
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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Members of the Virginia Code Commission: **Jay W. DeBoer**, Chairman; **Robert L. Calhoun**; **Bernard S. Cohen**; **Frank S. Ferguson**; **J. Randy Forbes**; **James E. Kulp**; **E.M. Miller, Jr.**; **James B. Wilkinson.**

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations.

PUBLICATION SCHEDULE AND DEADLINES

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

April 2000 through March 2001

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2 VAC 15-20-70	Amended	16:9 VA.R. 1150	1/1/00
2 VAC 15-20-80	Amended	15:26 VA.R. 3445	8/17/99
2 VAC 15-20-80	Repealed	16:9 VA.R. 1150	1/1/00
2 VAC 15-20-81	Added	16:9 VA.R. 1150	1/1/00
Title 4. Conservation and Natural Resources			
4 VAC 20-252-60	Amended	16:10 VA.R. 1222	1/1/00
4 VAC 20-252-85	Amended	16:10 VA.R. 1222	1/1/00
4 VAC 20-252-90	Amended	16:10 VA.R. 1222	1/1/00
4 VAC 20-252-100	Amended	16:10 VA.R. 1223	1/1/00
4 VAC 20-252-110	Amended	16:10 VA.R. 1223	1/1/00
4 VAC 20-252-120	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-252-140	Amended	16:10 VA.R. 1223	1/1/00
4 VAC 20-270-40 emer	Amended	16:14 VA.R. 1885	3/1/00-3/30/00
4 VAC 20-270-50	Amended	16:7 VA.R. 804	1/1/00
4 VAC 20-333-10 through 4 VAC 20-333-40	Added	15:24 VA.R. 3035-3037	7/6/99
4 VAC 20-430-55	Added	16:14 VA.R. 1860	3/1/00
4 VAC 20-430-70	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-500-55	Added	16:14 VA.R. 1861	3/1/00
4 VAC 20-561-10 through 4 VAC 20-561-30 emer	Added	16:12 VA.R. 1710	2/2/00-2/22/00
4 VAC 20-595-10 emer	Added	15:25 VA.R. 3366	8/15/99-8/31/99
4 VAC 20-595-20 emer	Added	15:25 VA.R. 3366	8/15/99-8/31/99
4 VAC 20-620-30	Amended	16:5 VA.R. 580	11/1/99
4 VAC 20-620-40	Amended	16:5 VA.R. 580	11/1/99
4 VAC 20-620-50	Amended	16:14 VA.R. 1861	3/1/00
4 VAC 20-620-70	Amended	16:14 VA.R. 1861	3/1/00
4 VAC 20-700-20	Amended	16:7 VA.R. 804	1/1/00
4 VAC 20-720-20	Amended	16:3 VA.R. 292	10/1/99
4 VAC 20-720-20	Amended	16:12 VA.R. 1671	2/4/00
4 VAC 20-720-35	Added	16:3 VA.R. 292	10/1/99
4 VAC 20-720-40	Amended	16:3 VA.R. 292	10/1/99
4 VAC 20-720-40	Amended	16:12 VA.R. 1671	2/4/00
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4 VAC 20-720-60	Amended	16:3 VA.R. 293	10/1/99
4 VAC 20-720-60	Amended	16:12 VA.R. 1672	2/4/00
4 VAC 20-720-70	Amended	16:3 VA.R. 294	10/1/99
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4 VAC 20-890-10	Amended	16:7 VA.R. 804	1/1/00
4 VAC 20-890-25	Added	16:7 VA.R. 805	1/1/00
4 VAC 20-890-25	Amended	16:12 VA.R. 1674	2/2/00
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4 VAC 20-910-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 20-950-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 25-40 (Forms)	Amended	16:10 VA.R. 1335	--
4 VAC 25-130 (Forms)	Amended	16:10 VA.R. 1335	--
4 VAC 25-150 (Forms)	Amended	16:10 VA.R. 1335	--
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6 VAC 20-170-10 et seq.	Repealed	16:8 VA.R. 945	2/2/00
6 VAC 20-171-10 through 6 VAC 20-171-560	Added	16:8 VA.R. 945-974	2/2/00
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6 VAC 35-50-10 et seq.	Repealed	16:10 VA.R. 1223	7/1/00
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7 VAC 10-20-30	Amended	15:25 VA.R. 3350	9/29/99
7 VAC 10-20-50	Amended	15:25 VA.R. 3350	9/29/99
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8 VAC 20-50-10 et seq.	Repealed	16:10 VA.R. 1223	7/1/00
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9 VAC 5-50-400	Amended	16:14 VA.R. 1863	5/1/00
9 VAC 5-60-60	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 5-60-90	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 5-60-100	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 5-80-1400 through 9 VAC 5-80-1590	Added	16:7 VA.R. 806-819	2/1/00
9 VAC 25-151 (Forms)	Amended	15:24 VA.R. 3251	--
9 VAC 25-210 (Forms)	Amended	16:12 VA.R. 1711-1714	--
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11 VAC 10-130-10	Amended	15:26 VA.R. 3449	8/25/99
11 VAC 10-130-20	Amended	15:26 VA.R. 3449	8/25/99
11 VAC 10-130-40	Amended	15:26 VA.R. 3451	8/25/99
11 VAC 10-130-51	Amended	15:26 VA.R. 3451	8/25/99
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11 VAC 10-130-77	Amended	15:26 VA.R. 3452	8/25/99
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12 VAC 5-220-10 emer	Amended	16:10 VA.R. 1276	1/3/00-1/2/01
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12 VAC 5-240-30 emer	Amended	16:10 VA.R. 1291	1/3/00-1/2/01
12 VAC 5-250-30 emer	Amended	16:10 VA.R. 1293	1/3/00-1/2/01
12 VAC 5-260-30 emer	Amended	16:10 VA.R. 1293	1/3/00-1/2/01

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12 VAC 5-260-100 emer	Amended	16:10 VA.R. 1294	1/3/00-1/2/01
12 VAC 5-270-30 emer	Amended	16:10 VA.R. 1295	1/3/00-1/2/01
12 VAC 5-270-40 emer	Amended	16:10 VA.R. 1295	1/3/00-1/2/01
12 VAC 5-280-10 emer	Amended	16:10 VA.R. 1296	1/3/00-1/2/01
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12 VAC 5-290-10 emer	Amended	16:10 VA.R. 1296	1/3/00-1/2/01
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12 VAC 5-320-430 emer	Amended	16:10 VA.R. 1298	1/3/00-1/2/01
12 VAC 5-340-30 emer	Amended	16:10 VA.R. 1298	1/3/00-1/2/01
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12 VAC 5-360-40 emer	Amended	16:10 VA.R. 1299	1/3/00-1/2/01
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12 VAC 5-408-360	Erratum	16:9 VA.R. 1174	--
12 VAC 5-408-370	Erratum	16:9 VA.R. 1174	--
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12 VAC 5-610-180*	Repealed	15:24 VA.R. 3193	*
12 VAC 5-610-190*	Amended	15:24 VA.R. 3193	*
12 VAC 5-610-200*	Amended	15:24 VA.R. 3194	*
12 VAC 5-610-230*	Amended	15:24 VA.R. 3195	*
12 VAC 5-610-250*	Amended	15:24 VA.R. 3195	*
12 VAC 5-610-255*	Added	15:24 VA.R. 3198	*
12 VAC 5-610-260*	Amended	15:24 VA.R. 3198	*
12 VAC 5-610-270*	Amended	15:24 VA.R. 3198	*
12 VAC 5-610-280*	Amended	15:24 VA.R. 3198	*
12 VAC 5-610-290*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-300*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-330*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-340*	Amended	15:24 VA.R. 3199	*

* The regulatory process was suspended on this section in 16:2 VA.R. 202, and the final effective date is pending until further action by the board.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-360*	Amended	15:24 VA.R. 3200	*
12 VAC 5-610-370*	Repealed	15:24 VA.R. 3200	*
12 VAC 5-610-380*	Amended	15:24 VA.R. 3201	*
12 VAC 5-610-430*	Amended	15:24 VA.R. 3202	*
12 VAC 5-610-440*	Amended	15:24 VA.R. 3202	*
12 VAC 5-610-441 through 12 VAC 5-610-449*	Added	15:24 VA.R. 3202-3210	*
12 VAC 5-610-449.1*	Added	15:24 VA.R. 3211	*
12 VAC 5-610-450*	Amended	15:24 VA.R. 3212	*
12 VAC 5-610-470*	Amended	15:24 VA.R. 3212	*
12 VAC 5-610-480*	Amended	15:24 VA.R. 3214	*
12 VAC 5-610-490*	Amended	15:24 VA.R. 3214	*
12 VAC 5-610-500*	Amended	15:24 VA.R. 3215	*
12 VAC 5-610-510 through 12 VAC 5-610-550*	Repealed	15:24 VA.R. 3215-3216	*
12 VAC 5-610-560*	Amended	15:24 VA.R. 3216	*
12 VAC 5-610-570*	Repealed	15:24 VA.R. 3216	*
12 VAC 5-610-580*	Amended	15:24 VA.R. 3217	*
12 VAC 5-610-591 through 12 VAC 5-610-594*	Added	15:24 VA.R. 3217-3218	*
12 VAC 5-610-596 through 12 VAC 5-610-599*	Added	15:24 VA.R. 3218-3222	*
12 VAC 5-610-599.1 through 12 VAC 5-610-599.4*	Added	15:24 VA.R. 3222-3223	*
12 VAC 5-610-620*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-650*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-670*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-690*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-700*	Amended	15:24 VA.R. 3224	*
12 VAC 5-610-800*	Amended	15:24 VA.R. 3226	*
12 VAC 5-610-810*	Amended	15:24 VA.R. 3226	*
12 VAC 5-610-815*	Added	15:24 VA.R. 3226	*
12 VAC 5-610-817*	Added	15:24 VA.R. 3227	*
12 VAC 5-610-820*	Amended	15:24 VA.R. 3227	*
12 VAC 5-610-830*	Repealed	15:24 VA.R. 3227	*
12 VAC 5-610-840*	Repealed	15:24 VA.R. 3227	*
12 VAC 5-610-880*	Amended	15:24 VA.R. 3227	*
12 VAC 5-610-890*	Amended	15:24 VA.R. 3229	*
12 VAC 5-610-930*	Amended	15:24 VA.R. 3229	*
12 VAC 5-610-940*	Amended	15:24 VA.R. 3232	*
12 VAC 5-610-950*	Amended	15:24 VA.R. 3233	*
12 VAC 5-610-960*	Amended	15:24 VA.R. 3235	*
12 VAC 5-610-965*	Added	15:24 VA.R. 3236	*
12 VAC 5-610-980*	Amended	15:24 VA.R. 3237	*
12 VAC 5-610-1080*	Amended	15:24 VA.R. 3238	*
12 VAC 5-610-1140*	Amended	15:24 VA.R. 3240	*
12 VAC 5-610-1150*	Repealed	15:24 VA.R. 3240	*
12 VAC 5-615-10 through 12 VAC 5-615-420 emer	Added	16:10 VA.R. 1301-1313	1/3/00-1/2/01
12 VAC 30-10-150 emer	Amended	16:10 VA.R. 1315	1/1/00-12/31/00
12 VAC 30-10-441	Added	15:26 VA.R. 3454	10/13/99
12 VAC 30-10-490	Amended	15:26 VA.R. 3454	10/13/99
12 VAC 30-10-680	Amended	15:26 VA.R. 3454	10/13/99
12 VAC 30-50-30 emer	Amended	16:10 VA.R. 1315	1/1/00-12/31/00
12 VAC 30-50-70 emer	Amended	16:10 VA.R. 1316	1/1/00-12/31/00
12 VAC 30-50-100	Amended	15:24 VA.R. 3243	9/15/99
12 VAC 30-50-105	Amended	15:24 VA.R. 3245	9/15/99
12 VAC 30-50-130 emer	Amended	16:10 VA.R. 1316	1/1/00-12/31/00
12 VAC 30-50-140	Amended	15:24 VA.R. 3247	9/15/99

* The regulatory process was suspended on this section in 16:2 VA.R. 202, and the final effective date is pending until further action by the board.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-160	Amended	16:2 VA.R. 202	11/10/99
12 VAC 30-50-210	Amended	16:2 VA.R. 205	11/10/99
12 VAC 30-50-220	Amended	15:25 VA.R. 3362	10/1/99
12 VAC 30-50-229.1 emer	Amended	16:10 VA.R. 1322	1/12/00-1/11/01
12 VAC 30-50-250 emer	Amended	16:10 VA.R. 1317	1/1/00-12/31/00
12 VAC 30-50-270	Amended	16:6 VA.R. 706	1/5/00
12 VAC 30-50-480 emer	Amended	16:10 VA.R. 1326	1/1/00-12/31/00
12 VAC 30-60-130	Amended	16:6 VA.R. 707	1/5/00
12 VAC 30-60-170 emer	Amended	16:10 VA.R. 1328	1/1/00-12/31/00
12 VAC 30-80-21 emer	Added	16:10 VA.R. 1317	1/1/00-12/31/00
12 VAC 30-80-30	Amended	16:2 VA.R. 207	11/10/99
12 VAC 30-80-30	Amended	16:6 VA.R. 710	1/5/00
12 VAC 30-80-40	Amended	16:2 VA.R. 208	11/10/99
12 VAC 30-80-111 emer	Added	16:10 VA.R. 1329	1/1/00-12/31/00
12 VAC 30-129-100 through 12 VAC 30-129-150 emer	Added	16:10 VA.R. 1329-1334	1/1/00-12/31/00
12 VAC 30-130-270 through 12 VAC 30-130-530	Repealed	16:6 VA.R. 711-715	1/5/00
12 VAC 30-130-850 through 12 VAC 30-130-890 emer	Added	16:10 VA.R. 1317-1320	1/1/00-12/31/00
12 VAC 30-140-10 through 12 VAC 30-140-570	Added	15:26 VA.R. 3456-3465	10/13/99
12 VAC 30-140-370	Amended	16:4 VA.R. 404	12/8/99
12 VAC 30-140-380	Amended	16:4 VA.R. 404	12/8/99
12 VAC 35-30-10 et seq.	Repealed	16:10 VA.R. 1233	7/1/00
Title 13. Housing			
13 VAC 5-175-10 through 13 VAC 5-175-40	Added	16:4 VA.R. 405-406	10/20/99
13 VAC 10-180-40	Amended	16:11 VA.R. 1448	1/24/00
13 VAC 10-180-50	Amended	16:11 VA.R. 1448	1/24/00
13 VAC 10-180-60	Amended	16:11 VA.R. 1450	1/24/00
13 VAC 10-180-70	Amended	16:11 VA.R. 1458	1/24/00
Title 14. Insurance			
14 VAC 5-215-10 through 14 VAC 5-215-130	Added	16:11 VA.R. 1461-1470	2/15/00
14 VAC 5-215-20	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30	Erratum	16:14 VA.R. 1912	--
14 VAC 5-270-30	Amended	16:5 VA.R. 582	1/1/00
14 VAC 5-270-40	Amended	16:5 VA.R. 582	1/1/00
14 VAC 5-270-60	Amended	16:5 VA.R. 582	1/1/00
14 VAC 5-270-70	Amended	16:5 VA.R. 583	1/1/00
14 VAC 5-270-80	Amended	16:5 VA.R. 583	1/1/00
14 VAC 5-270-160	Repealed	16:5 VA.R. 584	1/1/00
14 VAC 5-319-10 through 14 VAC 5-319-80	Added	16:5 VA.R. 585-599	1/1/00
14 VAC 5-350 (Forms)	Amended	16:8 VA.R. 976	--
14 VAC 5-350 (Forms)	Amended	16:11 VA.R. 1475-1480	--
14 VAC 5-395-20	Amended	16:4 VA.R. 407	10/20/99
14 VAC 5-395-25	Added	16:4 VA.R. 407	10/20/99
14 VAC 5-395-60	Amended	16:4 VA.R. 407	10/20/99
Title 16. Labor and Employment			
16 VAC 25-120-1917.1	Amended	16:7 VA.R. 843	1/20/00
16 VAC 25-130-1918.1	Amended	16:7 VA.R. 843	1/20/00
16 VAC 30-11-10 through 16 VAC 30-11-30	Added	16:10 VA.R. 1224	3/1/00
Title 18. Professional and Occupational Licensing			
18 VAC 5-20-10 emer	Amended	16:3 VA.R. 319	10/4/99-10/3/00
18 VAC 5-20-11 emer	Added	16:3 VA.R. 321	10/4/99-10/3/00
18 VAC 5-20-20 emer	Amended	16:3 VA.R. 322	10/4/99-10/3/00
18 VAC 5-20-30 emer	Repealed	16:3 VA.R. 324	10/4/99-10/3/00
18 VAC 5-20-40 emer	Repealed	16:3 VA.R. 324	10/4/99-10/3/00
18 VAC 5-20-41 emer	Added	16:3 VA.R. 324	10/4/99-10/3/00
18 VAC 5-20-50 emer	Repealed	16:3 VA.R. 325	10/4/99-10/3/00
18 VAC 5-20-60 emer	Repealed	16:3 VA.R. 325	10/4/99-10/3/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 5-20-70 emer	Repealed	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-80 emer	Repealed	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-81 emer	Added	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-90 emer	Repealed	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-91 emer	Added	16:3 VA.R. 327	10/4/99-10/3/00
18 VAC 5-20-100 emer	Amended	16:3 VA.R. 328	10/4/99-10/3/00
18 VAC 5-20-110 emer	Amended	16:3 VA.R. 329	10/4/99-10/3/00
18 VAC 5-20-111 emer	Added	16:3 VA.R. 330	10/4/99-10/3/00
18 VAC 5-20-112 emer	Added	16:3 VA.R. 330	10/4/99-10/3/00
18 VAC 5-20-120 through 18 VAC 5-20-440 emer	Repealed	16:3 VA.R. 330-333	10/4/99-10/3/00
18 VAC 5-20-441 emer	Added	16:3 VA.R. 333	10/4/99-10/3/00
18 VAC 5-20-442 emer	Added	16:3 VA.R. 334	10/4/99-10/3/00
18 VAC 5-20-443 emer	Added	16:3 VA.R. 334	10/4/99-10/3/00
18 VAC 5-20-444 emer	Added	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-445 emer	Added	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-450 emer	Repealed	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-451 emer	Added	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-460 through 500 emer	Repealed	16:3 VA.R. 337-339	10/4/99-10/3/00
18 VAC 10-20-10	Amended	16:3 VA.R. 298	12/1/99
18 VAC 10-20-20	Amended	16:3 VA.R. 299	12/1/99
18 VAC 10-20-35	Added	16:3 VA.R. 299	12/1/99
18 VAC 10-20-90	Amended	15:24 VA.R. 3248	10/1/99
18 VAC 10-20-110	Amended	16:3 VA.R. 299	12/1/99
18 VAC 10-20-120	Amended	16:3 VA.R. 300	12/1/99
18 VAC 10-20-140	Amended	16:3 VA.R. 300	12/1/99
18 VAC 10-20-150	Amended	16:3 VA.R. 301	12/1/99
18 VAC 10-20-160	Amended	16:3 VA.R. 303	12/1/99
18 VAC 10-20-170	Amended	15:24 VA.R. 3248	10/1/99
18 VAC 10-20-170	Amended	16:3 VA.R. 303	12/1/99
18 VAC 10-20-190	Amended	16:3 VA.R. 303	12/1/99
18 VAC 10-20-200	Amended	16:3 VA.R. 304	12/1/99
18 VAC 10-20-210	Amended	16:3 VA.R. 304	12/1/99
18 VAC 10-20-215	Added	16:3 VA.R. 305	12/1/99
18 VAC 10-20-230	Amended	16:3 VA.R. 305	12/1/99
18 VAC 10-20-250	Amended	16:3 VA.R. 305	12/1/99
18 VAC 10-20-260	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-270	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-280	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-280	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-300	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-310	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-320	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-330	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-350	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-360	Amended	16:3 VA.R. 308	12/1/99
18 VAC 10-20-400	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-440	Amended	16:3 VA.R. 308	12/1/99
18 VAC 10-20-450	Amended	16:3 VA.R. 308	12/1/99
18 VAC 10-20-470	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-490	Amended	16:3 VA.R. 309	12/1/99
18 VAC 10-20-500	Repealed	16:3 VA.R. 309	12/1/99
18 VAC 10-20-520	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-530	Amended	16:3 VA.R. 309	12/1/99
18 VAC 10-20-560	Amended	16:3 VA.R. 310	12/1/99
18 VAC 10-20-570	Amended	16:3 VA.R. 310	12/1/99
18 VAC 10-20-580	Amended	15:24 VA.R. 3249	10/1/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-590	Amended	16:3 VA.R. 310	12/1/99
18 VAC 10-20-630	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-640	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-680	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-730	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-740	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-760	Amended	16:3 VA.R. 312	12/1/99
18 VAC 10-20-780	Amended	16:3 VA.R. 313	12/1/99
18 VAC 10-20-790	Amended	16:3 VA.R. 313	12/1/99
18 VAC 10-20-795	Added	16:3 VA.R. 314	12/1/99
18 VAC 15-20-50	Amended	16:11 VA.R. 1471	5/1/00
18 VAC 15-20-960	Amended	16:11 VA.R. 1471	5/1/00
18 VAC 15-30-160	Amended	16:11 VA.R. 1472	5/1/00
18 VAC 15-30-830	Amended	16:11 VA.R. 1472	5/1/00
18 VAC 25-21-70	Amended	15:26 VA.R. 3468	11/1/99
18 VAC 47-10-10 through 18 VAC 47-10-90	Added	16:12 VA.R. 1675-1676	3/29/00
18 VAC 47-20-10 through 18 VAC 47-20-240	Added	16:13 VA.R. 1776-1782	4/12/00
18 VAC 55-22-310	Amended	15:26 VA.R. 3476	11/1/99
18 VAC 55-22 (Forms)	Amended	16:5 VA.R. 600	--
18 VAC 60-20-20	Amended	16:7 VA.R. 846	1/19/00
18 VAC 60-20-30	Amended	16:7 VA.R. 846	1/19/00
18 VAC 65-20-70	Amended	16:7 VA.R. 851	1/19/00
18 VAC 65-20-120	Amended	16:7 VA.R. 851	1/19/00
18 VAC 65-20-130	Amended	16:7 VA.R. 851	1/19/00
18 VAC 65-20-435	Added	16:7 VA.R. 851	1/19/00
18 VAC 85-20-22	Amended	16:4 VA.R. 407	12/8/99
18 VAC 85-20-22	Amended	16:13 VA.R. 1766	4/12/00
18 VAC 85-20-230	Amended	16:4 VA.R. 408	12/8/99
18 VAC 85-20-235	Added	16:4 VA.R. 408	12/8/99
18 VAC 85-20-236	Added	16:4 VA.R. 408	12/8/99
18 VAC 85-20-240	Amended	16:4 VA.R. 409	12/8/99
18 VAC 85-20-240	Erratum	16:8 VA.R. 997	--
18 VAC 85-20-240	Amended	16:13 VA.R. 1767	4/12/00
18 VAC 85-20-280	Added	16:7 VA.R. 854	1/19/00
18 VAC 85-20-290	Added	16:7 VA.R. 854	1/19/00
18 VAC 85-20-300	Added	16:7 VA.R. 855	1/19/00
18 VAC 85-31-10	Amended	16:13 VA.R. 1772	4/13/00
18 VAC 85-31-25	Added	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-40	Amended	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-50	Amended	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-60	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-65	Added	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-80	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-90	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-100	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-120	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-130	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-135	Added	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-140	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-160	Amended	16:13 VA.R. 1768	4/12/00
18 VAC 85-40-10	Amended	16:7 VA.R. 860	1/19/00
18 VAC 85-40-25	Added	16:7 VA.R. 860	1/19/00
18 VAC 85-40-40	Amended	16:7 VA.R. 860	1/19/00
18 VAC 85-40-45	Added	16:7 VA.R. 860	1/19/00
18 VAC 85-40-50	Amended	16:7 VA.R. 860	1/19/00
18 VAC 85-40-60	Amended	16:7 VA.R. 861	1/19/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-40-65	Added	16:7 VA.R. 861	1/19/00
18 VAC 85-40-80	Amended	16:7 VA.R. 861	1/19/00
18 VAC 85-40-80	Amended	16:13 VA.R. 1769	4/12/00
18 VAC 85-50-170	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-80-10	Amended	16:7 VA.R. 868	1/19/00
18 VAC 85-80-20	Amended	16:7 VA.R. 868	1/19/00
18 VAC 85-80-25	Added	16:7 VA.R. 868	1/19/00
18 VAC 85-80-35	Added	16:7 VA.R. 868	1/19/00
18 VAC 85-80-40	Amended	16:7 VA.R. 868	1/19/00
18 VAC 85-80-50	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-60	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-70	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-80	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-120	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-101-10	Amended	16:4 VA.R. 410	12/8/99
18 VAC 85-101-40	Amended	16:4 VA.R. 410	12/8/99
18 VAC 85-101-50	Amended	16:4 VA.R. 410	12/8/99
18 VAC 85-101-60	Amended	16:4 VA.R. 411	12/8/99
18 VAC 85-101-70	Amended	16:4 VA.R. 411	12/8/99
18 VAC 85-101-130	Amended	16:4 VA.R. 411	12/8/99
18 VAC 85-101-160	Amended	16:4 VA.R. 412	12/8/99
18 VAC 85-101-160	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-35	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 90-20-30	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-190	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-230	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 90-20-300	Amended	16:3 VA.R. 315	11/24/99
18 VAC 90-20-350	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 90-20-420	Added	16:3 VA.R. 315	11/24/99
18 VAC 90-20-430	Added	16:3 VA.R. 315	11/24/99
18 VAC 90-20-440	Added	16:3 VA.R. 316	11/24/99
18 VAC 90-20-450	Added	16:3 VA.R. 316	11/24/99
18 VAC 90-20-460	Added	16:3 VA.R. 317	11/24/99
18 VAC 100-20-10	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-40	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-50	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-60	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-70	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 110-20-10	Amended	15:26 VA.R. 3482	10/13/99
18 VAC 110-20-135	Added	15:26 VA.R. 3484	10/13/99
18 VAC 110-20-140	Amended	15:26 VA.R. 3484	10/13/99
18 VAC 110-20-690	Added	15:26 VA.R. 3485	10/13/99
18 VAC 110-20-700	Added	15:26 VA.R. 3485	10/13/99
18 VAC 110-20-710	Added	15:26 VA.R. 3485	10/13/99
18 VAC 110-20-720	Added	15:26 VA.R. 3486	10/13/99
18 VAC 110-40-10 through 18 VAC 110-40-70 emer	Added	16:11 VA.R. 1473-1474	1/20/00-1/19/01
18 VAC 115-20-10	Amended	16:13 VA.R. 1786	4/12/00
18 VAC 115-20-20	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-30	Repealed	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-35	Added	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-40	Amended	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-45	Added	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-49	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-50	Amended	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-51	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-52	Added	16:13 VA.R. 1788	4/12/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-20-60	Repealed	16:13 VA.R. 1790	4/12/00
18 VAC 115-20-70	Amended	16:13 VA.R. 1790	4/12/00
18 VAC 115-20-80	Repealed	16:13 VA.R. 1791	4/12/00
18 VAC 115-20-100	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-110	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-130	Amended	16:13 VA.R. 1791	4/12/00
18 VAC 115-20-140	Amended	16:13 VA.R. 1792	4/12/00
18 VAC 115-20-150	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-30-10	Amended	16:7 VA.R. 876	1/19/00
18 VAC 115-30-20	Repealed	16:7 VA.R. 877	1/19/00
18 VAC 115-30-30	Amended	16:7 VA.R. 877	1/19/00
18 VAC 115-30-30	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-40	Amended	16:7 VA.R. 877	1/19/00
18 VAC 115-30-40	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-45	Added	16:7 VA.R. 877	1/19/00
18 VAC 115-30-60	Amended	16:7 VA.R. 878	1/19/00
18 VAC 115-30-70	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-80	Repealed	16:7 VA.R. 879	1/19/00
18 VAC 115-30-90	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-100	Repealed	16:7 VA.R. 879	1/19/00
18 VAC 115-30-110	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-110	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-120	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-120	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-130	Repealed	16:7 VA.R. 879	1/19/00
18 VAC 115-30-140	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-150	Amended	16:7 VA.R. 880	1/19/00
18 VAC 115-30-160	Amended	16:7 VA.R. 880	1/19/00
18 VAC 115-30-160	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-20	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-35	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-61	Added	16:13 VA.R. 1794	4/12/00
18 VAC 115-50-10	Amended	16:7 VA.R. 886	1/19/00
18 VAC 115-50-20	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-30	Amended	16:7 VA.R. 886	1/19/00
18 VAC 115-50-30	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-40	Amended	16:7 VA.R. 887	1/19/00
18 VAC 115-50-40	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-50	Amended	16:7 VA.R. 887	1/19/00
18 VAC 115-50-55	Added	16:7 VA.R. 887	1/19/00
18 VAC 115-50-60	Amended	16:7 VA.R. 888	1/19/00
18 VAC 115-50-70	Amended	16:7 VA.R. 889	1/19/00
18 VAC 115-50-80	Repealed	16:7 VA.R. 889	1/19/00
18 VAC 115-50-90	Amended	16:7 VA.R. 889	1/19/00
18 VAC 115-50-90	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-100	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-130	Added	16:13 VA.R. 1796	4/12/00
18 VAC 115-60-10 through 18 VAC 115-60-150	Added	16:7 VA.R. 890-895	1/19/00
18 VAC 120-10-10 through 18 VAC 120-10-90	Repealed	16:14 VA.R. 1867-1868	5/1/00
18 VAC 120-10-170	Amended	16:14 VA.R. 1868	5/1/00
18 VAC 120-30-100	Amended	15:26 VA.R. 3487	11/1/99
18 VAC 125-20-10	Amended	16:2 VA.R. 210	11/10/99
18 VAC 125-20-30	Amended	16:2 VA.R. 210	11/10/99
18 VAC 125-20-30	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-40	Amended	16:2 VA.R. 210	11/10/99
18 VAC 125-20-41	Added	16:2 VA.R. 211	11/10/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 125-20-42	Added	16:2 VA.R. 211	11/10/99
18 VAC 125-20-50	Repealed	16:2 VA.R. 212	11/10/99
18 VAC 125-20-51	Repealed	16:2 VA.R. 212	11/10/99
18 VAC 125-20-52	Repealed	16:2 VA.R. 212	11/10/99
18 VAC 125-20-53	Repealed	16:2 VA.R. 213	11/10/99
18 VAC 125-20-54	Added	16:2 VA.R. 214	11/10/99
18 VAC 125-20-55	Added	16:2 VA.R. 214	11/10/99
18 VAC 125-20-56	Added	16:2 VA.R. 215	11/10/99
18 VAC 125-20-60	Repealed	16:2 VA.R. 216	11/10/99
18 VAC 125-20-65	Added	16:2 VA.R. 216	11/10/99
18 VAC 125-20-70	Repealed	16:2 VA.R. 216	11/10/99
18 VAC 125-20-80	Amended	16:2 VA.R. 217	11/10/99
18 VAC 125-20-90	Repealed	16:2 VA.R. 217	11/10/99
18 VAC 125-20-100	Repealed	16:2 VA.R. 217	11/10/99
18 VAC 125-20-120	Amended	16:2 VA.R. 218	11/10/99
18 VAC 125-20-130	Amended	16:2 VA.R. 218	11/10/99
18 VAC 125-20-130	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-140	Repealed	16:2 VA.R. 218	11/10/99
18 VAC 125-20-150	Amended	16:2 VA.R. 218	11/10/99
18 VAC 125-20-150	Erratum	16:4 VA.R. 444	--
18 VAC 125-20-160	Amended	16:2 VA.R. 219	11/10/99
18 VAC 125-20-170	Amended	16:2 VA.R. 219	11/10/99
18 VAC 125-20-170	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 155-20-10 through 18 VAC 155-20-50	Amended	16:14 VA.R. 1869-1871	5/1/00
18 VAC 155-20-60 through 18 VAC 155-20-90	Repealed	16:14 VA.R. 1871-1872	5/1/00
18 VAC 155-20-100 through 18 VAC 155-20-160	Amended	16:14 VA.R. 1872-1874	5/1/00
18 VAC 155-20-170	Repealed	16:14 VA.R. 1874	5/1/00
18 VAC 155-20-175	Added	16:14 VA.R. 1874	5/1/00
18 VAC 155-20-180 through 18 VAC 155-20-230	Amended	16:14 VA.R. 1875-1877	5/1/00
18 VAC 155-20-240 through 18 VAC 155-20-270	Repealed	16:14 VA.R. 1879-1880	5/1/00
18 VAC 155-20-280	Amended	16:14 VA.R. 1880	5/1/00
18 VAC 155-20-290	Repealed	16:14 VA.R. 1880	5/1/00
18 VAC 160-20-40	Amended	15:24 VA.R. 3490	11/1/99
Title 19. Public Safety			
19 VAC 30-20-80	Amended	16:9 VA.R. 1150	3/15/00
19 VAC 30-20-150	Amended	16:9 VA.R. 1150	3/15/00
19 VAC 30-70 Appendix A	Amended	15:25 VA.R. 3364	7/29/99
19 VAC 30-165-10 emer	Added	16:3 VA.R. 339	9/24/99-9/23/00
19 VAC 30-165-20 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-30 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-40 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-50 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-60 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
Title 20. Public Utilities and Telecommunications			
20 VAC 5-400-200	Added	16:10 VA.R. 1226	1/12/00
Title 22. Social Services			
22 VAC 30-40-10 through 22 VAC 30-40-150	Added	16:10 VA.R. 1227-1233	3/1/00
22 VAC 40-50-10 et seq.	Repealed	15:24 VA.R. 3250	9/15/99
22 VAC 40-60-10 through 22 VAC 40-60-60	Amended	16:12 VA.R. 1676-1679	7/1/00
22 VAC 40-60-70	Repealed	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-80	Amended	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-90	Amended	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-100	Repealed	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-110 through 22 VAC 40-60-150	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-180	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-190	Amended	16:12 VA.R. 1680	7/1/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-60-200	Amended	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-210	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-220	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-230	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-235	Added	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-240	Repealed	16:12 VA.R. 1682	7/1/00
22 VAC 40-60-250	Repealed	16:12 VA.R. 1682	7/1/00
22 VAC 40-60-260	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-270	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-280	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-290	Repealed	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-300	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-310	Repealed	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-320	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-330	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-340	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-350	Repealed	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-360	Repealed	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-370 through 22 VAC 40-60-420	Amended	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-425	Added	16:12 VA.R. 1686	7/1/00
22 VAC 40-60-430 through 22 VAC 40-60-470	Amended	16:12 VA.R. 1686-1687	7/1/00
22 VAC 40-60-480	Repealed	16:12 VA.R. 1687	7/1/00
22 VAC 40-60-490	Amended	16:12 VA.R. 1687	7/1/00
22 VAC 40-60-510	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-520	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-530	Repealed	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-540	Repealed	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-550	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-554	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-556	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-560	Amended	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-564	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-570 through 22 VAC 40-60-610	Amended	16:12 VA.R. 1689-1691	7/1/00
22 VAC 40-60-620 through 22 VAC 40-60-650	Repealed	16:12 VA.R. 1691-1692	7/1/00
22 VAC 40-60-670	Repealed	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-680	Amended	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-690	Amended	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-691	Added	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-692	Added	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-694	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-695	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-697	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-698	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-699	Added	16:12 VA.R. 1695	7/1/00
22 VAC 40-60-700	Amended	16:12 VA.R. 1696	7/1/00
22 VAC 40-60-705	Added	16:12 VA.R. 1696	7/1/00
22 VAC 40-60-710 through 22 VAC 40-60-760	Repealed	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-770	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-780	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-790	Repealed	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-800	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-810 through 22 VAC 40-60-840	Repealed	16:12 VA.R. 1697-1698	7/1/00
22 VAC 40-60-850	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-860	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-870	Repealed	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-880	Amended	16:12 VA.R. 1698	7/1/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-60-885	Added	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-890 through 22 VAC 40-60-950	Repealed	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-960	Amended	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-970	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-980	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-990	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1000	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1010	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1020	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1030 through 22 VAC 40-60-1060	Repealed	16:12 VA.R. 1701-1702	7/1/00
22 VAC 40-150-10 et seq.	Repealed	16:10 VA.R. 1233	7/1/00
22 VAC 40-705-10	Amended	16:12 VA.R. 1705	3/29/00
22 VAC 40-705-40	Amended	16:12 VA.R. 1707	3/29/00
22 VAC 40-710-10 et seq.	Repealed	16:4 VA.R. 412	12/8/99
22 VAC 40-820-10 et seq.	Repealed	16:5 VA.R. 599	12/22/99
22 VAC 40-880-350	Amended	16:4 VA.R. 413	12/8/99
22 VAC 42-10-10 through 22 VAC 42-10-1000	Added	16:10 VA.R. 1234-1267	7/1/00
Title 24. Transportation and Motor Vehicles			
24 VAC 30-130-10	Amended	16:2 VA.R. 229	9/13/99

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

BOARD OF JUVENILE JUSTICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-20-10 et seq. Regulations Governing the Certification Process.**

The proposed revisions address the following issues:

1. The revised regulation will continue to specify the process by which the board will certify facilities and programs; however, the revised regulation will give the department greater flexibility to determine appropriate internal procedures and to assign personnel who will be responsible for scheduling certification audits, appointing audit teams, reviewing appeals, considering requests for variances and plans of action, and other administrative processes. In addition, the revisions will authorize the department to monitor certain programs on the basis of random sampling in cases that might not warrant the more intense scrutiny of individual certification.
2. The revised regulation outlines the certification actions the board may take when a program meets or fails to meet stated criteria.
3. The revised regulation introduces the concept of "systemic deficiency," which is used in the interdepartmental program to regulate residential facilities for children. When the number and pattern of discrete standards violations suggest a more serious problem than might be apparent if the individual violations are considered separately, the concept of systemic deficiency will permit regulators to require a more comprehensive plan of corrective action.
4. The revised regulation reduces the number of life, health and safety standards but defines these standards more strictly and spells out the range of actions that may be taken when life, health or safety standards are violated. In addition, the revised regulation will include a list of the life, health and safety standards.
5. The revised regulation requires the department to assist programs in meeting the requirements of standards by issuing compliance manuals that will specify how a program can demonstrate compliance with board standards and policies.
6. The revised regulation provides for the monitoring for compliance with board policies that are identified in the guidance documents to be prepared by the department.

7. Under the revised regulation, before a newly constructed, expanded or renovated residential program is approved to house juveniles, department staff must visit the facility and verify that it meets life, health and safety standards and physical plant standards, including the Regulations for State Reimbursement of Local Juvenile Residential Facility Costs (6 VAC 35-30-10 et seq.) and the department's Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities, and that the current certification issued by the board is appropriate to the facility's program and construction.

8. The phase-in period for programs to comply with new standards (6 VAC 35-20-140) is repealed. When the board enacts new regulations, it can set longer or shorter transitional periods, depending on the circumstances.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-233, 16.1-234, 16.1-311, 16.1-312, and 66-10 of the Code of Virginia.

Public comments may be submitted until April 26, 2000.

Contact: Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R00-150; Filed March 1, 2000, 12:39 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider promulgating regulations entitled: **8 VAC 20-630-10 et seq. Standards for Remedial Education Programs.** The purpose of the proposed action is to establish standards and reporting requirements for the identified remedial education programs. The regulations will enable the Board of Education to annually collect data and evaluate the effectiveness of such programs. The agency intends to hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 22.1-199.2 and 22.1-253.13:1 of the Code of Virginia.

Public comments may be submitted until April 26, 2000.

Contact: Dr. Margaret N. Roberts, Executive Assistant for Board Relations, Department of Education, P.O. Box 2120,

Notices of Intended Regulatory Action

Richmond, VA 23218-2120, telephone (804) 225-2540 or FAX (804) 225-2524.

VA.R. Doc. No. R00-151; Filed March 7, 2000, 1:09 p.m.

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TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources (Rev. A99)**. The purpose of the proposed action is to make the state version of the non-CTG NO_x RACT rule consistent with the federally-approved version and to adopt NO_x controls as may be necessary to address air quality violations.

One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary focus of this proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) in the air react together in the presence of sunlight. VOCs are chemicals contained in gasoline, polishes, paints, varnishes, cleaning fluids, inks, and other household and industrial products. NO_x emissions are a by-product from the combustion of fuels and industrial processes.

To reduce ozone concentrations in the ambient air, the emissions of NO_x and VOCs (ozone precursors) from both mobile and stationary sources must be reduced. VOC and NO_x emissions from stationary sources can be reduced by employing stationary source controls. Reduction of ozone precursors from stationary sources via stationary source controls can substantially reduce ozone concentrations, and in conjunction with reductions achieved from control measures on other source types, can reduce ozone concentrations to levels at or below the current health standard for ozone.

The National Ambient Air Quality Standard for ozone was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard, the area is considered to be out of compliance and is classified as "nonattainment." Failure to develop adequate programs to meet the ozone air quality standard (i) will result in continued violations of the standard to the detriment of public health and welfare, (ii) may result in assumption of the program by EPA at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as prohibition of new major industrial facilities and loss of federal funds for sewage treatment plant development and highway

construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements. The Clean Air Act includes specific provisions requiring these sanctions to be issued by EPA if so warranted.

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

In 1990, the classifications for Virginia's nonattainment areas were marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area. Since that time, air quality has improved. Although Northern Virginia remains as a nonattainment area, Richmond and Hampton Roads have achieved the one-hour ozone standard and are now considered maintenance areas; that is, specific strategies that were implemented must continue, however, no additional new requirements are necessary provided the areas do not measure ozone concentrations in levels high enough to reclassify them into nonattainment.

Once the nonattainment areas were defined, each state was then obligated to submit a plan demonstrating how it will attain the air quality standard in each nonattainment area. The Act mandates that all such plans require the implementation of all reasonably available control measures (RACM). For the Northern Virginia Nonattainment Area situation, the Act has defined several RACMs. One of the RACMs is to require emission controls for the precursors of ozone (VOCs and NO_x) on presently uncontrolled major stationary sources. Thus, in order to have a fully approvable plan, control methods for this category of sources must be analyzed and, if found to be reasonable, implemented.

In order to implement the mandate of the Act, the State Air Pollution Control Board adopted a regulation (Rule 4-4) which provides that the Department must, on case-by-case basis, determine whether there is reasonably available control technology (RACT) to reduce VOC emissions and NO_x emissions from major sources [>50 tons per year (TPY) potential] located in the Northern Virginia Nonattainment Area for which EPA has not issued a control techniques guideline (CTG). CTGs are documents issued to define RACT for a particular source category. EPA has defined RACT as the lowest emission limit that a particular source is capable of

meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

This regulation is a process-oriented, generic regulation which does not include specific and ascertainable emission limits for all major sources and does not provide standards for EPA to approve or disapprove to satisfy the definition of RACT. Therefore, RACT requirements are only satisfied after the specific limits for a specific source have been submitted to EPA as a SIP revision. RACT may be a technology that has been applied to similar, but not necessarily identical, source categories. It is not intended that extensive research and development be conducted before a given control technology can be applied to the source. This does not, however, preclude a short term evaluation program to permit the application of a given technology to a particular source. The latter effort is an appropriate technology forcing aspect of RACT. If RACT exists, then a legally enforceable means must be adopted to require the necessary emission reductions.

As previously stated, the Clean Air Act requires states to submit rules to implement RACT on major sources of NO_x in ozone nonattainment areas designated as moderate or above and throughout the Ozone Transport Region. This includes Northern Virginia which is part of the Metropolitan Washington, D.C., serious ozone nonattainment area. Virginia made two submittals with regard to this issue, one on November 9, 1992, and another on April 22, 1996. The November 9, 1992, SIP revision consisted of adopted regulations to impose NO_x RACT on major sources in the nonattainment area (Rule 4-4 and Appendix T). The November 1992 submittal was supplemented with the submittal of April 22, 1996. EPA notified Virginia via letter dated March 17, 1998, that portions of the 1992 submittal and all of the April 1996 submittal were unacceptable to EPA and should be withdrawn, i.e., removed from the regulation that would be federally approved and included in the SIP. On April 11, 1998, Virginia withdrew, by letter, the following provisions of those submittals as they relate to the control of nitrogen oxides:

1. All of the provisions of the April 22, 1996, submittal.
2. Certain provisions of the November 9, 1992, submittal in regulatory Appendix T relating to exemptions in Sections III C 1 and C 3 and the emission allocation system in Section IV.

The April 11, 1998, letter also included a revised version of Appendix T to correct a technical error which had appeared during publication in the Virginia Register. In addition to the typographical correction, Appendix T was recodified and renumbered as 9 VAC 5-40-311.

As mentioned above, the Richmond area has been redesignated attainment. As part of the request to redesignate the area attainment, the Commonwealth included a maintenance plan designed to ensure that compliance with the air quality standards is maintained. The maintenance plan includes contingency measures, as necessary, to promptly correct any air quality violation that occurs after redesignation of the area. These include, among others,

implementation of control requirements on sources of NO_x. Recent air quality data for the Richmond area, however, suggest that the levels of ozone have been high enough to be considered in violation of the ozone air quality standard. Therefore, the Commonwealth is obligated to take corrective action to eliminate the violations. Air quality analyses performed by the U.S. Environmental Protection Agency and the Department of Environmental Quality indicate that NO_x controls are necessary to address this issue. In addition, the attainment plans for the Northern Virginia area include an obligation to implement NO_x controls.

Potential issues that may need to be addressed are as follows:

1. To ensure that the current regulation is consistent with the version in the November 9, 1992, NO_x reasonably available control technology (RACT) State Implementation Plan (SIP) submittal, as modified on December 11, 1992, and April 11, 1998. This submittal requires that Virginia submit to EPA source-specific RACT determinations for all currently known major sources subject to source-specific NO_x RACT requirements.
2. Recent air quality data indicate that the Richmond area is in violation of the ozone air quality standard. The regulation needs to address any control actions needed to bring the Richmond area into compliance with the ozone standard. Air quality analyses performed by the U.S. Environmental Protection Agency and the Department of Environmental Quality indicate that NO_x controls are necessary to address this issue.

Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action: to make the state version of the regulation consistent with the federally approved version and to adopt NO_x controls as may be necessary to address air quality violations.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it would result in a state regulation that was not consistent with the federally approved version. This would lead to confusion for the general public and the regulated community.
3. Take no action to amend the regulations and continue to implement a regulation that is not consistent with the federally approved SIP version. This option is not being selected due to the same reasons cited in number two above.

Notices of Intended Regulatory Action

The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal, and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held by the department to receive comments on and to discuss the intended action. Information on the date, time, and place of the meeting is published in the Calendar of Events section of the Virginia Register. 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.

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.

The department will form an ad hoc advisory group to assist in the development of the regulation. If you want to be on the group, notify the agency contact in writing by 4:30 p.m. on May 2, 2000, and provide your name, address, phone number and the organization you represent, if any. Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you want to be on the group, you are encouraged to attend the public meeting mentioned above. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

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

Public comments may be submitted until May 2, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

VA.R. Doc. No. R00-152; Filed March 8, 2000, 11:55 a.m.

TITLE 12. HEALTH

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **12 VAC 35-120-10 et seq. Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health,**

Mental Retardation and Substance Abuse Services. This regulation, which protects the legal and human rights of all patients of psychiatric hospitals and other psychiatric facilities licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, is being repealed and superseded by a regulation that establishes a single standard for community and facility, public and private human rights programs; addresses consumer and family concerns; and reflects current practice and terminology. The agency does not intend to hold a public hearing on the proposed repeal after publication.

Statutory Authority: § 37.1-84.1 of the Code of Virginia.

Public comments may be submitted until April 12, 2000.

Contact: Rita Hines, Acting Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

VA.R. Doc. No. R00-141; Filed February 14, 2000, 10:03 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **12 VAC 35-130-10 et seq. Rules and Regulations to Assure the Rights of Clients in Community Programs.** This regulation, which protects the legal and human rights of all clients who receive treatment in community programs licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services, is being repealed and superseded by a regulation that establishes a single standard for community and facility, public and private human rights programs; addresses consumer and family concerns; and reflects current practice and terminology. The agency does not intend to hold a public hearing on the proposed repeal after publication.

Statutory Authority: § 37.1-84.1 of the Code of Virginia.

Public comments may be submitted until April 12, 2000.

Contact: Rita Hines, Acting Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

VA.R. Doc. No. R00-142; Filed February 14, 2000, 10:03 a.m.

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-330-10 et seq. Collection of Overpayments in the Aid**

Notices of Intended Regulatory Action

to Families with Dependent Children (AFDC) and Refugee Other Assistance Programs.

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was enacted, introducing welfare reform at the federal level. In Title I of the Act, Congress replaced the Aid to Families with Dependent Children (AFDC) Program with the Temporary Assistance for Needy Families (TANF) block grant. This block grant considerably reduced federal regulation of cash assistance and employment services programs, allowing states to design their programs within limited parameters.

Because the framework of the AFDC program was repealed by Congress, Virginia adopted pre-TANF federal definitions of eligibility criteria in order to maintain the program as it currently operated in Virginia. To that end, the 1997 Virginia General Assembly adopted legislation that codified the old rules, and an advisory committee comprised of legislators, social services directors and workers, local government officials, and citizens was formed to consider new TANF options. The committee made recommendations to simplify and streamline the TANF and VIEW programs.

The proposed regulations, 22 VAC 40-295-10 et seq., will implement the recommendations of the TANF Advisory Committee and will also serve as a comprehensive program regulation. This regulation will be amended by deleting all references to the Aid to Families with Dependent Children Program. Then, this regulation will only apply to Refugee Other Assistance. Any language necessary for TANF will be included in the proposed comprehensive regulation.

The agency does not intend to hold a public hearing on the proposed repeal of these regulations after publication.

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

NOTE: EXTENSION OF COMMENT DEADLINE
Public comments may be submitted until April 26, 2000.

Contact: Mark L. Golden, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1730.

VA.R. Doc. No. R00-138; Filed February 8, 2000, 3:21 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-340-10 et seq. Protective Payments in the Aid to Families with Dependent Children (AFDC) and Refugee Other Assistance Programs.**

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was enacted, introducing welfare reform at the federal level. In Title I of the Act, Congress replaced the Aid to Families with Dependent Children (AFDC) Program with the Temporary Assistance for Needy Families (TANF) block grant. This block grant considerably reduced federal regulation of cash assistance and employment services programs, allowing states to design their programs within limited parameters.

Because the framework of the AFDC program was repealed by Congress, Virginia adopted pre-TANF federal definitions of eligibility criteria in order to maintain the program as it currently operated in Virginia. To that end, the 1997 Virginia General Assembly adopted legislation that codified the old rules, and an advisory committee comprised of legislators, social services directors and workers, local government officials, and citizens was formed to consider new TANF options. The committee made recommendations to simplify and streamline the TANF and VIEW programs.

The proposed regulations, 22 VAC 40-295-10 et seq., will implement the recommendations of the TANF Advisory Committee and will also serve as a comprehensive program regulation. This regulation will be amended by deleting all references to the Aid to Families with Dependent Children Program. Then, this regulation will only apply to Refugee Other Assistance. Any language necessary for TANF will be included in the proposed comprehensive regulation.

The agency does not intend to hold a public hearing on the proposed repeal of these regulations after publication.

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

NOTE: EXTENSION OF COMMENT DEADLINE
Public comments may be submitted until April 26, 2000.

Contact: Mark L. Golden, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1730.

VA.R. Doc. No. R00-137; Filed February 8, 2000, 3:21 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 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

June 9, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-600-10 et seq. Food Stamp Program - Administrative Disqualification Hearings**. Changes to the procedures for administrative hearings include that the decisions of the hearing officer is the final action, that notices may be sent by regular mail, and that the hearing may be held when the mail is returned to the agency.

Statutory Authority: §§ 63.1-25 and 63.1-124.2 of the Code of Virginia.

Contact: Patricia Duva, Food Stamp Program Manager, Division of Temporary Assistance Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1712 or FAX (804) 692-1704.



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 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-600-10 et seq. **Food Stamp Program Administrative Disqualification Hearings (amending 22 VAC 40-600-10, 22 VAC 40-600-50, 22 VAC 40-600-70, 22 VAC 40-600-130, 22 VAC 40-600-140, 22 VAC 40-600-170, 22 VAC 40-600-200 and 22 VAC 40-600-210; repealing 22 VAC 40-600-90).**

Statutory Authority: §§ 63.1-25 and 63.1-124.2 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until June 9, 2000.

(See Calendar of Events section for additional information)

Basis: 7 CFR 273.16 requires states to determine whether intentional program violations have occurred in the Food Stamp Program either through referral to a court of appropriate jurisdiction or through an administrative disqualification hearing. Section 63.1-124.2 of the Code of Virginia authorizes the board to establish regulations governing conduct of administrative hearings and denial of benefits.

Purpose: The administrative disqualification hearing process establishes the procedures for impartial hearing officers and local social services agencies to follow to determine whether individuals have committed fraud against the Food Stamp Program in an attempt to apply or receive benefits to which they are not entitled. The administrative hearing process is intended to protect the Food Stamp Program against abuse. The process also seeks to protect recipient households against frivolous or malicious actions by the local agencies by requiring the agencies to follow set procedures of introducing evidence or requiring hearing officers to be convinced of the intentional nature of clients' actions.

Substance: Two substantive changes to the regulation are reflected. These changes allow for the notice of a hearing to be sent by regular mail and that the hearing may be held even if notice is returned as undeliverable. Provisions have been added that the hearing officer is required to verify the address, to the extent possible, and that an incorrect address will be considered good cause to generate a new hearing (22 VAC 40-600-70 and 22 VAC 40-600-140). The other change scattered throughout the regulation is the allowance of an administrative review rather than a subsequent appeal to the State Board of Social Services after a decision has been rendered.

Issues: The substantive changes contained in the proposed regulations are actions that reflect changes in the Code of Virginia or federal regulations for the Food Stamp Program.

The changes do not favor recipient households more than local agencies nor would it seem that either faction is greatly harmed by the changes proposed in conjunction with the overall regulation.

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 Department of Social Services (DSS) proposes to amend its Food Stamp Program Administrative Disqualification Hearings regulations to reflect changes in the federal regulations and in the Code of Virginia. The proposed changes:

- Add a new definition for an "access device," which is a card or code used to access benefits;
- Expand the definition of "intentional program violation" to incorporate misuse of access devices;
- State that an administrative board, instead of the State Board of Social Services, will review hearing decisions; and
- Specify that first class mail is sufficient notice for a preliminary hearing and that such a hearing may take place even if the notice is returned as undeliverable.

Estimated economic impact. The proposed changes to this regulation are not expected to alter the administrative disqualification hearing process. Individuals suspected of intentional program violations will continue to receive written notification and a provision is included that states an incorrect address will be considered good cause to generate a new hearing. Allowing appeals to be conducted by an administrative review board and using regular mail as opposed to certified mail may be more administratively efficient and provide some economic benefit.

Businesses and entities affected. The proposed regulation affects all food stamp recipient households. In FY 1998, 128 cases of alleged intentional program violations were pursued.

Localities particularly affected. The proposed changes should not uniquely affect any particular localities.

Proposed Regulations

Projected impact on employment. The proposed changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes are not expected to have any effects on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the assessment by the Department of Planning and Budget.

Summary:

The proposed amendments reflect changes in the federal regulations and in the Code of Virginia. Specifically, the proposed changes:

1. Add a new definition for an "access device," which is a card or code used to access benefits;
2. Expand the definition of "intentional program violation" to incorporate misuse of access devices;
3. State that an administrative board, instead of the State Board of Social Services, will review hearing decisions; and
4. Specify that first class mail is sufficient notice for a preliminary hearing and that such a hearing may take place even if the notice is returned as undeliverable.

22 VAC 40-600-10. Definitions.

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

"*Administrative Disqualification Hearing (ADH)*" means an impartial review by a ~~hearings~~ hearing officer of a household member's actions involving an alleged intentional program violation for the purpose of rendering a decision of guilty or not guilty of committing an intentional program violation (IPV).

"*Access device*" means any card, plate, code, account number, or other means of access that can be used alone or in conjunction with another access device to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds under the Food Stamp Act of 1977 (7 USC § 2011 et seq.), as amended.

"*Authorization to Participate (ATP)*" means a document authorizing a household to receive a food stamp allotment in a specific amount for a specific entitlement period from an authorized food coupon issuance agent.

"*Hearings Hearing officer*" means an impartial representative of the state to whom requests for administrative disqualification hearings or *fair hearings* are assigned by whom they are heard. The ~~hearings~~ hearing officer is given the authority to conduct and control hearings and to render decisions.

"*Intentional Program Violations (IPV)*" means any action by an individual who intentionally made a false or misleading statement to the local agency, either orally or in writing, to obtain benefits to which the household is not entitled;

concealed information or withheld facts to obtain benefits to which the household is not entitled; or committed any act that constitutes a violation of the Food Stamp Act, Food Stamp Regulations, or any state statutes relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or authorization to participate (ATP) cards, or access devices.

22 VAC 40-600-50. Notice.

Prior to submitting the referral for an ADH to the state hearing ~~authority~~ manager, the local agency shall provide written notification to the household member suspected of an IPV that the member can waive his right to an ADH by signing a waiver request and returning it to the local agency within 10 days from the date notification is sent to the household in order to avoid submission of the referral for an ADH.

22 VAC 40-600-70. Notice.

The hearing officer will schedule a date for the ADH and provide written notice to the household member suspected of an IPV, by certified mail - return receipt requested or *first class mail*, at least 30 days in advance of the date the ADH has been scheduled. *If the notice is sent using first class mail and is returned as undeliverable, the hearing may still be held. The hearing officer is required to compare the household's address on the local agency referral with other documents associated with the case. A revised notice must be provided to the household member if an error is discovered in the address used for the original notice of the hearing.*

22 VAC 40-600-90. Waiver of ADH. (Repealed.)

~~Without sufficient evidence that the advance notification was received or refused, the ADH is not to be held.~~

22 VAC 40-600-130. Evidence.

Even though the household member is not represented, the ~~hearings~~ hearing officer must carefully consider the evidence and determine if an IPV was committed, based on clear and convincing evidence.

22 VAC 40-600-140. New administrative disqualification hearing.

If the household member is found to have committed an IPV, but a ~~hearings~~ hearing officer later determines there was good cause for not appearing, *including that the notice was sent to an incorrect address*, the previous decision is no longer valid and a new ADH shall be conducted.

22 VAC 40-600-170. Duties of hearing officer.

The hearing officer shall:

1. Identify those present for the record.
2. Advise the household member or representative that he may refuse to answer questions during the hearing.
3. Explain the purpose of the ADH, the procedure, how and by whom a decision will be reached and communicated, and the option of either the local agency or the household to request ~~State Board~~ an administrative review of the hearing officer's decision.

The hearing officer shall also explain that only the household may seek a change to the hearing officer's decision through a court of appropriate jurisdiction.

4. Consider all relevant issues. Even if the household is not present, the hearings officer is to carefully consider the evidence and determine if an IPV was committed based on clear and convincing evidence.

5. Request, receive and make part of the record all evidence determined necessary to render a decision.

6. Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing.

22 VAC 40-600-200. Written report.

The ~~hearings~~ *hearing* officer shall prepare a written report of the substance of the findings, conclusions, decisions, and appropriate recommendations.

22 VAC 40-600-210. Notification of decision.

The hearing officer shall notify the household member of the decision in writing and of the household's right to ~~request a State Board~~ *seek an administrative review or court appeal* of the decision.

VA.R. Doc. No. R99-150; Filed March 16, 2000, 9:51 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

DEPARTMENT OF MINES, MINERALS AND ENERGY

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 Mines, Minerals and Energy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4 VAC 25-130-700.1 et seq. Coal Surface Mining Reclamation Regulations.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Effective Date: May 10, 2000.

Summary:

The amendments incorporate changes made to the federal Office of Surface Mining regulations. These changes address requirements for coal mining companies participating in the Small Operators Assistance Program (SOAP) to:

1. Increase the total annual production from 100,000 to 300,000 tons on an annual basis, pro rated upon percentage of ownership, in order to be eligible for the SOAP.
2. Eliminate a requirement to provide the names of affected or adjacent property owners and locations of existing structures and developed water resources when filing for assistance.
3. Expand eligible program services and data requirements with respect to engineering, drilling, mapping, archeology or historical information, blasting, and information relating to the enhancement of environmental values.
4. Have more flexibility in the use of qualified subcontractors to conduct required laboratory services.

The amendments also change the definition of government-financed construction to include projects funded by a government entity at a level less than 50% when the project is an approved reclamation project under Title IV of the federal Act

Agency Contact: Copies of the regulation may be obtained from Stephen A. Walz, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3211.

4 VAC 25-130-700.5. Definitions.

As used throughout this chapter, the following terms have the specified meanings except where otherwise indicated.

"*Abatement plan*" means an individual technique or combination of techniques, the implementation of which is designed to result in reduction of the baseline pollution load. Abatement techniques include but are not limited to: addition of alkaline material, special plans for managing toxic and acid forming material, regrading, revegetation, and daylighting.

"*Acid drainage*" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mining and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"*Acid-forming materials*" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acid that may create acid drainage or leachate.

"*Act*" means the Virginia Coal Surface Mining Control and Reclamation Act of 1979 as amended (Chapter 19 (§ 45.1-226 et seq.) of Title 45.1 of the Code of Virginia).

"*Actual improvement*" means the reduction of the baseline pollution load resulting from the implementation of the approved abatement plan: except that a reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement.

"*Adjacent area*" means the area outside the permit area where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations, including probable impacts from underground workings.

"*Administratively complete application*" means an application for permit approval, or approval for coal exploration where required, which the division determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

"*Adverse physical impact*" means, with respect to a highwall created or impacted by remining, conditions such as sloughing of material, subsidence, instability, or increased erosion of highwalls, which occur or can reasonably be expected to occur as a result of remining and which pose threats to property, public health, safety, or the environment.

"Affected area" means any land or water surface area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands, the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings. The affected area shall include every road used for purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road is a public road.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Anthracite" means coal classified as anthracite in ASTM Standard D 388-77. Coal classifications are published by the American Society of Testing and Materials under the title, "Standard Specification for Classification of Coals by Rank," ASTM D 388-77, on pages 220 through 224. Table 1 which classifies the coals by rank is presented on page 223. This publication is hereby incorporated by reference.

"Applicant" means any person seeking a permit, permit revision, renewal, and transfer, assignment, or sale of permit rights from the division to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the division under this chapter for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the division has determined that they comply with 4 VAC 25-130-816.49, 4 VAC 25-130-816.56, and 4 VAC 25-130-816.133 or 4 VAC 25-130-817.49, 4 VAC 25-130-817.56, and 4 VAC 25-130-817.133.

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for a specific use.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling or cutting holes into an exposed coal seam from the highwall and transporting the coal along the auger bit to the surface.

"Authorized officer" means any person authorized to take official action on behalf of a federal agency that has administrative jurisdiction over federal lands.

"Baseline pollution load" means the characterization of the pollution material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter, including seasonal variations and variations in response to precipitation events. The division will establish in each authorization the specific parameters it deems relevant for the baseline pollution load.

"Best professional judgment" means the highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of all reasonably available and pertinent data. The treatment levels shall be established by the division under §§ 301 and 402 of the federal Water Pollution Control Act (33 USC §§ 1311 and 1342).

"Best technology" means measures and practices which are designed to abate or ameliorate to the maximum extent possible pollutional discharges from or on the pollution abatement area. These measures include engineering, geochemical or other applicable practices.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will:

(a) Prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contribution of suspended solids in excess of requirements set by the applicable state or federal laws;

(b) Minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, terms, methods, or techniques which are currently available anywhere as determined by the division even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with Parts 816 and 817 of this chapter. Within the constraints of the permanent program, the division shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by the Act and this chapter.

"Cemetery" means any area of land where human bodies are interred.

"Certification" when used in regards to construction certifications by qualified registered professional engineers, is not considered to be a warranty or guarantee.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM

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Standard D 388-77, referred to and incorporated by reference in the definition of "anthracite."

"*Coal exploration*" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) The gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of this chapter.

"*Coal lease*" means a federal coal lease or license issued by the Bureau of Land Management pursuant to the Mineral Leasing Act and the federal Acquired Lands Leasing Act of 1947 (30 USC § 351 et seq.).

"*Coal mine waste*" means coal processing waste and underground development waste.

"*Coal mining operation*" means, for the purposes of Part 705 of this chapter--Financial Interests of State Employees, the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the areas upon which such activities occur.

"*Coal preparation*" or "*coal processing*" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"*Coal preparation plant*" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities, including but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water-treatment and water storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

"*Coal processing waste*" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"*Cognovit note*" means an extraordinary note which authorizes an attorney to confess judgement against the person or persons signing it. It is written authority of a debtor and a direction by him for entry of a judgement against him if the obligation set forth in the note is not paid when due. Such judgement may be taken by any person holding the note, which cuts off every defense which makers of the note may otherwise have and it likewise cuts off all rights of appeal from any judgement taken on it. The note shall, at a minimum:

- (a) Contain the date of execution.
- (b) Be payable to the "Treasurer of Virginia."
- (c) Be due and payable in the event of bond forfeiture of the permit.
- (d) Be payable in a sum certain of money.
- (e) Be signed by the makers.

"*Collateral bond*" means an indemnity agreement in a sum certain executed by the permittee and deposited with the division supported by one or more of the following:

(a) The deposit of cash in one or more federally insured accounts, payable only to the division upon demand;

(b) Negotiable bonds of the United States, the Commonwealth of Virginia, or a political subdivision thereof, endorsed to the order of, and placed in the possession of the division; the bond will only be acceptable if the issue is rated "A" or better by Moody's Investor Service, Inc., or Standard and Poor's, Inc.;

(c) Certificates of deposit issued by Virginia banks payable only to the division and placed in its possession. No security in default as to principal or interest shall be acceptable as collateral.

"*Combustible material*" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"*Community or institutional building*" means any structure, other than a public building or an occupied dwelling, which is used primarily for meetings, gatherings or functions of local civic organizations or other community groups; functions as an educational, cultural, historic, religious, scientific, correctional, mental health or physical health care facility; or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

"*Compaction*" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"*Complete and accurate application*" means an application for permit approval or approval for coal exploration where required which the division determines to contain all information required under the Act and this chapter.

"*Contamination*" means, in reference to ground water or surface water supplies receiving ground water, any impairment of water quality which makes the water unsuitable for a specific use.

"*Cooperative agreement*" means a cooperative agreement entered into in accordance with § 523(c) of the federal Act and 30 CFR Part 745.

"*Cumulative impact area*" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and ground water systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

- (a) The proposed operation;
- (b) All existing operations;
- (c) Any operation for which a permit application has been submitted to the division; and

(d) All operations required to meet diligent development requirements for leased federal coal for which there is actual mine development information available.

"Department" means the Department of Mines, Minerals and Energy (DMME) of Virginia.

"Diminution" means, in reference to ground or surface water supplies receiving ground water, any impairment of water quantity which makes the water unsuitable for a specific use.

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property and other financial relationships.

"Director" means the Director of the Department of Mines, Minerals, and Energy or his representative.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by Subchapter VJ is released.

"Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one area to another.

"Division" means the Division of Mined Land Reclamation of the Department of Mines, Minerals, and Energy.

"Downslope" means the land surface between the projected outcrop of the lowest coal bed being mined along each highwall and a valley floor.

"Drinking, domestic or residential water supply" means water received from a well or spring and any appurtenant delivery system that provides water for direct human consumption or household use. Wells and springs that serve only agricultural, commercial or industrial enterprises are not included, except to the extent the water supply is for direct human consumption or human sanitation or domestic use.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means (a) any person employed by the department or other state or local government agency who performs any function or duty under the Act, and (b) consultants who perform any function or duty under the Act, if they perform decision-making functions for the department under the authority of the Act or regulations promulgated under the Act.

"Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and

which has a channel bottom that is always above the local water table.

"Escrow account" means an account in a federally insured financial institution.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided that spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 4 VAC 25-130-816.102(d) and 4 VAC 25-130-817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure or facility used in connection with or to facilitate surface coal mining and reclamation operations for which construction begins prior to the approval of the state program or a federal land program, whichever occurs first.

"Extraction of coal as an incidental part" means, for the purposes of Part 707 of this chapter, the extraction of coal which is necessary to enable the construction to be accomplished. For purposes of Part 707, only that coal extracted from within the right-of-way, in the case of a road, railroad, utility line or other such construction, or within the boundaries of the area directly affected by other types of government-financed construction, may be considered incidental to that construction. Extraction of coal outside the right-of-way or boundary of the area directly affected by the construction shall be subject to the requirements of the Act and this chapter.

"Federal Act" means the federal Surface Mining Control and Reclamation Act of 1977, as amended (Pub. L. 95-87).

"Federal land management agency" means a federal agency having administrative jurisdiction over the surface of federal lands that are subject to this chapter.

"Federal lands" means any land, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.

"Federal lands program" means a program established by the secretary pursuant to § 523 of the federal Act to regulate surface coal mining and reclamation operations on federal lands.

"Federal lease bond" means the bond or equivalent security required by 43 CFR Part 3400 to assure compliance with the terms and conditions of a federal coal lease.

"Federal lessee protection bond" means a bond payable to the United States or the state, whichever is applicable, for use and benefit of a permittee or lessee of the surface lands to secure payment of any damages to crops or tangible improvements on federal lands, pursuant to § 715 of the federal Act.

"Federal program" means a program established by the secretary pursuant to § 504 of the federal Act to regulate coal exploration and surface coal mining and reclamation operations on nonfederal and non-Indian lands within the

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state in accordance with the federal Act and 30 CFR Chapter VII.

"First water producing zone" means the first water zone encountered which can be monitored in a manner which indicates the effects of a surface mining operation on usable ground water.

"Fragile lands" means areas containing natural, ecologic, scientific or aesthetic resources that could be significantly damaged by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, paleontological sites, National Natural Landmarks, areas where mining may result in flooding, environmental corridors containing a concentration of ecologic and aesthetic features and areas of recreational value due to high environmental quality.

"Fugitive dust" means that particulate matter which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation operations it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed. Fugitive dust does not include particulate matter emitted from a duct or stack.

"Fund," as used in Subchapter VR, means the Abandoned Mine Reclamation Fund established pursuant to § 45.1-261 of the Act.

"General area" means, with respect to hydrology, the topographic and ground water basin surrounding a permit area and adjacent areas to include one or more watersheds containing perennial streams or ground water zones which possess useable and/or managed zones or flows, to allow an assessment of the probable cumulative impacts on the hydrologic regime.

"Government-financed construction" means construction funded 50% or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds, ~~but shall not mean~~. *Funding at less than 50% may qualify if the construction is undertaken as an approved reclamation project under Title IV of the federal Act. Construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments does not qualify as government-financed construction.*

"Government financing agency" means any federal, state, regional, county, city or town unit of government, or a department, bureau, agency or office of a governmental unit or any combination of two or more governmental units or agencies, which, directly or through another unit of government, finances construction.

"Gravity discharge" means, with respect to underground coal mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a

result of flooding a mine to the level of the discharge is not gravity discharge.

"Ground cover" means the area of ground covered by the combined aerial parts of vegetation and the litter that is produced naturally onsite, expressed as a percentage of the total area of ground.

"Ground water" means subterranean water which exists within a totally saturated zone, stratum or group of strata.

"Growing season" means the period of year when climatic conditions are favorable for plant growth, common to a place or area. The period between April 15 and October 15 is the normal growing season.

"Half-shrub" means a perennial plant with a woody base whose annually produced stems die back each year.

"Head-of-hollow fill" means a fill structure consisting of any material, except organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow, measured at the steepest point, are greater than 20 degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than 10 degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill, draining into the fill area.

"Higher or better uses" means postmining land uses that have a higher value or benefit, either economic or noneconomic, to the landowner or the community than the premining land uses.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

"Historically used for cropland" means (1) lands that have been used for cropland for any five years or more out of the 10 years immediately preceding the acquisition, including purchase, lease, or option, of the land for the purpose of conducting or allowing through resale, lease, or option the conduct of surface coal mining and reclamation operations; (2) lands that the division determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, that the permit area is clearly cropland but falls outside the specific five-years-in-10 criterion, in which case the regulations for prime farmland may be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or (3) lands that would likely have been used as cropland for any five out of the last 10 years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means areas containing historic, cultural, or scientific resources. Examples of historic lands include archaeological sites, properties listed on or eligible for listing on the State or National Register of Historic Places, National Historic Landmarks, properties having religious or cultural

significance to native Americans or religious groups, and properties for which historic designation is pending.

"*Hydrologic balance*" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"*Hydrologic regime*" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transportation.

"*Imminent danger to the health and safety of the public*" means the existence of any condition or practice, or any violation of a permit or other requirements of the Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

"*Impounding structure*" means a dam, embankment or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"*Impoundments*" mean all water, sediment, slurry or other liquid or semi-liquid holding structures and depressions, either naturally formed or artificially built.

"*Indemnity agreement*" means an agreement between two persons in which one person agrees to pay the other person for a loss or damage. The persons involved can be individual people, or groups of people, or legal organizations, such as partnerships, corporations or government agencies, or any combination of these.

"*Indirect financial interest*" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by the employee's spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relatives hold a financial interest.

"*In situ processes*" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"*Intermittent stream*" means:

(a) A stream or section of a stream that drains a watershed of at least one square mile, or

(b) A stream or section of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"*Irreparable damage to the environment*" means any damage to the environment, in violation of the Act, or this chapter, that cannot be corrected by the permittee.

"*Land use*" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal use occur and may include land used for support facilities that are an integral part of the use. Changes of land use from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the division.

(a) "Cropland." Land used for production of crops which can be grown for harvest alone or in a rotation with grasses and legumes, that include row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar crops.

(b) "Pastureland" or land occasionally cut for hay. Land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed.

(c) "Grazingland." Lands used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

(d) "Forestry." Land used or managed for long-term production of wood, wood fiber, or wood derived products.

(e) "Residential." Land used for single and/or multiple family housing, mobile home parks, or other residential lodgings.

(f) "Industrial/Commercial." Land used for:

(1) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products. This includes all heavy and light manufacturing facilities.

(2) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(g) "Recreation." Land used for public or private leisure-time activities, including developed recreation facilities such as parks, camps, amusement areas, as well as undeveloped areas for recreation such as hiking and canoeing.

(h) "Fish and wildlife habitat." Land dedicated wholly or partially to the production, protection, or management of species of fish or wildlife.

(i) "Developed water resources." Land used for storing water for beneficial uses, such as stockponds, irrigation, fire protection, flood control, and water supply.

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(j) "Undeveloped land or no current use or land management." Land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

"*Lands eligible for re-mining*" means those lands that would otherwise be eligible for expenditures under § 404 or under § 402(g)(4) of the federal Act.

"*Leachate*" means water percolating from a surface coal mining operation which contains dissolved and suspended matter.

"*Leased federal coal*" means coal leased by the United States pursuant to 43 CFR Part 3400, except mineral interests in coal on Indian lands.

"*Lease terms, conditions and stipulations*" means all of the standard provisions of a federal coal lease, including provisions relating to lease duration, fees, rentals, royalties, lease bond, production and recordkeeping requirements, and lessee rights of assignment, extension, renewal, termination and expiration, and site-specific requirements included in federal coal leases in addition to other terms and conditions which relate to protection of the environment and of human, natural and mineral resources.

"*Material damage*" in the context of 4 VAC 25-130-784.20 and 4 VAC 25-130-817.121 means:

(a) Any functional impairment of surface lands, features, structures, or facilities;

(b) Any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or

(c) Any significant change in the condition, appearance, or utility of any structure or facility from its presubsidence condition.

"*Mineral Leasing Act*" or "*MLA*" means the Mineral Leasing Act of 1920, as amended, 30 USC § 181 et seq.

"*Mining plan*" means the plan, for mining leased federal coal, required by the Mineral Leasing Act.

"*Mining supervisor*" means the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, or District Mining Supervisor or other subordinate acting under their direction.

"*Moist bulk density*" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at 105°C.

"*MSHA*" means the United States Mine Safety and Health Administration.

"*Mulch*" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, and provide micro-climatic conditions suitable for germination and growth.

"*Natural hazard lands*" means geographic areas in which natural conditions exist which pose or as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, severe wind or soil erosion, frequent flooding, and areas of unstable geology.

"*Net worth*" means total assets less total liabilities. Total liabilities include, but are not limited to, funds pledged or otherwise obligated to the Commonwealth of Virginia, or to any other person at any time during the permit term. Total liabilities also include, but are not limited to, contingent liabilities that might materially affect the Commonwealth's ability to collect the amount of bond required in the event of bond forfeiture.

"*Noncommercial building*" means any building other than an occupied residential dwelling that at the time subsidence occurs is used on a regular or temporary basis as a public building or community or institutional building as those terms are defined in this section. Any building used only for commercial agricultural, industrial, retail or other commercial enterprises is excluded.

"*Noxious plants*" means living plants which are declared to be noxious weeds or noxious plants pursuant to the Virginia Noxious Weed Law, Chapter 17.2 (§ 3.1-296.11 et seq.) of Title 3.1 of the Code of Virginia.

"*Occupied dwelling*" means any building that is currently being used on a regular or temporary basis for human habitation.

"*Occupied residential dwelling and structures related thereto*" means, for purposes of 4 VAC 25-130-784.20 and 4 VAC 25-130-817.121, any building or other structures that, at the time the subsidence occurs, is used either temporarily, occasionally, seasonally or permanently for human habitation. This term also includes any building, structure, or facility installed on, above or below, or a combination thereof, the land surface if that building structure or facility is adjunct to or used in connection with an occupied residential dwelling. Examples of such structures include, but are not limited to, garages; storage sheds and barns; greenhouses and related buildings; utilities and cables; fences and other enclosures; retaining walls; paved or improved patios, walks and driveways; septic sewage treatment facilities; and lot drainage and lawn and garden irrigation systems. Any structure used only for commercial agriculture, industrial, retail or other commercial purposes is excluded.

"*Office*" or "*OSM*" means the Office of Surface Mining Reclamation and Enforcement established under Title II of the federal Act.

"*Operator*" means any person engaged in coal mining who removes or intends to remove more than 250 tons of coal from the earth or from coal refuse piles by mining within 12 consecutive calendar months in any one location.

"*Other treatment facilities*" means any facilities for chemical treatments, such as flocculation or neutralization, or mechanical structures, such as clarifiers or precipitators, that have a point source discharge and that are utilized:

(a) To prevent additional contribution of dissolved or suspended solids to streamflow or runoff outside the permit area; or

(b) To comply with all applicable state and federal water quality laws and regulations.

"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Owned or controlled" and *"owns or controls"* mean any one or a combination of the relationships specified in paragraphs (a) and (b) of this definition:

(a) (i) Being a permittee of a surface coal mining operation; (ii) based on instrument of ownership or voting securities, owning of record in excess of 50% of an entity; or (iii) having any other relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.

(b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted:

- (1) Being an officer or director of an entity;
- (2) Being the operator of a surface coal mining operation;
- (3) Having the ability to commit the financial or real property assets or working resources of an entity;
- (4) Being a general partner in a partnership;
- (5) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record 10 through 50% of the entity; or
- (6) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive such coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

"Perennial stream" means a stream or part of a stream that flows continuously during all of the calendar year as a result of ground-water discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

"Performance bond" means a surety bond, collateral bond, or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Act, this chapter, and the requirements of the permit and reclamation plan.

"Performing any function or duty under this Act" means decision or action, which if performed or not performed by an employee, affects the programs under the Act.

"Permanent diversion" means a diversion which is approved by the division and, if required, by other state and federal agencies for retention as part of the postmining land use.

"Permanent impoundment" means an impoundment which is approved by the division and, if required, by other state and federal agencies for retention as part of the postmining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations issued by the division pursuant to the Act and this chapter or by the secretary pursuant to a federal program. For the purposes of the federal lands program, permit means a permit issued by the division under a cooperative agreement or by the OSM where there is no cooperative agreement.

"Permit application package" means a proposal to conduct surface coal mining and reclamation operations on federal lands, including an application for a permit, permit revision or permit renewal, all the information required by the federal Act, 30 CFR Subchapter D, the Act and this chapter, any applicable cooperative agreement and all other applicable laws and regulations including, with respect to leased federal coal, the Mineral Leasing Act and its implementing regulations.

"Permit area" means the area of land indicated on the approved map submitted by the permittee with his application, required to be covered by the permittee's performance bond under Subchapter VJ and which shall include the area of land upon which the permittee proposes to conduct surface coal mining and reclamation operations under the permit. The permit area shall include all disturbed areas except that areas adequately bonded under another permit issued pursuant to this chapter may be excluded from the permit area.

"Permittee" means a person holding or required by the Act or this chapter to hold a permit to conduct coal exploration (more than 250 tons) or surface coal mining and reclamation operations issued (a) by the division, (b) by the director of the OSM pursuant to a federal lands program, or (c) by the OSM and the division, where a cooperative agreement pursuant to § 45.1-230 B of the Act has been executed.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization and any agent, unit, or instrumentality of federal, state or local government including any publicly owned utility or publicly owned corporation of federal, state or local government.

"Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include any person:

- (a) Who uses any resources of economic, recreational, aesthetic, or environmental value that is, or may be, in fact adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the division; or

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(b) Whose property is, or may be, in fact adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the division.

The term "adversely affected" is further defined as meaning perceptibly harmed. "Aesthetics" means the consideration of that which is widely regarded to be a visibly beautiful element of a community or area.

"*Piezometer*" means a vertical pipe that is established in material, which is closed at the bottom, perforated from the upper limits of the material to the lower limits of the material, and which permits static water level measurements and water sampling.

"*Pollution abatement area*" means the part of the permit area which is causing or contributing to the baseline pollution load, which shall include adjacent and nearby areas that must be affected to bring about significant improvement of the baseline pollution load, and which may include the immediate location of the discharges.

"*Pool Bond fund*" means the Coal Surface Mining Reclamation Fund established pursuant to § 45.1-270.1 of the Act.

"*Precipitation event*" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. "Precipitation event" also includes that quantity of water coming from snow cover as snow melt in a limited period of time.

"*Previously mined area*" means land affected by surface coal mining operations prior to August 3, 1977, that has not been reclaimed to the standards of this chapter.

"*Prime farmland*" means those lands which are defined by the Secretary of Agriculture in 7 CFR Part 657 (Federal Register Vol. 4, No. 21) and which have historically been used for cropland.

"*Principal shareholder*" means any person who is the record or beneficial owner of 10% or more of any class of voting stock in a corporation.

"*Professional geologist*" means a person who is certified pursuant to Chapter 14 (§ 54.1-1400 et seq.) of Title 54.1 of the Code of Virginia.

"*Prohibited financial interest*" means any direct or indirect financial interest in any coal mining operation.

"*Property to be mined*" means both the surface property and mineral property within the permit area and the area covered by underground workings.

"*Public building*" means any structure that is owned or leased, and principally used, by a governmental agency for public business or meetings.

"*Public office*" means a facility under the direction and control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"*Public park*" means an area or portion of an area dedicated or designated by any federal, state, or local agency primarily for public recreational use, whether or not such use

is limited to certain times or days, including any land leased, reserved, or held open to the public because of that use.

"*Public road*" means a road (a) which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) which is maintained with public funds, and is constructed, in a manner similar to other public roads of the same classification within the jurisdiction; and (c) for which there is substantial (more than incidental) public use.

"*Publicly owned park*" means a public park that is owned by a federal, state or local governmental entity.

"*Qualified laboratory*" means a designated public agency, private firm, institution, or analytical laboratory which can prepare the required determination of probable hydrologic consequences or statement of results of test borings or core samplings or other services as specified at 4 VAC 25-130-795.9 under the Small Operator Assistance Program (4 VAC 25-130-795.1 et seq.) and which meets the standards of 4 VAC 25-130-795.10.

"*Reasonably available spoil*" means spoil and suitable coal mine waste material generated by the remaining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"*Recharge capacity*" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"*Reclamation*" means those actions taken to restore mined land as required by this chapter to a postmining land use approved by the division.

"*Recurrence interval*" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the 10-year, 24-hour precipitation event would be that 24-hour precipitation event expected to occur on the average once in 10 years.

"*Reference area*" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by crop production methods approved by the division. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"*Refuse pile*" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"*Regulatory program*" means the Virginia Coal Surface Mining Control and Reclamation program (Chapter 19 (§ 45.1-226 et seq.) of Title 45.1 of the Code of Virginia) and rules and regulations approved by the secretary.

"*Remining*" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"*Renewable resource lands*" means areas which contribute significantly to the long-range productivity of water supply or of food or fiber products, such lands to include aquifers and aquifer recharge areas.

"Replacement of water supply" means, with respect to protected water supplies contaminated, diminished or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

(a) Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment in an amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

(b) If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches and surface. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles to and from transfer, processing, or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

"Secretary" means the Secretary of the Interior or the secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids or other pollutants from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Self-bond," as provided by Part 801₇ of this chapter, means:

(a) For an underground mining operation, a cognovit note in a sum certain payable on demand to the Treasurer of Virginia, executed by the applicant and by each individual and business organization capable of influencing or controlling the investment or financial practices of the applicant by virtue of this authority as an officer or ownership of all or a significant part of the applicant, and supported by a certification that the applicant participating in the Pool Bond Fund has a net worth, total assets minus total liabilities equivalent to \$1 million.

Such certification shall be by an independent certified public accountant in the form of an unqualified opinion.

(b) For a surface mining operation or associated facility, an indemnity agreement in a sum certain payable on demand to the Treasurer of Virginia, executed by the applicant and by each individual and business organization capable of influencing or controlling the investment or financial practices of the applicant by virtue of this authority as an officer or ownership of all or a significant part of the applicant.

"Significant forest cover" means an existing plant community consisting predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air, or water resources" means:

(a) An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plants and animal life.

(b) An environmental harm is imminent, if a condition, practice, or violation exists which:

(1) Is causing such harm; or

(2) May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under § 45.1-245 B of the Act.

(c) An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Significant recreational, timber, economic, or other values incompatible with surface coal mining operations" means those values to be evaluated for their significance which could be damaged by, and are not capable of existing together with, surface coal mining operations because of the undesirable effects mining would have on those values, either on the area included in the permit application or on other affected areas. Those values to be evaluated for their importance include:

(a) Recreation, including hiking, boating, camping, skiing or other related outdoor activities;

(b) Timber management and silviculture;

(c) Agriculture, aquaculture or production of other natural, processed or manufactured products which enter commerce;

(d) Scenic, historic, archaeological, aesthetic, fish, wildlife, plants or cultural interests.

"Siltation structure" means a sedimentation pond, a series of sedimentation ponds, or other treatment facility.

"Slope" means average inclination of a surface, measured from its horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percentage or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four master soil horizons are:

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(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest;

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequum by color of higher value or lower chroma, by coarser texture, or by a combination of these properties;

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons; and

(d) "C horizon." The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 4 VAC 25-130-785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"Steep slope" means any slope of more than 20 degrees or such lesser slope as may be designated by the division after consideration of soil, climate, and other characteristics of a region or the state.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments, prior to January 4, 1977, have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or the right to mine it without an existing mine, as described in the above example, alone are not sufficient to constitute substantial legal and financial commitments.

"Substantially disturb" means, for purposes of coal exploration, to significantly impact land or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations."

"Surface coal mining operations" means:

(a) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of § 45.1-243 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the use of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site. Provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16-2/3% of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to § 45.1-233 of the Act; and, provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

(b) The areas upon which the activities described in paragraph (a) of this definition occur or where such activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface coal mining operations which exist on the date of enactment" means all surface coal mining operations which were being conducted on August 3, 1977.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface operations and impacts incident to an underground coal mine" means all activities involved in or related to underground coal mining which are either conducted on the surface of the land, produce changes in the land surface or disturb the surface, air or water resources of

the area, including all activities listed in § 45.1-229 L of the Act.

"*Surety bond*" means an indemnity agreement in a sum certain payable to the Commonwealth of Virginia, Director--Division of Mined Land Reclamation, executed by the permittee as principal and which is supported by the performance guarantee of a corporation licensed to do business as a surety in Virginia.

"*Suspended solids*" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR Part 136).

"*Temporary diversion*" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and not approved by the division to remain after reclamation as part of the approved postmining land use.

"*Temporary impoundment*" means an impoundment used during surface coal mining and reclamation operations, but not approved by the division to remain as part of the approved postmining land use.

"*Ton*" means 2000 pounds avoirdupois (.90718 metric ton).

"*Topsoil*" means the A and E soil horizon layers of the four master soil horizons.

"*Toxic-forming materials*" means earth materials, or wastes which, if acted upon by air, water, weathering or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to biota or uses of water.

"*Toxic mine drainage*" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill, injure, or impair plant and animal life commonly present in the area that might be exposed to it.

"*Transfer, assignment, or sale of permit rights*" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the division.

"*Unanticipated event or condition,*" as used in 4 VAC 25-130-773.15, means an event or condition related to prior mining activity which arises from a surface coal mining and reclamation operation on lands eligible for remining that was not contemplated by the applicable permit.

"*Underground development waste*" means waste-rock mixtures of coal, shale, claystone, siltstone, sandstone, limestone, or related materials that are excavated, moved, and disposed of from underground workings in connection with underground mining activities.

"*Underground mining activities*" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, aboveground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of wastes, and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operations, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

"*Unwarranted failure to comply*" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of the Act or this chapter due to indifference, lack of diligence, or lack of reasonable care, or failure to abate any violation of such permit, the Act, or this chapter due to indifference, lack of diligence, or lack of reasonable care.

"*Usable ground water*" or "*ground water in use*" means all ground water which is reasonably able to be used.

"*Valid existing rights*" means:

(a) Except for haulroads, that a person possesses a valid existing right for an area protected under § 45.1-252 D of the Act on August 3, 1977, if the application of any of the prohibitions contained in that section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to compensation under the Fifth and Fourteenth Amendments to the United States Constitution;

(b) For haulroads,

(1) A recorded right of way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977; or

(2) Any other road in existence as of August 3, 1977;

(c) A person possesses valid existing rights if the person proposing to conduct surface coal mining operations can demonstrate that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation which existed on August 3, 1977. A determination that coal is "needed for" will be based upon a finding that the extension of mining is essential to make the surface coal mining operation as a whole economically viable;

(d) Where an area comes under the protection of § 45.1-252 D of the Act after August 3, 1977, valid existing rights shall be found if:

(1) On the date the protection comes into existence, a validly authorized surface coal mining operation exists on that area; or

(2) The prohibition caused by § 45.1-252 D of the Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to

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just compensation under the Fifth and Fourteenth Amendments to the United States Constitution.

(e) Interpretation of the terms of the document relied upon to establish the rights to which the standard of paragraphs (a) and (d) of this definition applies shall be based either upon applicable Virginia statutory or case law concerning interpretation of documents conveying mineral rights or, where no applicable state law exists, upon the usage and custom at the time and place it came into existence.

"*Valley fill*" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than 20 degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than 10 degrees.

"*Violation notice*" means any written notification from a governmental entity of a violation of law, whether by letter, memorandum, legal or administrative pleading, or other written communication.

"*Water table*" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"*Willful violation*" means an act or omission which violates the Act, this chapter, or any permit condition required by the Act, or this chapter, committed by a person who intends the result which actually occurs.

4 VAC 25-130-795.1. Scope and purpose.

This Part comprises the Small Operator Assistance Program (SOAP) and establishes the procedures for providing assistance to eligible operators by the ~~program administrator~~ *division*. It is an elective means for the division to satisfy the requirements of § 45.1-235 C of the Act. The purpose of the program is to provide for eligible operators a determination of probable hydrologic consequences and a statement of results of test borings or core samplings which are required components of the permit application under Subchapter VG.

4 VAC 25-130-795.6. Eligibility for assistance.

(a) An applicant is eligible for assistance if the applicant-

- (1) Intends to apply for a permit pursuant to the Act;
- (2) Establishes that his probable total ~~actual and attributed~~ *annual* production from all locations ~~during any consecutive 12-month period either during the term of his permit or during the first 5 years after issuance of his permit, whichever period is shorter, will not exceed 100,000 tons on which the operator is issued the surface coal mining permit will not exceed 300,000 tons.~~ Production from the following operations shall be attributed to the applicant-

- (i) The pro rata share, based upon percentage of ownership of applicant, of coal produced by operations in which the applicant owns more than a ~~5-percent~~ 10% interest;

- (ii) The pro rata share, based upon percentage of ownership of applicant, of coal produced in other operations by persons who own more than ~~5-percent~~ 10% of the applicant's operation;

- (iii) All coal produced by operations owned by persons who directly or indirectly control the applicant by reason of direction of the management;

- (iv) All coal produced by operations owned by members of the applicant's family and the applicant's relatives, unless it is established that there is no direct or indirect business relationship between or among them;

(3) Is not restricted in any manner from receiving a permit under the Act; and

(4) Does not organize or reorganize his company solely for the purpose of obtaining assistance under the SOAP.

4 VAC 25-130-795.7. Filing for assistance.

Each application for assistance shall include the following information:

(a) A statement of applicant's intent to file a permit application.

(b) The names and addresses of -

- (1) The permit applicant; and
- (2) The operator if different from the applicant.

(c) A schedule of the estimated total production of coal from the proposed permit area and all other locations from which production is attributed to the applicant under 4 VAC 25-130-795.6. The schedule shall include for each location -

- (1) The operator or company name under which coal is or will be mined;
- (2) The DMLR permit number, division of Mines license number and Mine Safety and Health Administration (MSHA) number, if issued;
- (3) The actual coal production during the year preceding the year for which the applicant applies for assistance and production that may be attributed to the applicant under 4 VAC 25-130-795.6; and
- (4) The estimated coal production and any production which may be attributed to the applicant for each year of the proposed permit.

(d) A description of -

- (1) The proposed mining method;
- (2) The anticipated starting and termination dates of mining operations;
- (3) The number of acres of land to be affected by the proposed mining operation; and
- (4) a general statement on the probable depth and thickness of the coal resource including a statement of reserves in the permit area, or in the case of

underground mines the affected area, and the method by which they were calculated.

(e) A U.S. Geological Survey topographic map at a scale of 1:24,000 or larger or other topographic map of equivalent detail for the assistance area which clearly shows -

(1) The area of land to be affected and the natural drainage watershed above and below the affected area;

~~(2) The names of property owners in the affected and adjacent areas;~~

~~(3)~~ (2) The location of any existing or proposed test borings; and

(4) (3) The location and extent of known workings of any underground mines; and

~~(5) The location of existing structures and developed water resources within the affected and adjacent areas.~~

(f) Copies of documents which show that-

(1) The applicant has a legal right to enter and commence mining within the proposed permit area; and

(2) A legal right of entry has been obtained for the division and laboratory personnel to inspect the lands to be mined and adjacent areas to collect environmental data or to install necessary instruments.

4 VAC 25-130-795.8. Application approval and notice.

~~Eligibility determinations shall be made in writing to the applicant and denials shall stipulate the reasons for the denial.~~

(a) *If the division finds the applicant eligible, the division shall inform the applicant in writing that the application is approved.*

(b) *If the division finds the applicant ineligible, the division shall inform the applicant in writing that the application is denied and shall state the reasons for denial.*

4 VAC 25-130-795.9. Program services and data requirements.

(a) To the extent possible with available funds, the division shall ~~(a)~~ select and pay a qualified laboratory to make the determination and statement and provide other services referenced in paragraph (b) of this section for eligible applicants who request assistance.

(b) *The division shall determine the data needed for each applicant or group of applicants. Data collected and the results provided to the division shall be sufficient to satisfy the requirements for:*

(1) The determination of the probable hydrologic consequences of the surface mining and reclamation operations in the proposed permit area and adjacent areas, including the engineering analysis and the designs necessary for the determination in accordance with 4 VAC 25-130-780.21(f) and, 4 VAC 25-130-784.14(g) (e) and any other applicable provisions of this chapter; and

(2) The *drilling and* statement of the results of test borings or core samplings for the proposed permit area in accordance with 4 VAC 25-130-780.22(b) and 4 VAC 25-130-784.22(b) and any other applicable provisions of this chapter; ;

(3) *The development of cross-section maps and plans required by 4 VAC 25-130-779.25 and 4 VAC 25-130-783.25;*

(4) *The collection of archeological and historic information and related plans required by 4 VAC 25-130.779.12 (b), 4 VAC 25-130-783.12 (b), 4 VAC 25-130-780.31, 4 VAC 25-130-784.17, and any other archeological and historic information required by the division;*

(5) *Pre-blast surveys required by 4 VAC 25-130-780.13; and*

(6) *The collection of site specific resources information, the production of protection and enhancement plans for fish and wildlife habitats required by 4 VAC 25-130-780.16 and 4 VAC 25-130-784.21, and information and plans for any other environmental values required by the division under the Act.*

(c) Data collection and analysis may proceed concurrently with the development of mining and reclamation plans by the applicant.

(d) Data collected under this program shall be made publicly available in accordance with 4 VAC 25-130-773.13(d). The division shall develop procedures for interstate coordination and exchange of data.

4 VAC 25-130-795.10. Qualified laboratories.

(a) Basic qualifications. To be designated a qualified laboratory under the Virginia Small Operator Assistance Program, a firm shall demonstrate that it-

(1) Is staffed with experienced, professional or technical personnel in the fields applicable to the work to be performed;

(2) Has adequate space for material preparation and cleaning and sterilizing equipment and has stationary equipment, storage, and space to accommodate workloads during peak periods;

(3) Meets applicable federal or state safety and health requirements;

(4) Has analytical, monitoring and measuring equipment capable of meeting applicable standards; and

(5) Has the capability of collecting necessary field samples and making hydrologic field measurements and analytical laboratory determinations by acceptable hydrologic, geologic, or analytical methods in accordance with the requirements of 4 VAC 25-130-780.21, 4 VAC 25-130-780.22, 4 VAC 25-130-784.14 and 4 VAC 25-130-784.22 and any other applicable provisions of this chapter- *(other appropriate methods or guidelines for data acquisition may be approved by the division); and*

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(6) Has the capability of performing services for either the determination or statement referenced in 4 VAC 25-130-795.9(b).

(b) Subcontractors. Subcontractors may be used to provide some of the required services provided their use is identified at the time a determination is made that a firm is qualified and they meet all applicable requirements for area of specialization pursuant to the program and this section specified by the division.

~~(c) The Virginia Small Operator Assistance laboratory qualification requirements will only be applicable to firms requesting Virginia qualification. Firms located out of state which have been qualified under another state's Small Operator Assistance Program qualification procedures may be deemed qualified in Virginia, provided documentation of this qualification is provided to the division for review and the qualification has been granted within the 12 months preceding the request. All firms who request a Virginia laboratory qualification must be licensed to do business in Virginia.~~

~~(d) Review and reapproval of all laboratory qualifications shall be made every 12 months.~~

4 VAC 25-130-795.11. Assistance funding.

(a) Use of funds. Funds specifically authorized for this program shall be used to provide the services specified in 4 VAC 25-130-795.9 and shall not be used to cover administrative expenses.

(b) Allocation of funds. The division is authorized to shall establish a formula for allocating funds to provide services for eligible small operators if available funds are less than those required to provide the services pursuant to this Part.

4 VAC 25-130-795.12. Applicant liability.

(a) The applicant coal operator who has received assistance pursuant to 4 VAC 25-130-795.9 shall reimburse the division for the cost of the laboratory services performed pursuant to this Part rendered if- :

(1) The applicant submits false information, fails to submit a permit application within 4 one year from the date of receipt of the approved laboratory report, or fails to mine after obtaining a permit;

(2) The division finds that the applicant's operator's actual and attributed annual production of coal for all locations exceeds 400,000 300,000 tons during any consecutive 12-month period either during the term of the permit for which assistance is provided or during the first 5 years after issuance of the permit whichever is shorter; the 12 months immediately following the date on which the operator is issued the surface coal mining and reclamation permit; or

(3) The mining rights granted under the permit is are sold, transferred, or assigned to another person and the transferee's total actual and attributed production exceeds the 400,000 300,000-ton annual production limit during any consecutive 12-month period of the remaining term of the permit the 12 months immediately following the date on which the permit was originally issued. Under

this paragraph the applicant and its successor are jointly and severally obligated to reimburse the division.

~~(b) The reporting of the applicant's actual and attributed annual production shall begin with submission of notarized production reports within 30 days of the end of each calendar quarter during the term of the permit for which assistance is provided or during the first 5 years after issuance of the permit whichever is shorter. This report is to be submitted to the attention of the Small Operator Assistance Coordinator at the division of Mined Land Reclamation, P. O. Drawer 900, Big Stone Gap, Virginia 24219.~~

~~(c) For the purposes of this Part, the term "attributed production" shall be that production which the applicant has declared pursuant to eligibility requirements under 4 VAC 25-130-795.6 at the time of application for assistance.~~

~~(d) (b) The division may waive the reimbursement obligation if it finds that the applicant at all times acted in good faith.~~

VA.R. Doc. No. R00-155; Filed March 21, 2000, 4:26 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

<p>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 Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p>
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Title of Regulation: 9 VAC 25-220-10 et seq. Surface Water Management Area Regulation (amending 9 VAC 25-220-60 and 9 VAC 25-220-70).

Statutory Authority: § 62.1-242 et seq. of the Code of Virginia.

Effective Date: May 10, 2000.

Summary:

The Surface Water Management Area Regulation provides for the designation of surface water management areas in order to protect the beneficial use of surface waters during periods of low stream flow. These technical amendments are in response to changes in the law passed by the 1999 Session of the Virginia General Assembly. The amendments provide for voluntary agreements among water users in a surface water management area to control in lieu of a permit when the State Water Control Board finds that the agreement complies with the law. Further, the amendments change the public participation process for the State Water Control Board approval of a new or amended agreement to one that requires a public hearing

following 30 days' notice instead of a regulatory process under the Administrative Process Act.

Agency Contact: Copies of the regulation may be obtained from Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

9 VAC 25-220-60. Agreements.

A. The board shall encourage, promote and recognize voluntary agreements among persons withdrawing surface water in the same surface water management area.

B. When the board finds that any such agreement, executed in writing and filed with the board, is consistent with the intent, purposes and requirements of this chapter, the board shall approve the agreement *following a public hearing.*

~~C. Board approval of the agreement shall be conducted according to the Virginia Administrative Process Act and the board's Public Participation Guidelines (9 VAC 25-10-10 et seq.). The board shall provide at least 60 days' notice of the public hearing to the public in general and individually to those persons withdrawing surface water in the surface water management area who are not parties to the agreement, and shall make a good faith effort to so notify recreational user groups, conservation organizations and fisheries management agencies. The board shall be a party to the agreement.~~

~~D. Upon final adoption as a regulation~~ The agreement, *until terminated*, shall control in lieu of a formal order, rule or regulation or permit issued by the board under the provisions of this chapter, and shall be deemed to be a case decision under the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Permits issued in accordance with this chapter shall incorporate the terms of this agreement.

E. Any agreement shall specify the amount of water affected by it.

~~F. Any agreement approved by the board as a regulation may include conditions which can result in its amendment or termination by the board, following a public hearing pursuant to § 9-6.14:7.1 of the Virginia Administrative Process Act and the board's Public Participation Guidelines (9 VAC 25-10-10 et seq.); if the board finds that it or its effect is inconsistent with the intent, purposes and requirements of this chapter. Such conditions include the following:~~

1. A determination by the board that the agreement originally approved by the board will not further the purposes of this chapter; or
2. A determination by the board that circumstances have changed such that the agreement originally approved by the board will no longer further the purposes of this chapter; or
3. One or more parties to the agreement is not fulfilling its commitments under the agreement.

The board shall provide at least 60 days' notice of the public hearing to the public and individually to those persons withdrawing surface water in the surface water management

area who are not parties to the agreement, and shall make a good faith effort to so notify recreational user groups, conservation organizations and fisheries management agencies.

9 VAC 25-220-70. Application for a permit.

A. Duty to apply. Any person who withdraws surface water or proposes to withdraw surface water in a surface water management area must have a surface water withdrawal permit, except persons excluded under subsection B of ~~9 VAC 25-220-70, this section~~ or exempted under subsection C of ~~9 VAC 25-220-70 this section, or withdrawals made pursuant to a voluntary agreement approved by the board pursuant to 9 VAC 25-220-60.~~ A complete application shall be submitted to the board in accordance with this section.

B. Exclusions. The following do not require a surface water withdrawal permit but may require other permits under state and federal law:

1. Any nonconsumptive use;
2. Any water withdrawal of less than 300,000 gallons in any single month;
3. Any withdrawal in any area which has not been declared a surface water management area; and
4. Any withdrawal from a wastewater treatment system permitted by the State Water Control Board or the Department of Mines, Minerals and Energy.

C. Exemptions. The following do not require a surface water withdrawal permit but may require other permits under state and federal law. However, the following do require a surface water withdrawal certificate containing details of a board approved water conservation or management plan as found in subdivision 2 of 9 VAC 25-220-100 and Part V of ~~this chapter (9 VAC 25-220-250 et seq.) of this chapter.~~ It is not the intent or purpose of this certification program to affect the withdrawal of water approved by the board.

1. No political subdivision or investor-owned water company permitted by the Department of Health shall be required to obtain a surface water withdrawal permit for:
 - a. Any withdrawal in existence on July 1, 1989; however, a permit shall be required in a declared surface water management area before the daily rate of any such existing withdrawal is increased beyond the maximum daily withdrawal made before July 1, 1989.
 - b. Any withdrawal not in existence on July 1, 1989, if the person proposing to make the withdrawal has received, by that date, a § 401 certification from the State Water Control Board pursuant to the requirements of the Clean Water Act to install any necessary withdrawal structures and make such withdrawal; however, a permit shall be required in any surface water management area before any such withdrawal is increased beyond the amount authorized by the said certification.
 - c. Any withdrawal in existence on July 1, 1989, from an instream impoundment of water used for public water

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supply purposes; however, during periods when permit conditions in a water management area are in force pursuant to subsection G of 9 VAC 25-220-80 and 9 VAC 25-220-190, and when the rate of flow of natural surface water into the impoundment is equal to or less than the average flow of natural surface water at that location, the board may require release of water from the impoundment at a rate not exceeding the existing rate of flow of natural surface water into the impoundment. Withdrawals by a political subdivision or investor-owned water company permitted by the Department of Health shall be affected by this subdivision only at the option of that political subdivision or investor-owned water company.

2. No existing beneficial consumptive user shall be required to obtain a surface water withdrawal permit for:

a. Any withdrawal in existence on July 1, 1989; however, a permit shall be required in a declared surface water management area before the daily rate of any such existing withdrawal is increased beyond the maximum daily withdrawal made before July 1, 1989; and

b. Any withdrawal not in existence on July 1, 1989, if the person proposing to make the withdrawal has received, by that date, a § 401 certification from the State Water Control Board pursuant to the requirements of the Clean Water Act to install any necessary withdrawal structures and make such withdrawals; however, a permit shall be required in any surface water management area before any such withdrawal is increased beyond the amount authorized by the said certification.

D. Duty to reapply.

1. Any permittee with an effective permit shall submit a new permit application at least 180 days before the expiration date of an effective permit unless permission for a later date has been granted by the board.

2. Owners or persons who have effective permits shall submit a new application 180 days prior to any proposed modification to their activity which will:

a. Result in a significantly new or substantially increased water withdrawal; or

b. Violate or lead to the violation of the terms and conditions of the permit.

E. Complete application required.

1. Any person proposing to withdraw water shall submit a complete application and secure a permit prior to the date planned for commencement of the activity resulting in the withdrawal. There shall be no water withdrawal prior to the issuance of a permit.

2. Any person reapplying to withdraw water shall submit a complete application.

3. A complete surface water withdrawal permit application to the State Water Control Board shall, as a minimum, consist of the following:

a. The location of the water withdrawal, including the name of the waterbody from which the withdrawal is being made;

b. The average daily withdrawal, the maximum proposed withdrawal, and any variations of the withdrawal by season including amounts and times of the day or year during which withdrawals may occur;

c. The use for the withdrawal, including the importance of the need for this use;

d. Any alternative water supplies or water storage; and

e. If it is determined that special studies are needed to develop a proper instream flow requirement, then additional information may be necessary.

4. Where an application is considered incomplete the board may require the submission of additional information after an application has been filed, and may suspend processing of any application until such time as the applicant has supplied missing or deficient information and the board considers the application complete. Further, where the applicant becomes aware that he omitted one or more relevant facts from a permit application, or submitted incorrect information in a permit application or in any report to the board, he shall immediately submit such facts or the correct information.

5. Any person proposing to withdraw water shall submit an application for a permit 180 days prior to the date planned for commencement of the activity resulting in the withdrawal. There shall be no water withdrawal prior to the issuance of a permit.

6. Any person with an existing unpermitted water withdrawal operation shall submit an application immediately upon discovery by the owner or within 30 days upon being requested to by the board whichever comes first.

F. Informational requirements. All applicants for a surface water withdrawal permit shall provide all such information consistent with this chapter as the board deems necessary. All applicants for a permit must submit a complete permit application in accordance with subsection A of ~~9 VAC 25-220-70~~ this section.

VA.R. Doc. No. R00-156; Filed March 22, 2000, 9:02 a.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The following regulatory action 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 Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-40-10 et seq. Eligibility Conditions and Requirements (adding 12 VAC 30-40-345).

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

Effective Date: May 10, 2000.

Summary:

This amendment adds a new mandatory eligibility group, which was established by § 1931 of the Social Security Act.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) replaced Aid to Families with Dependent Children (AFDC) with a new state run Temporary Assistance for Needy Families (TANF) program and ended the automatic link between eligibility for cash assistance and eligibility for Medicaid. In order to preserve Medicaid coverage for low-income families with children, § 114 of PRWORA created a new Medicaid eligibility category known as § 1931, entitled Eligibility under Section 1931 of the Social Security Act (42 USC § 1396u-1).

This amendment provides that families who would have qualified for Medicaid under the state's previous AFDC program will continue to be eligible for Medicaid regardless of whether they receive TANF assistance.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-40-345. Eligibility under § 1931 of the Act.

The state covers low-income families and children under § 1931 of the Act as follows:

AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996, without modification, for individuals who do not receive TANF benefits.

The agency continues to apply the following waivers of the provisions of Part A of Title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996, and approved by the secretary on or before July 1, 1997. For individuals who receive TANF benefits and meet the requirements of Virginia's § 1115 waiver for the Virginia Independence Program, the agency continues to apply the following waivers of the provisions of Part A of Title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996, and approved by the secretary on or before July 1, 1997.

VA.R. Doc. No. R00-154; Filed March 17, 2000, 11:34 a.m.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) pursuant to § 9-6.14:4.1 A 4; however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-60).

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

Effective Date: March 22, 2000.

Summary:

The amendment reduces the bonus points for selling a project to a qualified nonprofit organization or local housing authority from 60 points to 50 points if the applicant receives 20 points for having a nonprofit managing general partner.

Agency Contact: Copies of the regulation may be obtained from J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540 or FAX (804) 783-6701.

13 VAC 10-180-60. Review and selection of applications; reservation of credits.

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

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1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and

2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by the preceding subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 of this section, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit

organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or using Hope VI funds from the U.S. Department of Housing and Urban Development (HUD) in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools.

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness.

a. Written evidence satisfactory to the authority of (i) preliminary approval by local authorities of the plan of development for the proposed development (30 points) or (ii) approval by local authorities of the plan of development or site plan for the proposed development or that such approval is not required. (40 points)

b. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (40 points)

c. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (20 points)

d. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)

2. Housing needs characteristics.

a. Submission of the letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (10 points; failure to make timely submission, minus 50 points)

b. (1) A letter dated within three months prior to the application deadline addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that

development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points)

(2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision b (1) above) nor opposition (as described in subdivision b (3) below) as to the allocation of credits to the applicant for the development. (25 points)

(3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)

c. Documentation from the local authorities that the proposed development is located in a Qualified Census Tract (QCT) or such other locally identified revitalization area, or determination by the authority that the proposed development is located in a Difficult Development Area as defined by HUD or in an Enterprise Zone designated by the state. (20 points)

d. Commitment by the applicant to give leasing preference to individuals and families (i) on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant, or (ii) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points)

e. Any of the following: (i) firm financing commitment(s) from the local government, housing authority, or the Rural Development of the U.S. Department of Agriculture or (ii) a resolution passed by the locality in which the proposed development is to be located committing a grant or below-market rate loan or a waiver of taxes and fees, donation of land or other similar support to the development or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development unless permitted by the executive director for good cause. (The amount of such financing or value of local support will be divided

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by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the lowest gross square footage per unit for a given unit type established by the executive director divided by the highest gross square footage per unit for a given unit type established by the executive director minus the lowest gross square footage per unit for a given unit type established by the executive director.)

b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. Proposed new construction developments to be located in the jurisdictions included in the rural pool established by the executive director will receive an additional 20 points; however, no applicant will receive more than 80 points under this subdivision. Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting the authority to override the point calculations and provide the maximum points under this subdivision.

c. Lower amount of credit request. (Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000.)

d. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

(j) If all metal windows have thermal breaks, and if insulating glass for windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

(m) If all exterior doors exposed to weather are metal. (1 point)

(n) Brick exterior walls. (15 points times the percentage of exterior walls covered by brick)

(2) The following points are available to applications electing to serve elderly and/or handicapped tenants as elected in subdivision 4 a of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

(c) If all units have an emergency call system. (3 points)

(d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)

(e) If all bathrooms have an independent or supplemental heat source. (1 point)

(f) If all corridors have a handrail on one side. (1 point)

(3) The following points are available to projects which rehabilitate or adaptively reuse an existing structure:

(a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a

thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (2 points)

(c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)

(d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (2 points)

(g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 d of this section is 45 points.

4. Tenant population characteristics.

a. Commitment by the applicant to lease low-income housing units in the proposed development only to one or more of the following: (i) persons 55 years or older, (ii) homeless persons or families, or (iii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the federal Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)

b. Commitment by the applicant to creating a development in which 20% or more of the low-income units have three or more bedrooms. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (30 points)

c. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points)

5. Sponsor characteristics.

a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. (10 points)

b. Participation by a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development that acts as a managing general partner under the

partnership agreement. (20 points) No staff member, officer or member of the board of directors of such qualified nonprofit organization may materially participate, directly or indirectly, in the proposed development through a for-profit entity.

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (If the per unit credit amount of the proposed development equals or exceeds the applicable standard per unit credit amount established by the executive director, the proposed development is assigned no points; if the per unit credit amount of the proposed development is less than the applicable standard per unit credit amount established by the executive director, the difference is calculated as a percentage of such standard per unit credit amount established by the executive director, and then multiplied by 240 points.)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (If the per unit cost of the proposed development equals or exceeds the applicable standard per unit cost amount established by the executive director, the proposed development is assigned no points; if the per unit cost of the proposed development is less than the applicable standard per unit cost amount established by the executive director, the difference is calculated as a percentage of such standard per unit cost amount established by the executive director, and then multiplied by 110 points.)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in establishing the per unit credit amount and the per unit cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall include any credits previously allocated to the development, and the per unit credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

After points have been assigned to each application in the manner described above, the executive director shall

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compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application which is assigned a total number of points less than a threshold amount of 475 points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

7. Bonus points. For each application to which the total number of points assigned is equal to or more than the above-described threshold amount of points, bonus points shall be assigned as follows:

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision a may not receive points under subdivision b below. (The product of (i) 50 points multiplied by (ii) the percentage of low-income housing units restricted for occupancy to households at or below 50% of the area median gross income.)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points multiplied by (ii) the percentage of low-income units restricted to the rents required for occupancy to households at or below 50% of the area median gross income.)

c. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 30-year extended use period (as defined in the IRC). Applicants receiving points under this subdivision c may not receive bonus points under subdivision d below. (40 points for a 10-year commitment beyond the 30-year extended use period or 50 points for a 20-year commitment beyond the 30-year extended use period.)

d. Participation by a qualified nonprofit organization or local housing authority substantially based or active in the community with at least a 10% ownership interest in the general partnership interest of the partnership and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such qualified nonprofit organization or to a wholly-owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants

receiving points under this subdivision d may not receive bonus points under subdivision c above. (60 points *or, if the applicant receives 20 points under subdivision 5 (b) of this section, 50 points*)

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and shall be ranked within such pool. Those applications assigned more points shall be ranked higher than those applications assigned fewer points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the most bonus points as described above, and each application so selected shall receive (in order based upon the number of such bonus points, beginning with the application with the most bonus points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of bonus points and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to

amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, provided that the applicant's modified development produces at least 75% of the units and bedrooms described in the application for the proposed development, or (ii) move the proposed development and the credits available to another pool. Any modifications shall be subject to the approval of the

executive director; however, in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to this section. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application. If necessary, the executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development. However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the executive director shall not reserve more than \$1.2 million of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year.

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director. The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director. The executive director may, as a condition to the binding commitment, require each applicant to obtain a

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market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by each applicant's proposed development.

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

VA.R. Doc. No. R00-103; Filed March 22, 2000, 10:28 a.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Opportunity to Comment on Regulations

The Department of Agriculture and Consumer Services invites comment from the public on certain of its existing regulations, listed below, as a part of a review of its regulations being conducted under Executive Order Number Twenty-five (98), Development and Review of Regulations Proposed by State Agencies. Comments should be addressed to the person identified below as the contact person for the regulation. The deadline for receipt of comments is 10 a.m. on May 2, 2000.

2 VAC 5-60-10 et seq., Rules and Regulations Governing the Operation of Livestock Markets (Contact: Robert Whiting)

2 VAC 5-140-10 et seq., Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia (Contact: Robert Whiting)

2 VAC 5-180-10 et seq., Rules and Regulations Governing Pseudorabies in Virginia (Contact: Robert Whiting)

2 VAC 5-190-10 et seq., Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases (Contact: Robert Whiting)

2 VAC 5-240-10 et seq., Rules and Regulations for Enforcement of the Grain Handlers Law (Contact: W.R. Sanford)

2 VAC 5-280-10 et seq., Virginia Grade Standards for Slaughter and Feeder Lambs (Contact: H. Frank Graves)

2 VAC 5-320-10, Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act (Contact: Frank Fulgham)

2 VAC 5-400-10 et seq., Rules and Regulations for the Enforcement of the Virginia Fertilizer Law (Contact: Alan Rogers)

2 VAC 5-530-10 et seq., Rules and Regulations Governing the Production, Handling and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food (Contact: John A. Beers)

2 VAC 5-600-10, Regulations Pertaining to Food for Human Consumption (Contact: R. Douglas Saunders)

2 VAC 5-610-10 et seq., Rules Governing the Solicitation of Contributions (Contact: Andres "Andy" Alvarez)

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DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

General Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

The Virginia Department for the Deaf and Hard-of Hearing (VDDHH) invites public comment on **22 VAC 20-20-10 et seq., Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices.** This review is being conducted under Executive Order 25 (98). The department welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

1. To provide a program of technology assistance in which the financial contribution of program participants is based on clear economic guidelines.
2. To provide an application procedure for the program which requires minimal information needed to make a determination of eligibility.

The department also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful to affected constituents.

Copies of the regulation may be obtained from the department. Written or faxed comments may be submitted through 5 p.m. on May 17, 2000. Comments or questions should be sent to Leslie Hutcheson, Regulatory Coordinator, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, or via e-mail to Hutcelg@ddhh.state.va.us, telephone (800) 552-7917 (V/TTY).

STATE LOTTERY BOARD

DIRECTOR'S ORDER NUMBER ONE (00)

VIRGINIA'S INSTANT GAME LOTTERY 172; "CASH VAULT," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 172, "Cash Vault." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: January 5, 2000

DIRECTOR'S ORDER NUMBER TWO (00)

VIRGINIA'S INSTANT GAME LOTTERY 444; "GOLD FEVER," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 444, "Gold Fever." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: January 12, 2000

DIRECTOR'S ORDER NUMBER THREE (00)

VIRGINIA'S INSTANT GAME LOTTERY 173; "POT OF GOLD," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 173, "Pot of Gold." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 1, 2000

DIRECTOR'S ORDER NUMBER FOUR (00)

VIRGINIA'S INSTANT GAME LOTTERY 178; "SCRATCH HAPPY," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 178, "Scratch Happy." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 1, 2000.

DIRECTOR'S ORDER NUMBER FIVE (00)

VIRGINIA'S INSTANT GAME LOTTERY 177; "RED HOT MONEY II," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 177, "Red Hot Money II." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 1, 2000.

DIRECTOR'S ORDER NUMBER SIX (00)

CERTAIN VIRGINIA INSTANT GAME LOTTERIES; END OF GAMES.

In accordance with the authority granted by Sections 58.1-4006 A and 9-6.14:4.1 B (15) of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on Friday, March 3, 2000:

Instant Game 128 - Heat Wave '98
Instant Game 160 - Jack-O-Lantern Jackpot
Instant Game 162 - Coffee Break
Instant Game 164 - Double Roll
Instant Game 166 - Cash Harvest
Instant Game 167 - Holiday Cheer
Instant Game 169 - Bag of Bucks
Instant Game 171 - Pin Heads
Instant Game 311 - Lucky Number Bingo
Instant Game 438 - Casino Nights
Instant Game 439 - Harley /s/ Davidson
Instant Game 440 - Crossword Cash
Instant Game 442 - Virginia Weather
Instant Game 449 - Holiday Bucks

The last day for lottery retailers to return for credit unsold tickets from any of these games will be Friday, April 7, 2000. The last day to redeem winning tickets for any of these games will be Wednesday, August 30, 2000, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of August 30, 2000, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 14, 2000.

DIRECTOR'S ORDER NUMBER SEVEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 456; "LADY LUCK," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 456, "Lady Luck." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

General Notices/Errata

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: January 17, 2000

DIRECTOR'S ORDER NUMBER EIGHT (00)

VIRGINIA'S INSTANT GAME LOTTERY 175; "VA LICENSE PLATE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 175, "VA License Plate." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: January 17, 2000

DIRECTOR'S ORDER NUMBER NINE (00)

VIRGINIA'S INSTANT GAME LOTTERY 453; "HAPPY VALENTINE'S," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 453, "Happy Valentine's." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: January 12, 2000

DIRECTOR'S ORDER NUMBER TEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 180; "MATCH 3," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 180, "Match 3." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 22, 2000

DIRECTOR'S ORDER NUMBER ELEVEN (00)

CERTAIN VIRGINIA INSTANT GAME LOTTERIES; END OF GAMES; REVISED.

In accordance with the authority granted by Sections 58.1-4006 A and 9-6.14:4.1 B (15) of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on Friday, March 3, 2000:

- Instant Game 128 - Heat Wave '98
- Instant Game 160 - Jack-O-Lantern Jackpot
- Instant Game 162 - Coffee Break
- Instant Game 164 - Double Roll
- Instant Game 166 - Cash Harvest
- Instant Game 167 - Holiday Cheer
- Instant Game 169 - Bag of Bucks
- Instant Game 171 - Pin Heads
- Instant Game 311 - Lucky Number Bingo
- Instant Game 438 - Casino Nights
- Instant Game 439 - Harley /s/ Davidson
- Instant Game 440 - Crossword Cash
- Instant Game 442 - Virginia Weather
- Instant Game 449 - Holiday Bucks

The last day for lottery retailers to return for credit unsold tickets from any of these games will be Friday, April 28, 2000. The last day to redeem winning tickets for any of these games will be Wednesday, August 30, 2000, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of August 30, 2000, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order supercedes Director's Order Number Six (00), issued February 14, 2000. This Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 14, 2000

DIRECTOR'S ORDER NUMBER TWELVE (00)

"SPRING FEVER" VIRGINIA LOTTERY RETAILER TRADE INCENTIVE PROGRAM RULES.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate rules for the "Spring Fever" Virginia Lottery Retailer Trade Incentive Program that will be conducted from Tuesday, March 14, 2000 through Monday, April 17, 2000. This program was adopted by the State Lottery Board on February 9, 2000.

These rules amplify and conform to the duly adopted State Lottery Department regulations and are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until April 30, 2000, unless otherwise extended by the Director.

/s/ Penelope W. Kyle
Director
Date: March 14, 2000

DIRECTOR'S ORDER NUMBER THIRTEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 455; "CASINO CASH," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 455, "Casino Cash." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs

Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 29, 2000

DIRECTOR'S ORDER NUMBER FOURTEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 454; "SUPER TIC TAC TOE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 454, "Super Tic Tac Toe." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 29, 2000

DIRECTOR'S ORDER NUMBER FIFTEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 176; "WINNER TAKE ALL," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 176, "Winner Take All." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 1, 2000

General Notices/Errata

DIRECTOR'S ORDER NUMBER SIXTEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 179; "BUCK-A-ROOS," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 179, "Buck-A-Roos." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 15, 2000

DIRECTOR'S ORDER NUMBER SEVENTEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 312; "SUPER 7 BINGO," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 312, "Super 7 Bingo." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 15, 2000

DIRECTOR'S ORDER NUMBER EIGHTEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 459; "DOG GONE LUCKY II," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 459, "Dog Gone Lucky II." These rules amplify and conform to the duly adopted State

Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 16, 2000

DIRECTOR'S ORDER NUMBER NINETEEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 181; "LOOSE CHANGE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 181, "Loose Change." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 16, 2000

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

STATE BOARD OF EDUCATION

Title of Regulation: **8 VAC 20-630-10 et seq. Regulations
Governing Substitute Teachers.**



Publication: 15:4 VA.R. 418 November 9, 1998

Correction to Notice of Intended Regulatory Action:

Page 418, change the regulation citation preceding the
regulation title to "8 VAC 20-640-10 et seq."


CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 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 OF ACCOUNTANCY

April 19, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5 W, Richmond,
Virginia. 

A meeting to 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 West Broad Street, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail accountancy@dpor.state.va.us.


COMMONWEALTH COUNCIL ON AGING

April 19, 2000 - 11 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Public Relations Committee and a task group to develop a statistical profile of older Virginians.


Contact: Bill Edwards, Education, Training and Research Coordinator, Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9314.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† May 18, 2000 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor,
Richmond, Virginia. 


A meeting to discuss issues related to Virginia agriculture and consumer protection. 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 in the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-7679, or (800) 828-1120/TTY , email rseward@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia Horse Industry Board

April 17, 2000 - 8:30 a.m. -- Open Meeting
Virginia Cooperative Extension, 168 Spotnap Road,
Charlottesville, Virginia. 

The board will review grant proposals submitted for the 2000-2001 fiscal year and review the minutes of the last board meeting. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

Pesticide Control Board

April 13, 2000 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session, pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598 or toll-free 1-800-552-9963.

STATE AIR POLLUTION CONTROL BOARD

Extension of Public Comment Period

April 14, 2000 - 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 promulgate regulations entitled: **9 VAC 5-510-10 et seq. Nonmetallic Mineral Processing General Permit.** The general permit establishes terms and conditions that form the legally enforceable basis for the implementation of all regulatory and statutory requirements applicable to new and existing emissions units in nonmetallic mineral mining facilities. Application for coverage under the general permit is voluntary; however, for any nonmetallic mineral processing facility to be covered by the general permit, all equipment and emissions units at a stationary source that make up the nonmetallic mineral processing facility shall be covered by the general permit. The general permit requires the owners of existing and new emissions units in the nonmetallic mineral processing industry to construct, modify, relocate and operate within the terms and conditions of the general permit. The terms and conditions of the general permit cover emission standards, emission testing, emission monitoring, recordkeeping, reporting, compliance and enforcement.

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 and any other supporting documents may be examined by the public at the department's Office of Air Regulatory 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
806 Westwood Office Park
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., April 14, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

It is preferred that all comments be provided in writing to the department along with any supporting documents or exhibits; however, oral comments will be accepted at the hearing. Comments may be submitted by mail, facsimile transmission, or by personal appearance at the hearing mentioned below; however, all written comments not provided at the hearing must be submitted to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240. Facsimile copies will be accepted only if followed by receipt of the original within one

Calendar of Events

week. All testimony, exhibits and documents received are a matter of public record.

Accessibility to Persons with Disabilities: The hearing is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility or who needs interpreter services should contact Alma Jenkins at the Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or by telephone at (804) 698-4070 or TTY (804) 698-4021.

Contact: Robert Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

ALCOHOLIC BEVERAGE CONTROL BOARD

April 10, 2000 - 9:30 a.m. -- Open Meeting

April 24, 2000 - 9:30 a.m. -- Open Meeting

May 8, 2000 - 9:30 a.m. -- Open Meeting

May 22, 2000 - 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 Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Executive Council

April 26, 2000 - 9 a.m. -- Open Meeting

May 31, 2000, 9:30 a.m. -- Open Meeting

Department of Social Services, 730 East Broad Street, Training Room 3, Richmond, Virginia.

A monthly meeting to discuss interagency programmatic and fiscal policies, oversee the administration of funds appropriated under the Act, and advise the Governor.

Contact: Alan G. Saunders, Director, Office of Comprehensive Services, Department of Social Services, Wythe Building, 1604 Santa Rosa Road, Suite 137, Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

AUCTIONEERS BOARD

April 11, 2000 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail auctioneers@dpor.state.va.us.

VIRGINIA AVIATION BOARD

† **April 18, 2000 - 3 p.m.** -- Open Meeting

Hilton Richmond Airport, 5501 Eubank Road, Sandston, Virginia. ♿ (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken.

Contact: Tony Williams, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250, telephone (804) 236-3632 or (804) 235-3624/TTY ☎

† **April 19, 2000 - 9 a.m.** -- Open Meeting

Hilton Richmond Airport, 5501 Eubank Road, Sandston, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matters of interest to the aviation community will be discussed. Individuals with a disability should contact Tony Williams 10 days prior to the meeting if assistance is needed.

Contact: Tony Williams, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250, telephone (804) 236-3632 or (804) 235-3624/TTY ☎

CEMETERY BOARD

April 19, 2000 - 8 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Recovery Fund Committee.

Contact: Karen W. O'Neal, Assistant Director, Cemetery Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475.

CHARITABLE GAMING COMMISSION


† **April 20, 2000 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿


A regular commission meeting.


Contact: Frances C. Jones, Administrative Assistant, Charitable Gaming Commission, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, VA 23219, telephone (804) 786-3014 or FAX (804) 786-1079.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD


April 10, 2000 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be taken during the meeting. An agenda is available from the Chesapeake Bay Local Assistance Department.


Contact: Carolyn J. Elliott, Executive Secretary Senior, Chesapeake Bay Local Assistance Department, 101 North 14th Street, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (804) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

† April 25, 2000 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Northern Area Review Committee to review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the department to verify meeting time, location and schedule. No public comments will be heard at the meeting; however, written comments are welcome.


Contact: Carolyn J. Elliott, Executive Secretary Senior, Chesapeake Bay Local Assistance Department, 101 North 14th Street, 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY 

COMPENSATION BOARD

April 14, 2000 - 10 a.m. -- Open Meeting
Salem City Council Chambers, 114 North Broad Street, Salem, Virginia. 

A FY01 budget hearing.

Contact: Cynthia P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.


April 25, 2000 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cynthia P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION


Falls of the James Scenic River Advisory Board

May 4, 2000 - Noon -- Open Meeting
Richmond City Hall, Planning Commission, Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Requests for an interpreter for the deaf should be made two weeks prior to the meeting.

Contact: Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.


BOARD FOR CONTRACTORS

April 11, 2000 - 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 regular meeting of the Tradesman Committee to consider items of interest relating to tradesman/backflow workers/natural gas fitters and other appropriate matters pertaining to the Tradesman Section of the Board for Contractors.


Contact: Robert F. Tortolani, Administrator, Board for Contractors, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-6166 or FAX (804) 367-2474.

BOARD OF CORRECTIONS

† April 18, 2000 - 10:30 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 for possible presentation to the full board.

Contact: Barbara Fellows, Administrative Assistant to the Board, Board of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235, FAX (804) 674-3130, e-mail fellowsbl@vadoc.state.va.us

† April 19, 2000 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

Calendar of Events

A meeting of the Administration Committee to discuss administrative matters for possible presentation to the full board.

Contact: Barbara Fellows, Administrative Assistant to the Board, Board of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235, FAX (804) 674-3130, e-mail fellowsbl@vadoc.state.va.us.

† **April 19, 2000 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A meeting to discuss matters that may be presented to the full board. Public comment will be received.

Contact: Barbara Fellows, Administrative Assistant to the Board, Board of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235, FAX (804) 674-3130, e-mail fellowsbl@vadoc.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

April 17, 2000 - 11 a.m. -- Open Meeting
May 15, 2000 - 11 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction management type contracts. Please contact the Division of Engineering and Buildings of the Department of General Services to confirm meeting.

Contact: Katherine R. Bowen, Administrative Assistant, Department of General Services, 805 East Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ♿, e-mail kbowen@dgs.state.va.us.

BOARD OF EDUCATION

April 26, 2000 - 9 a.m. -- Open Meeting
April 27, 2000 - 9 a.m. -- Open Meeting
April 28, 2000 - 9 a.m. -- Open Meeting
The Tides Lodge, 1 St. Andrews Lane, Irvington, Virginia. ♿ (Interpreter for the deaf provided upon request)

An annual planning meeting and retreat. Persons requesting services of interpreter for the deaf are requested to do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, Monroe Building, 101 North 14th Street, 25th Floor, P.O. Box 2120, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free (800) 292-3829, e-mail mroberts@mail.vak12ed.edu.

May 25, 2000 - 9 a.m. -- Open Meeting
Cultural Arts Center, 2880 Mountain Road, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

A summit for the fine arts. Persons requesting services of interpreter for the deaf are requested to do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, Monroe Building, 101 North 14th Street, 25th Floor, P.O. Box 2120, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free (800) 292-3829, e-mail mroberts@mail.vak12ed.edu.

May 26, 2000 - 9 a.m. -- Open Meeting
Cultural Arts Center, 2880 Mountain Road, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Persons requesting services of interpreter for the deaf are requested to do so in advance.

The Board of Education seeks public comment on the proposed Standards of Learning for computer/technology to be completed by grade 12. The purpose of the standards is to ensure mastery of skills that will result in students who are both computer literate and competent in application of skills. Proposal may be viewed at www.pen.k12.va.us. Written comments will be received until May 12, 2000.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, Monroe Building, 101 North 14th Street, 25th Floor, P.O. Box 2120, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free (800) 292-3829, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

April 12, 2000 - 7 p.m. -- Open Meeting
Old School House, State Route 42 (Senedo Road) and State Route 767 (Quicksburg Road), Forestville, Virginia.

A public meeting on the development of a total maximum daily load for fecal coliform bacteria for Holmans Creek located in Shenandoah County.

Contact: Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 574-7878, e-mail rvbodkin@deq.state.va.us.


Technical Advisory Committee

April 14, 2000 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)


A meeting to discuss possible amendments to the Regulations for the Development of Solid Waste Management Plans and Recycling Rates (9 VAC 20-130-10 et seq.).

Contact: Robert G. Wickline, Waste Operations Division, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4213, toll-free 1-800-592-5482 or (804) 698-4021/TTY ♿


BOARD FOR GEOLOGY

April 20, 2000 - 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 West Broad Street, Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475 or (804) 367-9753/TTY 

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

April 11, 2000 - 9 a.m. -- Open Meeting
State Council of Higher Education, James Monroe Building, 101 North 14th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A teleconferenced meeting. Locations available include McGuire, Woods, Battle and Boothe, World Trade Center, Suite 9000, Norfolk, Virginia, and 420 Park Street, Charlottesville, Virginia. Time may vary.


Contact: Kathy R. Robinson, Executive Secretary Senior, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, telephone (804) 225-2628, FAX (804) 225-2638, e-mail robinson@schv.edu.

April 18, 2000 - 9 a.m. -- Open Meeting
The College of William and Mary, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting.

Contact: Kathy R. Robinson, Executive Secretary Senior, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, telephone (804) 225-2628, FAX (804) 225-2638, e-mail robinson@schv.edu.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 2, 2000 - 9 a.m. -- Open Meeting
June 6, 2000 - 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 as required by SARA Title III.


Contact: Robert Brown, Emergency Services Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

April 14, 2000 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-21-10 et seq. Virginia Certification Standards.** The proposed amendments (i) clarify the requirements for combination inspectors to obtain a certificate of competence; (ii) permit the issuance of provisional certificates under certain conditions; (iii) permit the board to appoint an advisory peer review committee to advise the board concerning proposed sanctions against a certificate holder; (iv) allow the board to impose sanctions on certificate holders under certain conditions; and (v) allow administrative appeals to the Technical Review Board to resolve disputes.

Statutory Authority: §§ 36-98.3 and 36-137 of the Code of Virginia.

Contact: George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, VA 23219-1321, telephone (804) 371-7180, FAX (804) 371-9092 or (804) 371-7089/TTY 

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April 14, 2000 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code.** The proposed amendments (i) require the fire code official to enforce the provision of the building code regarding maintenance of smoke detectors in certain dwellings; (ii) require the fire code official to enforce the provision of the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) regarding installation of fire extinguishers and smoke detectors in state regulated facilities (Use Groups R-2, R-3 and R-4 only); (iii) amend the provision concerning the appointment of local assistant fire marshals to conform with state law; (iv) address a potential safety problem with an already installed fire sprinkler device that may not function properly during a fire situation; (v) add a requirement for fire exit drills to be conducted at state regulated care facilities at least 12 times per year with not less than six of the drills being unannounced; (vi) delete all references regarding regulation of transportation of explosive materials and add a reference to Regulations Governing the Transportation of Hazardous Materials (9 VAC 20-110-10 et seq.); (vii) amend the definition of fireworks to conform with the Code of Virginia; and (viii) allow the storage of motor fuels in aboveground tanks at public service stations when the installation meets the National Fire Protection Association standard.

Calendar of Events

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

Contact: George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, VA 23219-1321, telephone (804) 371-7180, FAX (804) 371-9092 or (804) 371-7089/TTY ☎

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April 14, 2000 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code.** The proposed amendments (i) require that persons under contract to a local building department for enforcement of the USBC be certified and attend periodic training courses as designated by the Department of Housing and Community Development and such other training as designated by the local governing body in the same manner as required for employees; (ii) allow for exceptions to filing duplicate construction documents when the already submitted construction documents and site plans were approved for identical structures in the same development and for dwellings with reverse floor plans; (iii) clarify that the code official's approval of construction documents is limited to only those items that are within the scope of the USBC; (iv) require that certain measures be taken in the construction of one- and two-family homes in counties or cities with an average residential radon level greater than 4 picoCuries per liter; (v) require that building officials ensure that exterior insulation and finish systems are installed correctly; (vi) clarify that building code officials are allowed to accept third party reviews of construction documents; (vii) require that for new construction, fire walls, fire separation assemblies, fire partitions, and smoke barriers are to be marked with language warning against the creation of holes, and that the warnings must be no more than eight feet apart, above ceilings and at all ceiling access doors; (viii) provide an exemption for the requirement of fire sprinkler systems in certain types of closets; (ix) provide an exemption from the requirement that a toilet be provided when the structure or tenant space has an occupant load less than 150 and food and beverages are neither served nor consumed on the premises; (x) provide an exemption from a requirement that separate-sex toilet facilities be provided when the mercantile space is less than 5,000 square feet; and (xi) require that, in new construction of buildings four stories or more, at least one elevator be provided for emergency access to all floors, be sized to accommodate an ambulance stretcher, and be identified by the emergency medical services international symbol (star of life).

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

Contact: George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, VA

23219-1321, telephone (804) 371-7180, FAX (804) 371-9092 or (804) 371-7089/TTY ☎

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

† **April 21, 2000 - 10 a.m.** -- Open Meeting

† **May 19, 2000 - 10 a.m.** -- Open Meeting

Department of Housing and Community Development, The Jackson Center, 501 North Second Street, 1st Floor, Conference Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to hear administrative appeals concerning building and fire codes and other regulations of the department. The board also issues and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Secretary, Office of the Review Board, Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, VA 23219, telephone (804) 371-7180 or (804) 371-7089/TTY ☎.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **April 18, 2000 - 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 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) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as the board may deem appropriate. Various committees of the board 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, South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, or (804) 783-6705/TTY ☎

DEPARTMENT OF LABOR AND INDUSTRY

Migrant and Seasonal Farmworkers Board

April 19, 2000 - 10 a.m. -- Open Meeting

State Capitol, House Room 1, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.

Contact: Patti C. Bell, Public Relations Coordinator, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219-4160, telephone (804) 225-3083, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail pcb@doli.state.va.us.

LONGWOOD COLLEGE

April 13, 2000 - 2 p.m. -- Open Meeting
Longwood College, Lancaster 215, Farmville, Virginia. ♿

A meeting of the Executive Committee of the Board of Visitors to conduct routine business.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood College, 201 High Street, Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, toll-free (800) 281-4677, e-mail jhayden@longwood.lwc.edu.

† **April 14, 2000 - 9 a.m.** -- Open Meeting
Longwood College, 201 High Street, Lancaster 215, Farmville, Virginia. ♿

A meeting to conduct routine business of the Board of Visitors' committees.

Student Affairs Committee - 9 a.m.
Facilities and Services Committee - 11 a.m.
Finance Committee - 1 p.m.
Academic Affairs Committee - 3:15 p.m.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood College, 201 High Street, Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, toll-free (800) 281-4677, e-mail jhayden@longwood.lwc.edu.

MARINE RESOURCES COMMISSION

April 25, 2000 - 9:30 a.m. -- Open Meeting
May 23, 2000 - 9:30 a.m. -- Open Meeting
June 27, 2000 - 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 beginning 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 beginning at approximately noon: regulatory proposals, fishery management plans, fishery conservation issues, licensing, and shellfish leasing. 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

April 14, 2000 - 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.** The purpose of the proposed amendment is to repeal certain obstetric and pediatric procedures from the State Plan.

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

Public comments may be submitted until April 14, 2000, to Bobby Powell, Program 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 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

Drug Utilization Review Board

May 11, 2000 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ♿

A routine business meeting.

Contact: Marianne Rollings, DUR Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail mrollings@dmas.state.va.us.

BOARD OF MEDICINE

April 20, 2000 - 9 a.m. -- Open Meeting
Central Park Hotel, 2801 Plank Road, Fredericksburg, Virginia.

A panel of the board will convene pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Staff, Board of Medicine, 6606 West Broad Street Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail PSadler@dhp.state.va.us.

Calendar of Events

Advisory Committee on Acupuncture

May 10, 2000 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review of 18 VAC 85-110-10 et seq., Regulations Governing the Practice of Licensed Acupuncturists, and such other issues which may be presented. The advisory committee will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY

Informal Conference Committee

April 27, 2000 - 9:30 a.m. -- Open Meeting

Wyndham Roanoke Hotel, Hersherberger Road, Roanoke, Virginia.

† **April 28, 2000 - 9:30 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **May 4, 2000 - 9 a.m.** -- Open Meeting

Central Park Hotel, 2801 Plank Road, Fredericksburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY

Legislative Committee

May 26, 2000 - 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 meeting to discuss legislative issues related to board activities and regulations, to review any pending regulations pursuant to regulatory review or legislative action, and to 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: William L. Harp, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717,

telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY

Advisory Board on Occupational Therapy

May 11, 2000 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-80-10 et seq., Regulations for Licensure of Occupational Therapists, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY

Advisory Board on Physical Therapy

May 12, 2000 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-31-10 et seq., Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY

Advisory Committee on Physician Assistants


May 12, 2000 - 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 meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-50-10 et seq., Regulations Governing the Practice of Physician Assistants, and such other issues which may be presented. The advisory committee will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY

Advisory Committee on Radiological Technology

May 10, 2000 - 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 meeting to review public comments and make recommendations to the board regarding 18 VAC 85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited, and such other issues which may be presented. The advisory committee will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY 


Advisory Board on Respiratory Care

May 11, 2000 - 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 meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Care Practitioners, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY 


DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **April 27, 2000 - 1 p.m.** -- Open Meeting
WyteStone Suites of Potomac Mills, 14525 Gideon Drive, Woodbridge, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the State Human Rights Committee to discuss business and conduct hearings relating to human rights issues. Agenda items are available from the department.

Contact: Kli Kinzie, Executive Secretary, 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 

VIRGINIA MILITARY INSTITUTE


May 13, 2000 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Turman Room, Preston Library, Lexington, Virginia. 

A regular meeting of the Board of Visitors to receive committee reports; approve awards, distinctions and diplomas; discuss personnel changes; and elect a president pro tem. The Board of Visitors will not provide an opportunity for public comment at this meeting.

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 or FAX (540) 464-7660.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

April 12, 2000 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. 


A regular business meeting.

Contact: Millicent Ford, Manager, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-0132.


VIRGINIA MUSEUM OF NATURAL HISTORY

† **April 29, 2000 - 9 a.m.** -- Open Meeting
Holiday Inn, 1019 Millwood Pike, Winchester, 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 comments will be received following the approval of the February minutes.

Contact: Pat Christenbury, Executive Assistant, Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, VA 24112, telephone (540) 666-8600 or (540) 666-8638/TTY 

BOARD OF NURSING

May 15, 2000 - 8:30 a.m. -- Open Meeting
May 17, 2000 - 8:30 a.m. -- Open Meeting
May 18, 2000 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A panel of the board will conduct formal hearings with licensees and certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA

Calendar of Events

23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

Special Conference Committee

April 11, 2000 - 8:30 a.m. -- Open Meeting
April 13, 2000 - 8:30 a.m. -- Open Meeting
April 17, 2000 - 8:30 a.m. -- Open Meeting
April 26, 2000 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A meeting to 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 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF OPTOMETRY

May 3, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 5th Floor, 6606 West Broad Street, Conference Room 3, Richmond, Virginia ♿

The board will continue discussions on the development of regulations governing the practice of optometry in mercantile establishments pursuant to Executive Order 25(98). The board will also review the CPT codes related to optometry and consider any other business as may come before it. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Building, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail ecarter@dhp.state.va.us.

Informal Conference Committee

April 14, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Informal hearings. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail cstamey@dhp.state.va.us.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

May 31, 2000 - 9 a.m. -- Open Meeting
Library of Virginia, 800 East Broad Street, Lobby Level, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee.

Contact: Tom Ariail, Jr., Assistant Director of Board Operations, Virginia Board for People with Disabilities, Ninth Street Office Building, 202 North 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free 1-800-846-4464 or (804) 786-0016/TTY ☎

June 1, 2000 - 9 a.m. -- Open Meeting
Library of Virginia, 800 East Broad Street, Lobby Level, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Tom Ariail, Jr., Assistant Director of Board Operations, Virginia Board for People with Disabilities, Ninth Street Office Building, 202 North 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free 1-800-846-4464 or (804) 786-0016/TTY ☎

BOARD OF PHARMACY

April 11, 2000 - 8:30 a.m. -- Open Meeting
Hampton Inn Col Alto, 401 East Nelson Street, Lexington, Virginia ♿

The board will conduct a strategic planning workshop to discuss issues related to the practice of pharmacy.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Southern States Building, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail erussell@dhp.state.va.us.

April 12, 2000 - 8:30 a.m. -- Open Meeting
Hampton Inn Col Alto, 401 East Nelson Street, Lexington, Virginia ♿

A regular meeting to adopt the proposed regulations for collaborative practice (identical to emergency regulations) and consider other such business as may come before the board. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Southern States Building, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail erussell@dhp.state.va.us.

Special Conference Committee

April 25, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

Special Conference Committee to hear informal conference(s). Public comment will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Southern States Building, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail erussell@dhp.state.va.us.

BOARD OF PSYCHOLOGY

April 11, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

A formal administrative hearing to hear possible violations of Board of Psychology regulations and statutes. No public comment will be heard.

Contact: Arnice Covington, Administrative Assistant, Board of Psychology, 6606 West Broad Street, 4th Floor, Richmond, Virginia, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail acovington@dhp.state.va.us.

REAL ESTATE APPRAISER BOARD

April 11, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Administrator, Real Estate Appraiser Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475.

REAL ESTATE BOARD

April 12, 2000 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Real Estate Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475.

April 13, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475.

April 13, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **April 18, 2000 - 10 a.m.** -- Open Meeting
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Solid Waste Management Plan Review Subcommittee to discuss possible amendments to 9 VAC 20-130-10 et seq., Regulations for the Development of Solid Waste Management Plans, and recycling rates.

Contact: Richard S. Weber, Virginia Recycling Markets Development Council, 18 North King Street, Leesburg, VA 22075, telephone (703) 777-0187, FAX (703) 771-5523.

VIRGINIA RESOURCES AUTHORITY

April 11, 2000 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 2nd Floor Conference Room, Richmond, Virginia.

A meeting to approve minutes of the prior meeting, to review the authority's operations for the prior month, and to consider other matters and take other actions as the authority may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Benjamin M. Hoyle, Executive Assistant, Virginia Resources Authority, 707 East Main Street, Suite 1350, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES


April 13, 2000 - 5 p.m. -- Public Hearing
Virginia Western Community College, Student Center, 3095 Colonial Avenue, SW, Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to obtain input for establishing annual program priorities for fiscal year 2001.

Contact: Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 North Ninth Street, 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221, toll-free 1-800-552-3962, (804) 225-2042/TTY ☎, e-mail onessm@drvd.state.va.us.

Calendar of Events


SCIENCE MUSEUM OF VIRGINIA

† **April 27, 2000 - 3 p.m.** -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of Trustees.

Contact: Karen Spencer, Administrative Assistant, Science Museum of Virginia, 2500 West Broad Street, Richmond, VA 23220, telephone (804) 367-6799, FAX (804) 367-8410, toll-free (800) 659-1727, e-mail kspencer@smv.org.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

April 12, 2000 - 10 a.m. -- Open Meeting
Henrico County Human Resource Building, 8600 Dixon Powers Road, Board Room, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan C. Sherertz, Board Secretary, Sewage Handling and Disposal Appeal Review Board, 1500 East Main Street, Room 115, Richmond, VA 23219, telephone (804) 371-4236 or FAX (804) 225-4003.


STATE BOARD OF SOCIAL SERVICES


April 18, 2000 - 2 p.m. -- Open Meeting
Holiday Inn-Fair Oaks, 11787 Lee Jackson Memorial Highway, Fairfax, Virginia. 

A work session of the Welfare Reform Subcommittee.

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, 730 East Broad Street, Room 828, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962 or toll-free (800) 552-3431.

NOTE: CHANGE IN MEETING LOCATION

April 19, 2000 - 9 a.m. -- Open Meeting
Fairfax County Government Center, 12011 Government Center Parkway, Conference Room 910, Fairfax, Virginia. 

April 20, 2000 - 9 a.m. -- Open Meeting
Fairfax County Government Center, 12011 Government Center Parkway, Conference Room 120 C, Fairfax, Virginia. 

A work session and formal business meeting of the board. Public comments will be received at 1:30 p.m. on April 19.

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962 or toll-free (800) 552-3431.


June 9, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-600-10 et seq. Food Stamp Program - Administrative Disqualification Hearings.** Changes to the procedures for administrative hearings include that the decisions of the hearing officer is the final action, that notices may be sent by regular mail, and that the hearing may be held when the mail is returned to the agency.

Statutory Authority: §§ 63.1-25 and 63.1-124.2 of the Code of Virginia.

Contact: Patricia Duva, Food Stamp Program Manager, Division of Temporary Assistance Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1712 or FAX (804) 692-1704.


VIRGINIA TOURISM CORPORATION

April 12, 2000 - 9 a.m. -- Open Meeting
Jamestown Settlement, Education Center, Jamestown Virginia. 

A meeting of the Board of Directors.

Contact: Winston Evans, Administrative Assistant, Virginia Tourism Corporation, 901 East Byrd Street, 19th Floor, Richmond, VA 23219, telephone (804) 371-8174, FAX (804) 786-1919.

COMMONWEALTH TRANSPORTATION BOARD

April 19, 2000 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. 

Work session of the Commonwealth Transportation Board and the Department of Transportation

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

April 20, 2000 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. 

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 VDOT public affairs at 804-786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

TRANSPORTATION SAFETY BOARD

† **May 9, 2000 - 11 a.m.** -- Open Meeting
Central Park Hotel and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss highway safety issues.

Contact: Angelisa Jennings, Management Analyst, Transportation Safety Board, 2300 West Broad Street, Richmond, VA 23269, telephone (804) 367-2026, FAX (804) 367-6031.

DEPARTMENT OF THE TREASURY

Virginia College Building Authority

April 14, 2000 - 2 p.m. -- Open Meeting
Department of the Treasury, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Spring Bond Sale (Equipment and 21st Century).

Contact: Darnell McGhee, Administrative Assistant, Department of the Treasury, 101 North 14th Street, 3rd Floor, Richmond, VA 23219, telephone (804) 225-4927, FAX (804) 225-3187, e-mail darnell.mcghee@trs.state.va.us.

BOARD OF VETERINARY MEDICINE

† **April 11, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Special conference committee hearings. This is a public meeting; however, public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, or (804) 662-7197/TTY, e-mail tbehr@dhp.state.va.us.

BOARD FOR THE VISUALLY HANDICAPPED

April 18, 2000 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to receive information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY, e-mail proffikc@dvh.state.va.us.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Statewide Rehabilitation Council for the Blind

June 10, 2000 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting to advise the department on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, VR Program Director, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY

VIRGINIA WASTE MANAGEMENT BOARD

† **April 14, 2000 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the advisory committee assisting the Virginia Waste Management Board on proposed amendments to 9 VAC 20-130-10 et seq., Regulations for the Development of Solid Waste Management Plans.

Contact: Robert G. Wickline, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, (804) 698-4021, e-mail rgwickline@deq.state.va.us.

† **April 27, 2000 - 9 a.m.** -- Open Meeting

† **May 25, 2000 - 9 a.m.** -- Open Meeting

† **June 15, 2000 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the ad hoc advisory group assisting the Virginia Waste Management Board in the development of proposed amendments to 9 VAC 20-70-10 et seq., Financial Assurance Regulations for Solid Waste Facilities.


Contact: Melissa Porterfield, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, e-mail mporterfi@deq.state.va.us.

Calendar of Events


VIRGINIA WORKFORCE COUNCIL

† **April 19, 2000 - 10 a.m.** -- Open Meeting

† **May 23, 2000 - 10 a.m.** -- Open Meeting

Virginia Employment Commission, Central Office, 703 East Main Street, Conference Room 303, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Existing Workforce and the Hard-to-Employ Committee to consider the option afforded the state to use a discretionary formula for up to 30% of the Workforce Investment Act (WIA) youth and adult local allocation for the fiscal year beginning July 1, 2001. Public comment is at 11 a.m. A written copy of comments must be provided.

Contact: Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-2070, FAX (804) 371-8697 or (804) 828-1120/TTY 


LEGISLATIVE

SENATE COMMITTEE ON AGRICULTURE, CONSERVATION AND NATURAL RESOURCES

† **April 13, 2000 - 4 p.m.** -- Open Meeting

Virginia Tech, Donaldson Brown Hotel and Conference Center, Blacksburg, Virginia.  (Interpreter for the deaf provided upon request)

Dr. Wayne Purcell of VPI & SU will address the committee on rural economy. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations at least seven days prior to the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

CHRONOLOGICAL LIST

OPEN MEETINGS

April 10

Alcoholic Beverage Control Board
Chesapeake Bay Local Assistance Board

April 11

Auctioneers Board
Contractors, Board for
- Tradesman Committee
Higher Education for Virginia, State Council of
Nursing, Board of
- Special Conference Committee
Pharmacy, Board of
Psychology, Board of
Real Estate Appraiser Board
Resources Authority, Virginia
- Board of Directors

† Veterinary Medicine, Board of

April 12

Environmental Quality, Department of
Motor Vehicles, Department of
- Medical Advisory Board
Pharmacy, Board of
Real Estate Board
- Real Estate Education Committee
Sewage Handling and Disposal Appeal Review Board
Tourism Corporation, Virginia
- Board of Directors

April 13

† Agriculture, Conservation and Natural Resources,
Senate Committee on
Agriculture and Consumer Services, Board of
- Pesticide Control Board
† Longwood College
- Executive Committee of the Board of Visitors
Nursing, Board of
- Special Conference Committee
Real Estate Board
- Fair Housing Committee

April 14

Compensation Board
Environmental Quality, Department of
- Technical Advisory Committee
† Longwood College
- Academic Affairs Committee
- Facilities and Services Committee
- Finance Committee
- Student Affairs Committee
Optometry, Board of
- Informal Conference Committee
Treasury, Department of the
- Virginia College Building Authority
† Waste Management Board, Virginia
- Advisory Committee

April 17

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Design-Build/Construction Management Review Board
Nursing, Board of
- Special Conference Committee

April 18

† Aviation Board, Virginia
† Corrections, Board of
- Correctional Services Committee
Higher Education for Virginia, State Council of
† Housing Development Authority, Virginia
- Board of Commissioners
† Recycling Markets Development Council, Virginia
- Solid Waste Management Plan Review
Subcommittee
Social Services, State Board of
Visually Handicapped, Board for the

April 19

Accountancy, Board of
Aging, Commonwealth Council on

- Public Relations Committee
- † Aviation Board, Virginia
- Cemetery Board
 - Recovery Fund Committee
- † Corrections, Board of
 - Administration Committee
- Labor and Industry, Department of
 - Migrant and Seasonal Farmworkers Board
- Social Services, State Board of
- Transportation Board, Commonwealth
- † Workforce Council, Virginia
 - Existing Workforce and the Hard-to-Employ Committee

April 20

- † Charitable Gaming Commission
- Geology, Board for
- Medicine, Board of
 - Formal Administrative Committee
- Social Services, State Board of
- Transportation Board, Commonwealth

April 21

- † Housing and Community Development, Department of
 - State Building Code Technical Review Board

April 24

- Alcoholic Beverage Control Board

April 25

- † Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee
- Compensation Board
- Marine Resources Commission
- Pharmacy, Board of
 - Special Conference Committee

April 26

- At-Risk Youth and Their Families, Comprehensive Services for
 - State Executive Council
- Education, Board of
- Nursing, Board of
 - Special Conference Committee

April 27

- Education, Board of
- Medicine, Board of
 - Informal Conference Committee
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
 - State Human Rights Committee
- † Science Museum of Virginia
 - Board of Trustees
- † Waste Management Board, Virginia
 - Ad Hoc Advisory Committee

April 28

- Education, Board of
- † Medicine, Board of
 - Informal Conference Committee

April 29

- † Museum of Natural History, Virginia
 - Board of Trustees

May 2

- Hopewell Industrial Safety Council

May 3

- Optometry, Board of

May 4

- Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- † Medicine, Board of
 - Informal Conference Committee

May 8

- Alcoholic Beverage Control Board

May 9

- † Transportation Safety Board

May 10

- Medicine, Board of
 - Advisory Committee on Acupuncture
 - Advisory Committee on Radiological Technology

May 11

- Medical Assistance Services, Department of
 - Drug Utilization Review Board
- Medicine, Board of
 - Advisory Board on Occupational Therapy
 - Advisory Board on Respiratory Care

May 12

- Medicine, Board of
 - Advisory Board on Physical Therapy
 - Advisory Committee on Physician Assistants

May 13

- Military Institute, Virginia

May 15

- Design-Build/Construction Management Review Board
- Nursing, Board of

May 17

- Nursing, Board of

May 18

- † Agriculture and Consumer Services, Board of
- Nursing, Board of

May 19

- † Housing and Community Development, Department of
 - State Building Code Technical Review Board

May 22

- Alcoholic Beverage Control Board

May 23

- Marine Resources Commission
- † Workforce Council, Virginia
 - Existing Workforce and the Hard-to-Employ Committee

May 25

- Education, Board of
- † Waste Management Board, Virginia
 - Ad Hoc Advisory Committee

Calendar of Events

May 26

Education, Board of
Medicine, Board of
- Legislative Committee

May 31

At-Risk Youth and Their Families, Comprehensive
Services for
- State Executive Council
People with Disabilities, Virginia Board for
- Executive Committee

June 1

People with Disabilities, Virginia Board for

June 6

Hopewell Industrial Safety Council

June 10

Visually Handicapped, Department for the
- Statewide Rehabilitation Council for the Blind

June 15

† Waste Management Board, Virginia
- Ad Hoc Advisory Committee

June 27

Marine Resources Commission

PUBLIC HEARINGS

April 13

Rights of Virginians with Disabilities, Department for