, supervisors, buyers and other operating personnel. The plan shall include a proposed schedule for the training. The employee training program shall address at a minimum: BMPs and other requirements of the plan; proper scrap inspection, handling and storage procedures; procedures to follow in the event of a spill, leak, or break in any structural BMP. A training and education program shall be developed for employees and for suppliers for implementing appropriate activities identified in the storm water pollution prevention plan.

(12) *Supplier notification.* The plan shall include a supplier notification program that will be applicable to major suppliers and shall include: description of scrap materials that will not be accepted at the facility or that are accepted only under certain conditions.

b. *Waste recycling facilities (liquid recyclable wastes).* The following special conditions have been established for the pollution prevention plan for those facilities that reclaim and recycle liquid wastes (e.g., used oil, antifreeze, mineral spirits, and industrial solvents). For these facilities, the storm water pollution prevention plan shall address all areas that have a reasonable potential to contribute pollutants to storm water discharges and will be maintained in a clean and orderly manner. At a minimum, the plan shall address the following activities and areas within the plan.

(1) *Waste material storage (indoors).* The plan shall address measures and controls to

minimize/eliminate residual liquids from waste materials stored indoors from coming in contact with surface runoff. The plan may refer to applicable portions of other existing plans such as SPCC plans required under 40 CFR Part 112 (1998). At a minimum, the permittee shall consider including in the plan the following:

(a) Procedures for material handling (including labeling and marking);

(b) A sufficient supply of dry-absorbent materials or a wet vacuum system to collect spilled or leaked materials;

(c) An appropriate containment structure, such as trenches, curbing, gutters or other equivalent measures; and

(d) A drainage system to handle discharges from diked or bermed areas. The drainage system should include appurtenances, (e.g., pumps or ejectors, manually operated valves). Drainage should be discharged to an appropriate treatment facility, sanitary sewer system, or otherwise disposed of properly. Discharges from these areas shall be covered by a separate VPDES permit or industrial user permit under the pretreatment program.

(2) *Waste material storage (outdoors).* The plan shall address areas where waste materials are exposed to either storm water runoff or precipitation. The plan shall include measures to provide appropriate containment, drainage control and other appropriate diversionary structures. The plan may refer to applicable portions of other existing plans such as SPCC plans required under 40 CFR Part 112 (1998). At a minimum, the plan shall describe those measures and controls used to minimize contact of storm water runoff with stored materials. The permittee shall consider including in the plan the following preventative measures, or an equivalent:

(a) An appropriate containment structure such as dikes, berms, curbing or pits, or other equivalent measures. The containment should be sufficient to store the volume of the largest single tank and should include sufficient freeboard for precipitation;

(b) A sufficient supply of dry-absorbent materials or a wet vacuum system, or other equivalent measure, to collect liquids from minor spills and leaks in contained areas; and

(c) Discharges of precipitation from containment areas containing used oil shall be in accordance with applicable sections of 40 CFR Part 112 (1998).

(3) *Truck and rail car waste transfer areas.* The plan shall describe measures and controls for truck

and rail car loading and unloading areas. This includes appropriate containment and diversionary structures to minimize contact with precipitation or storm water runoff. The plan shall also address measures to clean up minor spills and/or leaks originating from the transfer of liquid wastes. This may include the use of dry-clean up methods, roof coverings, runoff controls, or other equivalent measures.

(4) *Erosion and sediment control.* The plan shall identify all areas associated with industrial activity that have a high potential for soil erosion. Appropriate stabilization measures, nonstructural and structural controls shall be provided in these areas. The plan shall contain a narrative consideration of the appropriateness for selected erosion and sediment controls. Where applicable, the plan shall consider the use of the following types of preventive measures: sediment traps; vegetative buffer strips; filter fabric fence; sediment filtering boom; gravel outlet protection; or other equivalent measures that effectively trap or remove sediment prior to discharge through an inlet or catch basin.

(5) *Spill prevention and response procedures.* The plan shall address measures and procedures to address potential spill scenarios that could occur at the facility. This includes all applicable handling and storage procedures, containment and/or diversion equipment, and clean-up procedures. The plan shall specifically address all outdoor and indoor storage areas, waste transfer areas, material receiving areas (loading and unloading), and waste disposal areas.

(6) *Quarterly inspections.* Quarterly visual inspections shall be conducted by a member, or members, of the storm water pollution prevention team. The quarterly inspection shall include all designated areas of the facility and equipment identified in the plan. The inspection shall include a means of tracking and conducting follow up actions based on the results of the inspection. At a minimum, the inspections shall include the following areas: material storage areas; material unloading and loading areas (including rail sidings) that are exposed to either precipitation or storm water runoff; areas where structural BMPs have been installed; all erosion and sediment BMPs; outdoor vehicle and equipment maintenance areas (if applicable); vehicle and equipment fueling areas (if applicable); and all areas where waste is generated, received, stored, treated, or disposed and which are exposed to either precipitation or storm water runoff.

The inspection shall identify the presence of any corroded or leaking containers, corroded or leaking pipes, leaking or improperly closed valves and valve fittings, leaking pumps and/or hose connections, and deterioration in diversionary or containment

structures that are exposed to precipitation or storm water runoff. Spills or leaks shall be immediately addressed according to the facility's spill prevention and response procedures.

c. *Recycling facilities (source separated materials).* The following special conditions have been established for the pollution prevention plan for recycling facilities, including MRFs, that receive only source-separated recyclable materials primarily from nonindustrial and residential sources.

(1) *Inbound recyclable material control program.* The plan shall include a recyclable material inspection program to minimize the likelihood of receiving nonrecyclable materials (e.g., hazardous materials) that may be a significant source of pollutants in surface runoff. At a minimum, the permittee shall consider addressing in the plan the following:

(a) A description of information and education measures to educate the appropriate suppliers of recyclable materials on the types of recyclable materials that are acceptable and those that are not acceptable (e.g., household hazardous wastes);

(b) A description of training requirements for drivers responsible for pickup of recyclable materials;

(c) Clearly mark public drop-off containers as to what materials can be accepted;

(d) Rejecting nonrecyclable wastes or household hazardous wastes at the source; and

(e) A description of procedures for the handling and disposal of nonrecyclable materials.

(2) *Outdoor storage.* The plan shall include BMPs to minimize or reduce the exposure of recyclable materials to surface runoff and precipitation. The plan, at a minimum, shall include good housekeeping measures to prevent the accumulation of visible quantities of residual particulate matter and fluids, particularly in high traffic areas. The plan shall consider tarpaulins or their equivalent to be used to cover exposed bales of recyclable waste paper. The permittee shall consider within the plan the use of the following types of BMPs (individually or in combination) or their equivalent, where practicable:

(a) Provide totally-enclosed drop-off containers for public;

(b) Provide a sump and sump pump with each containment pit. Discharge collected fluids to sanitary sewer system. Prevent discharging to the storm sewer system;

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(c) Provide dikes and curbs for secondary containment (i.e., around bales of recyclable waste paper);

(d) Divert surface runoff away from outside material storage areas;

(e) Provide covers over containment bins, dumpsters, roll-off boxes; and

(f) Store the equivalent one day's volume of recyclable materials indoors.

(3) *Indoor storage and material processing.* The plan shall address BMPs to minimize the release of pollutants from indoor storage and processing areas to the storm sewer system. The plan shall establish specific measures to ensure that all floor drains do not discharge to the storm sewer system. The following BMPs shall be considered for inclusion in the plan:

(a) Schedule routine good housekeeping measures for all storage and processing areas;

(b) Prohibit a practice of allowing tipping floor washwaters from draining to any portion of the storm sewer system; and

(c) Provide employee training on pollution prevention practices.

(4) *Vehicle and equipment maintenance.* The plan shall also provide for BMPs in those areas where vehicle and equipment maintenance is occurring outdoors. At a minimum, the following BMPs or equivalent measures shall be considered for inclusion in the plan:

(a) Prohibit vehicle and equipment washwater from discharging to the storm sewer system;

(b) Minimize or eliminate outdoor maintenance areas, wherever possible;

(c) Establish spill prevention and clean-up procedures in fueling areas;

(d) Provide employee training on avoiding topping off fuel tanks;

(e) Divert runoff from fueling areas;

(f) Store lubricants and hydraulic fluids indoors; and

(g) Provide employee training on proper, handling, storage of hydraulic fluids and lubricants.

d. *Recordkeeping and internal reporting procedures.* The plan must address spills, monitoring, and BMP inspection and maintenance activities. BMPs which are ineffective must be reported and the date of their corrective action noted. Employees must report incidents of leaking fluids to facility management and these reports must be incorporated into the plan.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Scrap recycling and waste recycling facilities [, except facilities that only receive source-separated recyclable materials,] are required to monitor their storm water discharges for the pollutants of concern listed in Table [220 210].

Table [220 210].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum	750 mg/L
Total Recoverable Cadmium	3.9 mg/L
Hexavalent Chromium	16 mg/L
Total Recoverable Copper	18 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Lead	120 mg/L
Total Recoverable Zinc	120 mg/L

[~~9 VAC 25-151-230.~~ 9 VAC 25-151-220.] **Steam electric power generating facilities, including coal handling areas.**

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from steam electric power generating facilities, including coal handling areas. Nonstorm water discharges subject to effluent limitations guidelines are not covered by this permit. Storm water discharges from coal pile runoff subject to numeric limitations are eligible for coverage under this permit, but are subject to the limitations established by 9 VAC 25-151-70 B 3. Storm water discharges from ancillary facilities such as fleet centers, gas turbine stations, and substations that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture cogeneration facilities are not covered by this permit; however, dual fuel co-generation facilities [that generate electric power] are included.

B. *Special conditions.* Prohibition of nonstorm water discharges. Except as provided under 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this general permit.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources.* Drainage. A site map which clearly outlines the locations of the following, as they apply to the facility: processing areas

and buildings; treatment ponds; location of short and long term storage of general materials (including but not limited to: supplies, construction materials, plant equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizers, and pesticides); landfills; location of construction sites; and locations of stock pile areas (such as coal piles and limestone piles).

2. Measures and controls.

a. Good housekeeping. The following areas must be specifically addressed.

(1) Fugitive dust emissions. The plan must describe measures that prevent or minimize fugitive dust emissions from coal handling areas. The permittee shall consider establishing procedures to minimize offsite tracking of coal dust. To prevent offsite tracking, the facility may consider specially designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.

(2) Delivery vehicles. The plan must describe measures that prevent or minimize contamination of storm water runoff from delivery vehicles arriving on the plant site. At a minimum the permittee should consider the following:

(a) Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and

(b) Develop procedures to deal with leakage or spillage from vehicles or containers, and ensure that proper protective measures are available for personnel and environment.

(3) Fuel oil unloading areas. The plan must describe measures that prevent or minimize contamination of storm water runoff from fuel oil unloading areas. At a minimum the permittee must consider using the following measures, or an equivalent:

(a) Use containment curbs in unloading areas;

(b) During deliveries station personnel familiar with spill prevention and response procedures must be present to ensure that any leaks or spills are immediately contained and cleaned up; and

(c) Use spill and overflow protection (drip pans, drip diapers, and/or other containment devices shall be placed beneath fuel oil connectors to contain any spillage that may occur during deliveries or due to leaks at such connectors).

(4) Chemical loading/unloading areas. The plan must describe measures that prevent or minimize the contamination of storm water runoff from chemical loading/unloading areas. Where practicable, chemical loading/unloading areas should

be covered, and chemicals should be stored indoors. At a minimum the permittee must consider using the following measures or an equivalent:

(a) Use containment curbs at chemical loading/unloading areas to contain spills; and

(b) During deliveries station personnel familiar with spill prevention and response procedures must be present to ensure that any leaks or spills are immediately contained and cleaned up.

(5) Miscellaneous loading/unloading areas. The plan must describe measures that prevent or minimize the contamination of storm water runoff from loading and unloading areas. The plan may consider covering the loading area, minimizing storm water runoff to the loading area by grading, berming, or curbing the area around the loading area to direct storm water away from the area, or locate the loading/unloading equipment and vehicles so that leaks can be contained in existing containment and flow diversion systems.

(6) Liquid storage tanks. The plan must describe measures that prevent or minimize contamination of storm water runoff from aboveground liquid storage tanks. At a minimum the permittee must consider employing the following measures or an equivalent:

(a) Use protective guards around tanks;

(b) Use containment curbs;

(c) Use spill and overflow protection (drip pans, drip diapers, and/or other containment devices shall be placed beneath chemical connectors to contain any spillage that may occur during deliveries or due to leaks at such connectors); and

(d) Use dry cleanup methods.

(7) Large bulk fuel storage tanks. The plan must describe measures that prevent or minimize contamination of storm water runoff from liquid storage tanks. At a minimum the permittee must consider employing the following measures, or an equivalent:

(a) Comply with applicable state and federal laws, including Spill Prevention Control and Countermeasures (SPCC); and

(b) Containment berms.

(8) The plan must describe measures to reduce the potential for an oil spill, or a chemical spill, or reference the appropriate section of their SPCC plan. At a minimum the structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected on a weekly basis. All repairs deemed necessary based on the findings of the inspections shall be completed

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immediately to reduce the incidence of spills and leaks occurring from such faulty equipment.

(9) Oil bearing equipment in switchyards. The plan must describe measures to reduce the potential for storm water contamination from oil bearing equipment in switchyard areas. The permittee may consider level grades and gravel surfaces to retard flows and limit the spread of spills; collection of storm water runoff in perimeter ditches.

(10) Residue hauling vehicles. All residue hauling vehicles shall be inspected for proper covering over the load, adequate gate sealing and overall integrity of the body or container. Vehicles without load coverings or adequate gate sealing, or with leaking containers or beds must be repaired as soon as practicable.

(11) Ash loading areas. Plant procedures shall be established to reduce and/or control the tracking of ash or residue from ash loading areas for example, where practicable, requirements to clear the ash building floor and immediately adjacent roadways of spillage, debris and excess water.

(12) Areas adjacent to disposal ponds or landfills. The plan must describe measures that prevent or minimize contamination of storm water runoff from areas adjacent to disposal ponds or landfills. The permittee must develop procedures to:

(a) Reduce ash residue which may be tracked on to access roads traveled by residue trucks or residue handling vehicles; and

(b) Reduce ash residue on exit roads leading into and out of residue handling areas.

(13) Landfills, scrapyards, surface impoundments, open dumps, general refuse sites. The plan must address landfills, scrapyards, surface impoundments, open dumps and general refuse sites.

(14) Maintenance activities. For vehicle maintenance activities performed on the plant site, the permittee shall use the applicable BMPs outlined in [~~9 VAC 25-151-240~~ 9 VAC 25-151-230].

(15) Material storage areas. The plan must describe measures that prevent or minimize contamination of storm water from material storage areas (including areas used for temporary storage of miscellaneous products, and construction materials stored in lay down areas). The permittee may consider flat yard grades, runoff collection in graded swales or ditches, erosion protection measures at steep outfall sites (e.g., concrete chutes, riprap, stilling basins), covering lay down areas, storing the materials indoors, covering the material with a temporary covering made of polyethylene, polyurethane, polypropylene, or

hypalon. Storm water runoff may be minimized by constructing an enclosure or building a berm around the area.

b. Inspections. Qualified facility personnel shall be identified to inspect the following areas: coal handling areas, loading/unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

c. Employee training. Training should address topics such as goals of the pollution prevention plan, spill prevention and control, proper handling procedures for hazardous wastes, good housekeeping and material management practices, and storm water sampling techniques. The pollution prevention plan shall identify periodic dates for such training, but in all cases training must be held at least annually.

D. Numeric effluent limitations.

1. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

2. Compliance monitoring requirements. Permittees with point sources of coal pile runoff associated with steam electric power generation must monitor these storm water discharges for the presence of TSS and for pH at least annually (one time per year).

E. Monitoring and reporting requirements. Analytical monitoring requirements. Steam electric power generating facilities are required to monitor their storm water discharges for the pollutant of concern listed in Table [~~230~~ 220].

Table [~~230~~ 220].

Monitoring Requirements for Steam Electric Power Generating Facilities.

Pollutant of Concern	Monitoring Cut-Off Concentration
Total Recoverable Iron	1 mg/L

[~~9 VAC 25-151-240.~~ 9 VAC 25-151-230.] **Motor freight transportation facilities, passenger transportation facilities, petroleum bulk oil stations and terminals, rail transportation facilities, and United States Postal Service transportation facilities.**

A. Discharges covered under this section. Storm water discharges from ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) Codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC Codes 4221 through 4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas

(exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

B. Special conditions. Prohibition of Nonstorm Water Discharges. Except as provided under 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this general permit.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Measures and controls.

a. Good housekeeping. All areas that may contribute pollutants to storm water discharges shall be maintained in a clean, orderly manner. The following areas must be specifically addressed.

(1) Vehicle and equipment storage areas. The storage of vehicles and equipment awaiting maintenance with actual or potential fluid leaks must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The permittee shall consider the use of drip pans under vehicles and equipment, indoor storage of the vehicles and equipment, installation of berming and diking of this area, use of absorbents, roofing or covering storage areas, cleaning pavement surface to remove oil and grease, or other equivalent methods.

(2) Fueling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee shall consider covering the fueling area, using spill and overflow protection and cleanup equipment, minimizing runoff of storm water to the fueling area, using dry cleanup methods, collecting the storm water runoff and providing treatment or recycling, or other equivalent measures.

(3) Material storage areas. Storage units of all materials (e.g., used oil, used oil filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids) must be maintained in good condition, so as to prevent contamination of storm water, and plainly labeled (e.g., "used oil," "spent solvents," etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The permittee shall consider indoor storage of the materials, installation of berming and diking of the area, minimizing runoff of storm water to the areas, using dry cleanup methods, collecting the storm water runoff and providing treatment, or other equivalent methods.

(4) Vehicle and equipment cleaning areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment cleaning. The permittee shall consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to the intended collection system (i.e., not the storm water drainage system unless VPDES permitted), collecting the storm water runoff from the cleaning area and providing treatment or recycling, or other equivalent measures. The discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be covered under a separate VPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

(5) Vehicle and equipment maintenance areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment maintenance. The permittee shall consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet clean up practices where the practices would result in the discharge of pollutants to storm water drainage systems, using dry cleanup methods, collecting the storm water runoff from the maintenance area and providing treatment or recycling, minimizing runoff of storm water areas or other equivalent measures.

(6) Locomotive sanding (loading sand for traction) areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from areas used for locomotive sanding. The permittee shall consider covering sanding areas, minimizing storm water runoff, appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water, or other equivalent measures.

b. Inspections. The following areas shall be included in all inspections: storage area for vehicles and equipment awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (both indoors and outdoors), material storage areas, vehicle and equipment cleaning areas, and loading and unloading areas. Follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained. The use of a checklist should be considered by the permittee.

c. Employee training. The pollution prevention plan shall identify how often training will take place; at a minimum, training must be held annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable

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to a facility: summary of the facility's pollution prevention plan requirements; used oil management; spent solvent management; spill prevention, response and control; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

d. Nonstorm water discharges. For facilities that discharge vehicle and equipment washwaters to the sanitary sewer system, the operator of the sanitary system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan. If an industrial user permit is issued under a pretreatment program, a reference to that permit must be in the plan. In all cases, any permit conditions or pretreatment requirements must be considered in the plan. If the washwaters are handled in another manner (e.g., hauled offsite), the disposal method must be described and all pertinent documentation (e.g., frequency, volume, destination, etc.) must be attached to the plan.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-250.~~ 9 VAC 25-151-240.] Water transportation facilities that have vehicle maintenance shops and/or equipment cleaning operations.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from water transportation facilities that have vehicle (vessel) maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by Standard Industrial Classification (SIC) Major Group 44).

B. Special conditions. Prohibition of nonstorm water discharges. In addition to the general discharge prohibitions in 9 VAC 25-151-70 D 1, this section specifically prohibits nonstorm water discharges of wastewaters such as bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels. The owners of such discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating the locations of the following

activities where such activities are exposed to precipitation: fueling, engine maintenance and repair, vessel maintenance and repair, pressure washing, painting, sanding, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes; liquid storage tanks, liquid storage areas ([~~±~~ e.g.,] paint, solvents, resins), and material storage areas ([~~±~~ e.g.], blasting media, aluminum, steel, scrap iron).

2. Measures and controls.

- a. Good housekeeping. The following areas must be specifically addressed, when applicable at a facility.

- (1) Pressure washing area. When pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by another VPDES permit. The pollution prevention plan must describe the measures to collect or contain the discharge from the pressure washing area, detail the method for the removal of the visible solids, describe the method of disposal of the collected solids, and identify where the discharge will be released (i.e., the receiving waterbody, storm sewer system, sanitary sewer system).

- (2) Blasting and painting areas. The permittee must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The permittee may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where required, a schedule for cleaning storm water conveyances to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Such included items may be the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

- (3) Material storage areas. All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Aboveground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of

the containment measures in place to prevent leaks and spills. The permittee must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous materials. Where abrasive blasting is performed, the plan must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

(4) Engine maintenance and repair areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The permittee may consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

(5) Material handling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas ([i.e. e.g.] , fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The permittee may consider covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area, preferably indoors or under a shed; and minimizing runoff of storm water to material handling areas or other equivalent measures. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

(6) Drydock activities. The plan must address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the storm water runoff. The plan must describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock must also be included within the plan. The permittee should consider items such as sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding and having absorbent materials and oil containment booms readily available to contain and cleanup any spills or other equivalent measures.

(7) General yard area. The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., must be routinely removed from the general yard area. The permittee may

consider such measures as providing covered trash receptacles in each yard, on each pier, and on board each vessel being repaired.

b. Inspections. The following areas shall be included in all inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

c. Employee training. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify how often training will take place, but in all cases training must be held at least annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility: used oil management; spent solvent management; proper disposal of spent abrasives; proper disposal of vessel wastewaters, spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The plan must consider posting instructions, easy to read descriptions or graphic depictions of BMPs, spill control/clean-up equipment and emergency phone numbers in the work areas.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Water transportation facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table [250 240].

Table [250 240].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L

[~~9 VAC 25-151-260.~~ 9 VAC 25-151-250.] Ship and boat building or repairing yards.

A. Discharges covered under this section. The requirements listed under this section apply to storm water discharges from facilities engaged in ship building and repairing and boat building and repairing (Standard Industrial Classification (SIC) Code 373). (According to the U.S. Coast Guard, a vessel 65 feet or greater in length is referred to as a ship and a vessel smaller than 65 feet is a boat.)

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B. Special conditions. Prohibition of nonstorm water discharges. In addition to the prohibitions listed in 9 VAC 25-151-70 D 1, this section specifically prohibits nonstorm water discharges of wastewaters, such as bilge and ballast water, pressure wash water, sanitary wastes, and cooling water originating from vessels. The owners of such discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating the location of the following activities where such activities are exposed to precipitation: fueling, engine maintenance and repair, vessel maintenance and repair, pressure washing, painting, sanding, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes; liquid storage tanks, liquid storage areas ([~~±~~ e.g.], paint, solvents, resins), and material storage areas ([~~±~~ e.g.], blasting media, aluminum, steel, scrap iron).

2. Measures and controls.

a. Good housekeeping. The following areas must be specifically addressed, when applicable at a facility.

(1) Pressure washing area. When pressure washing is used to remove marine growth from vessels, the discharge water must be permitted as a process wastewater by a separate VPDES permit.

(2) Blasting and painting areas. The plan must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The permittee may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where required, a schedule for cleaning storm systems to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Practices may include the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

(3) Material storage areas. All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures

that prevent or minimize contamination of the storm water runoff from such storage areas. The plan must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Aboveground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks and spills. The permittee must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous materials. Where abrasive blasting is performed, the plan must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

(4) Engine maintenance and repair areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The permittee must consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet clean up practice where the practice would result in the exposure of pollutants to storm water, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

(5) Material handling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas ([~~±~~ e.g.], fueling, paint [& and] solvent mixing, disposal of process wastewater streams from vessels). The permittee must consider covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area, preferably indoors or under a shed; and minimizing runoff of storm water to material handling areas. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

(6) Drydock activities. The plan must address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the storm water runoff. The plan must describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock must also be included within the plan. The permittee must consider items such as sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding and having absorbent materials and oil containment booms readily available to contain and cleanup any spills.

(7) General yard area. The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., must be routinely removed from the general yard area. The permittee must consider such measures as providing covered trash receptacles in each yard, on each pier, and on board each vessel being repaired.

b. Inspections. The following areas shall be included in all inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

c. Employee training. Employee training must, at a minimum, address the following areas when applicable to a facility: used oil management; spent solvent management; proper disposal of spent abrasives; proper disposal of vessel wastewaters, spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The permittee should consider posting easy to read descriptions or graphic depictions of BMPs and emergency phone numbers in the work areas.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-270.~~ 9 VAC 25-151-260.] Vehicle maintenance areas, equipment cleaning areas, or deicing areas located at air transportation facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) Code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this section, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice. Only those portions of the facility or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.

B. Special conditions.

1. Prohibition of nonstorm water discharges. In addition to those discharges prohibited under 9 VAC 25-151-70 D 1, nonstorm water discharges including aircraft, ground vehicle, runway and equipment washwaters, and dry weather discharges of deicing/anti-icing chemicals are not authorized by this permit. Dry weather discharges are those discharges generated by processes other than those included in the definition of storm water. The definition of storm water includes storm water runoff, snow melt runoff, and surface runoff and drainage. All other discharges constitute nonstorm water discharges. Owners of nonstorm water discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

2. Releases of reportable quantities of hazardous substances and oil. Each individual permittee is required to report spills as described at 9 VAC 25-151-70 D 2. If an airport authority is the sole permittee, then the sum total of all spills at the airport must be assessed against the reportable quantity. If the airport authority is a copermitttee with other deicing/anti-icing operators at the airport, such as numerous different airlines, the assessed amount must be the summation of spills by each copermitttee. If separate, distinct individual permittees exist at the airport, then the amount spilled by each separate permittee must be the assessed amount for the reportable quantity determination.

C. Storm water pollution prevention plan requirements. Storm water pollution prevention plans developed for areas of the facility occupied by tenants of the airport shall be integrated with the plan for the entire airport. For the purposes of this permit, tenants of the airport facility include airline companies, fixed based operators and other parties which have contracts with the airport authority to conduct business operations on airport property which result in storm water discharges associated with industrial activity as described in [~~9 VAC 25-151-270~~ subsection A of this section]. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. A site map indicating the locations of the following activities where such activities are exposed to precipitation: aircraft and runway deicing/anti-icing operations; fueling stations; aircraft, ground vehicle and equipment maintenance and/or cleaning areas; and storage areas for aircraft, ground vehicles and equipment awaiting maintenance. The site map developed for the entire airport shall indicate the location of each tenant of the facility that conducts industrial activities as described in [~~9 VAC 25-151-270~~ subsection] A, [of this section] and incorporate information from the tenants site map (including a description of industrial activities, significant materials exposed, and existing management practices).

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b. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing/anti-icing operations (including apron and centralized aircraft deicing/anti-icing stations, runways, taxiways and ramps); outdoor storage activities; loading and unloading operations; and onsite waste disposal. Facilities which conduct deicing/anti-icing operations shall maintain a record of the types (including the Material Safety Data Sheets (MSDS)) and monthly quantities of deicing/anti-icing chemicals used. Tenants and fixed-base operators who conduct deicing/anti-icing operations shall provide the above information to the airport authority for inclusion in the storm water pollution prevention plan for the entire facility.

2. Measures and controls.

a. Good housekeeping.

(1) Aircraft, ground vehicle and equipment maintenance areas. Permittees should ensure the maintenance of equipment is conducted in designated areas only and clearly identify these areas on the ground and delineate them on the site map. The plan must describe measures that prevent or minimize the contamination of the storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangars). Management practices or equivalent measures such as performing maintenance activities indoors, maintaining an organized inventory of materials used in the maintenance areas, draining all parts of fluids prior to disposal, preventing the practice of hosing down the apron or hangar floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling should be considered.

(2) Aircraft, ground vehicle and equipment cleaning areas. Permittees should ensure that cleaning of equipment is conducted in designated areas only and clearly identify these areas on the ground and delineate them on the site map. The plan must describe measures that prevent or minimize the contamination of the storm water runoff from all areas used for aircraft, ground vehicle and equipment cleaning. Management practices such as performing cleaning operations indoors, and/or collecting the storm water runoff from the cleaning area and providing treatment or recycling should be considered.

(3) Aircraft, ground vehicle and equipment storage areas. The storage of aircraft, ground vehicles and equipment awaiting maintenance must be confined

to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize the contamination of the storm water runoff from these areas. Management practices such as indoor storage of aircraft and ground vehicles, the use of drip pans for the collection of fluid leaks, and perimeter drains, dikes or berms surrounding storage areas should be considered.

(4) Material storage areas. Storage units of all materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) must be maintained in good condition, so as to prevent or minimize contamination of storm water, and plainly labeled (e.g., "used oil," "Contaminated Jet A," etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from storage areas. Management practices or equivalent measures such as indoor storage of materials, centralized storage areas for waste materials, and/or installation of berming and diking around storage areas should be considered for implementation.

(5) Airport fuel system and fueling areas. The plan must describe measures that prevent or minimize the discharge of fuels to the storm sewer resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Where the discharge of fuels into the storm sewer cannot be prevented, the plan shall indicate measures that will be employed to prevent or minimize the discharge of the contaminated runoff into receiving surface waters. Management practices or equivalent measures such as implementing spill and overflow practices (e.g., placing sorptive materials beneath aircraft during fueling operations), using dry cleanup methods, and/or collecting the storm water runoff should be considered.

b. Source reduction. Owners who conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations shall evaluate present operating procedures to consider alternative practices to reduce the overall amount of deicing/anti-icing chemicals used and/or lessen the environmental impact of the pollutant source.

(1) With regard to runway deicing operations, owners at a minimum, shall evaluate: present application rates to ensure against excessive over application; metered application of deicing chemical; prewetting dry chemical constituents prior to application; installation of runway ice detection systems; implementing anti-icing operations as a preventive measure against ice buildup; the use of substitute deicing compounds such as potassium acetate in lieu of ethylene glycol, propylene glycol and/or urea.

(2) In considering source reduction management practices for aircraft deicing operations, owners, at a minimum, should evaluate current application rates and practices to ensure against excessive over application, and consider pretreating aircraft with hot water prior to the application of a deicing chemical, thus reducing the overall amount of chemical used per operation.

Source reduction measures that the owner determines to be reasonable and appropriate shall be implemented and maintained. The plan shall provide a narrative explanation of the options considered and the reasoning for whether or not to implement them.

c. Management of runoff. Owners that conduct aircraft and/or runway deicing/anti-icing operations shall also provide a narrative consideration of management practices to control or manage contaminated runoff from areas where deicing/anti-icing operations occur to reduce the amount of pollutants being discharged from the site. Structural controls such as establishing a centralized aircraft deicing facility, and/or collection of contaminated runoff for treatment or recycling should be considered. Collection and treatment alternatives include, but are not limited to, retention basins, detention basins with metered controlled release, Underground Storage Tanks (USTs) and/or disposal to Publicly Owned Treatment Works (POTW) by way of sanitary sewer or hauling tankers. Runoff management controls that the owner determines to be reasonable and appropriate shall be implemented and maintained. The plan should consider the recovery of deicing/anti-icing materials when these materials are applied during nonprecipitation events to prevent these materials from later becoming a source of storm water contamination. The plan shall provide a narrative explanation of the controls selected and the reasons for their selection.

d. Inspections. The inspection frequency shall be specified in the plan, but at a minimum be conducted once per month during deicing/anti-icing application periods for areas where deicing/anti-icing operations are being conducted.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements.

1. Pollutant loading estimates. During the period beginning on the effective date and lasting through the expiration date of this permit, airports that use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis shall prepare estimates for annual pollutant loadings resulting from discharges of spent deicing/anti-icing chemicals from the entire airport. The

"average annual" usage rate of deicing/anti-icing chemicals is determined by averaging the cumulative amount of deicing/anti-icing chemicals used by all owners at the airport facility in the three previous calendar years. The loading estimates shall reflect the amounts of deicing/anti-icing chemicals discharged to separate storm sewer systems or surface waters, prior to and after implementation of the facility's storm water pollution prevention plan. Such estimates shall be reviewed by an environmental professional, and certified by such professional. By means of the certification, the environmental professional, having examined the facility's deicing/anti-icing procedures, and proposed control measures described in the storm water pollution prevention plan, shall attest that the loading estimates have been accurately prepared. Certified loading estimates are to be retained at the airport facility and attached to the storm water pollution prevention plan.

2. Analytical monitoring requirements. Airports that use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis shall sample their storm water discharges for the parameters listed in Table [270 260]. The alternative certification provision of 9 VAC 25-151-70 C 6 is not applicable to discharges covered under this section. Outfalls must be monitored for all parameters listed below.

Table [270 260].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
Total Kjeldahl Nitrogen (TKN)	1.5 mg/L
pH	[within the range] 6.0 to 9 s.u.

3. Quarterly visual examination of storm water quality. The requirement of 9 VAC 25-151-70 C 8 for quarterly visual examination of storm water quality is not applicable to discharges identified in [9 VAC 25-151-270 subsection A of this section].

[~~9 VAC 25-151-280.~~ 9 VAC 25-151-270.] Treatment works.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 9 VAC 25-31-730.

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B. *Special conditions. Prohibition of nonstorm water discharges. Prohibited nonstorm water discharges including sanitary and industrial wastewater, and equipment and vehicle washwaters are not authorized by this permit. The owners of such discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.*

C. *Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.*

1. *Description of potential pollutant sources. Summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities associated with treatment works: access roads/rail lines; loading and unloading operations; outdoor storage activities; material handling sites; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., acid, bases, and solvents, etc.) of concern shall be identified.*

2. *Measures and controls.*

a. *Inspections. The following areas shall be included in all inspections: access roads/rail lines, equipment storage and maintenance areas (both indoor and outdoor areas); fueling; material handling areas, residual treatment, storage, and disposal areas; and wastewater treatment areas.*

b. *Employee training. The pollution prevention plan shall identify how often training will take place, but training should be held at least annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and control; fueling procedures; general good housekeeping practices; proper procedures for using fertilizers, herbicides and pesticides.*

c. *Nonstorm water discharges. For facilities that discharge vehicle and equipment washwaters to the sanitary sewer system, the operator of the sanitary system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan. If an industrial user permit is issued under a pretreatment program, a reference to that permit must be in the plan. These provisions do not apply if the discharger and the operator of the treatment works receiving the discharge are the same. In all cases, any permit conditions must be considered in the plan. If vehicle and equipment washwaters are handled in another manner (e.g., hauled offsite), the disposal method must be described and all pertinent documentation*

(e.g., frequency, volume, destination, etc.) must be attached to the plan.

D. *Numeric effluent limitations. There are no numeric effluent limitations beyond those in 9 VAC 25-151-70 B.*

E. *Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).*

[~~9 VAC 25-151-290.~~ 9 VAC 25-151-280.] Food and kindred products facilities.

A. *Discharges covered under this section. This section covers all storm water discharges from food and kindred products processing facilities (commonly identified by Standard Industrial Classification (SIC) Code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21). Sources of storm water include industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residential treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas where raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purposes of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.*

B. *Special conditions. Prohibition of nonstorm water discharges. In addition to the requirement of 9 VAC 25-151-70 D 1, discharges of nonstorm water, including boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing/clean-out operations, to surface waters, or through municipal separate storm sewer systems, are not authorized by this permit. The owners of such discharges must obtain coverage under a separate VPDES wastewater discharge permit.*

C. *Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.*

1. *Description of potential pollutant sources.*

a. *Drainage. A site map indicating the locations of vents and stacks from cooking, drying, and similar operations, dry product vacuum transfer lines; animal holding pens; and spoiled product and broken product container storage areas.*

b. *Summary of potential pollutant sources. In addition to food and kindred products processing-related industrial activities, the plan must also describe*

application/storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides, and others) used on plant grounds, including a description of pest control application and chemical storage practices.

2. Measures and controls. Inspections. At a minimum, the following areas, where the potential for exposure to storm water exists, must be inspected: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Grain mill and fats and oils products facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table [~~290-4~~ 280-1] or [~~290-2~~ 280-2].

Table [~~290-4~~ 280-1].
Grain Mill Products Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L
Total Suspended Solids	100 mg/L

Table [~~290-2~~ 280-2].
Fats and Oils Products Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
Total Kjeldahl Nitrogen	1.5 mg/L
Nitrate Plus Nitrite Nitrogen	0.68 mg/L
Total Suspended Solids	100 mg/L

[~~9 VAC 25-151-300.~~ 9 VAC 25-151-290.] Textile mills, apparel, and other fabric product manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics;

miscellaneous textiles, and other apparel products (generally described by SIC Codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC Major Group 31, except 3111).

B. Special conditions. Prohibition of nonstorm water discharges. In addition to the general prohibition of nonstorm waster discharges at 9 VAC 25-151-70 D 1, discharges of wastewater such as wastewater as a result of wet processing, wastewaters resulting from any processes relating to the production process, reused or recycled water, and waters used in cooling towers are prohibited under this permit. Owners of such discharges to surface waters [~~τ~~] must obtain coverage under a separate VPDES permit.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing, bonding carbonizing, carding, cut and sew operations, desizing, drawing, dyeing flocking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

2. Measures and controls.

a. Good housekeeping.

(1) Material storage areas. All stored and containerized materials (fuels, petroleum products, solvents, dyes, etc.) must be stored in a protected area, away from drains and clearly labeled. The plan must describe measures that prevent or minimize contamination of storm water runoff from such storage areas. The plan should specify which materials are stored indoors and must provide a description of the containment area or enclosure for those materials which are stored outdoors. Aboveground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the appropriated containment measures in place to prevent leaks and spills. The permittee may consider an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous substances. In the case of storage of empty chemical drums and containers, permittees should employ practices which ensure that barrels are clean and residuals are not subject to contact with storm water, such practices may include triple-rinsing containers. The discharge waters from such washings must be collected and disposed of properly.

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(2) *Material handling area.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from materials handling operations and areas. The permittee may consider the use of spill and overflow protection; covering fueling areas; covering and enclosing areas where the transfer of materials may occur. Where applicable, the plan must address the replacement or repair of leaking connections, valves, transfer lines and pipes that may carry chemicals, dyes, or wastewater.

(3) *Fueling areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee may consider covering the fueling area, using spill and overflow protection, minimizing runoff of storm water to the fueling area, using dry cleanup methods, and/or collecting the storm water runoff and providing treatment or recycling.

(4) *Aboveground storage tank areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from aboveground storage tank areas. The permittee must consider storage tanks and their associated piping and valves. The permittee may consider: regular cleanup of these areas; preparation of a spill prevention control and countermeasure program; spill and overflow protection; minimizing runoff of storm water from adjacent areas; restricting access to the area; insertion of filters in adjacent catch basins; absorbent booms in unbermed fueling areas; use of dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

b. *Inspections.* Inspections shall include, but not be limited to, the following areas: all containment and storage areas, transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, all structural and nonstructural management practices.

c. *Employee training.* Employee training must, at a minimum address the following areas when applicable to a facility: use of reused/recycled waters; solvents management; proper disposal of dyes; proper disposal of petroleum products and spent lubricants; spill prevention and control; fueling procedures; and general good housekeeping practices. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. Copies of BMPs and any specific management plans, including emergency phone numbers, shall be posted in the work areas.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-310.~~ 9 VAC 25-151-300.] Wood and metal furniture and fixture manufacturing facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activities from facilities involved in the manufacturing of: wood kitchen cabinets (generally described by SIC Code 2434); household furniture (generally described by SIC Code 251); office furniture (generally described by SIC Code 252); public buildings and related furniture (generally described by SIC Code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC Code 254); and miscellaneous furniture and fixtures (generally described by SIC Code 259).

B. *Special conditions.* Prohibition of nonstorm water discharges. This section does not cover any discharge subject to process wastewater effluent limitation guidelines, including storm water that combines with process wastewater.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

Inspections. Inspections shall be conducted of the following: the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures; vegetative BMPs to determine if soil erosion has occurred; and material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water. Information must be maintained onsite and include the inspection date and time and the name of personnel conducting the visual inspection. The pollution prevention plan must be updated based on the results of each inspection.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-320.~~ 9 VAC 25-151-310.] Printing and publishing facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the following types of facilities: newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711 through 2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic

(SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, book binding and related work, and typesetting (SIC Codes 2761 through 2791); and plate making and related services (SIC Code 2796).

B. *Special conditions.* There are no additional special conditions beyond those found in 9 VAC 25-151-70 D.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Good housekeeping.*

a. *Material storage areas.* All stored and containerized materials (skids, pallets, solvents, bulk inks, and hazardous waste, empty drums, portable/mobile containers of plant debris, wood crates, steel racks, fuel oil, etc.) should be stored in a protected area, away from drains and properly labeled. The plan shall describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan should specify which materials are stored indoors and shall provide a description of the containment area or enclosure for those materials which are stored outdoors. The permittee may consider an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous substances. The permittee may consider indoor storage of the materials and/or installation of berming and diking of the area.

b. *Material handling areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from materials handling operations and areas ([~~±~~ e.g.], blanket wash, mixing solvents, loading/unloading materials). The permittee may consider the use of spill and overflow protection; covering fuel areas; covering and enclosing areas where the transfer of materials may occur. Where applicable, the plan must address the replacement or repair of leaking connections, valves, transfer lines and pipes that may carry chemicals, or wastewater.

c. *Fueling areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee may consider covering the fueling area, using spill and overflow protection, minimizing runoff of storm water to the fueling area, using dry cleanup methods, and/or collecting the storm water runoff and providing treatment or recycling.

d. *Aboveground storage tank areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from aboveground storage tanks and their associated

pipings and valves. The permittee may consider: regular cleanup of these areas; preparation of a spill prevention control and countermeasure program; spill and overflow protection; minimizing runoff of storm water from adjacent facilities and properties; restricting access to the area; insertion of filters in adjacent catch basins; absorbent booms in unbermed fueling areas; use of dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

2. *Inspections.* Inspections shall include, but are not limited to the following areas: all containment and material storage areas, fueling areas, loading and unloading areas, equipment cleaning areas.

3. *Employee training.* Employee training must, at a minimum, address the following areas when applicable to a facility: spent solvent management; spill prevention and control; used oil management; fueling procedures; and general good housekeeping practices.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-330.~~ 9 VAC 25-151-320.] Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to all storm water discharges associated with industrial activity from rubber and miscellaneous plastic products manufacturing facilities (SIC Major Group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC Major Group 39, except 391).

B. *Special conditions.* Prohibition of nonstorm water discharges. Other than as provided in 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this section.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Measures and controls.* Facilities subject to EPCRA § 313 should note the special requirements of 9 VAC 25-151-80 E 2. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

2. *Special requirements for all rubber products manufacturers.* All rubber products manufacturing facilities shall include specific measures and controls to minimize the discharge of zinc in their storm water discharges. The following possible sources of zinc shall

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be reviewed and the accompanying BMPs shall be included as appropriate in the storm water pollution prevention plan.

a. *Inadequate housekeeping.* All permittees shall review the handling and storage of zinc bags at their facilities and consider the following BMPs for the pollution prevention plan: employee training regarding the handling and storage of zinc bags, indoor storage of zinc bags, thorough cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

b. *Zinc in dumpsters.* The following BMPs or equivalent measures shall be considered to reduce discharges of zinc from dumpsters: providing a cover for the dumpster; move the dumpster to an indoors location; or provide a lining for the dumpster.

c. *Malfunctioning dust collectors or baghouses.* Permittees shall review dust collectors and baghouses as possible sources in zinc in storm water runoff. Improperly operating dust collectors or baghouses shall be replaced or repaired as appropriate. The pollution prevention plan shall also provide for regular maintenance of these facilities.

d. *Grinding operations.* Permittees shall review dust generation from rubber grinding operations at their facility and, as appropriate, install a dust collection system.

e. *Zinc stearate coating operations.* Permittees shall include in the pollution prevention plan appropriate measures to prevent and/or clean up drips or spills of zinc stearate slurry which may be released to the storm drain. Alternate compounds to zinc stearate shall also be considered.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Rubber product manufacturing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table [330 320].

Table [330 320].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Zinc	120 mg/L

[9-VAC 25-151-340. 9 VAC 25-151-330.] Leather tanning and finishing facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from the following activities: leather tanning, currying and finishing (commonly identified by

Standard Industrial Classification (SIC) Code 3111). Discharges from facilities that make fertilizer solely from leather scraps and leather dust are also covered under this section.

B. *Special conditions.* There are no special conditions for this section beyond those in 9 VAC 25-151-70 D.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources.*

a. *Drainage.* A site map indicating the locations of processing and storage areas for activities associated with beamhouse, tanyard, retan-wet finishing and dry finishing operations, and haul roads, access roads and rail spurs.

b. *Risk identification and summary of potential pollutant sources.* A narrative description of potential pollutant sources including but not limited to outdoor storage activities, including but not limited to: temporary or permanent storage of fresh and brine cured hides, chemical drums, bags, containers and aboveground tanks, leather dust, scraps, trimmings and shavings, spent solvents, extraneous hide substances and hair, and empty chemical containers and bags; floor sweepings and washings; and refuse and waste piles and sludge.

2. *Measures and controls.*

a. *Good housekeeping.*

(1) *Storage areas for raw, semiprocessed, or finished tannery by-products.* Pallets and/or bales of raw, semiprocessed or finished tannery by-products (e.g., splits, trimmings, shavings, etc.) should be stored indoors or protected by polyethylene wrapping, tarpaulins, roofed storage area or other suitable means. Materials should be placed on an impermeable surface, the area should be enclosed or bermed or other equivalent measures should be employed to prevent runoff and runoff of storm water.

(2) *Material storage areas.* Label storage units of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials). Maintain such containers and units in good condition. Describe measures that prevent or minimize contact with storm water. The facility must consider indoor storage, installation of berming and diking around the area, and/or other equivalent measures to prevent runoff and runoff of storm water.

(3) *Buffing/shaving areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff with leather dust from buffing/shaving areas. The permittee may consider dust collection enclosures, preventive

inspection/maintenance programs or other appropriate preventive measures.

(4) Receiving, unloading, and storage areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from receiving, unloading, and storage areas. Exposed receiving, unloading and storage areas for hides and chemical supplies should be protected by a suitable cover, diversion of drainage to the process sewer, grade berming or curbing area to prevent runoff of storm water or other appropriate preventive measures. Materials must be plainly labelled and maintained in good condition.

(5) Outdoor storage of contaminated equipment. The plan must describe measures that minimize contact of storm water with contaminated equipment. Equipment should be protected by suitable cover, diversion of drainage to the process sewer, thorough cleaning prior to storage or other appropriate preventive measures.

(6) Waste management. The plan must describe measures that prevent contamination of the storm water runoff from waste storage areas. The permittee may consider inspection/maintenance programs or other equivalent measures for leaking containers or spills, covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, and minimizing storm water runoff by enclosing the area or building berms around the area.

b. Inspections. The following areas shall be included in all inspections: leather processing areas, storage areas for chemicals, including but not limited to aboveground tanks, fueling areas, vehicle and equipment maintenance areas, material storage areas, loading and unloading areas, waste management areas and other potential sources of pollution for evidence of actual or potential discharges of contaminated storm water. Qualified personnel are required to conduct quarterly inspections of all Best Management Practices (BMPs). The inspections shall include an assessment of the effectiveness and need for maintenance of storm water roofing and covers, dikes and curbs, discharge diversions, sediment control and collection systems and all other BMPs.

c. Employee training. Employee training must, at a minimum, address the following areas when applicable to a facility: general good housekeeping practices, spill prevention and control, waste management, inspections, preventive maintenance, detection of nonstorm water discharges and other areas.

d. Recordkeeping and internal reporting procedures. The plan must address spills, monitoring, and BMP inspection and maintenance activities. BMPs which were ineffective must be reported and the date of their

corrective action recorded. Employees must report incidents of leaking fluids to facility management and these reports must be incorporated into the plan.

e. Management of runoff. The plan shall consider management practices, such as berms for uncovered storage areas, uncovered loading and unloading areas, aboveground liquid storage and waste management areas. The installation of detention ponds must also be considered.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Leather tanning and finishing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table [340 330].

Table [340 330].
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L

[9 VAC 25-151-350. 9 VAC 25-151-340.] Fabricated metal products industry.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC Major Group 34, and jewelry, silverware, and plated ware (SIC Code 391).

B. Special conditions. Prohibition of nonstorm water discharges. This permit does not authorize the discharge of process wastewater. Certain nonstorm discharges identified in 9 VAC 25-151-70 D 1 are authorized under this permit.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations for paints, chemicals and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cob, chemicals, scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, brazing, etc.; significant dust or particulate generating processes; and onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingots pieces, refuse and waste piles.

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2. Measures and controls.

a. *Good housekeeping.* Permittees should address the following areas in the manner described.

(1) *Raw steel handling storage.* Include measures controlling or recovering scrap metals, fines, and iron dust, including measures for containing materials within storage handling areas.

(2) *Paints and painting equipment.* Consider control measures to prevent or minimize exposure of paint and painting equipment from exposure to storm water.

b. *Spill prevention and response procedures.* The following areas should be addressed in the manner described.

(1) *Metal fabricating areas.* Include measures for maintaining clean, dry, orderly conditions in these areas. Use of dry clean-up techniques should be considered in the plan.

(2) *Storage areas for raw metal.* Include measures to keep these areas free of conditions that could cause spills or leakage of materials. Storage areas should be maintained for easy access in case spill clean up is necessary. Stored materials should be able to be identified correctly and quickly.

(3) *Receiving, unloading, and storage areas.* Include measures to prevent spills and leaks; plan for quick remedial clean up and instruct employees on clean-up techniques and procedures.

(4) *Storage of equipment.* Include measures for preparing equipment for storage and the proper method to store equipment including protecting with covers, storing indoors. The plan should include clean-up measures for equipment that will be stored outdoors to remove potential pollutants.

(5) *Metal working fluid storage areas.* The plan should include measures that identify controls particularly for storage of metal working fluids.

(6) *Cleaners and rinse water.* The plan should include measures to control and cleanup spills of solvents and other liquid cleaners; control sand buildup and disbursement from sand-blasting operations, prevent exposure of recyclable wastes; and employ substitute cleaners when possible.

(7) *Lubricating oil and hydraulic fluid operations.* Consider using devices or monitoring equipment to detect and control leaks and overflows, including the installation of perimeter controls such as dikes, curbs, grass filter strips, or other equivalent measures.

(8) *Chemical storage areas.* Identify proper storage that prevents storm water contamination and prevents accidental spillage. The plan should

include a program to inspect containers, and identify proper disposal and spill controls.

c. *Inspections.* Metal fabricators shall at a minimum include the following areas for inspection: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, fueling and maintenance areas, and waste management areas.

d. *Sediment and erosion control.* Metal fabricators must include in their plan measures to minimize erosion related to the high volume of traffic from heavy equipment for delivery to and from the facility and for equipment operating at the facility on a daily basis such as forklifts, cranes, etc.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Metal fabricating facilities are required to monitor their storm water discharges for the pollutants of concern listed in Tables [~~350-4~~ 340-1] and [~~350-2~~ 340-2]. The monitoring requirements are subdivided into two classifications to determine pollutants of concern: [~~(4)~~ (i)] fabricated metal products except coating and [~~(2)~~ (ii)] fabricated metal coating and engraving.

Table [~~350-4~~ 340-1].

Monitoring Requirements for Fabricated Metal Products Except Coating.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L

Table [~~350-2~~ 340-2].

Monitoring Requirements for Fabricated Metal Coating and Engraving.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Zinc	120 mg/L

[~~9 VAC 25-151-360.~~ 9 VAC 25-151-350.] **Facilities that manufacture transportation equipment, industrial, or commercial machinery.**

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC Code 357, and SIC Major Group 37, except SIC Code 373). Sources of storm water associated with industrial activity include: industrial plant yards; material handling sites; refuse

sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements other than those in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating the locations of vents and stacks from metal processing and similar operations.

2. Measures and controls.

a. Inspections. At a minimum, the following areas, where the potential for exposure to storm water exists, must be inspected: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; and vents and stacks from industrial activities.

b. Employee training. Training should address topics such as spill response, good housekeeping, material management practices, unloading/loading practices, outdoor storage areas, waste management practices, proper handling procedures of hazardous waste, and improper connections to the storm sewer. At a minimum, this training should be provided annually.

c. Nonstorm water discharges. For facilities that discharge wastewater, other than solely domestic wastewater, to the sanitary sewer system, the permittee must notify the operator of the sanitary sewer and associated treatment works of its discharge. In such cases, a copy of a notification letter must be attached to the plan. Any specific permit conditions must be considered in the plan.

D. Numeric effluent limitations. There are no additional numeric limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-370.~~ 9 VAC 25-151-360.] Facilities that manufacture electronic and electrical equipment and components, photographic and optical goods.

A. Discharges covered under this section. The requirements listed under this section shall apply to all storm water discharges associated with industrial activity from facilities that manufacture: electronic and other electrical

equipment and components, except computer equipment (SIC Major Group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC Major Group 38) and computer and office equipment (SIC Code 357).

B. Special conditions. Prohibition of nonstorm water discharges. Other than as provided in 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this permit.

C. Storm water pollution prevention plan requirements. The plan shall include, at a minimum, the requirements of 9 VAC 25-151-80 D.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-380.~~ 9 VAC 25-151-370.] Nonclassified facilities.

A. Discharges covered under this section. The requirements of this section shall apply to all storm water discharges associated with industrial activity from facilities that: meet the definition of storm water associated with industrial activity as defined in 9 VAC 25-151-10, cannot be classified in another industrial sector of this permit (9 VAC 25-151-90 through [~~9 VAC 25-151-370~~ 9 VAC 25-151-360]), and are not excluded from permit coverage elsewhere in this permit; or the director has designated as needing a storm water permit under 9 VAC 25-31-120 A.

B. Special conditions. Prohibition of nonstorm water discharges. Other than as provided in 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this permit.

C. Storm water pollution prevention plan requirements. The plan shall include, at a minimum, the requirements of 9 VAC 25-151-80 D.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

[~~9 VAC 25-151-390.~~ Evaluation of chapter and petitions for reconsideration or revision.

~~A. Within three years after the effective date of this chapter, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter; (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner; (iii) an assessment of the effectiveness of~~

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~~this chapter; (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements; and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (a) continue this chapter without amendment, (b) repeal this chapter, or (c) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.~~

~~B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.]~~

DOCUMENT INCORPORATED BY REFERENCE

Standard Industrialization Classification (SIC) Manual, 1987, Office of Management and Budget.

NOTICE: The forms used in administering 9 VAC 25-151-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Department of Environmental Quality [7] Water Division [7] Permit Application Fee ([~~eff. 7/93~~ rev. 6/99]).

[General Permit Registration Statement for Storm Water Discharges Associated with Industrial Activity (with instructions), DEQ-Water Form SWGP99-005-REG (eff. 6/99).

VPDES General Permit Notice of Termination for Storm Water Discharges Associated with Industrial Activity (with instructions), DEQ-Water Form SWG99-005-NOT (eff. 6/99).

VPDES Checklist for No-Exposure Certification for VPDES Storm Water Permitting (with instructions) DEQ-Water Form SWG99-005-NOEX (eff. 6/99).]

VA.R. Doc. No. R98-106; Filed December 29, 1998, 10:50 a.m.

Title of Regulation: **9 VAC 25-160-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities (REPEALED).**

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

Effective Date: June 30, 1999.

Summary:

The State Water Control Board has repealed this general permit regulation for light manufacturing facility storm water discharges. The general permit expires on June 30, 1999, and dischargers that were previously authorized by it can apply for coverage under the board's proposed industrial storm water general permit, 9 VAC 25-151-10 et seq. Owners covered under the expiring general permits who wish to continue to discharge under a general permit must register for coverage under the new general permit not later than June 30, 1999, in order to avoid a lapse in permit coverage.

Summary of Public Comment and Agency Response: Refer to 9 VAC 25-151-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity.

Agency Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

VA.R. Doc. No. R98-107; Filed December 29, 1998, 10:51 a.m.

Title of Regulation: **9 VAC 25-170-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities (REPEALED).**

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

Effective Date: June 30, 1999.

Summary:

The State Water Control Board has repealed this general permit regulation. The general permit expires on June 30, 1999, and dischargers that were previously authorized by it can apply for coverage under the board's proposed industrial storm water general permit, 9 VAC 25-151-10 et seq. Owners covered under the expiring general permits who wish to continue to discharge under a general permit must register for coverage under the new general permit no later than June 30, 1999, in order to avoid a lapse in permit coverage.

Summary of Public Comment and Agency Response: Refer to 9 VAC 25-151-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity.

Agency Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

Title of Regulation: 9 VAC 25-180-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for [~~Storm Water~~] Discharges [of Storm Water] from Construction Sites Activities (amending 9 VAC 25-180-10, 9 VAC 25-180-120, 9 VAC 25-180-30, 9 VAC 25-180-40, 9 VAC 25-180-50, 9 VAC 25-180-60 and 9 VAC 25-180-70 [; adding 9 VAC ~~25-180-80~~]).

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

Effective Date: June 30, 1999.

Summary:

The State Water Control Board amended the general permit regulation that authorizes the discharge of storm water runoff from construction sites. The board currently has a general permit for construction runoff that expires on June 30, 1999. This regulatory action reissues the general permit for an additional five years. Owners covered under the expiring general permits, who wish to continue to discharge under a general permit, must register for coverage under the new general permit. The only substantive change to the draft regulation since it was last published in the Virginia Register is the deletion of 9 VAC 25-180-80, Evaluation of Chapter and Petitions for Reconsideration or Revision, since this section is no longer required by law or executive order.

This proposed general VPDES permit will regulate storm water contamination from construction activities that affect five acres or more. Storm water contamination will be controlled through the implementation of a storm water pollution prevention plan. Erosion and sediment control plans developed to meet local ordinances can be used to satisfy the pollution prevention plan requirements of the general permit where they contain the necessary elements. Pollution prevention plans must include a site description, site-specific erosion and sediment and storm water management controls, maintenance and inspections. The general permit only covers runoff discharges from the site during construction. Once soil disturbing activities at the site are finished, the site is to be stabilized and general permit coverage ceases.

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

Agency Contact: Copies of the regulation may be obtained from Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

CHAPTER 180.

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR [STORM WATER] DISCHARGES [OF STORM WATER] FROM CONSTRUCTION SITES ACTIVITIES.

9 VAC 25-180-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and ~~9 VAC 25-30-10~~ 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Commencement of construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Control measure" means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

~~"Department" means the Virginia Department of Environmental Quality.~~

~~"Director" means the Director of the Virginia Department of Environmental Quality or his designee.~~

"Final stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. one of the following situations has occurred:

1. All soil disturbing activities at the site have been completed and a uniform ([~~e.g.~~ i.e.], evenly distributed, without large bare areas) perennial vegetative cover equal to at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required).
2. For individual lots in residential construction, final stabilization can occur by either:
 - a. The homebuilder completing final stabilization as specified in subdivision 1 of this definition; or
 - b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot prior to occupation of the home by the

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homeowner, and informing the homeowner of the need for, and benefits of, final stabilization.

3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria specified in subdivision 1 or 2 of this definition.

~~"Industrial activity" means the following categories of facilities, which are considered to be engaging in "industrial activity":~~

~~1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (§§ 400-471) (except facilities with toxic pollutant effluent standards which are exempted under subdivision 11 of this definition);~~

~~2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);~~

~~3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Part 434.11(l) (1992) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner or operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, bonification, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);~~

~~4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.);~~

~~5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.);~~

~~6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 (OMB SIC Manual, 1987);~~

~~7. Steam electric power generating facilities, including coal handling sites;~~

~~8. Transportation facilities classified as SIC 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subdivisions 1 through 7 or 9 through 11 of this definition are associated with industrial activity;~~

~~9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved publicly owned treatment works (POTW) pretreatment program under the permit regulation. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act (33 USC 1251 et seq.);~~

~~10. Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;~~

~~11. Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within subdivisions 2 through 10.~~

~~"Industrial activity" means construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.~~

~~"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage~~

systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) [(33 USC § 1251 et seq.)] that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a POTW.

"Operator" means, in the context of storm water associated with construction activity, any person associated with a construction project that meets either of the following two criteria: (i) the person has [direct] operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions ([e.g. i.e.], they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions).

"Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.

"Permittee" means any owner operator whose construction site is covered under this general permit.

"Run-off Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as run-off runoff.

"Storm water" means storm water run-off runoff, snow melt run-off runoff, and surface run-off runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under the permit regulation. For the categories of industries identified in subdivisions 1 through 10 of the "industrial activity" definition, the term includes, but

is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subdivision 11 of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. a discharge of pollutants in storm water runoff from [areas construction activities] where soil disturbing activities (e.g., clearing, grading, or excavation); construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, fueling); or other industrial storm water [discharges] directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

9 VAC 25-180-20. Purpose.

This general permit regulation governs storm water discharges from construction activities. For the purposes of this chapter, these discharges are defined as storm water discharges associated with industrial activity subdivision 10, construction activity, as industrial activity is defined in 9 VAC 25-180-10. Construction activities include, but are not limited to, clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale. Storm water discharges associated with other types of industrial activity subdivisions 1 through 9 and 11, as previously defined, shall not have coverage under this general permit. This general permit covers only discharges comprised solely of storm water from construction activities which result in the disturbance of five or more total acres of land area on a site provided that the discharge is through a point source to a surface water of the state or through a municipal or nonmunicipal separate storm sewer system to surface waters of the state. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has

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undergone final stabilization are not authorized by this permit.

9 VAC 25-180-30. Delegation of authority.

The director, or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

9 VAC 25-180-40. Effective date of the permit.

This general permit will become effective on June 30, 1994 1999. This general permit will expire five years from [June 30,] 1994 [1999 the effective date]. Any covered owner is authorized to discharge under this general permit upon compliance with all the provisions of 9 VAC 25-180-50 and the receipt of this general permit. All construction sites covered under emergency regulation (9 VAC 25-180-10 et seq.) VPDES General Permit For Storm Water Discharges from Construction Sites, shall submit a complete registration statement in accordance with 9 VAC 25-180-60 and are authorized to discharge under this general permit upon expiration of the emergency regulation on June 29, 1994, and receipt of this general permit.

9 VAC 25-180-50. Authorization to discharge.

A. Any owner operator governed by this general permit is authorized by this to discharge to surface waters of the Commonwealth of Virginia provided that the owner operator files and receives acceptance, by the director, of the registration statement of 9 VAC 25-180-60 and any fees required by [Fees for Permits and Certificates () 9 VAC 25-20-10 et seq. ()], complies with the requirements of 9 VAC 25-180-70, and provided that:

1. The owner operator shall not have been required to obtain an individual permit as may be required in the permit regulation (9 VAC 25-30-10). Currently permitted discharges may be authorized under this general permit after an existing permit expires provided that the existing permit did not establish numeric limitations for such discharges. according to 9 VAC 25-31-170 B;
2. The owner operator shall not be authorized by this general permit to discharge to state waters where specifically named in other board regulation regulations or policies which prohibit such discharges. ;
3. The owner operator shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 of the Code of Virginia. If the governing body fails to respond within 45 days following receipt of a written request by certified mail (return receipt requested), the owner may submit the return receipt (green card) to verify submittal of the request. [prior] approval of an erosion and sediment control plan from the locality in which the construction activity is to occur or from another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations, 4 VAC 50-30-10 et seq. [, unless the operator is exempt from the requirement to submit an erosion and sediment control plan by 4 VAC 50-30-10 et seq.)] ;

4. The director may deny coverage under this general permit to any owner whose storm water discharge to state water may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat. In such cases, an individual permit shall be required. Storm water discharges which the director determines cause, may reasonably be expected to cause, or contribute to a violation of water quality standards are not covered by this permit; and

5. Storm water discharges from construction sites that are mixed with a storm water discharge from an industrial activity other than construction may be authorized by this permit where:

- (i) the industrial activity other than construction is located on the same site as the construction activity; and
- (ii) storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different VPDES general permit or individual permit authorizing such discharges. The owner shall obtain coverage under this VPDES general permit for the construction activity discharge and a VPDES general or individual permit for the industrial activity discharge.

The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge. 5. The storm water discharge authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

B. This permit may also be used to authorize storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located onsite or offsite provided that:

1. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
3. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

C. Support activities located offsite are not required to be covered under this general permit. Discharges of storm water from off-site support activities may be authorized under another VPDES permit. Where storm water discharges from off-site support activities are not authorized under this general permit, the land area of the off-site support activity need not be included in determining the total land disturbance acreage of the [~~industrial construction~~] activity seeking general permit coverage.

D. Receipt of this general permit does not relieve any ~~owner~~ operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-180-60. Registration statement; notice of termination.

A. ~~The owner shall file a complete VPDES general permit registration statement for storm water discharges from construction activities. Any owner proposing a new discharge shall file the registration statement at least 14 days prior to the date planned for commencing the construction activity. Any owner of an existing construction activity covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the director of this intention at least 180 days prior to the expiration date of the individual VPDES permit and shall submit a complete registration statement 30 days prior to the expiration date of the individual VPDES permit. Any owner of an existing construction activity not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement within 30 days of the effective date of the general permit.~~

In addition to submitting the registration statement to the department, facilities which are operating under approved state or local sediment and erosion plans, grading plans, or storm water management plans shall submit signed copies of the registration statement to the state or local agency approving such plans in accordance with the deadlines above (or sooner where required by state or local rules).

A. *Deadlines for submitting registration statement.*

1. *Except as provided in subdivision 3 or 4 of this subsection, [~~parties defined as~~]-operators must submit a registration statement in accordance with the requirements of this section at least two days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).*

2. *For storm water discharges from construction projects where the operator changes after a registration statement has been submitted, the new operator must submit a registration statement at least two days before assuming operational control over site specifications or commencing work onsite.*

3. *[To avoid a lapse in permit coverage,] operators of ongoing construction projects as of [~~the effective date of this permit~~ June 30, 1999,] which were authorized to*

discharge under the previous construction storm water general permit issued in 1994 must:

a. Submit a registration statement [~~within 90 days of the effective date of this permit. If the permittee is eligible to submit a notice of termination (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new registration statement is not required to be submitted;~~

b. ~~For the first 90 days from the effective date of this permit, comply with the terms and conditions of the 1994 construction storm water general permit they were previously authorized under by June 30, 1999 ; and~~

[~~e. b.~~] Update their storm water pollution prevention plan to comply with the requirements of this general permit within [~~90~~ 30] days after the date of coverage under this permit.

4. *Operators of ongoing construction projects as of [~~the effective date of this permit~~ June 30, 1999,] which did not receive authorization to discharge [~~for from~~] these projects under the 1994 construction storm water general permit but which propose to be covered by this general permit must:*

a. Submit a registration statement; and

b. Prepare and comply with a storm water pollution prevention plan in accordance with the requirements of this general permit within [~~90~~ 30] days after the date of coverage under this general permit.

B. *Registration statement.* The ~~owner~~ operator shall submit a registration statement form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

1. ~~Construction Site Owner~~

Name:

Mailing Address:

City: State: Zip Code:

Phone:

2. ~~Location of Construction Site~~

Name:

Address:

City: State: Zip Code:

If street address unavailable:

Latitude... Longitude...

1. *Name, mailing address and telephone number of the construction activity operator.*

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2. *Name and location of the construction activity and all off-site support activities to be covered under the permit. If a street address is unavailable, provide latitude and longitude.*

3. Status *(of the activity: federal, state, public, or private).*

4. ~~Is~~ *Statement indicating if storm water run-off runoff is discharged to a municipal separate storm sewer system (MS4)? Yes/No.*

~~If yes, operator name of the MS4.~~

5. ~~Receiving Name of the water body of direct receiving the discharge or municipal separate storm sewer system (e.g. Clear Creek or unnamed tributary to Clear Creek) from the construction activity or MS4.~~

6. ~~Other existing VPDES permit numbers.~~

7. 6. Project start date.

8. 7. ~~Estimated project completion date area to be disturbed by construction activity (acres).~~

9. 8. *Total land area of site development, if area to be disturbed by the construction activity is part of a larger common plan of development or sale (acres).*

10. ~~Estimated area to be disturbed (acres).~~

11. ~~Has~~ 9. *Statement indicating if a storm water pollution prevention plan has been prepared in accordance with the requirements of the VPDES General Permit for Storm Water Discharges from Construction Sites? Yes/No If no, explain Activities.*

12. ~~Brief description of construction activity.~~

13. ~~The owner must attach to this registration statement the notification (Local Government Ordinance Form) from the governing body of the county, city or town as required by § 62.1-44.15:3 of the Code of Virginia.~~

10. *Statement indicating if an erosion and sediment control plan for the construction activity [is required by the Virginia Erosion and Sediment Control Regulation, 4 VAC 50-30-10 et seq. If a plan is required, indicate if one] has been approved by an appropriate state or local plan approving authority.*

14. 11. *The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."*

Print name:

Title:

Signature: Date:

For Department of Environmental Quality use only:

Accepted/Not accepted by: Date:

Basin: Stream Class: Section

Special standards

[~~12. A signature on~~] *The registration statement [shall be signed] in accordance with 9 VAC 25-31-110.*

B. C. *Notice of termination.* When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated or where the ~~owner~~ operator of the construction site has changed, the ~~owner~~ operator of the facility shall submit a notice of termination within 30 days after final stabilization has been achieved or when he is no longer the ~~owner~~ operator. The ~~owner~~ operator shall submit a notice of termination [form] provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM GENERAL PERMIT NOTICE OF TERMINATION
FOR STORM WATER DISCHARGES FROM
CONSTRUCTION ACTIVITIES

1. ~~VPDES storm water General Permit number:~~

2. ~~Check here if you are no longer the owner of the site:~~

3. ~~Check here if the construction site has undergone final stabilization and the storm water discharges from the construction site have been terminated:~~

4. ~~Construction site owner.~~

Name:

Mailing address:

City: State: Zip Code:

Phone:

5. ~~Location of construction site.~~

Name:

Address:

City: State: Zip Code:

~~If street address unavailable:~~

Latitude... Longitude...

1. *Name, mailing address and telephone number of the construction activity operator.*

2. *Name and location of the construction activity. If a street address is unavailable, provide latitude and longitude.*

3. *The VPDES storm water general permit number.*

4. A statement indicating which of these circumstances applies:

- a. The operator of the site has changed; or
- b. The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated.

~~6-~~ 5. The following certification: "I certify under penalty of law that ~~disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time and that all storm water discharges [associated with industrial activity] from the identified facility construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the owner operator of the construction site activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water [associated with industrial activity] in accordance with this general permit, and that discharging pollutants in storm water [associated with industrial activity] to surface waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner operator from liability for any violations of this permit under the Clean Water Act.~~"

Print name:

Title:

Signature: Date:

For Department of Environmental Quality use only:

Accepted/Not accepted by: Date:

[~~6-~~ A signature on] The notice of termination [shall be signed] in accordance with 9 VAC 25-31-110.

9 VAC 25-180-70. General permit.

Any ~~owner operator~~ whose registration statement is accepted by the director ~~or his designee~~ will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES Permit Regulation, 9 VAC 25-31-10 et seq.

General Permit no.: ~~VAR4xxxxx~~ VAR4

Effective Date:

Expiration Date:

GENERAL PERMIT FOR STORM WATER DISCHARGES
 [OF STORM WATER] FROM CONSTRUCTION SITES
 ACTIVITIES
 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA
 POLLUTANT DISCHARGE ELIMINATION SYSTEM AND
 THE VIRGINIA STATE WATER CONTROL LAW.

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law

and regulations adopted pursuant to that, ~~owner operators of construction sites activities~~ (those sites or common plans of development or sale that will result in the disturbance of five or more acres total land area) with storm water discharges [~~associated with industrial activity~~] from these construction sites activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those ~~where specifically named in board regulation or policies which prohibit such discharges.~~

The authorized discharge shall be in accordance with this cover page, Part I ~~Effluent Limitations and Monitoring Requirements Discharge Authorization and Special Conditions~~, Part II ~~Monitoring and Reporting~~, Part III ~~Storm Water Pollution Prevention Plan and Part IV Management Requirements, III - Conditions Applicable To All VPDES Permits~~ as set forth here herein.

PART I.
 EFFLUENT LIMITATIONS AND MONITORING
 REQUIREMENTS DISCHARGE AUTHORIZATION AND
 SPECIAL CONDITIONS.

A. ~~Storm water from construction sites.~~

~~1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water from construction sites.~~

~~Such discharges shall be limited and monitored by the permittee as specified below:~~

NO LIMITATIONS OR MONITORING REQUIRED

~~2. There shall be no discharge of floating solids or visible foam in other than trace amounts.~~

A. Coverage under this permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water [~~associated with industrial activity from construction activities~~].

2. This permit also authorizes storm water discharges from off-site support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:

a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;

b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

c. Appropriate controls and pollution prevention measures for the discharges from the support activity

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areas are identified in the storm water pollution prevention plan for the construction activity.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. Limitation on coverage.

1. Postconstruction discharges. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Industrial postconstruction storm water discharges may need to be covered by a separate VPDES permit.

2. Discharges mixed with nonstorm water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition of nonstorm water discharges) and are in compliance with Part II D 5 (nonstorm water discharges).

3. Discharges covered by another permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III X.

C. Commingled discharges. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. Prohibition of nonstorm water discharges.

1. Except as provided in Parts I A 2, I C and I D 2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II D 5 (nonstorm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources, including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning [~~concentrate~~ condensate; uncontaminated compressor condensate]; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharges from a facility

shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) or 40 CFR Part 302 (1998) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of Part III G as soon as he [~~or she~~] has knowledge of the discharge. In addition, the storm water pollution prevention plan required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

F. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. Notice of termination.

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a notice of termination that is signed in accordance with Part III K.

2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted. Coverage under the permit will be deemed terminated two days after the operator submits the notice of termination to the department.

PART II. MONITORING AND REPORTING.

A. ~~Sampling and analysis methods.~~

~~1. Samples and measurements taken if requested by the director shall be representative of the volume and nature of the monitored activity.~~

~~2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136).~~

~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~

~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements, in accordance with approved EPA and state protocols.~~

~~B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:~~

- ~~1. The date, exact place and time of sampling or measurements;~~
- ~~2. The persons who performed the sampling or measurements;~~
- ~~3. The dates analyses were performed;~~
- ~~4. The persons who performed each analysis;~~
- ~~5. The analytical techniques or methods used; and~~
- ~~6. The results of such analyses and measurements.~~
- ~~7. The date and duration (in hours) of the storm events sampled;~~
- ~~8. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled run-off; and~~
- ~~9. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.~~

~~C. Records retention. All records and information resulting from the monitoring and inspection activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be made a part of the pollution prevention plan and shall be retained on site or at the corporate office for three years from the date of the sample, measurement, report or application or until at least one year after coverage under this permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.~~

~~The permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of commencement of construction to the date of final stabilization.~~

~~D. Additional monitoring by permittee. If the permittee monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required by this permit. Such increased frequency shall also be reported.~~

~~E. Water quality monitoring. The director may require the permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutants on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the permit regulation.~~

~~The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives~~

~~and shall be submitted with such frequency and in such detail as requested by the director.~~

~~F. Reporting requirements.~~

~~1. The permittee shall submit any monitoring data collected during the term of the permit to the department upon reregistration for coverage under the general permit.~~

~~2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department as quickly as possible upon discovery, at least the following information:~~

~~a. A description and cause of noncompliance;~~

~~b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and~~

~~c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~Whenever such noncompliance may adversely affect surface waters of the state or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on surface waters of the state has been reported.~~

~~3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter surface waters of the state. The permittee shall provide information specified in Part II F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided to the department within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

~~Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (vi) flooding or other acts of nature.~~

~~If the department's regional office cannot be reached, a 24-hour telephone service is maintained in Richmond (804) 527-5200 to which the report required above is to be made.~~

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~~G. Signatory requirements. Any registration statement, report, certification, or Notice of Termination required by this permit shall be signed as follows:~~

~~1. Registration statement/notice of termination.~~

~~a. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or an executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)~~

~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~

~~2. Reports. All reports required this permit and other information requested by the director shall be signed by:~~

~~a. One of the persons described in subdivision 1 a, b, or c of this subsection; or~~

~~b. A duly authorized representative of that person. A person is a duly authorized representative only if:~~

~~(1)The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection and submitted to the director; and~~

~~(2)The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of facility manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)~~

~~(3)If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the director prior to or together with any separate information, registration statement or notice of termination to be signed by an authorized representative.~~

~~3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: "I certify under penalty of law that~~

~~this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."~~

~~H. Prohibition on non-storm water discharges. All discharges covered by this permit shall be composed entirely of storm water except as provided in subdivisions 1 and 2 of this subsection.~~

~~1. Except as provided in subdivision 2 of this subsection, discharges of material other than storm water must be in compliance with a VPDES permit (other than this permit) issued for the discharge.~~

~~2. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part III D 5: discharges from fire fighting activities; fire hydrant flushing; waters used to wash vehicles or control dust in accordance with Part III D 2 c (2); potable water sources including waterline flushing; irrigation drainage; lawn watering, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents.~~

~~I. Releases in excess of reportable quantities.~~

~~1. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances or oil in the storm water discharge(s) from a construction site shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the site. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.~~

~~2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.~~

PART III II.

STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for the construction activity [~~on site~~] covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, it shall have been approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations (4 VAC 50-30-10 et seq.). All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

A. Deadlines for plan preparation and compliance.

1. For construction activities that have begun on or before [~~the effective date of this permit June 30, 1999~~], the storm water pollution prevention plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the effective date of coverage under this permit.
2. For construction activities that have begun after [~~the effective date of this permit June 30, 1999~~], the plan shall be prepared prior to submittal of the registration statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.
3. For ongoing construction activity involving a change of ownership of property covered by this general permit operator, the new owner operator shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and plan review.

1. The plan shall be signed in accordance with Part II-G III K, and be retained *with a copy of this permit* on-site at the facility which generates the storm water discharge in accordance with Part II-C (~~retention of records~~) III B of this permit.
2. The permittee shall make plans available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge [~~associated with industrial activity~~] which discharges through a municipal separate storm sewer system to the operator of the municipal operator of the system from the date of project initiation to the date of final stabilization. *Permittees with day-to-day operation control over plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the plan that is required to be kept onsite must be made available to the department for review at the time of an on-site inspection.*
3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within seven days of such notification the permittee shall make the required changes and shall submit to the department a written certification that the requested changes have been made. *The director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.*

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the surface waters of the state and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 1 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges [~~associated with industrial activity from construction activities~~]. The plan shall be amended in accordance with Part III E to identify any new contractor that will implement a measure of the plan.

D. Contents of plan. The storm water pollution prevention plan shall include the following items:

1. Site description. Each plan shall provide a description of pollutant sources and other information as indicated:

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- a. A description of the nature of the construction activity.
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, *utilities and infrastructure installation*).
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities; *including off-site borrow and fill areas covered by the plan.*
- d. An estimate of the ~~run-off~~ runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site.
- e. A description of existing vegetation at the site.
- f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.
- g. The name of the receiving waters and the ultimate receiving waters, and areal extent of wetland acreage at the site.
- h. A site map indicating:
 - (1) Drainage patterns and approximate slopes [~~and~~ or] contours anticipated after major grading activities;
 - (2) Areas of soil disturbance *and areas of the site which will not be disturbed*;
 - (3) The location of major structural and nonstructural controls identified in the plan;
 - (4) The location of areas where stabilization practices are expected to occur including the types of vegetative cover;
 - (5) Surface waters (including wetlands);
 - (6) Locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;
 - (7) Existing and planned paved areas and buildings;
 - (8) Locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed; ~~and~~
 - (9) *Locations of off-site material, waste, borrow or equipment storage areas covered by the plan; and*
 - ~~(9)~~ (10) Locations of other potential pollution sources as described in *Part II D 1 f above.*
- i. *The location and description on any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit.*

Two site maps may be developed, one indicating preconstruction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented *to control pollutants in storm water discharges* at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization.) The description and implementation of controls shall address the following minimum components:

- a. Erosion and sediment controls.

- (1) *Short- and long-term goals and criteria.*

- (a) *The construction-phase erosion and sediment controls shall be designed to retain sediment on site to the maximum extent practicable.*

- (b) *All control measures must be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.*

- (c) *If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in the street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).*

- (d) *Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.*

- (e) *Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).*

- (f) *Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this permit are considered a part of the project and shall be addressed in the plan.*

(4) (2) Stabilization practices. *The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.*

A record of the dates when major grading activities will occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures will be initiated shall be *maintained and* included in the plan.

Except as provided in Part III D 2 a (4-2) (a) and (b), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than ~~44~~ *seven* days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the ~~14th~~ *seventh* day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity ~~will resume on a portion of the site within 21 days from when activities ceased (e.g., the total time period that construction activity is temporarily ceased is less than 21 days)~~, then stabilization measures do not have to be initiated on that portion of site by the ~~14th~~ day after construction activity temporarily ceased on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of the site.

(2) (3) Structural practices. *The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit run-off runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be*

placed on upland soils to the degree attainable. The installation of these devices may be subject to Section § 404 of the CWA.

(a) For common drainage locations that serve an area with ~~40~~ *three* or more disturbed acres at one time, a temporary (or permanent) sediment basin providing [~~3,600~~ 3,618] cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The [~~3,600~~ 3,618] cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. ~~For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, smaller sediment basins or sediment traps, or both, should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve three or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.~~

(b) For drainage locations serving less than ~~40~~ *three* acres, smaller sediment basins or sediment traps or both should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all ~~sideslope and~~ downslope boundaries, and for those side slope boundaries deemed appropriate as dictated by individual site conditions, of the construction area unless a sediment basin providing storage for [~~3,600~~ 3,618] cubic feet of storage per acre

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drained is provided. *The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.*

b. Storm water management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed *must be included in the storm water pollution prevention plan*. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section § 404 of the [CWA Clean Water Act]. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges [~~associated with industrial activity from construction activities~~] have been eliminated from the site. *Postconstruction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves need authorization under a separate VPDES permit.*

(1) Such practices may include, *but are not limited to*: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of ~~run-off~~ runoff onsite; *storm water wetlands; sand filters; bioretention systems; water quality structures; and sequential systems (which combine several practices)*. The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. Other controls.

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the state, except as authorized by a Section [CWA Clean Water Act] § 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where

sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable state or local waste disposal, sanitary sewer or septic system regulations.

(4) *The plan shall include a description of construction and waste materials expected to be stored onsite with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and for spill prevention and response.*

(5) *The plan shall include a description of pollutant sources from areas other than the permitted construction activity (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) that contribute to the permitted discharge.*

d. Approved state or local plans. ~~An erosion and sediment control plan that is approved by state or local officials may be used to satisfy the requirements of this permit for the development of a pollution prevention plan if all the requirements of the pollution prevention plan are met by the erosion and sediment control plan. Any erosion and sediment control plans or storm water management plans approved by state or local officials shall be retained with the storm water pollution prevention plan prepared in accordance with this permit. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by state or local officials that are applicable to protecting surface water resources are, upon submittal of a registration statement to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, nonenforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.~~

(1) *Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials.*

(2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials for which the permittee receives written notice.

3. Maintenance. The storm water pollution prevention plan must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II D 4 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections. [Qualified] Facility personnel [who are familiar with the construction activity, the BMPs and the storm water pollution prevention plan] shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every ~~seven~~ 14 calendar days and within 24 48 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally or temporarily stabilized or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or frozen ground exists) such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of ~~off-site~~ off-site sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part [##] D 1 of this permit and pollution prevention measures identified in the plan in accordance with Part [##] D 2 of this permit shall be revised as appropriate, but in no case later than seven calendar days following the inspection. ~~Such modifications~~

~~shall provide for timely implementation of any changes to the plan within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.~~

c. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part [##] D 4 b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part ~~II C III B~~ III B of this permit. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part ~~II C III K~~ III K of this permit.

5. ~~Non-storm~~ Nonstorm water discharges. Except for flows from fire fighting activities, sources of ~~non-storm~~ nonstorm water listed in Part ~~II H 2 I D 2~~ II H 2 I D 2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water components of the discharge.

E. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractors or subcontractors that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part [##] E 2 of this permit in accordance with Part ~~II G III K~~ III K of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part [##] E 1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that

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authorizes the storm water discharges [associated with industrial activity] from the construction [site activity] identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part II-G III K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

F. Notice of Termination.

~~1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee shall submit a notice of termination that is signed in accordance with Part II-G.~~

~~2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted and approved by the director. Coverage under the permit will be deemed terminated seven days after the date the notice of termination is signed.~~

PART IV. MANAGEMENT REQUIREMENTS.

A. Treatment works operation and quality control.

~~1. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:~~

~~a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.~~

~~b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.~~

~~c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.~~

~~B. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitations or conditions.~~

C. Duty to halt, reduce activity or to mitigate.

~~1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.~~

~~2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of~~

~~this permit which has a reasonable likelihood of adversely affecting human health or the environment.~~

~~D. Structural stability. The structural stability of any of the units or parts of the facilities here permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.~~

~~E. Bypassing. Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited unless:~~

~~1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:~~

~~a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and~~

~~b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.~~

~~2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision 1 of this subsection and in light of the information reasonably available to the permittee at the time of the bypass.~~

~~F. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.~~

~~Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or other appropriate requirements of the State Water Control Law not related to the activities authorized by this storm water~~

general permit or under authority preserved by Section 510 of the Clean Water Act.

~~G. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.~~

~~H. Severability. The provisions of this permit are severable.~~

~~I. Duty to reregister. If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 120 days before the expiration date of this permit.~~

~~J. Right of entry. The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:~~

- ~~1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;~~
- ~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~
- ~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~
- ~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and~~
- ~~5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.~~

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained here shall make an inspection time unreasonable during an emergency.

~~K. Transferability of Permits. This permit may be transferred to a new owner by a permittee if:~~

- ~~1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;~~
- ~~2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~
- ~~3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit. Such a transferred permit shall, as~~

~~of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~

~~L. Public access to information. Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.~~

~~Claims of confidentiality for the following information will be denied:~~

- ~~1. The name and address of any permit applicant or permittee; and~~
- ~~2. Registration statements, permits, and effluent data.~~

~~Information required by the registration statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.~~

~~M. Permit modification. The permit may be modified when any of the following developments occur:~~

- ~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~
- ~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act; or~~
- ~~3. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable water quality standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;~~

~~N. Permit termination.~~

~~After public notice and opportunity for a hearing, the general permit may be terminated for cause.~~

~~O. Permit modifications, revocations and reissuances, and termination.~~

~~This general permit may be modified, revoked and reissued, or terminated pursuant to the permit regulation and in accordance with Part IV M, IV N and IV P of this permit.~~

~~P. When an individual permit may be required. The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit.~~

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Cases where an individual permit may be required include, but are not limited to, the following:

- ~~1. The discharges are significant contributors of pollution.~~
- ~~2. Conditions at the operating facility change altering the constituents or characteristics or both of the discharge such that the discharge no longer qualifies for a general permit.~~
- ~~3. The discharge violates the terms or conditions of this permit.~~
- ~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.~~
- ~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.~~
- ~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

~~This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for hearing.~~

~~Q. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to a permittee already covered by an individual permit, such owner may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.~~

~~R. Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.~~

~~S. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~T. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

- ~~1. Discharge into state waters: sewage, industrial wastes, other wastes, or any noxious or deleterious substances, or~~
- ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

PART III.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

1. *Samples and measurements taken as required by this permit shall be representative of the monitored activity.*
2. *Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.*
3. *The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.*

B. Records.

1. *Records of monitoring information shall include:*
 - a. *The date, exact place, and time of sampling or measurements;*
 - b. *The individual(s) who performed the sampling or measurements;*
 - c. *The date(s) and time(s) analyses were performed;*
 - d. *The individual(s) who performed the analyses;*
 - e. *The analytical techniques or methods used; and*
 - f. *The results of such analyses.*

2. *Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.*

C. Reporting monitoring results.

1. *The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.*

2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. *Duty to provide information.* The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. *Compliance schedule reports.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. *Unauthorized discharges.* Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. *Reports of unauthorized discharges.* Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the

department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. *Reports of unusual or extraordinary discharges.* If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. *Reports of noncompliance.* The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

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2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part III I 1 or 2 in writing at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leaving a recorded message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal

practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits and other information requested by the board shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named

individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. *Changes to authorization.* If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. *Certification.* Any person signing a document under Part III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. *Duty to comply.* The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. *Effect of a permit.* This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. *State law.* Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. *Oil and hazardous substance liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. *Disposal of solids or sludges.* Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. *Bypass.*

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part III U 2 and 3.

2. *Notice.*

a. *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, prior notice shall be

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submitted, if possible at least [~~ten~~ 10] days before the date of the bypass.

b. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. *Bypass is prohibited, and the board may take enforcement action against a permittee for bypass unless:*

(1) *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*

(2) *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and*

(3) *The permittee submitted notices as required under Part III U 2.*

b. *The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.*

V. Upset.

1. *An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.*

2. *A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:*

a. *An upset occurred and that the permittee can identify the cause(s) of the upset;*

b. *The permitted facility was at the time being properly operated;*

c. *The permittee submitted notice of the upset as required in Part III I; and*

d. *The permittee complied with any remedial measures required under Part III S.*

3. *In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.*

W. *Inspection and entry.* The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law to:

1. *Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;*

2. *Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;*

3. *Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and*

4. *Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.*

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. *Permit actions.* Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. *Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.*

2. *As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:*

a. *The current permittee notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;*

b. *The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and*

c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Discharges from Construction] Sites [Activities (with instructions)] , [Permit Number VAR4,] SWGP-94-004-NOT (eff. 4/94) [SWGP99-004-NOT (6/99)].

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

[9 VAC 25-180-80. Evaluation of chapter and petitions for reconsideration or revision.

~~A. Within three years after the effective date of this chapter, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter; (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner; (iii) an assessment of the effectiveness of this chapter; (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements; and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter, or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.~~

~~B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.]~~

NOTICE: The forms used in administering 9 VAC 25-180-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water from Construction Activities are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Department of Environmental Quality [,] Water Division [,] Permit Application Fee ([~~eff. 7/93~~ rev. 6/30/99]).

~~Local Government Ordinance Form, Form SW-001 (eff. 7/93).~~

[Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement for Storm Water Discharges from Construction] Sites [Activities (with instructions)] , [Permit Number VAR4,] ~~SWGP-94-004-REG (eff. 4/94) [SWPG99-004-REG (6/99)]~~.

[Virginia Pollutant Discharge Elimination System (VPDES) General Permit Notice of Termination for Storm Water

Final Regulations

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
PERMIT APPLICATION FEE

INSTRUCTIONS

Applicants for individual Virginia Pollutant Discharge Elimination System (VPDES), Virginia Pollution Abatement (VPA), Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Ground Water Withdrawal (GWW) Permits are required to pay permit application fees except farming operations engaged in production for market. Fees are also required for registration for coverage under General Permits except for the general permits for sewage treatment systems with discharges of 1,000 gallons per day (GPD) or less and for Corrective Action Plans for leaking underground storage tanks. Except for VWP permits, fees must be paid when applications for permit issuance, reissuance or modification are submitted. Applicants for VWP permits will be notified by the DEQ of the fee due. Applications will be considered incomplete if the proper fee is not paid and will not be processed until the fee is received.

The permit fee schedule can be found on the back of this form. Fees for permit issuance or reissuance and for permit modification are included. Once you have determined the fee for the type of application you are submitting, complete this form. The white and yellow copies of the form and your check or money order payable to "Commonwealth of Virginia-DEQ" should be mailed to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, VA 23240. The pink copy of the form and a copy of your check or money order should accompany the permit application. The gold copy is for your records. Please direct any questions regarding this form or fee payment to the DEQ Office to which you are submitting your application.

APPLICANT NAME: _____ SSN/FIN: _____

ADDRESS: _____ DAYTIME PHONE: (____) _____ Area Code _____

FACILITY/ACTIVITY NAME: _____

LOCATION: _____

TYPE OF PERMIT APPLIED FOR (from Fee Schedule): _____

TYPE OF ACTION: _____ New Issuance _____ Reissuance _____ Modification _____

AMOUNT OF FEE SUBMITTED (from Fee Schedule): _____

EXISTING PERMIT NUMBER (if applicable): _____

DEQ OFFICE TO WHICH APPLICATION SUBMITTED (check one)

Abingdon/SWRO Bridgewater/VRO Kilmarnock/KO Prince William/NRO

Richmond/PRO Richmond/Headquarters Roanoke/WCRO Virginia Beach/TRO

FOR DEQ USE ONLY

Date: _____

DC #: _____

White and Yellow Copies - DEQ Accounting Office
Pink Copy - DEQ Regional or Permit Program Office
Gold Copy - Applicant

INSTRUCTIONS FOR DEQ-WATER FORM SW/GP99-004-REG
GENERAL VPDES PERMIT REGISTRATION STATEMENT FOR
STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Registration Statement must be submitted when an operator makes application to the Department of Environmental Quality for coverage under the General VPDES Permit for Storm Water Discharges From Construction Activities.

Section 1 Activity Operator Information
For the purposes of this general permit, "operator" means any person associated with a construction project that meets either of the following two criteria: (i) The person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions). The entities who are considered operators will commonly consist of the owner, developer of a project, the party with control of project operations, the contractor, the party with day to day day operational control of the project, or the subcontractors. It is necessary to ensure compliance with the permit. Contractors and subcontractors who are under the general supervision of the general contractor are not considered operators and would not need to submit a registration statement. Give the legal name of the operator, do not use a colloquial name. Enter the complete address and phone number of the operator. The permit will be issued to this person.

Section 2 Activity Location Information
Enter the activity's official name and complete street address, including city, state and ZIP code. If the site lacks a street address, enter the latitude and longitude to the nearest 15 seconds of the approximate center of the site.

Section 3 Offsite Support Activities
The general permit may be used to authorize storm water discharges from activities that are located away from the construction site (e.g., parking areas, material storage areas, excavated areas, etc.) provided that they meet the following criteria: 1) The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity; 2) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and 3) Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

Section 4 Legal Status
Indicate the appropriate legal status of the operator of the site.

Section 5 Discharge Information
If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g. municipality name, county name). An MS4 is defined as a conveyance

or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, county, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.

Section 6 Receiving Water Body
If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the receiving water body. If the discharge is to a water body, enter the name of the receiving water body (e.g. Clear Creek, unnamed tributary to Clear Creek).

Section 7 Project Start Date
Enter the project start date.

Section 8 Area of the Site
Enter the total area of the site. This means the total acreage of the larger common plan of development or sale. Include the acreage of any offsite support activities to be covered under the permit.

Section 9 Estimated Acres to be Disturbed
Enter an estimate of the total number of acres of the site on which soil will be disturbed.

Section 10 Pollution Prevention Plan
Indicate whether a storm water pollution prevention plan for the site has been prepared in compliance with the requirements of the VPDES General Permit for Storm Water Discharges From Construction Sites (9 VAC 25-180-10 et seq.). If not, provide a brief explanation.

Section 11 Erosion and Sediment Control Plan
Indicate whether an erosion and sediment control plan for the site has been approved by an entity that is authorized to approve E&S plans. Certain construction activities are exempt from the requirement to develop an E&S plan. Check with your local E&S authority if you have questions about the need for a plan. Provide the name of the plan approving authority or cite the regulatory basis for your exemption from the plan requirements.

Section 12 Certification
The operator identified in Section 1 of this Registration Statement is responsible for certifying and submitting this Registration Statement. State statutes provide for severe penalties for providing false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:
For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1990 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (Note: If the title of the individual signing this form is "Plant Manager", submit a written verification that the facility employs more than 250 people or that the manager's annual salary or expenditures exceed \$25 million (in second-quarter 1990 dollars) and that authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures);
For a partnership or sole proprietorship: by a general partner or the proprietor; or
For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

The Department of Environmental Quality reserves the right to request additional information not directly addressed by the Registration Statement if, in its discretion, a facility or operation poses a potential impact on water quality.

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT REGISTRATION STATEMENT
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES - PERMIT NUMBER VAR4

(Please Type or Print All Information)

1. Construction Activity Operator
Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____ Phone: _____
Address: _____
City: _____ State: _____ Zip: _____
If street address unavailable: Latitude _____ Longitude _____

2. Location of Construction Activity
Name: _____
Address: _____
City: _____ State: _____ Zip: _____
If street address unavailable: Latitude _____ Longitude _____

3. Location of All Offsite Support Activities to be Covered Under The Permit
Name: _____
Address: _____
City: _____ State: _____ Zip: _____
If street address unavailable: Latitude _____ Longitude _____

4. Status: Federal State Public Private (Check one only)

5. Is Storm Water Runoff Discharged to a Municipal Separate Storm Sewer System (MS4)? Yes No
If yes, name of the MS4 operator: _____

6. Receiving Water Body of Direct Discharge or Municipal Separate Storm Sewer System (e.g. Clear Creek or Unnamed Tributary to Clear Creek): _____

7. Project Start Date _____

8. Total Land Area of Site (acres) _____ 9. Estimated Area to be Disturbed (acres) _____

10. Has a Storm Water Pollution Prevention Plan Been Prepared in Accordance with the Requirements of the VPDES General Permit for Storm Water Discharges From Construction Activities? Yes No
If no, explain _____

11. Has an Erosion and Sediment Control Plan for the Construction Activity Been Approved by an Appropriate State or Local Plan Approving Authority? Yes No If not, is this activity exempt from the plan requirements of the Virginia Erosion and Sediment Control Regulation? Yes No

Give the name of approving authority or cite the basis for plan exemption _____

12. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system and my knowledge of the facts and circumstances, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for furnishing false information including the possibility of fine and imprisonment for knowing violations."

Print Name: _____
Title: _____
Signature: _____ Date: _____

For Department of Environmental Quality Use Only
Accepted/Not Accepted by: _____ Stream Class _____ Section _____
Date: _____
Special Standards _____

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT NOTICE OF TERMINATION
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES - PERMIT NUMBER VAR4

(Please Type or Print All Information)

1. Construction Activity Operator
Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____ Phone: _____
Address: _____
City: _____ State: _____ Zip: _____
If street address unavailable: Latitude _____ Longitude _____

3. VPDES Storm Water General Permit Number: _____

4. Check the appropriate box indicating the reason for terminating coverage under the general permit.
 I am no longer the operator of the site.
 The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated.

5. Certification: "I certify under penalty of law that all storm water discharges from the identified construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the operator of the construction activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with the general permit, and that discharging storm water to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit."

Print Name: _____
Title: _____
Signature: _____ Date: _____

For Department of Environmental Quality Use Only
Accepted/Not Accepted by: _____ Date: _____

DEC-WATER FORM SWGFP99-004-NOT (6/99)

INSTRUCTIONS for DEQ-WATER FORM SWGP99-004-NOT

VPDES GENERAL PERMIT NOTICE OF TERMINATION FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

General

A VPDES General Permit Notice of Termination must be submitted when an operator no longer wishes to be covered under a VPDES General Permit for Storm Water Discharges From Construction Activities.

Section 1 Activity Operator Information

Give the legal name of the person, firm, public organization, or any other entity that was issued the general permit for the site described in this Notice of Termination. Do not use a colloquial name. Enter the complete address and phone number of the operator.

Section 2 Activity Location Information

Enter the activity's official name and complete street address, including city, state and ZIP code. If the activity or site lacks a street address, indicate the latitude and longitude to the nearest 15 seconds of the approximate center of the site.

Section 3 Permit Information

Enter the existing VPDES Storm Water General Permit number assigned to the activity or site identified in Section 1.

Section 4 Reason for Termination

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

Section 5 Certification

State statutes provide for severe penalties for submitting false information on this Notice of Termination. State regulations require this Notice of Termination to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [*Note: If the title of the individual signing this form is "Plant Manager", submit a written verification that the facility employs more than 250 people or has gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), and that authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures*];

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

The Department of Environmental Quality reserves the right to request additional information not directly addressed by the registration statement if, in its discretion, a facility or operation poses a potential impact on water quality.

VA.R. Doc. No. R98-104; Filed December 29, 1998, 10:50 a.m.

◆ ————— ◆

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BRANCH PILOTS

Title of Regulation: **18 VAC 45-20-10 et seq. Board for Branch Pilots Regulations (amending 18 VAC 45-20-10 and 18 VAC 45-20-20).**

Statutory Authority: §§ 54.1-902 and 54.1-907 of the Code of Virginia.

Effective Date: March 1, 1999.

Summary:

The amendments raise the initial licensure and license renewal fees contained in the Board for Branch Pilots regulations to bring the fees of the program into compliance with § 54.1-113 of the Code of Virginia.

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

Agency Contact: Copies of the regulation may be obtained from Mark N. Courtney, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

CHAPTER 20.

BOARD FOR BRANCH PILOTS REGULATIONS.

18 VAC 45-20-10. Initial licensing.

A. Any person wishing to obtain a license as a limited branch pilot shall meet the following qualifications:

1. Satisfactorily complete a two year apprenticeship in a program approved by the board;
2. Satisfactorily complete a comprehensive examination which shall be approved by the board and administered by the examining committee of the board. The examination shall be in two parts:
 - a. Written; and
 - b. Practical oral examination.
3. Comply with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia;
4. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drugs or alcohol use; and
5. Pay a licensing fee of ~~\$240~~ \$275. Each check or money order shall be made payable to the Treasurer of Virginia. All fees are nonrefundable.

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five year apprenticeship in a program approved by the board;
2. Hold a limited branch pilot license in good standing;
3. Pass a practical examination approved by the board and administered by the board's examining committee;
4. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate. A copy of this license shall be filed with the clerk of the board immediately;
5. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use;
6. Qualify in accordance with § 54.1-905 of the Code of Virginia; and
7. Pay a licensing fee of ~~\$240~~ \$275. Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

18 VAC 45-20-20. License renewal.

A. Each pilot seeking renewal of his license shall complete a renewal application, comply with the ~~following regulations provisions of this section~~, and appear before the board or its License Renewal Committee which shall determine if he possesses the qualifications to be renewed.

~~A-~~ B. Any limited branch pilot seeking to renew his license shall meet the following standards:

1. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use;
2. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months;
3. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot License issued by the United States Coast Guard for the same waters as his limited branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate; and
4. Pay a license renewal fee of ~~\$225~~ \$375. Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

~~B-~~ C. Any full branch pilot seeking to renew his license shall meet the following standards:

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1. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch; any such federal license renewed or acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate;
2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use;
3. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months, and that he has piloted 12 or more ships during that time, at least six trips as a pilot within the first six months of the calendar year and six trips as a pilot within the last six months of the calendar year;
4. Upon the showing of good cause, the board may waive the requirements of subdivision 3 ~~above~~ of this subsection when in its judgment the pilot is otherwise qualified;
5. Qualify in accordance with § 54.1-906 of the Code of Virginia; and
6. Pay a license renewal fee of ~~\$225~~ \$375. Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

NOTICE: The forms used in administering 18 VAC 45-20-10 et seq., Board for Branch Pilots Regulations, are listed below and are published following the listing.

Branch Pilot License Renewal Application Form (eff. 8/98).

Limited Branch Pilot License Renewal Application Form (eff. 8/98).

BOARD FOR BRANCH PILOTS

LIMITED BRANCH PILOT LICENSE RENEWAL APPLICATION FORM

This form must be completed by each Branch Pilot and provided to the Board before renewal of license may be considered. Bring the completed renewal application and other required documentation to your appointment with the Renewal Committee.

Name Last First Middle Home Address

I hereby apply to the Board for Branch Pilots for renewal of my Branch Pilot License.

In support of this application I have attached the following:

A copy of my current Unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as my branch. NOTE: This is only required after 3 years of licensure as a Limited Branch Pilot.

A statement signed by a physician that I have satisfactorily completed a physical examination within the immediately preceding 60 days including the test for all controlled substances or alcohol as required by regulation 2.1.A.1.

I hereby certify that I HAVE/HAVE NOT transited the waters embraced by my Branch Pilot License during the preceding 12 month period.

DATE SIGNATURE OF APPLICANT

I hereby certify that all of the information provided by me as a part of this application is true and complete to the best of my knowledge and belief.

DATE SIGNATURE OF APPLICANT

AFFIDAVIT

STATE OF City/County of

Subscribed and sworn to before me, the undersigned Notary Public in and for the State and City or County aforesaid this day of 19

My commission expires

Affix Official Seal Here

NOTARY PUBLIC

I, the Chairman of the Board for Branch Pilots License Renewal Committee, state that the above named individual has personally appeared before my Committee which, being duly convened with a quorum present, and, after careful examination of the evidence of qualification for licensure presented, recommends to the Board for Branch Pilots that the above named individual be APPROVED/DISAPPROVED for renewal of his license for the upcoming 12 month period.

DATE SIGNATURE OF CHAIRMAN 8/198

BOARD FOR BRANCH PILOTS

BRANCH PILOT LICENSE RENEWAL APPLICATION FORM

This form must be completed by each Branch Pilot and provided to the Board before renewal of license may be considered. Bring the completed renewal application and other required documentation to your appointment with the Renewal Committee.

Name Last First Middle Home Address

I hereby apply to the Board for Branch Pilots for renewal of my Branch Pilot License.

In support of this application I have attached the following:

A copy of my current Unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as my branch.

A statement signed by a physician that I have satisfactorily completed a physical examination within the immediately preceding 60 days including the test for all controlled substances or alcohol as required by regulation 2.1.B.2.

I hereby certify that I HAVE/HAVE NOT transited the waters embraced by my Branch Pilot License during the preceding 12 month period.

DATE SIGNATURE OF APPLICANT

I hereby certify that all of the information provided by me as a part of this application is true and complete to the best of my knowledge and belief.

DATE SIGNATURE OF APPLICANT

AFFIDAVIT

STATE OF City/County of

Subscribed and sworn to before me, the undersigned Notary Public in and for the State and City or County aforesaid this day of 19

My commission expires

Affix Official Seal Here

NOTARY PUBLIC

I, the Chairman of the Board for Branch Pilots License Renewal Committee, state that the above named individual has personally appeared before my Committee which, being duly convened with a quorum present, and, after careful examination of the evidence of qualification for licensure presented, recommends to the Board for Branch Pilots that the above named individual be APPROVED/DISAPPROVED for renewal of his license for the upcoming 12 month period.

DATE SIGNATURE OF CHAIRMAN 8/198

VA.R. Doc. No. R98-13; Filed December 21, 1998, 11:55 a.m.

Final Regulations

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

REGISTRAR'S NOTICE: The following regulation is 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 Department of State Police will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 19 VAC 30-20-10 et seq. **Motor Carrier Safety Regulations (amending 19 VAC 30-20-80, 19 VAC 30-20-220, and 19 VAC 30-20-250).**

Statutory Authority: § 52-8.4 of the Code of Virginia.

Effective Date: March 17, 1999.

Summary:

The amendment incorporates by reference changes made by the U. S. Department of Transportation, Federal Highway Administration, to Title 49, Code of Federal Regulations (CFR), Parts 390 through 397 promulgated and in effect as of January 2, 1999. These changes include:

1. 49 CFR Parts 390, 391, 392, 395, 396, and 397 to remove, amend, and redesignate certain provisions of the Federal Motor Carrier Safety Regulations concerning general applicability and definitions; accident recordkeeping requirements; qualifications of drivers; driving of commercial motor vehicles; hours of service of drivers; inspection, repair and maintenance; and the transportation of hazardous materials. The Federal Highway Administration considers many of these regulations to be obsolete, redundant, unnecessary, ineffective or burdensome. Others are more appropriately regulated by state and local authorities, better addressed by company policy, in need of clarification or more appropriately contained in another section;

2. 49 CFR Part 393 by revising requirements concerning glazing materials, windshield condition, coloring and tinting of windshields and windows, and obstructions to the driver's field of view for commercial motor vehicles. The intent is to remove obsolete regulatory language, establish requirements that are more performance based than the previous requirements, and respond to requests for waivers to allow the use of windshield-mounted transponders;

3. 49 CFR Part 393 concerning the transportation of manufactured homes. As a result of this rule making, the amount of the load on a manufactured home tire will

be reduced so that it cannot exceed the tire manufacturer's load rating by more than 18%;

4. 49 CFR Part 393 to require air-braked truck tractors manufactured on or after March 1, 1997, and air-braked, single-unit trucks, buses, trailers, and converter dollies manufactured on or after March 1, 1998, be equipped with anti-lock brake systems (ABS) that meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 121. The FHWA is also requiring hydraulic-braked trucks and buses manufactured on or after March 1, 1999, to be equipped with anti-lock brake systems that meet the requirements of FMVSS No. 105. With regard to commercial motor vehicles manufactured prior to the dates previously mentioned, the FHWA is not requiring motor carriers to retrofit such vehicles with anti-lock brake systems; and

5. 19 VAC 30-20-220 and 19 VAC 30-20-250 to include Driver Vehicle Inspection Report now that most inspection reports are computer generated.

Agency Contact: Copies of the regulation may be obtained from Lieutenant Herbert B. Bridges, Department of State Police, Motor Carrier Safety, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 378-3489. There will be a charge of \$5 for copies.

19 VAC 30-20-80. Compliance.

Every person and commercial motor vehicle subject to the Motor Carrier Safety Regulations operating in interstate or intrastate commerce within or through the Commonwealth of Virginia shall comply with the federal Motor Carrier Safety Regulations promulgated by the United States Department of Transportation, Federal Highway Administration, with amendments promulgated and in effect as of January 2, 1999, pursuant to the United States Motor Carrier Safety Act found in 49 CFR Parts 390 through 397, which are incorporated in these regulations by reference, with certain exceptions, as set forth below.

19 VAC 30-20-220. Responsibilities of motor carriers - § 395.13 (c)(2).

A motor carrier shall complete the "Motor Carrier's Report of Compliance with this Notice" portion of form S.P. 233-A (Virginia State Police Motor Carrier Safety Inspection) or *Driver Vehicle Inspection Report* and deliver the copy of the form either personally or by mail to the Department of State Police, Office of Administrative Coordinator, Motor Carrier Safety, at the address specified upon the form within 15 days following the date of the examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

19 VAC 30-20-250. Motor carrier's disposition - § 396.9 (d) (3) (ii).

Motor carriers shall return the completed form S.P. 233 (Virginia State Police Motor Carrier Safety Inspection) or *Driver Vehicle Inspection Report* to the Department of State Police at the address indicated on the report.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JANE D. CHAFFIN
REGISTRAR OF REGULATIONS

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 692-0625

January 4, 1999

Colonel M. Wayne Huggins
Superintendent
Department of State Police
P.O. Box 27472
Richmond, Virginia 23261-7472

Dear Colonel Huggins:

This office has received the amendments to 19 VAC 30-20-10 et seq., Motor Carrier Safety Regulations, submitted by the Department of State Police on December 22, 1998.

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

Sincerely,

A handwritten signature in cursive script that reads "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-72; Filed December 22, 1998, 10:06 a.m.

Final Regulations

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-40-10 et seq. Rules of the Neighborhood Assistance Act (REPEALED).**

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Effective Date: February 17, 1999.

Summary:

This regulatory action repeals the existing regulations for the Neighborhood Assistance Act (22 VAC 40-40-10 et seq.). The regulations were created in 1982 when the program was first implemented and have not been updated since. The rules are cumbersome and outdated and require projects to submit a burdensome amount of information. In addition, substantive changes to the statutory language made during the 1997 Session of the General Assembly make it imperative that the old regulations be repealed and new ones promulgated that accurately reflect the law and the program as it has developed. New regulations were adopted concurrently with the repeal of this regulation.

Agency Contact: Phyllis Parrish, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1895.

VA.R. Doc. No. R97-704; Filed December 23, 1998, 10:15 a.m.

* * * * *

Title of Regulation: **22 VAC 40-41-10 et seq. Neighborhood Assistance Tax Credit Program.**

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Effective Date: February 17, 1999.

Summary:

These regulations replace existing regulations which have not been updated since they were adopted in 1982. The 1997 General Assembly made substantive changes to the language controlling this program. Those changes, combined with the development of the program over the past 16 years made it imperative that the old regulations be repealed and replaced with new regulations. There were no changes made to these regulations as a result of comments received during the public comment period.

These regulations detail the procedures for becoming a neighborhood assistance project including the criteria for approval, termination of project status, and appeal process. They also provide the method used for allocation of available tax credits and for determining the value of donations and the date the donation was made.

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

Agency Contact: Copies of the regulation may be obtained from Phyllis Parrish, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1895.

CHAPTER 41.

NEIGHBORHOOD ASSISTANCE TAX CREDIT PROGRAM.

22 VAC 40-41-10. Definitions.

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

"Audit" means any audit required under the federal Office of Management and Budget's Circular A-133, or, if a neighborhood organization is not required to file an audit under Circular A-133, a detailed financial statement prepared by a certified public accountant.

"Business firm" means any corporation, partnership, electing small business (Subchapter S) corporation, limited liability company, or sole proprietorship authorized to do business in this Commonwealth subject to tax imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia.

"Community services" means any type of counseling and advice, emergency assistance, medical care, provision of basic necessities, or services designed to minimize the effects of poverty, furnished primarily to impoverished people.

"Education" means any type of scholastic instruction or scholarship assistance to an individual who is impoverished.

"Housing assistance" means furnishing financial assistance, labor, material, or technical advice to aid the physical improvement of the homes of impoverished people.

"Impoverished people" means people in Virginia with incomes at or below 150% of the poverty guidelines as defined by the United States Office of Management and Budget as published in the Federal Register (62 FR 10856), and as updated and republished annually in the Federal Register.

"Job training" means any type of instruction to an individual who is impoverished that enables him to acquire vocational skills so that he can become employable or able to seek a higher grade of employment.

"Neighborhood assistance" means providing community services, education, housing assistance, or job training.

"Neighborhood organization" means any local, regional or statewide organization whose primary function is providing neighborhood assistance for impoverished people, and holding a ruling from the Internal Revenue Service of the

United States Department of the Treasury that the organization is exempt from income taxation under the provisions of §§ 501 (c) (3) and 501 (c) (4) of the Internal Revenue Code of 1986, as amended from time to time, or any organization defined as a community action agency in the Economic Opportunity Act of 1964 (42 USC § 2701 et seq.), or any housing authority as defined in § 36-3 of the Code of Virginia.

"Professional services" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and shall include, but shall not be limited to, the personal services rendered by medical doctors, dentists, architects, professional engineers, certified public accountants and attorneys-at-law.

22 VAC 40-41-20. Purpose; procedure for becoming neighborhood assistance project; termination of project status; appeal procedure.

A. The purpose of the Neighborhood Assistance Program is to encourage business firms to make donations to neighborhood organizations for the benefit of impoverished people.

B. Neighborhood organizations wishing to become an approved neighborhood assistance project must submit a proposal to the Commissioner of Social Services or his designee. This proposal must be on the form prescribed by the commissioner or his designee and at a minimum contain:

1. A description of their eligibility as a neighborhood organization, the program to be conducted, the impoverished people to be assisted, the estimated amount that will be donated to the program, and plans for implementing the program.
2. Proof of the neighborhood organization's current exemption from income taxation under the provisions of § [§] 501(c)(3) or [§] 501(c)(4) of the Internal Revenue Code, or the organization's eligibility as a community action agency as defined in the Economic Opportunity Act of 1964 (42 USC § 2701 et seq.), or housing authority as defined in § 36-3 of the Code of Virginia.
3. A copy of the neighborhood organization's most recent audit, a copy of the organizations most current federal form 990, and a copy of the annual report filed with the Department of Agriculture and Consumer Services' Division of Consumer [Affairs Protection].
4. A statement of objective and measurable outcomes that are expected to occur and the method the organization will use to evaluate the program's effectiveness.

C. The application period for neighborhood organizations to become approved neighborhood assistance projects will start no later than March 1 of each year. All applications must be received by the Department of Social Services no later than the first working day of May.

D. Those organizations submitting all required information and reports, meeting the eligibility criteria of a neighborhood organization, and whose proposals are consistent with the Neighborhood Assistance Act, will be determined an eligible project for the Neighborhood Assistance Program. The approval period will run from July 1 through June 30 of the following year.

E. The commissioner or his designee may terminate a project's eligibility based on a finding of program abuse involving illegal activities, or fraudulent reporting on contributions.

F. Any neighborhood organization that disagrees with the disposition of their applications, or their termination as a eligible project, may appeal to the commissioner for a reconsideration. Such requests must be made within 30 days of the denial or termination. The commissioner will act on the request and render a final decision within 30 day of the request for reconsideration.

22 VAC 40-41-30. Allocation of tax credits.

A. The available tax credits will be allocated among all approved projects as follows:

1. Any amounts legislatively set aside for special purposes will be allocated for these purposes.
2. At least 10% of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10% of the available amount of tax credits, the unallocated portion of such 10% shall be allocated to other eligible neighborhood organizations.
3. Projects that had received a tax credit allocation within the last four years will be given an allocation based on the average amount of tax credits actually used in prior years. This amount may be reduced by a percentage or be capped in order to stay within the total available funding.
4. The remaining allocation will be distributed among projects which have not received an allocation within the last four years. This process may include a determination of the reasonableness of requests, caps, and percentage reductions in order to stay within the total available funding.
5. The steps provided in subdivisions 3 and 4 may be used for any amount legislatively designated for specific types of projects. Alternate procedures may be developed to ensure equitable distribution of available tax credits.

B. During the program year, neighborhood organizations may request additional allocations of tax credits. Requests will be evaluated on reasonableness and funds will be reallocated on a first come basis as they become available. Requests for increases to an organizations allocation

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received more than two weeks after the end of the program year will not be processed.

C. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of Social Services or his designee.

22 VAC 40-41-40. Value of donations.

A. The approved neighborhood organization is responsible for maintaining documentation acceptable to the Department of Social Services and establishing the date and value of all donations.

B. The value of donations of cash, including stocks, bonds, or other negotiable items, merchandise, and real-estate is the value determined for federal tax purposes using IRS regulations (26 CFR 1 et seq., and as amended).

C. The value assigned for donated rent/lease of property must be reasonable and cannot exceed the prevailing square footage rental charge for comparable property.

D. The value of professional services is determined as follows:

1. When an employer donates professional services provided by employees, the value of the donation shall be equal to the salary that such employee was actually paid for the period of time that such employee rendered professional services to the approved program. Operating overhead and benefit costs are not included in determining the contribution.

2. When a sole proprietor or partner in a partnership renders professional services to a program, the value of the professional services shall not exceed the lesser of the reasonable cost for similar services from other providers, or the maximum amount set forth in § 63.1-325 of the Code of Virginia.

3. When a physician or dentist licensed pursuant to Title 54.1 of the Code of Virginia provides health care services, the value of such services shall not exceed the lesser of the reasonable cost for similar services from other providers or the maximum amount set forth in § 63.1-325 of the Code of Virginia.

22 VAC 40-41-50. Donations by businesses, physicians, and dentists.

A. As provided by § 63.1-324 of the Code of Virginia, a business firm shall be eligible for a tax credit based on the value of the money, property, and professional services donated by the business firm during its taxable year to an approved neighborhood organization.

B. No tax credit shall be granted to any business firm for donations to a neighborhood organization providing job training or education for individuals employed by the business firm.

C. Physicians and dentists licensed pursuant to Title 54.1 of the Code of Virginia who provide health care services

without charge at a clinic which is an approved neighborhood organization, and is organized in whole or in part for the delivery of health care services without charge, shall be eligible for a tax credit based on the time spent in providing health care services at such clinic.

D. All donations must be made without any conditions or expectation of monetary benefit from the project. Discounting of property or professional services is not an allowable donation for the Neighborhood Assistance Program.

E. Granting of tax credits shall conform to the minimum and maximum amounts prescribed in § 63.1-324 of the Code of Virginia.

F. Credits granted to a partnership, electing small business (Subchapter S) corporation, or limited liability company shall be allocated to their individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. The business firm and Neighborhood Assistance Program project shall complete a certification on a form prescribed by the Department of Social Services and submit it to the commissioner or his designee. The certification shall identify the date, type and value of the donation and the business firm making the donation.

H. All certifications must be submitted to the commissioner or his designee within four years of the date of donation.

I. Upon receipt and approval of the certification, the commissioner or his designee shall issue a tax credit certificate to the business.

22 VAC 40-41-60. Determining date of donation.

A. The date of donation for cash, including stocks, bonds, or other negotiable items, merchandise, and real-estate is the date used for federal tax purposes according to IRS regulations.

B. The date of donation for professional services is the date the service is completed.

C. The date of donation for donated rent/lease is the effective date of the lease.

<p>NOTICE: The forms used in administering 22 VAC 40-41-10 et seq., Neighborhood Assistance Tax Credit Program, are listed below, but are not being published. However, the forms were published with the proposed regulation and may be found in 14:24 VA.R. 3881-3889 August 17, 1998.</p>

FORMS

Contribution Notification Form A (CNF-A) (eff. 7/98).

Contribution Notification Form B (CNF-B) (eff. 7/98).

Contribution Notification Form C (CNF-C) (eff. 7/98).

Neighborhood Assistance Program Application, July 1998-June 1999.

VA.R. Doc. No. R97-707; Filed December 23, 1998, 10:16 a.m.

* * * * *

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Board of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 22 VAC 40-71-10 et seq. **Standards and Regulations for Licensed Adult Care Residences (amending 22 VAC 40-71-10 and 22 VAC 40-71-490).**

Statutory Authority: §§ 63.1-25, 63.1-174 and 63.1-174.001 of the Code of Virginia.

Effective Date: February 18, 1999.

Summary:

The definitions of ambulatory and nonambulatory were revised in the regulation to reflect those in the Code of Virginia and a related provision that was revised in the statute was added to the regulation for clarification.

Agency Contact: Copies of the regulation may be obtained from Judy McGreal, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1792.

22 VAC 40-71-10. Definitions.

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

"*Activities of daily living (ADLs)*" means bathing, dressing, toileting, transferring, bowel control, bladder control and eating/feeding. A person's degree of independence in performing these activities is a part of determining appropriate level of care and services.

"*Administer medication*" means to open a container of medicine or to remove the prescribed dosage and to give it to the resident for whom it is prescribed.

"*Administrator*" means the licensee or a person designated by the licensee who oversees the day-to-day operation of the facility, including compliance with all regulations for licensed adult care residences.

"*Adult care residence*" means any place, establishment, or institution, public or private, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed, and (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage, and (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or

22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214 of the Code of Virginia, when such facility is licensed by the Virginia Department of Social Services as a child-caring institution under Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia, but including any portion of the facility not so licensed. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults.

"*Ambulatory*" means the condition of a resident who: ~~1. is physically and mentally able to exit the residence without assistance in an emergency and who can ascend or descend stairs if present in any necessary exit path, or 2. Because of physical or mental impairment requires limited assistance, such as capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such resident may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command, to exit the residence in an emergency to evacuate.~~

"*Assisted living*" means a level of service provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e., abusive, aggressive, disruptive) as documented on the uniform assessment instrument.

"*Building*" means a structure with exterior walls under one roof.

"*Case management*" means multiple functions designed to link clients to appropriate services. Case management may include a variety of common components such as initial screening of needs, comprehensive assessment of needs, development and implementation of a plan of care, service monitoring, and client follow-up.

"*Case manager*" means an employee of a public human services agency who is qualified and designated to develop and coordinate plans of care.

"*Chemical restraint*" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms, including when the drug is used in one or more of the following ways:

1. In excessive dose (including duplicate drug therapy);
2. For excessive duration;
3. Without adequate monitoring;
4. Without adequate indications for its use;
5. In the presence of adverse consequences which indicate the dose should be reduced or discontinued; and

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6. In a manner that results in a decline in the resident's functional status.

"Committee" means a person who has been legally invested with the authority and charged with the duty of managing the estate or making decisions to promote the well-being of a person who has been determined by the circuit court to be totally incapable of taking care of his person or handling and managing his estate because of mental illness or mental retardation. A committee shall be appointed only if the court finds that the person's inability to care for himself or handle and manage his affairs is total.

"Continuous licensed nursing care" means around-the-clock observation, assessment, monitoring, supervision, or provision of medical treatments provided by a licensed nurse. Residents requiring continuous licensed nursing care may include:

1. Individuals who have a medical instability due to complexities created by multiple, interrelated medical conditions; or
2. Individuals with a health care condition with a high potential for medical instability.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee of the Virginia Department of Social Services, acting as the authorized agent in carrying out the duties specified in the Code of Virginia.

"Direct care staff" means supervisors, assistants, aides, or other employees of a facility who assist residents in their daily living activities. Examples are likely to include nursing staff, geriatric assistants and mental health workers but are not likely to include waiters, chauffeurs, and cooks.

"Discharge" means the movement of a resident out of the adult care residence.

"Emergency" means, as it applies to restraints, a situation which may require the use of a restraint where the resident's behavior is unmanageable to the degree an immediate and serious danger is presented to the health and safety of the resident or others.

"Emergency placement" means the temporary status of an individual in an adult care residence when the person's health and safety would be jeopardized by not permitting entry into the facility until the requirements for admission have been met.

"Extended license" means a license that is granted for more than one year's duration because the facility demonstrated a pattern of strong compliance with licensing standards.

"Guardian" means a person who has been legally invested with the authority and charged with the duty of taking care of the person, managing his property and protecting the rights of the person who has been declared by the circuit court to be incapacitated and incapable of administering his own

affairs. The powers and duties of the guardian are defined by the court and are limited to matters within the areas where the person in need of a guardian has been determined to be incapacitated.

"Habilitative service" means activities to advance a normal sequence of motor skills, movement, and self-care abilities or to prevent unnecessary additional deformity or dysfunction.

"Health care provider" means a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, or health maintenance organization. This list is not all inclusive.

"Household member" means any person domiciled in an adult care residence other than residents or staff.

"Human subject research" means any medical or psychological research which utilizes human subjects who may be exposed to the possibility of physical or psychological injury as a consequence of participation as subjects and which departs from the application of those established and accepted methods appropriate to meet the subject's needs but does not include (i) the conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from a human subject in the course of standard medical practice, (ii) epidemiological investigations, or (iii) medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated or to improve the quality of the subject's life pursuant to § 37.1-234 of the Code of Virginia.

"Independent living environment" means one in which the resident or residents perform all activities of daily living and instrumental activities of daily living for themselves without requiring the assistance of any staff member in the adult care residence.

"Independent living status" means that the resident is assessed as capable of performing all activities of daily living and instrumental activities of daily living for himself without requiring the assistance of any staff member in the adult care residence. (If the policy of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity this shall not be considered in determining independent status.)

"Independent physician" means a physician who is chosen by the resident of the adult care residence and who has no financial interest in the adult care residence, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Individualized service plan" means the written description of actions to be taken by the licensee to meet the assessed needs of the resident.

"Instrumental activities of daily living (IADLs)" means meal preparation, housekeeping, laundry, and managing money. A person's degree of independence in performing these activities is a part of determining appropriate level of care and services.

"Intermittent intravenous therapy" means therapy provided by a licensed health care professional at medically predictable intervals for a limited period of time on a daily or periodic basis.

"Licensee" means any person, association, partnership or corporation to whom the license is issued.

"Licensed health care professional" means any health care professional currently licensed by the Commonwealth of Virginia to practice within the scope of his profession, such as a clinical social worker, dentist, licensed practical nurse, nurse practitioner, pharmacist, physical therapist, physician, physician's assistant, psychologist, registered nurse, and speech-language pathologist.

NOTE: Responsibilities of physicians contained within this chapter may be implemented by nurse practitioners or physicians' assistants as assigned by the supervising physician and within the parameters of professional licensing.

"Maintenance or care" means the protection, general supervision and oversight of the physical and mental well-being of the aged, infirm or disabled individual. Assuming responsibility for the well-being of residents, either directly or through contracted agents, is considered "general supervision and oversight."

"Maximum physical assistance" means that an individual has a rating of total dependence in four or more of the seven activities of daily living as documented on the uniform assessment instrument.

NOTE: An individual who can participate in any way with performance of the activity is not considered to be totally dependent.

"Mental impairment" means a disability which reduces an individual's ability to reason or make decisions.

"Minimal assistance" means dependency in only one activity of daily living or dependency in one or more of the instrumental activities of daily living as documented on the uniform assessment instrument.

"Moderate assistance" means dependency in two or more of the activities of daily living as documented on the uniform assessment instrument.

"Nonambulatory" means the condition of a resident of an adult care residence who by reason of physical or mental impairment is unable to exit the residence in an emergency not capable of self-preservation without the assistance of another person.

"Nonemergency" means, as it applies to restraints, circumstances which may require the use of a restraint for

the purpose of providing support to a physically weakened resident.

"Payee" means an individual, other than the guardian or committee, who has been designated to receive and administer funds belonging to a resident in an adult care residence. A payee is not a guardian or committee unless so appointed by the court.

"Personal representative" means the person representing or standing in the place of the resident for the conduct of his affairs. This may include a guardian, committee, attorney-in-fact under durable power of attorney, next of kin, decedent, trustee, or other person expressly named by the resident as his agent.

"Physical impairment" means a condition of a bodily or sensory nature that reduces an individual's ability to function or to perform activities.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, which restricts freedom of movement or access to his body.

"Psychopharmacologic drug" means any drug prescribed or administered with the intent of controlling mood, mental status or behavior. Psychopharmacologic drugs include not only the obvious drug classes, such as antipsychotic, antidepressants, and the anti-anxiety/hypnotic class, but any drug that is prescribed or administered with the intent of controlling mood, mental status, or behavior, regardless of the manner in which it is marketed by the manufacturers and regardless of labeling or other approvals by the Federal Drug Administration (FDA).

"Public pay" means a resident of an adult care facility eligible for benefits under the Auxiliary Grants Program.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility preadmission screening or to complete the uniform assessment instrument for a home- and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of adult care residences, or any hospital which has contracted with the Department of Medical Assistance Services to perform nursing facility preadmission screenings.

"Rehabilitative services" means activities that are ordered by a physician or other qualified health care professional which are provided by a rehabilitative therapist (physical therapist, occupational therapist or speech-language pathologist). These activities may be necessary when a resident has demonstrated a change in his capabilities and are provided to enhance or improve his level of functioning.

"Resident" means any aged, infirm, or disabled adult residing in an adult care residence for the purpose of receiving maintenance or care.

"Residential living" means a level of service provided by an adult care residence for adults who may have physical or

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mental impairments and require only minimal assistance with the activities of daily living. Included in this level of service are individuals who are dependent in medication administration as documented on the uniform assessment instrument. This definition includes independent living facilities that voluntarily become licensed.

"*Respite care*" means services provided for maintenance and care of aged, infirm or disabled adults for temporary periods of time, regularly or intermittently. Facilities offering this type of care are subject to this chapter.

"*Restorative care*" means activities designed to assist the resident in reaching or maintaining his level of potential. These activities are not required to be provided by a rehabilitative therapist and may include activities such as range of motion, assistance with ambulation, positioning, assistance and instruction in the activities of daily living, psychosocial skills training, and reorientation and reality orientation.

"*Skilled nursing treatment*" means a service ordered by a physician which is provided by and within the scope and practice of a licensed nurse.

"*Systems review*" means a physical examination of the body to determine if the person is experiencing problems or distress, including cardiovascular system, respiratory system, gastrointestinal system, urinary system, endocrine system, musculoskeletal system, nervous system, sensory system and the skin.

"*Transfer*" means movement of a resident to a different assigned living area within the same licensed facility.

"*Transfer trauma*" means feelings or symptoms of stress, emotional shock or disturbance, hopelessness, or confusion resulting from the resident being moved from one residential environment to another.

"*Uniform assessment instrument (UAI)*" means the department designated assessment form. There is an alternate version of the form which may be used for private pay residents, i.e., those not eligible for benefits under the Auxiliary Grants Program. Social and financial information which is not relevant because of the resident's payment status is not included on the private pay version of the form.

22 VAC 40-71-490. General requirements.

A. *Buildings licensed for ambulatory residents or nonambulatory residents shall be classified by and meet the specifications for the proper use group as required by the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.).*

~~A. B. A certificate of occupancy shall be obtained as evidence of compliance with the applicable edition of the Virginia Uniform Statewide Building Code, (13 VAC 5-60-10 et seq.).~~

~~B. C. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the department for review.~~

~~G. D. Doors and windows.~~

- ~~1. All doors shall open and close readily and effectively.~~
- ~~2. Any doorway or window that is used for ventilation shall be effectively screened.~~

~~D. E. There shall be enclosed walkways between residents' rooms and dining and sitting areas which are adequately lighted, heated, and ventilated. This requirement shall not apply to existing buildings or residences that had licenses in effect on January 1, 1980, unless such buildings are remodeled after that date or there is a change of sponsorship of the licensed residence.~~

~~E. F. There shall be an ample supply of hot and cold water from an approved source available to the residents at all times.~~

~~F. G. Hot water at taps available to residents shall be maintained within a range of 105° -120° F.~~

~~G. H. Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.~~

~~H. I. Cleaning supplies and other hazardous materials shall be stored in a locked area. This safeguard shall be optional in an independent living environment.~~

~~I. J. Each facility shall develop and implement a written policy regarding weapons on the premises of the facility that will ensure the safety and well-being of all residents and staff.~~

VA.R. Doc. No. R99-71; Filed December 17, 1998, 11:50 a.m.



THE LEGISLATIVE RECORD

The Legislative Record is available on-line at <http://dls.state.va.us/legrec98.htm>

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Financial Institutions

ADMINISTRATIVE RULING 1608 EXEMPTION FROM CHAPTER 16 FOR SUBSIDIARIES AND AFFILIATES OF CERTAIN DEPOSITORY INSTITUTIONS

Subsection 3 of § 6.1-411 of the Code of Virginia provides an exemption from the provisions of Chapter 16 for

Any lender authorized to engage in business as a bank, savings institution, or credit union under the laws of the United States, any state or territory of the United States, or the District of Columbia, and subsidiaries and affiliates of such entities [,] which lender, subsidiary, or affiliate is subject to the general supervision or regulation of or subject to audit or examination by a regulatory body or agency of the United States, and any state or territory of the United States, or the District of Columbia;... .

For the purpose of applying this exemption, the Bureau adopts the following definitions:

1. "Affiliate" means an entity (a) in which more than 50% of the voting shares or ownership interest is held, directly or indirectly, by a company that also owns a bank, savings institution or credit union, and (b) over which no person or entity other than the depository institution holding company is able to exercise operating control.
2. "Subsidiary" means an entity (a) in which more than 50% of the voting shares or ownership interest is held, directly or indirectly, by a bank, savings institution or credit union, and (b) over which no person or entity other than the depository institution is able to exercise operating control.

This ruling is based on the purpose of Chapter 16 and legal analysis provided by Bureau counsel. A claim of exemption is binding on the Bureau only after the staff has reviewed and confirmed the basis for the exemption.

Issued by the Commissioner of Financial Institutions November 9, 1998.

Reference: § 6.1-411 of the Code of Virginia.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Lyon Shipyard, Incorporated

The State Water Control Board proposes to take an enforcement action against Lyon Shipyard, Incorporated,

which operates Sealift Drydock, located at 307 Campostella Road in Norfolk, Virginia. The proposed enforcement action is a consent order which is being taken as a result of violations of VPDES Permit No. VA0089168. The proposed order requires the facility to comply with the requirements of Permit No. VA0089168 and to pay a \$20,000 civil charge. \$15,000 of the civil charge will be suspended upon the completion of a supplemental environmental project. The supplemental environmental project is the purchase of Hazmat emergency equipment to be used by the City of Norfolk to respond to chemical emergencies and spills.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special order from January 18, 1999, to February 17, 1999. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462, and should refer to the order specified above. The proposed order may be examined at the above address and copies of the order may be obtained in person or by mail.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: 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 for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:

<http://legis.state.va.us/codecomm/register/regindex.htm>

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

ERRATA

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20-10 et seq. Regulations Governing the Practice of Veterinary Medicine.

Publication: 15:5 VA.R. 687-717 November 23, 1998.

Correction to Final Regulation:

Page 695, 18 VAC 150-20-190 D 2, line 4, after "Medicine" strike ", to the Virginia Board of Pharmacy"

Page 697, 18 VAC 150-20-200 A 2 e (1), line 2, change "residential" to "residual"

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to handicapped
☎ Teletype (TTY)/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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

January 19, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia.♿

The board will conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY☎

BOARD OF AGRICULTURE AND CONSUMER SERVICES

March 4, 1999 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.♿

A regular meeting to discuss Virginia agriculture and consumer protection issues. 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 accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 211, Richmond, VA 23218, telephone (804) 786-3535 or FAX (804) 371-7679.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

February 5, 1999 - 10 a.m. -- Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, 6th Floor, Commonwealth Suites, Richmond, Virginia.♿

A meeting to review and discuss budget items and marketing plans and projects. The board will entertain public comments at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any special accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Virginia Horse Industry Board, Washington Bldg., 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

Virginia Plant Pollination Advisory Board

February 5, 1999 - 10 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 1st Floor Conference Room, Richmond, Virginia.♿

A regular meeting to receive reports from members on the past year's activity in their respective disciplines as it relates to apiculture, pollination, education and the production of food and fiber in the Commonwealth. The board will also consider matters for the future in the aforementioned categories. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person needing special assistance in order to participate at the meeting should contact Robert G. Wellemeyer at least

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five days before the meeting date so that suitable arrangements can be made.

Contact: Robert G. Wellemeyer, Secretary-Treasurer, Virginia Plant Pollination Advisory Board, 234 West Shirley Ave., Warrenton, VA 20186, telephone (540) 347-6380, FAX (540) 347-6384, or (804) 371-6344/TTY ☎

Virginia Sweet Potato Board

February 9, 1999 - 7 p.m. -- Open Meeting
Little Italy Restaurant, 10227 Rogers Drive, Nassawadox, Virginia. ☎

The board will discuss promotion, research and education programs, the annual budget and other business that may come before the board. 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 special accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-5973.

Virginia Winegrowers Advisory Board

January 19, 1999 - 10 a.m. -- Open Meeting
Edelmann Scott, Inc., 1111 East Main Street, Suite 1601, Richmond, Virginia. ☎

The marketing committee review the board's marketing projects and make recommendations for future projects. The committee 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 Mary E. Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.

January 26, 1999 - 10 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Conference Room, Richmond, Virginia. ☎

A meeting to include committee reports, the treasurer's report and ABC report. 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 Mary E. Davis-Barton at least

five days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.

STATE AIR POLLUTION CONTROL BOARD

January 20, 1999 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia.

February 5, 1999 -- 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 Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (G-97): 9 VAC 5-40-10 et seq. Existing Stationary Sources; 9 VAC 5-50-10 et seq., New and Modified Stationary Sources; and 9 VAC 5-60-10 et seq., Hazardous Air Pollutant Sources.** The regulation amendments concern provisions covering hazardous pollutants and are summarized below:

With certain exemptions, stationary sources which emit hazardous pollutants and which fall into specified applicability limits shall comply with the specified standard and shall employ a control strategy to achieve that standard. Unlike most other regulations, these contain no definitive emission limits in the emission standards themselves. These regulations do, however, provide significant ambient air concentration guidelines as a mechanism for the board to require the owner, on a case-by-case basis, to reduce emissions after analysis and review by the agency. Subject sources shall also observe the provisions governing the submittal of information, the determination of ambient air concentrations, the compliance options and schedules, and the public participation procedures.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of

alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Program Development (eighth floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

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

Public comments may be submitted until 4:30 p.m., February 5, 1999, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Kathleen R. Sands, Policy Analyst, Office of Program Development, Department of Environmental

Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413 or FAX (804) 698-4510.

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January 20, 1999 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia.

February 5, 1999 -- 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 Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (J-97): 9 VAC 5-80-10 et seq., Permits for Stationary Sources.** The regulation concerns new source review for sources of hazardous air pollutants (HAPs). The regulation applies to the construction or reconstruction of a major source of HAPs. Electric utility steam generating units and research and development activities are specifically exempt.

The regulation encompasses permitting for all potential major sources of HAPs in addition to those affected by § 112(g) of the federal Clean Air Act. Thus, a major source for this rule may be a § 112(g) source, a § 112(i) source, or a 40 CFR Part 61 source.

The regulation addresses the following subjects: applicability; general requirements; permit application requirements; application information required; action on permit applications; public participation; standards and conditions for granting permits; application review and analysis; compliance determination and verification by performance testing; permit invalidation, rescission, revocation and enforcement; existence of permit no defense; compliance with local zoning requirements; transfer of and changes to permits; administrative and minor permit amendments; significant amendment procedures; reopening for cause; requirements for constructed or reconstructed major sources subject to a subsequently promulgated MACT standard or MACT requirements

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of

Calendar of Events

alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Program Development (eighth floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

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Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

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

Public comments may be submitted until 4:30 p.m., February 5, 1999, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Kathleen R. Sands, Policy Analyst, Office of Program Development, Department of Environmental

Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413 or FAX (804) 698-4510.


ALCOHOLIC BEVERAGE CONTROL BOARD

† **January 25, 1999 - 9:30 a.m.** -- Open Meeting
† **February 8, 1999 - 9:30 a.m.** -- Open Meeting
† **February 22, 1999 - 9:30 a.m.** -- Open Meeting
† **March 8, 1999 - 9:30 a.m.** -- Open Meeting
† **March 22, 1999 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


A meeting to receive reports from staff members, discuss activities, and discuss other matters not yet 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) 213-4409 or FAX (804) 213-4442.


BOARD FOR ASBESTOS AND LEAD

February 23, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 


A meeting to conduct routine business. Public comment will be received at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2176, FAX (804) 367-2475 or (804) 367-9753/TTY 


BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **February 18, 1999 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A regular meeting to discuss general business. Public comment will be heard for 15 minutes prior to the beginning of the meeting.

Contact: Senita Booker, Administrative Staff Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9523 or (804) 662-7197/TDD 

BOARD FOR BRANCH PILOTS

January 21, 1999 - 9 a.m. -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review and discuss regulations pertaining to impairments. 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., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TTY ☎

CEMETERY BOARD

† **January 20, 1999 - 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 of the Committee on Financial Reporting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two 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., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

CHARITABLE GAMING COMMISSION

† **January 19, 1999 - 10 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Board Room B, Richmond, Virginia.

A regular meeting.

Contact: Kristi Leslie, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014 or FAX (804) 786-1079.

STATE CHILD FATALITY REVIEW TEAM

January 27, 1999 - 10 a.m. -- Open Meeting
400 East Jackson Street, Richmond, Virginia. ♿

A meeting to discuss recommendations based upon a review of 1996 deaths. Topics will include SIDS autopsy and toxicology for children. The meeting will be closed for confidential case reviews from 11 a.m. to 3 p.m.

Contact: Suzanne J. Keller, Coordinator, State Child Fatality Review Team, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595 or toll-free 1-800-447-1708.

STATE BOARD FOR COMMUNITY COLLEGES

January 20, 1999 - 2:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The following committees will meet at 2:30 p.m. on the 15th and 16th floors via telephonic conference call:

Academic and Student Affairs Committee
Audit Committee
Budget and Finance Committee

The following committees will meet at 3:30 p.m. on the 16th floor via telephonic conference call:

Facilities Committee
Personnel Committee

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY ☎

January 21, 1999 - 9 a.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 16th Floor, Commonwealth Classroom, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Central Virginia Community College, 3506 Wards Road, Lynchburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Northern Virginia Community College, 6901 Sudley Road, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

Southside Virginia Community College, 109 Campus Drive, Alberta, Virginia. ♿ (Interpreter for the deaf provided upon request)

Virginia Highlands Community College, Route 372 off Rt. 140, Abingdon, Virginia. ♿ (Interpreter for the deaf provided upon request)

Thomas Nelson Community College, 99 Thomas Nelson Drive, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting via compressed video network.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY ☎

COMPENSATION BOARD


January 28, 1999 - 11 a.m. -- Open Meeting
202 North 9th Street, Ninth Street Office Building, 10th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Calendar of Events

Monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786 or FAX (804) 371-0235.


DEPARTMENT OF CONSERVATION AND RECREATION

† **January 22, 1999 - 10 a.m.** -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Director's Office Conference Room, 3rd Floor, Richmond, Virginia. 


The 1999 Operation Spruce-Up committee meeting.

Contact: Bonnie Phillips, Policy Analyst, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-5056 or FAX (804) 786-6141.


Falls of the James Scenic River Advisory Board

February 4, 1999 - Noon -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to discuss river issues. A public comment period will follow the business meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY 

DEPARTMENT OF CONSERVATION AND RECREATION AND VIRGINIA SOIL AND WATER CONSERVATION BOARD


† **January 27, 1999 - 1 p.m.** -- Open Meeting
NRCS Conference Room, 1606 Santa Rosa Road, Suite 209, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The initial meeting of the Technical Advisory Committee on Dam Safety to organize and discuss activities and business to be conducted by the committee. The purpose of the committee is to (i) provide technical support, oversight, and review of the dam safety program in Virginia; (ii) advise the Virginia Soil and Water Conservation Board on matters pertaining to dam safety; (iii) periodically review the dam safety act and make recommendations for any needed amendments; and (iv) periodically review the dam safety regulations and make recommendations for any needed revisions.

Contact: Leon App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302,


Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141 or (804) 786-2121/TTY 

BOARD OF CORRECTIONS

† **January 19, 1999 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting of the Correctional Services Committee 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.

† **January 20, 1999 - 8:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Room 3065, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative 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.

† **January 20, 1999 - 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 full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **February 3, 1999 - 9 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, Koger Center, 1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia. 

A regular meeting of the advisory board. Public comment will be received with advance notice.

Contact: Leslie Hutcheson, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, Ratcliffe Bldg., 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229-50120, telephone (804) 662-9502/Voice/TTY , FAX (804) 662-9718 or toll-free 1-800-552-7917/Voice/TTY 

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **January 20, 1999 - 7 p.m.** -- Public Hearing
Board of Supervisor's Chambers, 1300 Courthouse Road, Stafford, Virginia.

A public hearing to receive comments on a draft permit amendment for implementation of landfill decomposition gas control measures at the Rappahannock Regional Solid Waste Management Board sanitary landfill located at the intersection of Routes 628 and 626 in Stafford County.

Contact: Paul Farrell, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

† **January 28, 1999 - 7 p.m.** -- Public Hearing
Fort Eustis Club, Building 2123, First Floor Regimental Room, Fort Eustis, Virginia.

A public hearing to receive comments on a draft permit amendment for landfill decomposition gas remediation at Fort Eustis Landfill No. 15.


Contact: Paul Farrell, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

† **February 1, 1999 - 7 p.m.** -- Public Hearing
Rivanna Solid Waste Authority Administration Building, 200 Franklin Street, Conference Room, Charlottesville, Virginia.

A public hearing to receive comments regarding the technical merits of a draft permit amendment for implementation of landfill decomposition gas control measures and establishment of ground water protection standards at the Rivanna Solid Waste Authority Ivy sanitary landfill located in Albemarle County.

Contact: Paul Farrell, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

Virginia Ground Water Protection Steering Committee

January 19, 1999 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda, contact Mary Ann Massie.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

VIRGINIA FIRE SERVICES BOARD

† **February 10, 1999 - 7:30 p.m.** -- Public Hearing
Arlington County Fire Training Academy, 2800 South Taylor Street, Arlington, Virginia.

February 11, 1999 - 7:30 p.m. -- Public Hearing
Virginia Air National Guard Base, Sandston, Virginia.

February 25, 1999 - 7:30 p.m. -- Public Hearing
Doubletree Hotel, 1900 Pavilion Drive, Virginia Beach, Virginia.

A public hearing to discuss fire training and policies. The hearing is open to the public for comments and input. Comments will be heard at the beginning of the meeting.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

† **February 11, 1999 - 8:30 a.m.** -- Open Meeting
Wyndham Garden Hotel, 4700 South Laburnum Avenue, Richmond, Virginia.

Committee meetings of the board to discuss fire training and policies will meet as follows:

Fire/EMS Education and Training Committee - 8:30 a.m.

Legislative/Liaison Committee - 10 a.m.

Fire Prevention and Control Committee - 1 p.m.

The meetings are open to the public for input and comments.


Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

† **February 12, 1999 - 9 a.m.** -- Open Meeting
Wyndham Garden Hotel, 4700 South Laburnum Avenue, Richmond, Virginia.


A business meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

January 25, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 


A meeting of the Special Conference Committee to hold informal hearings. Public comment will not be received.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY 

Calendar of Events

DEPARTMENT OF GENERAL SERVICES

Design-Build/Construction Management Review Board

January 18, 1999 - 11 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the board to review requests submitted by localities for the use of the design-build or construction management type of contract. Public comments will be taken. The chairman may cancel the meeting if there is no business for the board's consideration. Please contact Sandra H. Williams at the Division of Engineering and Buildings to confirm meeting date and time.

Contact: Sandra H. Williams, Administrative Assistant, Department of General Services, Division of Engineering and Buildings, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY 


VIRGINIA GEOGRAPHIC INFORMATION NETWORK ADVISORY BOARD

† February 2, 1999 - 10 a.m. -- Open Meeting
Location to be announced.


A regular business meeting.

Contact: Bill Shinar, Virginia Geographic Information Network Coordinator, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622.


BOARD FOR GEOLOGY

January 21, 1999 - 9 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 the department at least two weeks in advance of the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TTY 


DEPARTMENT OF HEALTH

January 22, 1999 - 10 a.m. -- Public Hearing
Department of Health, 1500 East Main Street, Main Street Station, Room 223, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing to review and receive comments on the Department of Health's 1999 Comprehensive Plan for HIV Care Grant moneys under Title II of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (as amended in 1996). See the General Notices section of this issue of the Register for details.

Contact: Kathryn A. Hafford, R.N., MS, Assistant Director, Health Care Services, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23219, telephone (804) 225-4845, FAX (804) 225-3517 or toll-free 1-800-533-4148.


Biosolids Use Information Committee

January 21, 1999 - 1 p.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. 

A meeting immediately following the 10 a.m. Biosolids Use Regulations Advisory Committee meeting to evaluate specific concerns relating to the land application and agricultural use of biosolids, including the final Biosolids Use Regulations and the land application, marketing or distribution of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

Biosolids Use Regulations Advisory Committee

January 21, 1999 - 10 a.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. 

A meeting to discuss issues concerning the implementation of the Biosolids Use Regulations involving land application, distribution or marketing of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

BOARD OF HEALTH PROFESSIONS

January 22, 1999 -- 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 Board of Health Professions intends to consider amending regulations entitled: **18 VAC 75-20-10 et seq. Regulations Governing Practitioner Self-Referral.** The purpose of the proposed amendments is to simplify the process for administration of the Practitioner Self-Referral Act (§ 54.1-2410 et seq. of the Code of Virginia) and to eliminate a standing committee of the board to consider

applications for advisory opinions or exceptions to the Act.


Statutory Authority: § 54.1-2412 of the Code of Virginia.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or FAX (804) 662-9114.


BOARD FOR HEARING AID SPECIALISTS


January 26, 1999 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4 West, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matter requiring board action, including disciplinary cases.

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/TTY 

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA


January 19, 1999 - 8:30 a.m. -- Open Meeting
State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

February 16, 1999 - 8:30 a.m. -- Open Meeting
Martha Washington College, Fredericksburg, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings followed by the council meeting at 1 p.m.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.


HOPEWELL INDUSTRIAL SAFETY COUNCIL

February 2, 1999 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West 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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **January 27, 1999 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners. The Board of Commissioners will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) consider and, if appropriate, approve amendments to the authority's rules and regulations for single family mortgage loans to persons and families of low and moderate income; (iv) review the authority's operations for the prior month; and (v) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.


Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837, or (804) 783-6705/TTY 

COUNCIL ON INFORMATION MANAGEMENT


Land Records Management Task Force

† **February 17, 1999 - 9:30 a.m.** -- Open Meeting
Location to be announced.


A regular business meeting.

Contact: Linda Hening, Administrative Staff Specialist, Council on Information Management, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622, FAX (804) 371-7952 or toll-free 1-800-828-1120/TTY 

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL


† **January 21, 1999 - 10 a.m.** -- Open Meeting
Governor's Employment and Training Department, Main Street Center, 600 East Main Street, Lower Level, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly business meeting to discuss workforce development issues.

Contact: Gail P. Robinson, Senior Policy Analyst, Governor's Employment and Training Department, 730 E. Broad St., 9th Floor, Richmond, VA 23219, telephone (804) 786-2511, FAX (804) 786-2310 or (804) 786-2315/TTY 

Calendar of Events


LIBRARY BOARD


† **January 22, 1999 - 8:15 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Conference Rooms A, B, and C, Richmond, Virginia. 

A meeting to discuss matters pertaining to The Library of Virginia and the Library Board.


Committees of the board will meet as follows:

- 8:15 a.m. Public Library Development Committee
- 8:15 a.m. Publication and Educational Services Committee
- 8:15 a.m. Records Management Committee
- 9:30 a.m. Archival and Information Service Committee
- 9:30 a.m. Collection Management Committee
- 9:30 a.m. Legislative and Finance Committee


Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594 or (804) 692-3976/TTY 

† **March 22, 1999 - 8 a.m.** -- Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia. 

A meeting to discuss matters pertaining to The Library of Virginia and the Library Board.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594 or (804) 692-3976/TTY 


LONGWOOD COLLEGE

† **January 28, 1999 - 1 p.m.** -- Open Meeting
Longwood College, West Ruffner Conference Room, Farmville, Virginia. 

The following committees of the Board of Visitors will conduct routine business meetings:


- Student Affairs Committee - 1 p.m.
- Academic Affairs Committee - 2 p.m.
- Facilities and Services Committee - 3 p.m.
- Finance Committee - 3:45 p.m.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **January 29, 1999 - 9 a.m.** -- Open Meeting
Longwood College, Lancaster 215, Farmville, Virginia. 

A meeting of the Board of Visitors to conduct routine business. A board retreat will begin at 11 a.m. at Hiner 102 to set goals and conduct self-evaluation.


Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **January 30, 1999 - 9 a.m.** -- Open Meeting
Longwood College, Hiner 102, Farmville, Virginia. 


A retreat continued from January 29 to set goals and conduct self-evaluation.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

MARINE RESOURCES COMMISSION

January 26, 1999 - 9:30 a.m. -- Open Meeting
February 23, 1999 - 9:30 a.m. -- Open Meeting
March 23, 1999 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items at approximately noon: regulatory proposals and fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Amendments to 4 VAC 20-720-10 et seq., Pertaining to Restrictions on Oyster Harvest, will be considered at the December 21 meeting only. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TTY 

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **March 19, 1999** -- 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 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Payment of Medicare Part A and Part B Deductible Coinsurance.** The purpose of this action is to propose that the Department of Medical Assistance's methodology for calculating coinsurance and deductibles for Medicare Part A and Part B be based on the Medicaid rate of reimbursement rather than the Medicare rate, as permitted by § 4714 of the Balanced Budget Act of 1997. The section of the state

plan affected by this action is the Methods and Standards for Establishing Payment Rates-Other Types of Care, Supplement 2, Payment of Medicare Part A and Part B Deductible/Coinsurance (12 VAC 30-80-170).

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

Public comments may be submitted until March 19, 1999, to James Cohen, Manager, Client Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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† **March 19, 1999** – 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 30-120-10 et seq. Waivered Services (Part VI: Medallion II)**. The purpose of this action is to adopt federal law changes related to enrollment periods within health maintenance organizations. These mandatory enrollment periods will improve the continuity of health care for individuals who are enrolled in these health maintenance organizations.

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

Public comments may be submitted until March 19, 1999, to Cheryl Roberts, Manager, Client Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

BOARD OF MEDICINE

† **January 22, 1999 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Legislative Committee will discuss legislative issues related to board activities and regulation, review any pending regulations pursuant to regulatory review or legislative action, and consider any other information that may come before the committee. 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, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717,

telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY

† **February 11, 1999 - 8 a.m.** -- Open Meeting

† **February 12, 1999 - 8 a.m.** -- Open Meeting

† **February 13, 1999 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will review reports, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will review any regulations that may 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, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY

Informal Conference Committee

January 19, 1999 - 8 a.m. -- Open Meeting

† **January 22, 1999 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **January 26, 1999 - 8 a.m.** -- Open Meeting

† **January 27, 1999 - 8 a.m.** -- Open Meeting

Courtyard by Marriott, 6400 West Broad Street, Richmond, Virginia.

January 28, 1999 - 9 a.m. -- Open Meeting

Clarion Hotel, Pembroke Corporate Center, 4453 Bonney Road, Virginia Beach, Virginia.


A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9517 or (804) 662-7197/TTY


Calendar of Events

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES


State Human Rights Committee

† **January 22, 1999 - 9 a.m.** -- Open Meeting
Chesterfield CSB, 6801 Lucy Corr Court, Chesterfield,
Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to discuss business and conduct hearings related to human rights issues. The agenda is available upon request.

Contact: Theresa Evans, State Human Rights Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3988, FAX (804) 371-2308 or (804) 371-8977/TTY 


STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **January 29, 1999 - 9 a.m.** -- Open Meeting
Hyatt Richmond, 6624 West Broad Street, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board. A public comment period will be held. Contact the board for confirmation of meeting time and location.

Contact: Marlene Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-7945 or FAX (804) 371-2308.


VIRGINIA MILITARY INSTITUTE

† **February 13, 1999 - 8:30 a.m.** -- Open Meeting
The Jefferson Hotel, 101 West Franklin Street, Richmond,
Virginia. 

A regular meeting of the Board of Visitors. Committee reports will be received. Public comment will not be received at this meeting. Public comment is received at the August meeting of the board.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.


MOTOR VEHICLE DEALER BOARD

January 18, 1999 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committees of the board will meet as follows:
Transaction Recovery Fund Committee - 9 a.m.

Licensing Committee - 10 a.m.
Special joint committee meeting of Licensing and Dealer
Practices Committees - 11 a.m.
Dealer Practices Committee - 1 p.m.
Advertising Committee - 3 p.m.


Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

January 19, 1999 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)


Committees and the full board will meet as follows:
Finance Committee - 8:30 a.m. -- Room 702
Franchise Law Committee - 9 a.m. -- Executive
Conference Room, 7th Floor
Full board - 9:30 a.m. -- Room 702

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.


VIRGINIA MUSEUM OF NATURAL HISTORY

January 28, 1999 - 9 a.m. -- Open Meeting
The Jefferson Hotel, Franklin and Adams Street, Richmond,
Virginia. 


A meeting of the Board of Trustees to include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the November meeting.


Contact: Rhonda J. Knighton, Executive Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8600 or (540) 666-0360, or (540) 666-8638/TTY 

BOARD OF NURSING


† **January 25, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Education Special Conference Committee will meet to review proposals and reports from nursing and nurse aide education programs and prepare recommendations for the board. Public comments 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) 662-9512 or (804) 662-7197/TTY 


† **January 25, 1999 - 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 or
three members of the Board of Nursing, will conduct
informal conferences with licensees and certificate
holders. 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) 662-9512
or (804) 662-7197/TTY 


† **January 25, 1999 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

A panel of the board will conduct formal hearings with
licensees and certificate holders. Public comments 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) 662-9512
or (804) 662-7197/TTY 


† **January 26, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

A meeting of the board to conduct regular business.


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) 662-9512
or (804) 662-7197/TTY 

† **January 27, 1999 - 8:30 a.m.** -- Open Meeting


† **January 27, 1999 - 1 p.m.** -- Open Meeting

† **January 28, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)


A meeting to conduct formal hearings with licensees and
certificate holders. Public comments 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) 662-9512
or (804) 662-7197/TTY 

BOARD OF NURSING HOME ADMINISTRATORS


† **February 2, 1999 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Room 1, Richmond, Virginia. 

A meeting of the Administrator-in-Training Task Force
Committee to develop guidelines for the training
program.


Contact: Senita Booker, Administrative Staff Assistant,
Department of Health Professions, 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-
9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

† **February 2, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Room 1, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold
informal disciplinary hearings. No public comment will
be heard.

Contact: Senita Booker, Administrative Staff Assistant,
Department of Health Professions, 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-
9111, FAX (804) 662-9523 or (804) 662-7197/TTY 


OLD DOMINION UNIVERSITY

January 25, 1999 - 3 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk,
Virginia.  (Interpreter for the deaf provided upon request)


A monthly meeting of the Executive Committee of the
governing board to discuss business of the University as
determined by the Rector and President of the
University. The meeting is subject to cancellation.

Contact: Donna W. Meeks, Secretary to the Board of
Visitors, 204 New Administration Building, Norfolk, VA
23529, telephone (757) 683-3072 or FAX (757) 683-5679.


BOARD FOR OPTICIANS

February 12, 1999 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)

An open meeting to discuss regulatory review,
disciplinary cases and other matters requiring board
action.

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/TTY 

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

February 17, 1999 - 1 p.m. -- Open Meeting
202 North Ninth Street, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)

Calendar of Events

The Executive Committee will meet to discuss business and prepare for the February 18 board meeting.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016/TTY ☎, FAX (804) 786-1118 or toll-free 1-800-846-4464.

February 18, 1999 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The full board will meet at 9 a.m. The Education, Community Living and Employment Committees will meet at 12:30 p.m. to discuss business and prepare for the afternoon business meeting. The board will reconvene at 2:45 p.m. to hold a public comment period. Consumers, family members, and service providers are encouraged to comment on the needs and issues facing people with disabilities in Virginia.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118 or toll-free 1-800-846-4464.

VIRGINIA RACING COMMISSION

January 20, 1999 - 9:30 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. ♿

A monthly meeting of the commission including a segment for public participation and a review of proposed regulation, 11 VAC 10-60-10 et seq., Participants, and the public comments received by the commission.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7400 or FAX (804) 966-7418.

February 17, 1999 - 9:30 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. ♿

A monthly meeting of the commission including a segment for public participation and a report from Colonial Downs.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7400 or FAX (804) 966-7418.

REAL ESTATE APPRAISER BOARD

† **January 26, 1999 - 10 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 the board at least two weeks prior to the meeting. The

department 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) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

REAL ESTATE BOARD

† **February 12, 1999 - 9 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, Alexandria Regional Office, 501 Montgomery Street, Alexandria, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct informal fact finding conferences pursuant to the Administrative Process Act (§ 9-6.14:11 of the Code of Virginia). Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Debbie A. Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-2179 or (804) 367-9753/TTY ☎

BOARD OF REHABILITATIVE SERVICES

January 28, 1999 - 9:30 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting.

Contact: Barbara G. Tyson, Administrative Staff Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box 300 K, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free 1-800-552-5019 or 1-800-662-7000/TTY ☎


RICHMOND HOSPITAL AUTHORITY

January 22, 1999 - 11 a.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor Classroom, Richmond, Virginia. ♿

A monthly board meeting of the Board of Commissioners to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, 700 E. Main St., Suite 904, Richmond, VA 23219-0548, telephone (804) 782-1938.


SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **January 27, 1999 - 9 a.m.** -- Open Meeting
Hanover County School Administration Building, 200 Berkley
Street, Ashland, Virginia. 

A meeting to hear appeals of health department denials
of septic tank permits.

Contact: Gary L. Hagy, Acting Secretary, Sewage Handling
and Disposal Appeal Review Board, P.O. Box 2448, Room
115, Richmond, VA 23218, telephone (804) 225-4022 or
FAX (804) 225-4003.


VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **January 29, 1999 - 11 a.m.** -- Open Meeting
The Berkeley Hotel, 1200 East Cary Street, Christopher
Newport Room A, Richmond, Virginia. 


A meeting of the Loan Committee to review applications
for loans submitted to the authority for approval.
Contact the authority for confirmation of meeting time.

Contact: Cathleen M. Surface, Executive Director, Virginia
Small Business Financing Authority, 707 E. Main St., 3rd
Floor, Richmond, VA 23219, telephone (804) 371-8254 or
FAX (804) 225-3384.


STATE BOARD OF SOCIAL SERVICES

January 27, 1999 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street,
Theater Row Building, Richmond, Virginia. 

A work session and formal business meeting. Public
comment will be received at 9:30 a.m.


Contact: Pat Rengnerth, Administrative Staff Specialist,
Department of Social Services, 730 E. Broad St., Richmond,
VA 23219, telephone (804) 692-1826, FAX (804) 692-1949,
toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TTY 

COMMONWEALTH TRANSPORTATION BOARD

January 20, 1999 - 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: Shirley J. Ybarra, Secretary of Transportation,
1401 E. Broad St., Richmond, VA 23219, telephone (804)
786-6675.

January 21, 1999 - 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: Shirley J. Ybarra, Secretary of Transportation,
1401 E. Broad St., Richmond, VA 23219, telephone (804)
786-6675.


TREASURY BOARD

January 21, 1999 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury
Board Room, 3rd Floor, Richmond, Virginia. 

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant,
Department of the Treasury, James Monroe Bldg., 101 N.
14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD FOR THE VISUALLY HANDICAPPED

January 19, 1999 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea
Avenue, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

A quarterly meeting to receive information regarding
department activities and operations, review
expenditures from the board's institutional fund, and
discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior,
Board for the Visually Handicapped, 397 Azalea Ave.,
Richmond, VA 23227, telephone (804) 371-3140, FAX (804)
371-3351, toll-free 1-800-622-2155, or (804) 371-3140/TTY


VIRGINIA VOLUNTARY FORMULARY BOARD

† **February 11, 1999 - 10:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor
Conference Room, Richmond, Virginia.

Calendar of Events

A meeting to review product data and other material for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326 or FAX (804) 371-0236.

STATE WATER CONTROL BOARD

January 19, 1999 - 7 p.m. -- Public Hearing
Wickham Building, 7497 County Complex Road, Hanover, Virginia.

A public hearing to receive comments on the proposed issuance of a VPDES permit to the County of Hanover for the proposed Totopotomoy Wastewater Treatment Plant.

Contact: Allan Brockenbrough, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5027.

* * * * *

January 25, 1999 -- 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-190-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.** The purpose of the proposed amendment is to reissue a general VPDES permit for nonmetallic mineral mining for another five-year period. The current general permit expires on June 30, 1999. Minor modifications to the general permit have also been made.

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

Contact: Michael B. Gregory, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

INDEPENDENT

STATE LOTTERY BOARD

† **January 27, 1999 - 9:30 a.m.** -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

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) 698-1500.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 18

- General Services, Department of
 - Design-Build/Construction Management Review Board
- Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Practices Committee
 - Licensing Committee
 - Transaction Recovery Fund Committee

January 19

- Accountancy, Board for
- Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board Marketing Committee
- † Charitable Gaming Commission
- † Corrections, Board of
 - Correctional Services Committee
- Environmental Quality, Department of
 - Ground Water Protection Steering Committee
- Higher Education for Virginia, State Council of
- Medicine, Board of
 - Informal Conference Committee
- Motor Vehicle Dealer Board
 - Finance Committee
 - Franchise Law Committee
- Visually Handicapped, Board for the

January 20

- † Cemetery Board
 - Committee on Financial Reporting
- Community Colleges, State Board for
 - Academic and Student Affairs Committee
 - Audit Committee
 - Budget and Finance Committee
 - Facilities Committee
 - Personnel Committee
- † Corrections, Board of
 - Administration Committee

Racing Commission, Virginia
Transportation Board, Commonwealth

January 21

Branch Pilots, Board for
Community Colleges, State Board for
Geology, Board for
Health, Department of
- Biosolids Use Information Committee
- Biosolids use Regulations Advisory Committee
† Job Training Coordinating Council, Governor's
Transportation Board, Commonwealth
Treasury Board

January 22

† Conservation and Recreation, Department of
- Operation Spruce-Up Committee
† Library Board
- Archival and Information Services Committee
- Collection Management Committee
- Legislative and Finance Committee
- Publications and Education Services Committee
- Public Library Development Committee
- Records Management Committee
† Medicine, Board of
- Informal Conference Committee
- Legislative Committee
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- State Human Rights Committee
Richmond Hospital Authority
- Board of Commissioners

January 25

† Alcoholic Beverage Control Board
Funeral Directors and Embalmers, Board of
- Special Conference Committee
† Nursing, Board of
- Education Special Conference Committee
- Special Conference Committee
Old Dominion University
- Board of Visitors

January 26

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Hearing Aid Specialists, Board for
Marine Resources Commission
† Medicine, Board of
- Informal Conference Committee
† Nursing, Board of
† Real Estate Appraiser Board

January 27

Child Fatality Review Team, State
† Conservation and Recreation, Department of, and Soil
and Water Conservation Board, Virginia
- Technical Advisory Committee on Dam Safety
† Housing Development Authority, Virginia
† Lottery Board, State
† Medicine, Board of
- Informal Conference Committee

† Nursing, Board of
† Sewage Handling and Disposal Appeal Review Board
Social Services, State Board of

January 28

Compensation Board
† Longwood College
- Academic Affairs Committee
- Facilities and Services Committee
- Finance Committee
- Student Affairs Committee
Medicine, Board of
- Informal Conference Committee
Museum of Natural History, Virginia
- Board of Trustees
† Nursing, Board of
Rehabilitative Services, Board for

January 29

† Longwood College
- Board of Visitors
† Mental Health, Mental Retardation and Substance
Abuse Services, State Board of
† Small Business Financing Authority, Virginia

January 3

† Longwood College
- Board of Visitors

February 2

† Geographic Information Network Advisory Board,
Virginia
Hopewell Industrial Safety Council
† Nursing Home Administrators, Board of
- Administrator-in-Training Task Force Committee
- Special Conference Committee

February 3

† Deaf and Hard-of-Hearing, Department for the
- Advisory Board

February 4

Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board

February 5

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
- Virginia Plant Pollination Advisory Board

February 8

† Alcoholic Beverage Control Board

February 9

Agriculture and Consumer Services, Department of
- Virginia Sweet Potato Board

February 11

† Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
† Medicine, Board of
† Voluntary Formulary, Virginia

Calendar of Events

February 12

- † Fire Services Board, Virginia
- † Medicine, Board of Opticians, Board for
- † Real Estate Board

February 13

- † Medicine, Board of
- † Military Institute, Virginia
 - Board of Visitors

February 16

- Higher Education for Virginia, State Council of

February 17

- † Information Management, Council on
 - Land Records Management Task Force
- People with Disabilities, Board for
 - Executive Committee
- Racing Commission, Virginia

February 18

- † Audiology and Speech-Language Pathology, Board for
- People with Disabilities, Board for

February 22

- † Alcoholic Beverage Control Board

February 23

- Asbestos and Lead, Board for
- Marine Resources Commission

March 4

- Agriculture and Consumer Services, Board of

March 8

- † Alcoholic Beverage Control Board

March 22

- † Alcoholic Beverage Control Board
- † Library Board

March 23

- Marine Resources Commission

PUBLIC HEARINGS

January 19

- Water Control Board, State

January 20

- Air Pollution Control Board, State
- † Environmental Quality, Department of

January 22

- Health, Department of
 - Division of STD/AIDS

January 28

- † Environmental Quality, Department of

February 1

- † Environmental Quality, Department of

February 10

- † Fire Services Board, Virginia

February 11

- Fire Services Board, Virginia

February 25

- Fire Services Board, Virginia