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The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2000 VAC Supplement includes final regulations published through *Virginia Register* Volume 16, Issue 11, dated February 14, 2000). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 2. Agriculture</b>			
2 VAC 5-600-10	Amended	16:20 VA.R. 2458	5/31/00
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 20-252-120	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-270-40 emer	Amended	16:14 VA.R. 1885	3/1/00-3/30/00
4 VAC 20-270-40	Amended	16:16 VA.R. 2041	3/30/00
4 VAC 20-310-30	Amended	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-35	Added	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-40	Amended	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-50	Amended	16:19 VA.R. 2379	5/15/00
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 20-620-10 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-20	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-20 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-30	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-30 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-40	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-40 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-50	Amended	16:14 VA.R. 1861	3/1/00
4 VAC 20-620-50	Amended	16:20 VA.R. 2464	5/25/00
4 VAC 20-620-50 emer	Amended	16:18 VA.R. 2293	4/26/00-5/25/00
4 VAC 20-620-70	Amended	16:14 VA.R. 1861	3/1/00
4 VAC 20-620-70	Amended	16:20 VA.R. 2465	5/25/00
4 VAC 20-620-70 emer	Amended	16:18 VA.R. 2294	4/26/00-5/25/00
4 VAC 20-700-20	Amended	16:16 VA.R. 2041	4/1/00
4 VAC 20-700-20	Amended	16:23 VA.R. 2890	7/1/00
4 VAC 20-720-20	Amended	16:12 VA.R. 1671	2/4/00
4 VAC 20-720-40	Amended	16:12 VA.R. 1671	2/4/00
4 VAC 20-720-50	Amended	16:12 VA.R. 1672	2/4/00
4 VAC 20-720-60	Amended	16:12 VA.R. 1672	2/4/00
4 VAC 20-720-70	Amended	16:12 VA.R. 1673	2/4/00
4 VAC 20-720-80	Amended	16:12 VA.R. 1673	2/4/00
4 VAC 20-752-20	Amended	16:23 VA.R. 2890	7/1/00
4 VAC 20-752-30	Amended	16:23 VA.R. 2891	7/1/00
4 VAC 20-890-20	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-890-25	Amended	16:12 VA.R. 1674	2/2/00
4 VAC 20-890-25	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-30	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-40	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-900-10 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25	Amended	17:1 VA.R. 63	9/1/00
4 VAC 20-900-25 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-910-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 20-910-45	Amended	16:23 VA.R. 2891	7/1/00
4 VAC 20-950-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 20-1040-10	Amended	16:20 VA.R. 2465	5/26/00
4 VAC 20-1040-20	Amended	16:20 VA.R. 2465	5/26/00
4 VAC 20-1040-30	Repealed	16:20 VA.R. 2465	5/26/00
4 VAC 25-30 (Forms)	Amended	16:23 VA.R. 2967	--
4 VAC 25-130-700.5	Amended	16:15 VA.R. 1956	5/10/00
4 VAC 25-130-795.1	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.6	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.7	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.8	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.9	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.10	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.11	Amended	16:15 VA.R. 1970	5/10/00
4 VAC 25-130-795.12	Amended	16:15 VA.R. 1970	5/10/00
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 15-31-10	Amended	16:24 VA.R. 3082	9/17/00
6 VAC 15-31-50	Amended	16:24 VA.R. 3083	9/17/00
6 VAC 15-31-80	Amended	16:24 VA.R. 3083	9/17/00
6 VAC 15-31-120 through 6 VAC 15-31-140	Amended	16:24 VA.R. 3083-3086	9/17/00
6 VAC 15-31-160	Amended	16:24 VA.R. 3086	9/17/00
6 VAC 15-31-180 through 6 VAC 15-31-210	Amended	16:24 VA.R. 3086-3087	9/17/00
6 VAC 15-31-230 through 6 VAC 15-31-280	Amended	16:24 VA.R. 3087-3089	9/17/00
6 VAC 15-31-300 through 6 VAC 15-31-320	Amended	16:24 VA.R. 3089-3090	9/17/00
6 VAC 15-31-370	Amended	16:24 VA.R. 3090	9/17/00
6 VAC 15-31-410	Amended	16:24 VA.R. 3090	9/17/00
6 VAC 15-61-10	Amended	16:24 VA.R. 3090	9/17/00
6 VAC 15-61-40	Amended	16:24 VA.R. 3092	9/17/00
6 VAC 15-61-100	Amended	16:24 VA.R. 3092	9/17/00
6 VAC 15-61-120	Amended	16:24 VA.R. 3092	9/17/00
6 VAC 15-61-130	Amended	16:24 VA.R. 3092	9/17/00
6 VAC 15-61-150	Amended	16:24 VA.R. 3093	9/17/00
6 VAC 15-61-200 through 6 VAC 15-61-220	Amended	16:24 VA.R. 3093-3095	9/17/00
6 VAC 15-70-10	Amended	16:24 VA.R. 3096	9/17/00
6 VAC 15-70-30 through 6 VAC 15-70-160	Amended	16:24 VA.R. 3096-3102	9/17/00
6 VAC 20-171-420	Erratum	16:14 VA.R. 1911	--
<b>Title 8. Education</b>			
8 VAC 20-131-10 through 8 VAC 20-131-150	Amended	16:25 VA.R. 3228-3237	9/28/00
8 VAC 20-131-170	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-180	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-210	Amended	16:25 VA.R. 3238	9/28/00
8 VAC 20-131-220	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-240	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-250	Repealed	16:25 VA.R. 3240	9/28/00
8 VAC 20-131-260 through 8 VAC 20-131-320	Amended	16:25 VA.R. 3240-3249	9/28/00
8 VAC 20-131-325	Added	16:25 VA.R. 3249	9/28/00
8 VAC 20-131-340	Amended	16:25 VA.R. 3250	9/28/00
<b>Title 9. Environment</b>			
9 VAC 5-10-20*	Amended	16:17 VA.R. 2135	*
9 VAC 5-20-21	Amended	16:17 VA.R. 2161	7/1/00
9 VAC 5-20-180*	Amended	16:17 VA.R. 2142	*
9 VAC 5-20-202	Amended	16:17 VA.R. 2163	7/1/00

\* Effective date suspended.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-10*	Amended	16:17 VA.R. 2144	*
9 VAC 5-40-20*	Amended	16:17 VA.R. 2145	*
9 VAC 5-40-30*	Amended	16:17 VA.R. 2149	*
9 VAC 5-40-40*	Amended	16:17 VA.R. 2150	*
9 VAC 5-40-50*	Amended	16:17 VA.R. 2151	*
9 VAC 5-40-5200	Amended	16:24 VA.R. 3102	10/1/00
9 VAC 5-40-6000 through 9 VAC 5-40-6230	Added	16:17 VA.R. 2164-2178	7/1/00
9 VAC 5-40-6180	Erratum	16:19 VA.R. 2399	--
9 VAC 5-50-10*	Amended	16:17 VA.R. 2152	*
9 VAC 5-50-20*	Amended	16:17 VA.R. 2152	*
9 VAC 5-50-30*	Amended	16:17 VA.R. 2155	*
9 VAC 5-50-40*	Amended	16:17 VA.R. 2156	*
9 VAC 5-50-50*	Amended	16:17 VA.R. 2157	*
9 VAC 5-50-400	Amended	16:14 VA.R. 1863	5/1/00
9 VAC 5-60-10*	Amended	16:17 VA.R. 2158	*
9 VAC 5-60-20*	Amended	16:17 VA.R. 2158	*
9 VAC 5-60-30	Amended	16:17 VA.R. 2159	*
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 5-90-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-100-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 20-60-18	Amended	17:2 VA.R. 220	11/8/00
9 VAC 25-31-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-30	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-40	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-100	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-120	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-121 (renumbered from 9 VAC 25-31-125)	Added	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-190	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-200	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-230	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-340	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-390	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-500	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-570	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-580	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-590	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-620	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-660	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-670	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-710	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-720	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-750	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-770	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-780	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-800	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-810	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-840	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-50	Amended	16:25 VA.R. 3254	9/27/00

\* Effective date suspended.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-210-110	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210 (Forms)	Amended	16:12 VA.R. 1711-1714	--
9 VAC 25-220-60	Amended	16:15 VA.R. 1971	5/10/00
9 VAC 25-220-70	Amended	16:15 VA.R. 1971	5/10/00
9 VAC 25-260-350	Amended	16:17 VA.R. 2178	6/7/00
9 VAC 25-260-400	Amended	16:17 VA.R. 2179	6/7/00
9 VAC 25-400-10	Amended	16:25 VA.R. 3255	9/27/00
<b>Title 11. Gaming</b>			
11 VAC 10-60-10	Amended	16:21 VA.R. 2623	8/4/00
11 VAC 10-60-15	Added	16:21 VA.R. 2627	8/4/00
11 VAC 10-60-20	Amended	16:21 VA.R. 2628	8/4/00
11 VAC 10-60-30	Repealed	16:21 VA.R. 2628	8/4/00
11 VAC 10-60-40	Amended	16:21 VA.R. 2629	8/4/00
11 VAC 10-60-60	Repealed	16:21 VA.R. 2631	8/4/00
11 VAC 10-60-70	Amended	16:21 VA.R. 2631	8/4/00
11 VAC 10-60-120	Amended	16:21 VA.R. 2633	8/4/00
11 VAC 10-60-130	Amended	16:21 VA.R. 2636	8/4/00
11 VAC 10-60-140	Amended	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-150	Amended	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-290	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-300	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-310	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-320	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-100-30	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-110	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-170	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-100-210	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-30	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-90	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-230	Added	16:25 VA.R. 3263	8/8/00
11 VAC 10-120-50	Amended	16:26 VA.R. 3507	8/14/00
11 VAC 10-120-80	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-120-90	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-150-10	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-20	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-30	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-40	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-80	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-90	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-120	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-130	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-170	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-180-10 through 11 VAC 10-180-80	Amended	16:23 VA.R. 2892-2898	7/10/00
<b>Title 12. Health</b>			
12 VAC 5-80-10	Amended	16:16 VA.R. 2042	7/1/00
12 VAC 5-80-20	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-30	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-40	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-50	Repealed	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-80	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-90	Amended	16:16 VA.R. 2045	7/1/00
12 VAC 5-80-95	Added	16:16 VA.R. 2045	7/1/00
12 VAC 5-80-100	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-80-110	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-80-120	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-165-10 through 12 VAC 5-165-310	Added	16:16 VA.R. 2048-2051	5/24/00



## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-165-100	Erratum	16:19 VA.R. 2399	--
12 VAC 5-371-150	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-371-260	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-410-220	Amended	17:1 VA.R. 65	10/27/00
12 VAC 5-590-370	Amended	16:21 VA.R. 2647	8/3/00
12 VAC 5-590-545	Added	16:21 VA.R. 2662	8/3/00
12 VAC 5-590 Appendix O	Added	16:21 VA.R. 2667	8/3/00
12 VAC 5-610-10	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-20	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-30	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-40	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-50	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-70	Amended	16:16 VA.R. 2052	7/1/00
12 VAC 5-610-75	Added	16:16 VA.R. 2053	7/1/00
12 VAC 5-610-80	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-90	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-100	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-110	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-120	Amended	16:16 VA.R. 2053	7/1/00
12 VAC 5-610-130	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-140	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-150	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-170	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-180	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-190	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-200	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-230	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-250	Amended	16:16 VA.R. 2055	7/1/00
12 VAC 5-610-255	Added	16:16 VA.R. 2057	7/1/00
12 VAC 5-610-260	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-270	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-280	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-290	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-300	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-330	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-340	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-360	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-370	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-380	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-390	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-420	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-430	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-440	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-441 through 12 VAC 5-610-448	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-450	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-470	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-480	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-490	Amended	16:16 VA.R. 2061	7/1/00
12 VAC 5-610-500	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-510 through 12 VAC 5-610-550	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-560	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-570	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-580	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-591	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-592	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-593	Added	16:16 VA.R. 2063	7/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-594	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-596	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-597	Added	16:16 VA.R. 2064	7/1/00
12 VAC 5-610-598	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-599	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-599.1 through 12 VAC 5-610-599.3	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-620	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-650	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-670	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-690	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-700	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-740	Amended	16:16 VA.R. 2068	7/1/00
12 VAC 5-610-800	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-810	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-815	Added	16:16 VA.R. 2068	7/1/00
12 VAC 5-610-817	Added	16:16 VA.R. 2069	7/1/00
12 VAC 5-610-820	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-830	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-840	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-880	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-890	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-930	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-940	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-950	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-960	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-965	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-980	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1080	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1140	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1150	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 30-10-140	Amended	16:18 VA.R. 2239	7/1/00
12 VAC 30-10-1000 emer	Added	16:23 VA.R. 2912	7/1/00-6/30/01
12 VAC 30-20-500 through 12 VAC 30-20-599 emer	Added	16:23 VA.R. 2912-2914	7/1/00-6/30/01
12 VAC 30-40-345	Added	16:15 VA.R. 1973	5/10/00
12 VAC 30-50-10	Amended	16:18 VA.R. 2240	7/1/00
12 VAC 30-50-100	Amended	16:18 VA.R. 2244	7/1/00
12 VAC 30-50-105	Amended	16:18 VA.R. 2246	7/1/00
12 VAC 30-50-140	Amended	16:18 VA.R. 2247	7/1/00
12 VAC 30-50-180	Amended	16:19 VA.R. 2380	7/5/00
12 VAC 30-50-220	Amended	16:18 VA.R. 2248	7/1/00
12 VAC 30-50-320	Added	16:18 VA.R. 2240	7/1/00
12 VAC 30-50-490 emer	Added	16:23 VA.R. 2920	7/1/00-6/30/01
12 VAC 30-50-560	Amended	16:18 VA.R. 2249	7/1/00
12 VAC 30-50-570	Amended	16:18 VA.R. 2250	7/1/00
12 VAC 30-50-580	Added	16:18 VA.R. 2251	7/1/00
12 VAC 30-70-140 through 12 VAC 30-70-143 emer	Repealed	16:23 VA.R. 2914-2916	7/1/00-6/30/01
12 VAC 30-70-200	Repealed	16:18 VA.R. 2253	7/1/00
12 VAC 30-70-201	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-210	Repealed	16:18 VA.R. 2253	7/1/00
12 VAC 30-70-211	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-220	Repealed	16:18 VA.R. 2256	7/1/00
12 VAC 30-70-221	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-230	Repealed	16:18 VA.R. 2256	7/1/00
12 VAC 30-70-231	Added	16:18 VA.R. 2263	7/1/00
12 VAC 30-70-240	Repealed	16:18 VA.R. 2257	7/1/00
12 VAC 30-70-241	Added	16:18 VA.R. 2264	7/1/00

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-70-250	Repealed	16:18 VA.R. 2257	7/1/00
12 VAC 30-70-251	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-260	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-261	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-270	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-271	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-280	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-281	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-290	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-291	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-300	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-301	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-310	Repealed	16:18 VA.R. 2259	7/1/00
12 VAC 30-70-311	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-320	Repealed	16:18 VA.R. 2259	7/1/00
12 VAC 30-70-321	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-330	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-331	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-340	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-341	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-350	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-351	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-360	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-361	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-370	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-371	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-380	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-381	Added	16:18 VA.R. 2268	7/1/00
12 VAC 30-70-390	Repealed	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-391	Added	16:18 VA.R. 2268	7/1/00
12 VAC 30-70-400	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-410	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-420	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-435	Added	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-450	Amended	16:18 VA.R. 2270	7/1/00
12 VAC 30-70-460	Amended	16:18 VA.R. 2270	7/1/00
12 VAC 30-80-160	Repealed	16:19 VA.R. 2380	7/5/00
12 VAC 30-90-20 emer	Amended	16:23 VA.R. 2948	7/1/00-6/30/01
12 VAC 30-90-30 through 12 VAC 30-90-33 emer	Repealed	16:23 VA.R. 2948-2951	7/1/00-6/30/01
12 VAC 30-90-34 emer	Amended	16:23 VA.R. 2951	7/1/00-6/30/01
12 VAC 30-90-35 through 12 VAC 30-90-37 emer	Added	16:23 VA.R. 2953-2956	7/1/00-6/30/01
12 VAC 30-90-40 emer	Amended	16:23 VA.R. 2956	7/1/00-6/30/01
12 VAC 30-90-41 emer	Amended	16:23 VA.R. 2956	7/1/00-6/30/01
12 VAC 30-90-42 emer	Repealed	16:23 VA.R. 2958	7/1/00-6/30/01
12 VAC 30-90-43 emer	Repealed	16:23 VA.R. 2959	7/1/00-6/30/01
12 VAC 30-90-50 emer	Amended	16:23 VA.R. 2959	7/1/00-6/30/01
12 VAC 30-90-51 emer	Amended	16:23 VA.R. 2959	7/1/00-6/30/01
12 VAC 30-90-53 emer	Repealed	16:23 VA.R. 2960	7/1/00-6/30/01
12 VAC 30-90-54 emer	Repealed	16:23 VA.R. 2960	7/1/00-6/30/01
12 VAC 30-90-60 emer	Amended	16:23 VA.R. 2960	7/1/00-6/30/01
12 VAC 30-90-65 emer	Amended	16:23 VA.R. 2961	7/1/00-6/30/01
12 VAC 30-90-130 through 12 VAC 30-90-133 emer	Repealed	16:23 VA.R. 2916-2917	7/1/00-6/30/01
12 VAC 30-90-136 emer	Added	16:23 VA.R. 2961	7/1/00-6/30/01
12 VAC 30-90-160 emer	Amended	16:23 VA.R. 2961	7/1/00-6/30/01
12 VAC 30-90-220 through 12 VAC 30-90-222 emer	Repealed	16:23 VA.R. 2961-2962	7/1/00-6/30/01
12 VAC 30-90-260 emer	Repealed	16:23 VA.R. 2962	7/1/00-6/30/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-90-264 emer	Amended	16:23 VA.R. 2962	7/1/00-6/30/01
12 VAC 30-90-280 emer	Repealed	16:23 VA.R. 2965	7/1/00-6/30/01
12 VAC 30-100-260	Amended	16:18 VA.R. 2252	7/1/00
12 VAC 30-120-61 through 12 VAC 30-120-68	Added	16:18 VA.R. 2240-2243	7/1/00
12 VAC 30-120-700 through 12 VAC 30-120-800 emer	Added	16:23 VA.R. 2922-2946	7/1/00-6/30/01
<b>Title 13. Housing</b>			
13 VAC 5-21-10	Amended	16:20 VA.R. 2468	9/15/00
13 VAC 5-21-20	Amended	16:20 VA.R. 2468	9/15/00
13 VAC 5-21-30	Repealed	16:20 VA.R. 2468	9/15/00
13 VAC 5-21-31	Added	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-40	Repealed	16:20 VA.R. 2469	9/15/00
13 VAC 5-21-41	Added	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-50	Repealed	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-51	Added	16:20 VA.R. 2471	9/15/00
13 VAC 5-21-60	Repealed	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-61	Added	16:20 VA.R. 2471	9/15/00
13 VAC 5-21-71	Added	16:20 VA.R. 2472	9/15/00
13 VAC 5-51-10 through 13 VAC 5-51-120	Repealed	16:20 VA.R. 2473-2476	9/15/00
13 VAC 5-51-11 through 13 VAC 5-51-121	Added	16:20 VA.R. 2477-2484	9/15/00
13 VAC 5-51-130	Amended	16:23 VA.R. 2902	9/15/00
13 VAC 5-51-131	Added	16:20 VA.R. 2484	9/15/00
13 VAC 5-51-133	Added	16:20 VA.R. 2484	9/15/00
13 VAC 5-51-135	Added	16:23 VA.R. 2903	9/15/00
13 VAC 5-51-136	Added	16:20 VA.R. 2485	9/15/00
13 VAC 5-51-150	Amended	16:20 VA.R. 2485	9/15/00
13 VAC 5-51-170	Amended	16:20 VA.R. 2485	9/15/00
13 VAC 5-51-181	Added	16:20 VA.R. 2486	9/15/00
13 VAC 5-51-182	Added	16:20 VA.R. 2487	9/15/00
13 VAC 5-51-190	Added	16:20 VA.R. 2487	9/15/00
13 VAC 5-51-200	Added	16:20 VA.R. 2487	9/15/00
13 VAC 5-61-10 through 13 VAC 5-61-190	Repealed	16:20 VA.R. 2488-2495	9/15/00
13 VAC 5-61-11	Added	16:20 VA.R. 2495	9/15/00
13 VAC 5-61-15	Added	16:20 VA.R. 2496	9/15/00
13 VAC 5-61-21	Added	16:20 VA.R. 2496	9/15/00
13 VAC 5-61-25	Added	16:20 VA.R. 2497	9/15/00
13 VAC 5-61-31	Added	16:20 VA.R. 2497	9/15/00
13 VAC 5-61-35	Added	16:20 VA.R. 2498	9/15/00
13 VAC 5-61-41	Added	16:20 VA.R. 2498	9/15/00
13 VAC 5-61-45	Added	16:20 VA.R. 2499	9/15/00
13 VAC 5-61-51	Added	16:20 VA.R. 2499	9/15/00
13 VAC 5-61-55	Added	16:20 VA.R. 2501	9/15/00
13 VAC 5-61-61	Added	16:20 VA.R. 2502	9/15/00
13 VAC 5-61-65	Added	16:20 VA.R. 2503	9/15/00
13 VAC 5-61-71	Added	16:20 VA.R. 2503	9/15/00
13 VAC 5-61-75	Added	16:20 VA.R. 2503	9/15/00
13 VAC 5-61-81	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-85	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-91	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-95	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-101	Added	16:20 VA.R. 2505	9/15/00
13 VAC 5-61-105	Added	16:20 VA.R. 2505	9/15/00
13 VAC 5-61-111	Added	16:20 VA.R. 2506	9/15/00
13 VAC 5-61-115	Added	16:20 VA.R. 2507	9/15/00
13 VAC 5-61-121	Added	16:20 VA.R. 2508	9/15/00
13 VAC 5-61-125	Added	16:20 VA.R. 2508	9/15/00
13 VAC 5-61-131	Added	16:20 VA.R. 2508	9/15/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-61-135	Added	16:20 VA.R. 2509	9/15/00
13 VAC 5-61-141	Added	16:20 VA.R. 2509	9/15/00
13 VAC 5-61-145	Added	16:20 VA.R. 2510	9/15/00
13 VAC 5-61-151	Added	16:20 VA.R. 2510	9/15/00
13 VAC 5-61-155	Added	16:20 VA.R. 2511	9/15/00
13 VAC 5-61-165	Added	16:20 VA.R. 2511	9/15/00
13 VAC 5-61-171	Added	16:20 VA.R. 2512	9/15/00
13 VAC 5-61-200	Amended	16:23 VA.R. 2903	9/15/00
13 VAC 5-61-220	Amended	16:23 VA.R. 2905	9/15/00
13 VAC 5-61-225	Added	16:20 VA.R. 2515	9/15/00
13 VAC 5-61-230	Added	16:23 VA.R. 2906	9/15/00
13 VAC 5-61-245	Added	16:20 VA.R. 2515	9/15/00
13 VAC 5-61-290	Amended	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-310	Amended	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-315	Added	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-317	Added	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-340	Amended	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-345	Added	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-360	Amended	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-390	Amended	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-395	Added	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-400	Amended	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-410	Amended	16:20 VA.R. 2518	9/15/00
13 VAC 5-61-415	Added	16:20 VA.R. 2518	9/15/00
13 VAC 5-61-430	Amended	16:20 VA.R. 2518	9/15/00
13 VAC 5-61-440	Amended	16:20 VA.R. 2520	9/15/00
13 VAC 5-61-447	Added	16:20 VA.R. 2522	9/15/00
13 VAC 5-61-450	Amended	16:20 VA.R. 2522	9/15/00
13 VAC 5-61-460	Added	16:20 VA.R. 2522	9/15/00
13 VAC 5-100-10 through 13 VAC 5-100-20	Added	16:20 VA.R. 2523	5/31/00
13 VAC 5-111-10	Amended	16:17 VA.R. 2189	6/8/00
13 VAC 5-111-100	Amended	16:17 VA.R. 2193	6/8/00
13 VAC 5-111-120	Amended	16:17 VA.R. 2193	6/8/00
13 VAC 5-111-130	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-160	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-165	Added	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-170	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-180	Amended	16:17 VA.R. 2195	6/8/00
13 VAC 5-111-190	Amended	16:17 VA.R. 2195	6/8/00
13 VAC 5-111-240	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-280	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-300	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-300	Amended	16:24 VA.R. 3103	9/14/00
13 VAC 5-111-310	Amended	16:17 VA.R. 2197	6/8/00
13 VAC 5-111-310	Amended	16:24 VA.R. 3104	9/14/00
13 VAC 5-111-390	Amended	16:17 VA.R. 2197	6/8/00
13 VAC 10-40-20	Amended	16:19 VA.R. 2384	5/17/00
13 VAC 10-40-120	Amended	16:19 VA.R. 2386	5/17/00
13 VAC 10-40-160	Amended	16:19 VA.R. 2386	5/17/00
13 VAC 10-40-170	Amended	16:19 VA.R. 2387	5/17/00
13 VAC 10-40-230	Amended	16:19 VA.R. 2387	5/17/00
13 VAC 10-160-10	Amended	16:26 VA.R. 3512	9/1/00
13 VAC 10-160-30	Amended	16:26 VA.R. 3513	9/1/00
13 VAC 10-160-41	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-51	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-55 through 13 VAC 10-160-90	Amended	16:26 VA.R. 3515-3518	9/1/00

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 14. Insurance</b>			
14 VAC 5-215-20	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30 through 14 VAC 5-215-70	Amended	16:21 VA.R. 2675-2677	7/1/00
14 VAC 5-215-110	Amended	16:21 VA.R. 2678	7/1/00
14 VAC 5-370-20	Amended	16:25 VA.R. 3264	9/30/00
14 VAC 5-370-100	Amended	16:25 VA.R. 3264	9/30/00
<b>Title 15. Judicial</b>			
15 VAC 5-80-10 through 15 VAC 5-80-50	Added	16:20 VA.R. 2524-2526	5/24/00
15 VAC 10-10-10	Amended	16:16 VA.R. 2069	3/24/00
<b>Title 16. Labor and Employment</b>			
16 VAC 15-30-20	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-200	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-210	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-220	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-230	Added	17:1 VA.R. 69	10/25/00
16 VAC 15-40-10	Amended	16:18 VA.R. 2272	6/22/00
16 VAC 15-40-50	Amended	16:18 VA.R. 2272	6/22/00
16 VAC 25-120-1917.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.3	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.23	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.26	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.27	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.30	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.50	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.71	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.73	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.92	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.95	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.112	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.124	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.151	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.152	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.153	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.156	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120 Appendix I	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.24	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.37	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.41	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.42	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.43	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.51	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.52	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.54	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.61	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.62	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.65	Amended	16:25 VA.R. 3265	10/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-130-1918.66	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.69	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.85	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.86	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.94	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.97	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.98	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.100	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.102	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.105	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix II	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix IV	Amended	16:25 VA.R. 3265	10/1/00
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 30-20-10	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-80	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-170	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-180	Amended	16:18 VA.R. 2274	6/21/00
18 VAC 30-20-230	Amended	16:18 VA.R. 2274	6/21/00
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 60-20-30	Amended	16:18 VA.R. 2278	6/21/00
18 VAC 60-20-110	Amended	16:18 VA.R. 2281	6/21/00
18 VAC 60-20-120	Amended	16:18 VA.R. 2281	6/21/00
18 VAC 76-10-65	Added	16:17 VA.R. 2198	4/19/00
18 VAC 85-20-22	Amended	16:13 VA.R. 1766	4/12/00
18 VAC 85-20-22	Amended	16:21 VA.R. 2679	8/2/00
18 VAC 85-20-131	Amended	16:21 VA.R. 2680	8/2/00
18 VAC 85-20-240	Amended	16:13 VA.R. 1767	4/12/00
18 VAC 85-20-280	Amended	16:21 VA.R. 2680	8/2/00
18 VAC 85-31-10	Amended	16:13 VA.R. 1772	4/13/00
18 VAC 85-31-10 through 18 VAC 85-31-160	Repealed	16:25 VA.R. 3266-3270	9/27/00
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 85-40-80	Amended	16:13 VA.R. 1769	4/12/00
18 VAC 85-50-115	Amended	16:21 VA.R. 2682	8/2/00
18 VAC 85-50-170	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-80-120	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-101-160	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-10	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-30	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-35	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-90	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-100	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 90-20-30	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-36 emer	Added	17:2 VA.R. 221	9/19/00-9/18/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 90-20-350	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 90-40-10	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 90-40-80	Repealed	16:21 VA.R. 2684	8/2/00
18 VAC 90-40-90	Amended	16:21 VA.R. 2684	8/2/00
18 VAC 90-40-120	Amended	16:21 VA.R. 2684	8/2/00
18 VAC 105-30-70	Amended	16:20 VA.R. 2534	7/19/00
18 VAC 110-20-10	Amended	16:21 VA.R. 2685	8/2/00
18 VAC 110-20-220	Amended	16:21 VA.R. 2687	8/2/00
18 VAC 112-20-10 through 18 VAC 112-20-150	Added	16:25 VA.R. 3266-3270	9/27/00
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 115-20-40	Erratum	16:16 VA.R. 2081	--
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 115-20-49	Erratum	16:16 VA.R. 2081	--
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
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 115-30-30	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-40	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-110	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-120	Amended	16:13 VA.R. 1793	4/12/00
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 115-50-20	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-30	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-40	Amended	16:13 VA.R. 1796	4/12/00
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 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 125-20-30	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-130	Amended	16:13 VA.R. 1797	4/12/00
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



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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-200-21	Amended	16:25 VA.R. 3274	7/28/00
20 VAC 5-200-30	Amended	16:25 VA.R. 3296	7/28/00
20 VAC 5-200 Appendix	Amended	16:25 VA.R. 3298	7/28/00
20 VAC 5-203-10 through 20 VAC 5-203-50	Added	16:23 VA.R. 2908-2910	7/1/00
20 VAC 5-311-10 through 20 VAC 5-311-60	Added	16:20 VA.R. 2541-2553	5/26/00
20 VAC 5-315-10 through 20 VAC 5-315-90	Added	16:20 VA.R. 2555-2558	5/25/00
20 VAC 5-320-10 through 20 VAC 5-320-130	Added	16:24 VA.R. 3108-3113	7/19/00
<b>Title 22. Social Services</b>			
22 VAC 15-30-10	Amended	16:18 VA.R. 2282	6/21/00
22 VAC 40-30-10 et seq.	Repealed	16:18 VA.R. 2284	6/21/00
22 VAC 40-60 (Forms)	Amended	17:1 VA.R. 72	--
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
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

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 40-130-10**	Amended	16:22 VA.R. 2745	11/1/00
22 VAC 40-130-25**	Added	16:22 VA.R. 2748	11/1/00
22 VAC 40-130-30 through 22 VAC 40-130-140**	Amended	16:22 VA.R. 2749-2751	11/1/00
22 VAC 40-130-155**	Added	16:22 VA.R. 2751	11/1/00
22 VAC 40-130-160**	Repealed	16:22 VA.R. 2751	11/1/00
22 VAC 40-130-170 through 22 VAC 40-130-190**	Amended	16:22 VA.R. 2751-2752	11/1/00
22 VAC 40-130-195**	Added	16:22 VA.R. 2753	11/1/00
22 VAC 40-130-198**	Added	16:22 VA.R. 2754	11/1/00
22 VAC 40-130-200**	Amended	16:22 VA.R. 2754	11/1/00
22 VAC 40-130-202**	Added	16:22 VA.R. 2754	11/1/00
22 VAC 40-130-210**	Amended	16:22 VA.R. 2754	11/1/00
22 VAC 40-130-211**	Added	16:22 VA.R. 2756	11/1/00
22 VAC 40-130-212**	Added	16:22 VA.R. 2757	11/1/00
22 VAC 40-130-213**	Added	16:22 VA.R. 2758	11/1/00
22 VAC 40-130-220**	Amended	16:22 VA.R. 2758	11/1/00
22 VAC 40-130-221**	Added	16:22 VA.R. 2759	11/1/00
22 VAC 40-130-223**	Added	16:22 VA.R. 2759	11/1/00
22 VAC 40-130-230 through 22 VAC 40-130-250**	Amended	16:22 VA.R. 2760	11/1/00
22 VAC 40-130-251**	Added	16:22 VA.R. 2760	11/1/00
22 VAC 40-130-260**	Amended	16:22 VA.R. 2760	11/1/00

\*\* Effective date published in 17:2 VA.R. 220.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-130-261**	Added	16:22 VA.R. 2760	11/1/00
22 VAC 40-130-270**	Amended	16:22 VA.R. 2761	11/1/00
22 VAC 40-130-271**	Added	16:22 VA.R. 2765	11/1/00
22 VAC 40-130-272**	Added	16:22 VA.R. 2765	11/1/00
22 VAC 40-130-280**	Amended	16:22 VA.R. 2766	11/1/00
22 VAC 40-130-289**	Added	16:22 VA.R. 2767	11/1/00
22 VAC 40-130-290**	Amended	16:22 VA.R. 2767	11/1/00
22 VAC 40-130-300**	Amended	16:22 VA.R. 2768	11/1/00
22 VAC 40-130-301**	Added	16:22 VA.R. 2768	11/1/00
22 VAC 40-130-310**	Amended	16:22 VA.R. 2769	11/1/00
22 VAC 40-130-312**	Added	16:22 VA.R. 2770	11/1/00
22 VAC 40-130-314**	Added	16:22 VA.R. 2771	11/1/00
22 VAC 40-130-320 through 22 VAC 40-130-360**	Amended	16:22 VA.R. 2771-2772	11/1/00
22 VAC 40-130-365**	Added	16:22 VA.R. 2773	11/1/00
22 VAC 40-130-370 through 22 VAC 40-130-400**	Amended	16:22 VA.R. 2773-2776	11/1/00
22 VAC 40-130-401**	Added	16:22 VA.R. 2776	11/1/00
22 VAC 40-130-402**	Added	16:22 VA.R. 2777	11/1/00
22 VAC 40-130-403**	Added	16:22 VA.R. 2778	11/1/00
22 VAC 40-130-404**	Added	16:22 VA.R. 2778	11/1/00
22 VAC 40-130-406**	Added	16:22 VA.R. 2778	11/1/00
22 VAC 40-130-410**	Amended	16:22 VA.R. 2778	11/1/00
22 VAC 40-130-420**	Amended	16:22 VA.R. 2779	11/1/00
22 VAC 40-130-424**	Added	16:22 VA.R. 2779	11/1/00
22 VAC 40-130-430 through 22 VAC 40-130-450**	Amended	16:22 VA.R. 2779-2780	11/1/00
22 VAC 40-130-452 through 22 VAC 40-130-459**	Added	16:22 VA.R. 2780-2784	11/1/00
22 VAC 40-130-470 through 22 VAC 40-130-550**	Amended	16:22 VA.R. 2784-2785	11/1/00
22 VAC 40-130-600 through 22 VAC 40-130-820**	Added	16:22 VA.R. 2785-2796	11/1/00
22 VAC 40-180 (Forms)	Amended	16:25 VA.R. 3331-3332	--
22 VAC 40-325-10	Added	16:22 VA.R. 2797	8/16/00
22 VAC 40-325-20	Added	16:22 VA.R. 2797	8/16/00
22 VAC 40-600-10	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-50	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-70	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-90	Repealed	17:1 VA.R. 71	10/25/00
22 VAC 40-600-130	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-140	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-170	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-200	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-210	Amended	17:1 VA.R. 71	10/25/00
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
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-40-30	Amended	16:18 VA.R. 2285	7/1/00
24 VAC 30-40-580	Amended	16:18 VA.R. 2287	7/1/00
24 VAC 30-40-600 through 24 VAC 30-40-640	Amended	16:18 VA.R. 2288-2290	7/1/00
24 VAC 30-380-10	Amended	16:26 VA.R. 3518	8/23/00

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 2. AGRICULTURE

### DEPARTMENT OF AGRICULTURE AND CONSUMER 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 Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-60-10 et seq. Rules and Regulations Governing the Operation of Livestock Markets.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, amend the regulation to terminate the active testing of cattle in the markets, and implement a program to monitor the operation of livestock markets to assure that adequate disease surveillance measures are accomplished. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

**Contact:** Robert Whiting, Program Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 602, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

VA.R. Doc. No. R00-272; Filed August 14, 2000, 12:31 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 Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-140-10 et seq. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to reflect (i) newer animal testing technology and procedures; (ii) fewer testing requirements as justified by the advances made in certain national eradication programs, including brucellosis; (iii) the application of knowledge gained from epidemiological investigations of disease spread; and (iv) the use of information gained from research indicating the best techniques for identifying, controlling, and eradicating animal diseases. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

**Contact:** Robert Whiting, Program Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 602, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

VA.R. Doc. No. R00-274; Filed August 14, 2000, 12:31 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 Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-320-10. Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation to (i) remove the currently named plants that are no longer considered globally rare and (ii) add those threatened or endangered plant and insect species that are considered rare both globally and in Virginia. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: Chapter 39 (§ 3.1-1020 et seq.) of Title 3.1 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

**Contact:** Frank Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515 or FAX (804) 371-7793.

VA.R. Doc. No. R00-271; Filed August 14, 2000, 12:32 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 Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-400-10 et seq. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation relating to (i) definitions, (ii) plant nutrients, (iii) labels, (iv) investigational allowances and penalties, (v) minimum plant food allowed, (vi) sampling and analysis procedures needed to clarify language, and (vii) changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-106.4 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476 or FAX (804) 786-1571.

VA.R. Doc. No. R00-275; Filed August 14, 2000, 12:31 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 Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-610-10 et seq. Rules Governing the Solicitation of Contributions.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 57-66 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

**Contact:** Andres "Andy" Alvarez, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1101, Richmond, VA 23219, telephone (804) 786-1381 or FAX (804) 786-5112.

VA.R. Doc. No. R00-273; Filed August 14, 2000, 12:32 p.m.



## 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 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. D00).** The purpose of the proposed action is to bring the regulation into compliance with federal regulations and policies, to include addressing offset ratios for emission reductions and increases in nonattainment areas based on the 1997 eight-hour ozone air quality standard.

**Need:** One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The Act gives the U.S. Environmental Protection Agency (EPA) the authority to establish the NAAQS, which are designed to protect the health of the general public with an adequate margin of safety. The NAAQS establish the maximum limits of pollutants that are permitted in the ambient air. The Act requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e., attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at reduced levels (i.e., maintenance).

In 1979, EPA established a NAAQS for ozone of 0.12 parts per million (ppm). This standard was based on a one-hour averaging period and is commonly called the one-hour standard. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is designated as "nonattainment." Numerous counties and cities within the Commonwealth have at one time been identified as ozone nonattainment areas according to the Act. Currently, all but the Northern Virginia area have reached attainment of the one-hour standard.

The Act has 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. There are five nonattainment area classifications called 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. 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 Northern Virginia Ozone Nonattainment Area is classified as serious and, therefore, has to meet the requirements for the marginal, moderate, and serious classes.

The Act contains comprehensive air quality planning requirements for areas that do not attain the federal air quality standard for ozone (that is, nonattainment areas). Once the nonattainment areas were defined, each state was then obligated to submit a SIP revision or plan demonstrating how it would attain the air quality standard in each nonattainment area. Failure to develop adequate plans to meet the ozone air quality standard: (i) will result in continued violations of the standard, (ii) may result in assumption of air quality programs by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction.

The heart of the SIP is the control strategy. The control strategy describes the measures to be used by the state to attain and maintain the air quality standards. There are three basic types of measures: stationary source control measures,

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# Notices of Intended Regulatory Action

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mobile source control measures, and transportation source control measures. Stationary source control measures are directed at emissions primarily from commercial/industrial facilities and operations. Mobile source control measures are directed at tailpipe and other emissions from motor vehicles, and transportation source control measures affect motor vehicle location and use. The Act mandates that all such plans require the implementation of all reasonably available control measures (RACM). One of the RACMs is to require preconstruction approval of new major facilities or modifications to existing ones.

In 1997, EPA established a more stringent NAAQS for ozone of 0.08 parts per million (ppm). This standard is based on an eight-hour averaging period and is commonly called the eight-hour standard. The establishment of this new standard triggered the need for EPA to designate new nonattainment areas. Northern Virginia is the only area that has not attained the one-hour standard. If the standard is changed to a stricter eight-hour ozone standard, then more areas of the Commonwealth will be designated for ozone. EPA has indicated that, for the new eight-hour standard, the five-class system created under the Clean Air Act will not apply to these new areas.

A key control measure for managing the growth of new emissions is the permit program for new and modified stationary sources. The program requires that owners obtain a permit from DEQ prior to the construction of a new industrial or commercial facility or the expansion of an existing one. Program requirements differ according to the facility's potential to emit a certain amount of a specific pollutant and the air quality status of area where the facility is or will be located. Requirements for facilities considered major due to their potential to emit a specified pollutant are more stringent than for less polluting facilities. Requirements for major facilities in nonattainment areas are considerably more stringent than for those in areas that meet the standard.

Permits issued in nonattainment areas require the facility owner to apply control technology that meets the lowest achievable emission rate and to obtain emission reductions from existing sources. The emission reductions must offset the increases from the proposed facility by the ratio specified in the Act for that particular nonattainment classification. The offset ratio for areas classified as marginal is 1.1 to 1, for moderate areas 1.15 to 1, for serious areas 1.2 to 1, and for severe areas 1.3 to 1. For the new eight-hour standard, since no classification system exists, the offset ratio is 1 to 1. The current regulations do not address this 1 to 1 offset ratio and, therefore, must be changed to do so by:

1. Amending Article 9 of 9 VAC 5 Chapter 80 to reflect the permit requirements regarding emission offsets associated with the designation of nonattainment areas by EPA.
2. Amending Article 9 of 9 VAC 5 Chapter 80 to implement the requirements of any other pertinent federal regulations that may be promulgated during the regulation development process.

3. Amending other provisions of the new source review program as may be necessary to maintain consistency with the changes to Article 9 of 9 VAC 5 Chapter 80.

4. Updating other regulations to be consistent with any other changes to federal or state mandates that may become known during the regulation revision process.

The discussion under the "Need" section above focuses on the first potential issue in this list. The main changes to the regulation needed to address this first potential issue involve adding provisions to allow for a 1 to 1 emissions offset ratio in nonattainment areas with no classification. Upon further review, other changes may be needed to address this first issue.

As for the other potential issues, whether they will need to be addressed will depend on whether EPA promulgates any other federal regulations affecting nonattainment new source review. Such regulations may be promulgated by the end of this year.

Alternatives: 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 as follows:

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 bring the regulation into compliance with federal regulation and policy pursuant to the federal Clean Air Act.
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 will not ensure consistency with federal requirements.
3. Take no action to amend the regulations. This option is not being selected because it will result in the imposition of a federal program and possible sanctions.

Public Participation: 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.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with

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the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue must be submitted to the agency contact in writing by 4:30 p.m. the last day of the comment period.

## Federal Requirements:

Federal Clean Air Act (CAA):  
<http://www.epa.gov/ttn/oarpg/gener.html>

Code of Federal Regulations (CFR):  
<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html>

Federal Register (FR):  
[http://www.gpo.gov/su\\_docs/aces/aces140.html](http://www.gpo.gov/su_docs/aces/aces140.html)

Sections 109 (a) and (b) of the Clean Air Act require EPA to prescribe primary and secondary air quality standards to protect public health and welfare, respectively, for each air pollutant for which air quality criteria were issued before the enactment of the 1970 Clean Air Act. These standards are known as the National Ambient Air Quality Standards (NAAQS). Section 109 (c) requires EPA to prescribe such standards simultaneously with the issuance of new air quality criteria for any additional air pollutant. The primary and secondary air quality criteria are authorized for promulgation under Section 108.

Section 110(a) of the Clean Air Act mandates that each state adopt and submit to EPA a plan that provides for the state's implementation, maintenance, and enforcement of the NAAQS. Among the primary elements of the state implementation plan (SIP) are (i) enforceable emission limitations and other control measures; (ii) a program for enforcement of the emission limitations and schedules for compliance; and (iii) programs for the regulation and permitting of the modification and construction of stationary sources, including a permit program as required by Part D of the Clean Air Act.

Part D describes how nonattainment areas are established, classified, and required to meet attainment. Subpart 1 provides the overall framework of what nonattainment plans are to contain, while Subpart 2 provides more detail on what is required of areas designated nonattainment for ozone, including requirements for new source review programs. It mandates a new and modified major stationary source permit program that meets the requirements of §§ 172 and 173.

Section 173(a) requires that permits meet the following criteria:

(1) Offsets must be obtained by new or expanding sources from existing sources so that total allowable emissions (i) from existing sources in the region, (ii) from new or modified sources that are not major emitting facilities, and (iii) from the proposed new source will be less than total emissions from existing sources prior to the application for the permit.

(2) The proposed source must comply with the lowest achievable emission rate.

(3) The owner of the proposed source must demonstrate that all of their affected major stationary sources in the state either comply or are on a schedule for compliance with the emission limitations.

(4) The SIP must be adequate for the area in which the source is to be located.

(5) An analysis of alternative sites, sizes, processes, and environmental controls for the proposed source must demonstrate that its benefits significantly outweigh environmental and social costs.

Section 173(c) provides that the owner of the proposed new or modified source may obtain offsets only from the nonattainment area in which the proposed source is to be located. Offsets may be obtained from other nonattainment areas whose emissions affect the area where the proposed source is to be located, provided the other nonattainment area has an equal or higher classification and the offsets are based on actual emissions.

Section 182(a) sets out the offset ratio requirements for nonattainment areas, providing for a minimum ratio of total emissions reduction of VOCs to total increased emissions of VOCs. Currently, these offsets are 1.1 to 1 for marginal areas, 1.15:1 for moderate areas, and 1.2 to 1 for serious areas.

40 CFR Part 50 specifies the NAAQS: sulfur dioxide, particulate matter, carbon monoxide, ozone (and its precursors, volatile organic compounds) nitrogen dioxide, and lead.

40 CFR Part 51 sets out requirements for the preparation, adoption, and submittal of SIPs. Section 51.160 of Subpart I specifies that the SIP must stipulate legally enforceable procedures that enable the permitting agency to determine whether the construction or modification of a facility will result in a violation of a control strategy or interfere with attainment or maintenance of a NAAQS. Owners must submit information on the nature and amounts of emissions and on the location, construction and operation of the facility, and must comply with control strategies after permit approval. Section 51.163 requires that the SIP include administrative procedures to be followed in determining whether the construction or modification of a facility will violate control strategies or interfere with the attainment or maintenance of NAAQS.

Section 51.165 of Subpart I describes what permitting requirements are to be contained in the SIP and provides specific definitions of key terms such as "potential to emit," "major stationary source," "major modification," "allowable emissions," and "lowest achievable emission rate." This section requires that the SIP include a preconstruction review program to satisfy the requirements of §§ 172(b)(6) and 173 of the Act, and must apply to any new source or modification locating in a nonattainment area.

It is not anticipated that these regulation amendments will have a direct impact on families. However, the Commonwealth hopes there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function

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# Notices of Intended Regulatory Action

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as effectively as possible, thus contributing to reductions in related health problems and property damage.

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

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

Public comments may be submitted until November 15, 2000.

**Contact:** Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R01-14; Filed September 19, 2000, 9:04 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 Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-91-10 et seq. Regulations for the Control of Motor Vehicle Emissions in Northern Virginia.** The purpose of the proposed action is to develop regulation amendments that conform to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary focus of this proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) 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<sub>x</sub> emissions are a by-product from the combustion of fuels and industrial processes.

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

States are required to develop plans to ensure that areas will come into compliance with the federal health standard. Failure to develop adequate programs to meet the ozone air quality standard: (i) may result in the continued violations of the standard and subsequent negative affects on human health, (ii) may result in assumption of the program by EPA at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the

legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent control requirements.

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

I/M programs achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions and requiring them to be repaired. Minor malfunctions in the emissions control system can increase emissions significantly. The average car on the road can emit three to four times the carbon monoxide and hydrocarbons allowed by new car standards if emission control systems are malfunctioning. Unfortunately, rarely is it obvious which cars have malfunctions as the emissions themselves may not be noticeable and emission control malfunctions do not necessarily affect vehicle driveability.

I/M programs provide a way to check whether the emission control systems on a vehicle are working correctly. All new passenger cars and trucks sold in the United States today must meet stringent air pollution standards and those standards became more stringent in model year 1994 and again in 1998, but they can only retain this low-polluting profile if the emission controls and engine are functioning properly. An I/M program is designed to ensure that vehicles stay clean in actual use. This, in turn, can substantially reduce the amount of volatile organic compounds, carbon monoxide, and nitrogen oxides emitted to the ambient air, thereby reducing the formation of ozone, lowering ozone concentrations, and contributing toward attainment of the NAAQS.

### Potential Issues:

1. Changes in the wording of some definitions. This is being done as a result of technical changes in program operation.
2. Changes in the order and some elements of the testing procedure. This is being done as a result of technical changes in program operation.
3. Changes in the timing and flexibility of some test standards. This is being done as a result of technical changes in program operation and changes to the state implementation schedule.
4. Changes in some permitting and licensing procedures. This is being done as a result of technical changes in program operation.



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5. Deletion of special treatment of federally owned or controlled vehicles. This is being done to conform to federal requirements.

6. Changes in some enforcement procedures. This is being done to reduce redundancy and overlap, as a result of technical changes in program operation and to conform to federal requirements.

Alternatives: 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, develop a regulation revision that conforms to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

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 does not provide for implementation of a motor vehicle emissions testing program that meets the provisions, or meets alternative provisions, of the state code, federal Clean Air Act and associated EPA regulations and policies. No regulatory alternatives to an enhanced I/M program have been promulgated by EPA as meeting the requirements of the Act. Adopting an unapprovable program will result in sanctions being imposed by EPA.

3. Take no action to amend the regulations and continue to operate under the existing regulation. This option is not being selected because it risks sanctions by the EPA.

As provided in the public participation procedures of the State Air Pollution Control Board, the department will include, in the subsequent Notice of Intended Regulatory Action, a description of the above alternatives and a request for comments (see section below on public participation) on other alternatives and the costs and benefits of the above alternatives or the other alternatives that the commenters may provide.

Public Participation: 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.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue must be submitted to the agency contact in writing by 4:30 p.m. the last day of the comment period.

## Legal Requirements:

### Federal Requirements

Federal Clean Air Act (CAA):

<http://www.epa.gov/ttn/oarpg/gener.html>

Code of Federal Regulations (CFR):

<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html>

Federal Register (FR):

[http://www.gpo.gov/su\\_docs/aces/aces140.html](http://www.gpo.gov/su_docs/aces/aces140.html)

The 1990 Amendments to the Clean Air 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.

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

Section 182(c)(3) of the Clean Air Act requires that the state submit revisions to the state implementation plan to "provide for an enhanced program to reduce hydrocarbon emissions and NO<sub>x</sub> emissions from in-use motor vehicles...." The program "shall comply in all respects with guidance...by the Administrator..." The Act requires that enhanced I/M Programs be implemented within two years of enactment (11/16/90) of the Clean Air Act Amendments of 1990. The program implemented by the state must achieve a performance standard equal to:

- (i) "...a program combining emission testing, including on-road emission testing, with inspection to detect

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tampering with emission control devices and misfueling for all light-duty vehicles and all light-duty trucks subject to standards under § 202; and

(ii) program administration features necessary to reasonably assure that adequate management resources, tools, and practices are in place to attain and maintain the performance standard."

The compliance method is to be established, per the Act, by EPA. The state program, per the Act, must include, at a minimum:

1. Computerized emission analyzers, including on-road testing devices.
2. No waivers for vehicles and parts covered by an emission control performance warranty.
3. For nonwarranty situations, waivers only after \$450 (in 1990 dollars) has been spent for emissions-related repairs.
4. Enforcement through registration denial.
5. Annual testing unless biennial testing, in combination with other features, will equal or exceed emissions reductions obtainable through annual inspections.
6. Operation on a centralized basis unless the state demonstrates to the satisfaction of the Administrator that a decentralized program will be equally effective.

This law is implemented by EPA through 40 CFR Part 51, subpart S. The performance standard for the program is contained in § 51.351, "Enhanced I/M Performance Standard." It includes:

Centralized testing.

Annual testing.

Testing of 1968 and later model year vehicles.

Transient, mass emissions testing on 1986 and later model year vehicles, two-speed idle testing of 1981-1985 vehicles, and single-speed idle testing of pre-1981 vehicles.

Testing of light duty vehicles and trucks.

Emissions standards according to model year and weight class as enumerated in § 51.351(a)(7).

Visual inspection of the catalyst and fuel inlet restrictor on all 1984 and later model year vehicles.

Evaporative system integrity (pressure) test on 1983 and later vehicles and an evaporative system transient purge test on 1986 and later vehicles.

Twenty percent emission test failure rate among pre-1981 model year vehicles.

Three percent (3.0%) waiver rate.

Ninety-six percent (96%) compliance rate.

On-road testing of at least 0.5% of the subject vehicle population.

Under the current rule, the state has considerable flexibility to design its own program and demonstrate that it is as effective as the EPA model program in reducing emissions.

## State Requirements

Code of Virginia:

<http://leg1.state.va.us/000/cod/codec.htm>

Virginia Administrative Code (VAC):

<http://leg1.state.va.us/000/reg/toc.htm>

Section 46.2-1176 through Section 46.2-1187.3 of the Virginia Motor Vehicle Emissions Control Law (Title 46.2, Chapter 10, Article 22 of the Code of Virginia) requires a "test and repair enhanced emissions inspection program" for vehicles that have actual gross weights of 10,000 pounds or less and are registered in the Counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Key provisions of the legislation include:

A biennial inspection;

An inspection fee cap of \$20;

A minimum repair cost of \$450 (in 1990 dollars) in order to qualify for a waiver, and requirement that repairs to qualify for a waiver be done by a certified repair technician;

Motor vehicles being titled for the first time may be registered for up to two ears without being subject to an emissions inspection;

An exemption for any of the following vehicles: (i) vehicles powered by a clean special fuel as defined in § 58.1-2101, (ii) motorcycles, (iii) vehicles which, at the time of manufacture were not designed to meet emission standards set or approved by the federal government, (iv) any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730, or (v) vehicles for which no testing standards have been adopted by the board;

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

The certification of motor vehicle emissions repair technicians and emissions repair facilities, including the suspension or revocation of such certification;

In addition to biennial testing of all subject vehicles, the requirement for on-road testing of motor vehicles in use and for follow-up testing of those vehicles that exceed emissions standards; and

The requirement for the State Air Pollution Control Board to adopt regulations to implement the program.

Family Impact Statement: It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as

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# Notices of Intended Regulatory Action

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possible, thus contributing to reductions in fertility disorders, fetal mutation and deformity, chronic and acute illness, premature death, and property damage.

Statutory Authority: §§ 46.2-1176 through 46.2-1187.3 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on November 30, 2000.

**Contact:** Beth 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. R01-20; Filed September 29, 2000, 1:56 p.m.

## VIRGINIA WASTE MANAGEMENT BOARD

### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Waste Management Board has WITHDRAWN the Notice of Intended Regulatory Action for 9 VAC 20-15-10 et seq. Mediation and Alternative Dispute Resolution Regulation (Rev. T-97), which was published in 14:21 VA.R 2834 July 6, 1998.

**Contact:** Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4500 or (804) 698-4021/TTY.

### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Waste Management Board has WITHDRAWN the Notice of Intended Regulatory Action for 9 VAC 20-60-12 et seq. Hazardous Waste Management Regulations, which was published in 15:14 VA.R 1998 March 29, 1999.

**Contact:** Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4500 or (804) 698-4021/TTY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-160-10 et seq. Voluntary Remediation Regulations.** The purpose of the proposed action is to amend regulations based on a periodic review that has determined that the regulations need, among other things, updating to include current sampling and analysis methods and deletion of obsolete language.

**Alternatives:** There are no known alternatives that would achieve the stated purpose of the program in a less burdensome and intrusive manner. The Voluntary

Remediation Program is for *voluntary* cleanup of contaminated sites where remediation is not clearly mandated by CERCLA, RCRA, Virginia Waste Management Act, State Water Control Law or other authority. It provides a streamlined approach for remediation projects by establishing minimum standards and procedures pertaining to eligibility, enrollment, reporting, remediation and termination criteria. The legislation mandates the promulgation of the regulations for the program, so there is no alternative to their promulgation.

**Substance:** The amendment of the regulations may include but will not be limited to the following:

1. Update the regulations to incorporate current sampling and analysis methodology and to consider alternative technologies.
2. Review the definitions section of the regulation.
3. Review the requirements for terminating participation in the program.
4. Delete obsolete language from the regulation.
5. Review documents incorporated by reference into the regulations.

In addition, the board may consider comments received in response to the NOIRA which will assist the department with the development of the proposed regulations.

**Purpose:** This program is designed to allow participants to remediate properties voluntarily to remediation levels that are protective of human health and the environment, while minimizing the expense and delay of the remediation process. The purpose of the program is to enhance the public health, safety and welfare of citizens residing in the vicinity of a contaminated property.

**Need:** The department has determined that the proposed regulatory action will encourage remediation of contaminated sites where remediation is not clearly mandated by CERCLA, RCRA, the Virginia Waste Management Act, or other applicable authority. By encouraging the remediation of the sites, the department is protecting the public health, safety and welfare of citizens in the vicinity of a contaminated property. Remediation of these sites should prevent the migration of contaminants to adjacent properties.

**Public Participation:** The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal, and the costs and benefits of the alternatives stated in this notice or other alternatives. Anyone wishing to submit written comments for the public comment file may do so at the public meeting or by mail. In order to be considered, written comments must include the name, address and phone number of the commenter and must be received by the close of the comment period.

The board is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

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

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# Notices of Intended Regulatory Action

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

Public comments may be submitted until November 13, 2000.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238.

VA.R. Doc. No. R01-9; Filed September 6, 2000, 11:23 a.m.

## STATE WATER CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards**. The purpose of the rulemaking will be to amend the Water Quality Standards regulation to update certain criteria and use designations. Subject areas needing revision include updated surface water criteria for ammonia in freshwater, new alternative indicators for assessing bacterial water quality, updated contact recreational use designations for primary and secondary and/or seasonal uses, and updated use designations for intermittent, ephemeral and/or effluent dependent streams. DEQ also wants to review the existing shellfish classification in tidal waters to determine whether separate classifications/designations and criteria are needed for permanently restricted or prohibited shellfishing areas versus open shellfishing areas.

The intent of this rulemaking is to protect designated and beneficial uses of state waters by adopting regulations that are technically correct, necessary and reasonable. These standards will be used in setting Virginia Pollutant Discharge Elimination System Permit limits and for evaluating the waters of the Commonwealth for inclusion in the Clean Water Act § 305(b) report and on the § 303(d) list. Waters not meeting standards will require development of a Total Maximum Daily Load under the Clean Water Act at § 303(d).

The scope of the federal regulations at 40 CFR 131 is to describe the requirements and procedures for developing, reviewing, revising and approving water quality standards by the states as authorized by § 303(c) of the Clean Water Act. 40 CFR 131 specifically requires the states to adopt criteria to protect designated uses.

The scope and objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The Clean Water Act at § 303(c)(1) requires that the states hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards.

The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. The State Water Control Law at § 62.1-44.15(3a) of the Code of Virginia requires the board to establish standards of quality and to modify, amend or cancel any such standards or policies. It also requires the board to hold public hearings from time to

time for the purpose of reviewing the water quality standards, and, as appropriate, adopting, modifying or canceling such standards.

The authority to adopt standards as provided by the provisions in the previously referenced citations is mandated, although the specific standards to be adopted or modified are discretionary to the EPA and the state.

Federal Regulation web site:  
<http://www.epa.gov/epahome/cfr40.htm>

Clean Water Act web site:  
<http://www4.law.cornell.edu/uscode/33/1313.html>

State Water Control Law (Code of Virginia) web site:  
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+62.1-44.2>

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+62.1-44.15>

**Need:** This rulemaking is needed because new scientific information is available to update the water quality standards. Changes to the regulation are also needed to improve permitting, monitoring and assessment programs. Subject areas needing revision include updated surface water criteria for ammonia in freshwater, new alternative indicators for assessing bacterial water quality, updated contact recreational use designations for primary and secondary and/or seasonal uses, and updated use designations for intermittent, ephemeral and/or effluent dependent streams. DEQ also wants to consider revising the existing DEQ shellfish classification in tidal waters to determine whether separate classifications/designations and criteria are needed for permanently restricted or prohibited shellfishing areas.

The rulemaking is essential to the protection of health, safety or welfare of the citizens of the Commonwealth. Proper water quality standards protect water quality and living resources of Virginia's waters for consumption of fish and shellfish, recreational uses and conservation in general.

Potential issues that may need to be addressed are listed in the alternatives section. Another issue that may need to be addressed is how these water quality standards changes will effect the § 303(d) listing of state waters and subsequent TMDL development.

**Substance:** The amendments would change the existing numerical criteria for ammonia and bacteria in certain waters of the state. The existing regulation may also be changed to reflect more accurate designated or beneficial uses of state waters to ensure the correct application of the new criteria. The regulation may also be changed to recognize that intermittent, ephemeral and/or effluent dependent waters do not support all designated uses, particularly aquatic life uses. Also, the regulation may be changed to recognize restricted or prohibited shellfishing areas and define alternate criteria for these waters.

**Alternatives:** Many alternatives in the subject areas listed will become available as DEQ staff and the public begin to review scientific data, permitting and monitoring needs. DEQ will work in conjunction with other state and federal agencies to consider various alternatives. Alternatives provided by the public will also be considered.

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The department has neither accepted nor rejected any alternatives at this point. Some alternatives being considered by the agency now include, but are not limited to, the following:

1. Whether to use enterococci, *E. coli*, and/or fecal coliforms as a bacterial indicator of pollution, what these numerical values should be, and how and where we should apply these criteria;
2. Whether we should recognize primary and secondary contact and/or seasonal recreational uses, how these uses should be defined and what criteria would apply;
3. Whether we should recognize the limited aquatic life and recreational uses of intermittent streams, ephemeral streams and dry ditches, how these types of streams would be defined, what criteria should apply here, and/or whether any temporary variances that have been approved by DEQ in intermittent streams should be adopted as permanent use changes;
4. Whether effluent dependent streams should be protected as fully supporting aquatic life uses or be protected as intermittent streams, ephemeral streams or dry ditches (see above);
5. Whether information contained in EPA's 1998 Update of Ambient Water Quality Criteria for Ammonia (EPA 822-R-98-008) should be used to recalculate the freshwater ammonia criteria; and
6. Whether we should divide shellfish waters into two classifications (open shellfishing areas versus prohibited areas) and whether alternate criteria should apply here.

The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

The board seeks comment from the public on whether to use the participatory approach to assist the agency in the development of a proposal.

The direct impact resulting from the development of water quality standards is for the protection of public health and safety and has an indirect impact on families.

Statutory Authority: §§ 62.1-44.15(3a) and 62.1-44.15(10) of the Code of Virginia.

Public comments may be submitted until January 8, 2001.

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

VA.R. Doc. No. R01-13; Filed September 14, 2000, 8:25 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 Water Control Board intends to consider amending regulations entitled: **9 VAC 25-560-10 et**

**seq. Potomac-Shenandoah River Basin Water Quality Management Plan.** The purpose of the proposed action is to amend the BOD<sub>5</sub> and Total Kjeldahl Nitrogen loadings and establish a total maximum daily load for Segment 1-4a of the plan.

**Purpose:** The proposed regulatory action is to consider amending the Potomac-Shenandoah River Basin Water Quality Management Plan (WQMP) (9 VAC 25-560 et seq.). The State Water Control Board adopted the plan June 18, 1981, and it became effective in June of 1982. Water quality management plans identify water quality problems, consider alternative solutions and recommend pollution control measures needed to attain or maintain water quality standards. The proposed amendment addresses changed conditions in Segment 1-4a of the Upper South Fork Shenandoah River, which begins at the Merck discharge (river mile 88.09) and continues downstream for 10 miles. New modeling data shows a total wasteload assimilative capacity in Segment 1-4a greater than that previously identified in the plan.

**Need:** The Potomac-Shenandoah River Basin Water Quality Management Plan is an existing regulation. Merck, Inc., has requested changes to the WLAs in its VPDES discharge permit. The changes will enable Merck and other dischargers to this stream segment to expand production. The proposed amendment reflects the use of a new, more sophisticated mathematical model based upon actual stream data. The model indicates that the 10-mile segment of the South Fork Shenandoah River can assimilate higher BOD<sub>5</sub> and Total Kjeldahl Nitrogen (TKN) loadings and continue to maintain water quality standards.

Amending the Potomac-Shenandoah River Basin Water Quality Management Plan by increasing BOD<sub>5</sub> and TKN wasteloads will protect existing water quality, ensure beneficial uses of the South Fork Shenandoah River and sustain the economic well-being of the communities through which it flows. Treating the wastewater will contribute to the protection of the health and safety of the citizens of Rockingham County.

**Substance:** The Potomac-Shenandoah River Basin Water Quality Management Plan provides that, in order to meet water quality goals, the State Water Control Board will adopt waste load allocations for dischargers located on water quality classified stream segments, subject to revision by further intensive stream sampling and detailed water quality modeling (9 VAC 25-560-50, Board Actions to Meet Water Quality Goals). This segment was originally modeled using the Streeter Phelps method with desktop or assumed stream conditions. The Merck discharge was given wasteload allocations in the WQMP. These allocations were based upon the permitted effluent limits at the time the plan was developed. Merck is expanding its production, and greater BOD<sub>5</sub> and TKN loadings will result from the expansion. The current Potomac-Shenandoah River Water Quality Management Plan established a BOD<sub>5</sub> WLA of 3,454 lbs/day (1,567.55 kilograms per day (kg/d)) and a TKN WLA of 2,846 lbs/day (1,291.62 kilograms per day (kg/d)). The model submitted to DEQ by Merck indicated that the stream could assimilate 4,137.7 kg/day BOD<sub>5</sub> and 2,147.3 kg/day TKN.

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The proposed amendment will consider recognizing the higher BOD<sub>5</sub> and TKN loadings for Segment 1-4a and, as necessary, allocate the loadings among the dischargers in this portion of the river. In addition a TMDL will be established for this segment.

Alternatives: The department has developed two alternatives. The recommended alternative is the least costly and eliminates the uncertainty of waiting until repeal of the existing WQMPs and development of a new plan for the basin, especially since these are technical issues surrounding a single segment of the South Fork Shenandoah River.

Recommended Alternative I: Amend the Potomac-Shenandoah River Basin Water Quality Management Plan to reflect the use of the more sophisticated mathematical model for the South Fork Shenandoah River Segment 1-4a and retain the segment's plan classification as WQL (Water Quality Limiting).

Alternative II: Deregulate all water quality management plans for the entire state.

Reason Alternative II was not chosen: The process for deregulating all water quality management plans for the entire state is in the early stages and is not expected to be completed prior to Merck needing additional BOD<sub>5</sub> and TKN loadings. Until the deregulation process is complete, permits cannot be issued, reissued or modified that conflict with water quality management plans (9 VAC 25-31-50, Prohibitions, C 7).

In compliance with the SWCB's Public Participation Guidelines (9 VAC 25-10-10 et seq.), the DEQ will, during the Notice of Intended Regulatory Action and the Notice of Public Comment, include the proposed amendment and alternatives, and request comments from the public on these and any other alternatives. The DEQ will also request comments on the costs and benefits of these alternatives or other alternatives the public may wish to provide.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives.

A public meeting will be held on Wednesday October 25, 2000, at 7 p.m. in the Town Hall in Elkton, Virginia. Notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

The board seeks comment from the public on whether to use the participatory approach to assist the agency in the development of a proposal. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until October 24, 2000.

**Contact:** C.T. Mizell, Department of Environmental Quality, P.O. Box 1129, Harrisonburg, VA 22801, telephone (540) 574-7800.

VA.R. Doc. No. R01-10; Filed September 6, 2000, 11:23 a.m.

## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### 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 Health intends to consider amending regulations entitled: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed action is to amend the regulations with respect to the timing of COPN requests and consideration of projects in rural areas. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until October 27, 2000.

**Contact:** Carrie Eddie, Policy Analyst, Department of Health, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2157, e-mail ceddy@vdh.state.va.us.

VA.R. Doc. No. R01-1; Filed August 30, 2000, 11:50 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD FOR CONTRACTORS

#### 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 for Contractors intends to consider amending regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Rules and Regulations.** The purpose of the proposed action is to (i) implement the statutory provisions of §§ 54.1-1128 through 54.1-1135 of the Code of Virginia relating to licensure requirements for liquefied petroleum gas fitters and natural gas fitter providers; (ii) establish entry requirements for licensure; (iii) specify examination requirements for licensure; (iv) establish procedures and provisions regarding renewal, reinstatement, and the standards of practice and conduct; (v) establish standards of practice that will protect the health, safety and welfare of the public; and (vi) set forth provisions under which the board may reject an application for licensure, suspend or revoke a license or impose other sanctions for violations of the statutes and regulations governing the regulated practice. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-201 and 54.1-2202 and Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia.

Public comments may be submitted until October 24, 2000.

**Contact:** Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8540, FAX (804) 367-2474, (804) 367-9753/TTY ☎ or e-mail [contractors@dpor.state.va.us](mailto:contractors@dpor.state.va.us).

VA.R. Doc. No. R01-11; Filed September 6, 2000, 11:53 a.m.

## BOARD OF NURSING

### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board of Nursing has WITHDRAWN the Notice of Intended Regulatory Action for 18 VAC 90-20-10 et seq. Board of Nursing Regulations, which was published in 12:18 VA.R. 2369 May 27, 1996.

**Contact:** Nancy K. Durrett, RN, Executive Director, Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, Nurse Aide Registry (804) 662-7310, FAX (804) 662-9512 or (804) 662-7197/TTY.

### 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 Nursing intends to consider amending regulations entitled: **18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.** The purpose of the proposed action is to amend the regulation, as mandated by § 54.1-3012.1 of the Code of Virginia (Chapters 587 and 701 of the 2000 Acts of the Assembly), by adding a section to the regulation for data collection on the nursing workforce. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-3005 and 54.1-3028.1 of the Code of Virginia.

Public comments may be submitted until November 8, 2000.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-9512.

VA.R. Doc. No. R01-17; Filed September 19, 2000, 12:02 p.m.

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# PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS

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## 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 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD VIRGINIA WASTE MANAGEMENT BOARD STATE WATER CONTROL BOARD

**December 4, 2000 - 9 a.m.** -- Public Hearing  
Main Street Centre, 600 East Main Street, Lower Level,  
Conference Room, Richmond, Virginia.

**December 26, 2000** - Public comments may be submitted  
until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to adopt regulations entitled **9 VAC 5-210-10 et seq., Regulation for Dispute Resolution**; that the Virginia Waste Management Board intends to adopt regulations entitled **9 VAC 20-15-20 et seq., Regulation for Dispute Resolution**; and that the State Water Control Board intends to adopt regulations entitled **9 VAC 25-15-10 et seq., Regulation for Dispute Resolution**. The proposed regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the boards' sole discretion, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The proposed regulations contain provisions addressing situations appropriate for the use of dispute resolution, costs, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

## STATE WATER CONTROL BOARD

**November 27, 2000 - 7 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional  
Office, 4949-A Cox Road, Glen Allen, Virginia.

**December 7, 2000 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive,  
Board of Supervisors Meeting Room, Roanoke, Virginia.

**December 22, 2000** - Public comments may be submitted  
until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-110-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day**. The proposed regulation will replace the general permit VAG40 which expires August 1, 2001. The regulation sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage.

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

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or FAX (804) 698-4032.

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**November 27, 2000 - 7 p.m.** -- Public Hearing  
Williamsburg Municipal Building, Williamsburg City Council,  
401 Lafayette Street, Williamsburg, Virginia.

**November 28, 2000 - 7 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional  
Office, 4949-A Cox Road, Glen Allen, Virginia.

**December 7, 2000 - 3 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive,  
Board of Supervisors Meeting Room, Roanoke, Virginia.

**December 22, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5**



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## Public Comment Periods - Proposed Regulations

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**et seq. Water Quality Standards.** The proposed amendments change the state's approach to assessment of dissolved oxygen water quality criteria in certain waters that are naturally low in dissolved oxygen concentration. In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal. Also, the proposed regulation states that a determination of natural water quality should be based upon an evaluation of aquatic life uses, habitat, available monitoring data, available computer modeling results or other accepted scientific principles. The board requests comments on how the board should use these parameters to make the determination of natural water quality.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail. Written comments should be signed by the commenter and include the name and address of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Opportunity for formal hearing: The board will hold a formal hearing at a time and place to be established if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning any issue of fact directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of the board's Procedural Rule No. 1 (9 VAC 25-230-130 B) and must be received by the contact person no later than November 22, 2000.

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

**Contact:** Elleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

Statutory Authority: §§ 54.1-103 and 54.1-2400 of the Code of Virginia.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or e-mail Etisdale@dhp.state.va.us.



### TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

#### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**November 9, 2000 - 9:30 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 1, 5th Floor, Richmond, Virginia.

**December 22, 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed amendments is to establish requirements for evidence of continued competency and for an inactive license for audiologists and speech-language pathologists.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD VIRGINIA WASTE MANAGEMENT BOARD STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 5-210-10 et seq. Regulation for Dispute Resolution.**

**9 VAC 20-15-10 et seq. Regulation for Dispute Resolution.**  
**9 VAC 25-15-10 et seq. Regulation for Dispute Resolution.**

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

Public Hearing Date: December 4, 2000 - 9 a.m.

Public comments may be submitted until December 26, 2000.

(See Calendar of Events section for additional information)

Basis: The regulations are being proposed to comply with the mandate of § 10.1-1186.3 of the Code of Virginia, which requires the adoption of regulations for the use of alternative dispute resolution in the development of a regulation or in the issuance of a permit.

Purpose: The purpose of the regulations is to provide alternatives that reduce the need for formal administrative actions in resolving environmental disputes. The regulations will enhance public health and welfare by expediting the resolution of environmental disputes in a manner that is faster, more accessible to the public, less adversarial, and less costly than are formal administrative methods of resolving such disputes.

Substance:

1. The regulations allow the boards, at their discretion and pursuant to the situations outlined in § 10.1-1186.3 A of the Code of Virginia, to use a dispute resolution procedure in order to resolve significant areas of disagreement among interested parties to a permit issuance or to the promulgation of a regulation.
2. The outcome of the procedure shall not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation.
3. In the case of a dispute over the issuance of a permit, the procedure may be used only with the consent and participation of the permit applicant.
4. The regulations specify which information resulting from the procedure shall be held confidential and which shall be subject to disclosure.
5. The regulations specify how the impending procedure will be advertised to the public and how interested parties may opt to participate in the procedure.

6. The regulations specify the function of the third-party neutral in facilitating the procedure.

Issues:

1. Public: The primary advantages to the public are (i) significant savings in state litigation costs and therefore tax dollars, (ii) increased access to and opportunities for participation in the decision-making process, (iii) an acceleration of the decision-making process, and (iv) satisfactory results for all parties rather than just one. There are no disadvantages to the public.
2. Department: The primary advantages to the department are the same as advantages (i), (iii), and (iv) listed for the public. The only disadvantage to the department is the need to assign staff to administer the regulation.

Localities Particularly Affected: There is no locality that will bear any identified disproportionate material environmental impact due to the proposed regulations that would not be experienced by other localities.

Public Participation: The department is seeking comment on the proposed regulation and the costs and benefits of the proposal.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of the proposed regulations 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 regulations. These proposals establish alternative dispute resolution as an option for avoiding formal administrative actions and litigation for deciding disagreements over permitting and promulgation of regulations. The regulations are intended to comply with § 10.1-1186.3 of the Code of Virginia.

Estimated economic impact. Alternative dispute resolution (ADR) includes a number of techniques designed to allow the parties to a dispute to reach a mutually satisfactory resolution of their disagreement. These techniques are intended to help parties avoid protracted conflicts that often end up in expensive litigation. The potential benefits of ADR include the avoidance of the delay and expenses of litigation but also the potential for siting economically productive facilities that might

have been precluded under more adversarial procedures. Parties are encouraged to find mutually advantageous outcomes. Indeed, the Department of Environmental Quality provided evidence that ADR has been successful in a number of instances around the country at achieving both of these benefits.

ADR is not free. The services of professionals in the field of ADR is required. However, these costs need not be estimated to draw the conclusion that, if ADR is used in the context of the Air, Waste Management, and Water Boards permits or regulations, it will result in a net economic gain to Virginia. This conclusion is based on the voluntary nature of the process. The parties to ADR may withdraw at any time. Thus, any resulting agreements must be mutually satisfactory to the parties involved. Under these circumstances, it is highly likely that the ADR will result in a net gain relative to the outcome that would be achieved in its absence.

Unfortunately, it is not possible to make a reliable estimate of the magnitude of the benefits of ADR for permits and regulations under the Air, Waste Management, and Water Boards. It is not known how much is spent on average in a given year on traditional dispute resolution. Nor can it be known how many disputes will be moved to ADR, how much the average ADR expenses will be, or how many will be successfully resolved this way. That the magnitude of the benefits cannot be estimated does not alter the conclusion that this rule is likely to lead to net economic benefits for Virginia.

Businesses and entities affected. Because these proposals will affect anyone in Virginia interested in the promulgation of environmental regulations or in the granting of environmental permits, they potentially affect every citizen, locality, business and interest group in the Commonwealth. Those primarily affected will be businesses, localities and environmental interest groups.

Localities particularly affected. These regulations apply throughout the Commonwealth and hence there will be no disproportionate impact on any particular locality.

Projected impact on employment. No significant net impact on employment is expected. There may be some small reduction in demand for the services of lawyers in some environmental disputes. However, this effect cannot be expected to have any significant impact on employment in the legal profession. There may be a small increase in the use of mediation services but probably not enough to cause an increase in permanent employment in the area.

Effects on the use and value of private property. It is possible that the use of dispute resolution could result in the completion of projects that could not have been completed under traditional dispute resolution methods. This could result in increases in the value of those properties where the proposed projects are located.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

## Summary:

*The proposed regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the sole discretion of the boards, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The proposed regulations contain provisions addressing situations appropriate for the use of dispute resolution, costs, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.*

### CHAPTER 210.

### REGULATION FOR DISPUTE RESOLUTION.

#### PART I. DEFINITIONS.

#### **9 VAC 5-210-10. Use of terms.**

A. For the purpose of this chapter and subsequent amendments to it, of regulations of the board, or of orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 5-210-20.

B. Unless specifically defined in the Virginia Air Pollution Control Law or in the regulations of the board, terms used shall have the meanings commonly ascribed to them.

#### **9 VAC 5-210-20. Terms defined.**

"Board" means the State Air Pollution Control Board.

"Conciliation" means a process in which a neutral facilitator facilitates settlement by clarifying issues and serving as an intermediary for negotiations in a manner that is generally more informal and less structured than mediation.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality or his designee.

"Dispute resolution," "dispute resolution procedure," "dispute resolution proceeding," or "dispute resolution service" means any structured process in which a neutral facilitator assists disputants in reaching a voluntary settlement by means of dispute resolution techniques such as mediation, conciliation, early neutral evaluation, nonjudicial settlement conferences, or any other proceeding leading to a voluntary settlement conducted consistent with the requirements of this chapter. The term includes the evaluation session.

"Dispute resolution program" means a program that offers dispute resolution services to the public that is run by the Commonwealth or any private for-profit or not-for-profit (including nonprofit) organization, political subdivision, or public corporation, or a combination of these.

"Evaluation session" means a preliminary meeting during which the parties and the neutral facilitator assess the case

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# Proposed Regulations

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and decide whether to continue with a dispute resolution proceeding or with adjudication.

"Mediation" means a process by which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between the mediator and any party or parties, until such time as a resolution is agreed to by the parties or the parties discharge the mediator.

"Mediator" means a neutral facilitator selected by agreement of the parties to a controversy to assist them in mediation. As used in this chapter, this word may refer to a single person or to two or more people.

"Neutral facilitator" means a person who is trained or experienced in conducting dispute resolution proceedings and in providing dispute resolution services. As used in this chapter, this word may refer to a single person or to two or more people.

"Party" means an interested person who has chosen to be and who is eligible to be a disputant in a dispute resolution proceeding. An interested person is eligible if he (i) has attended a public meeting or public hearing on the permit or regulation in dispute and is therefore named in the public record, (ii) is the applicant for the permit in dispute, or (iii) is the department.

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

"Virginia Air Pollution Control Law" means Chapter 13 (§10.1-1300 et seq.) of Title 10.1 of the Code of Virginia.

## PART II. GENERAL PROVISIONS.

### 9 VAC 5-210-30. Applicability.

A. The provisions of this chapter, unless specified otherwise, shall apply throughout the Commonwealth of Virginia.

B. The provisions of this chapter, unless specified otherwise, shall apply in the administration of all regulations of the board to the extent not covered by a specific regulation of the board. In cases where the provisions of this chapter conflict with another regulation of the board, the provisions of the other regulation shall apply.

C. No provision of this chapter shall limit the power of the board to take appropriate action as necessary to carry out its duties under the Virginia Air Pollution Control Law.

D. By the adoption of this chapter, the board confers upon the director the administrative, enforcement, and decision-making authority articulated in this chapter.

E. Nothing in this chapter shall create or alter any right, action, or cause of action, or be interpreted or applied in a manner inconsistent with the Administrative Process Act (§ 9-6.14:1 et seq.), with applicable federal law, or with any applicable requirement for the Commonwealth to obtain or maintain federal delegation or approval of any regulatory program.

F. For a permit in dispute, dispute resolution may not be initiated after the final permit is issued. For a regulation in dispute, dispute resolution may not be initiated after the final regulation is adopted.

### 9 VAC 5-210-40. Purpose and scope.

A. This chapter shall be construed to encourage the fair, expeditious, voluntary, consensual resolution of disputes. It shall not be construed to preclude collaborative community problem-solving.

B. Dispute resolution shall be used to resolve only those disputes that reveal significant issues of disagreement among parties and may be used unless the board decides that it is not in the public interest to do so.

C. The decision to employ dispute resolution is in the board's sole discretion and is not subject to judicial review.

D. The outcome of any dispute resolution procedure shall not be binding upon the board but may be considered by the board in issuing a permit or promulgating a regulation.

E. Dispute resolution may be used to resolve a dispute relating to the promulgation, amendment, or repeal of a regulation that is subject to the public participation process prescribed in Article 2 (§ 9-6.14:7.1 et seq.) of the Administrative Process Act.

F. Dispute resolution may be used to resolve a dispute involving any process relating to the issuance of a permit. Dispute resolution may be used in this case only with the consent and participation of the permit applicant and may be terminated at any time at the request of the permit applicant.

G. The board shall consider not using dispute resolution in the circumstances listed in § 10.1-1186.3 A of the Code of Virginia.

### 9 VAC 5-210-50. Costs.

A. Compensation of the neutral facilitator and any other associated common costs, such as rental fees, shall be the responsibility of the parties. Compensation of each party's counsel and other individual costs shall be the responsibility of that party alone, unless the parties agree otherwise.

B. An agreement regarding compensation and other associated costs shall be reached between the neutral facilitator and the parties before the dispute resolution procedure commences and shall be memorialized in writing.

C. The parties shall agree on how to allocate costs. In the absence of an agreement to the contrary, all costs shall be paid by the parties in equal shares.

### 9 VAC 5-210-60. Date, time, and place.

The dispute resolution procedure shall be conducted in any place within the Commonwealth of Virginia, on any date, and at any time agreeable to the parties and the neutral facilitator.

### 9 VAC 5-210-70. Attendance at the dispute resolution procedure.

A. A party may satisfy the attendance requirement by sending a representative familiar with the facts of the case.

*This representative shall have the authority to negotiate and to recommend settlement to the party that he represents.*

*B. Any party may have the assistance of an attorney or other representative during any session of the dispute resolution procedure.*

*C. Persons who are not parties or representatives of parties may attend dispute resolution sessions only with the permission of all parties and with the consent of the neutral facilitator.*

## **9 VAC 5-210-80. Confidentiality.**

*A. The provisions of § 8.01-576.10 of the Code of Virginia concerning the confidentiality of dispute resolution shall govern all dispute resolution proceedings held pursuant to this chapter except when the board uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation. The board shall inform the parties in the order of referral issued under 9 VAC 5-210-150 what this information is expected to be. If the board later decides that it will need additional information before it can issue the permit or promulgate the regulation, it shall so notify the parties as expeditiously as possible. If any of the information requested by the board would normally be protected by the confidentiality provisions of this section, the parties shall waive that protection when delivering the requested information to the board.*

*B. With the exception noted in subsection A of this section, all memoranda, work products, or other materials contained in the case files of a neutral facilitator are confidential. Any communication made during dispute resolution that relates to the controversy or the proceeding, whether made to the neutral facilitator, to a party, or to any other person, is confidential. Any party's lack of consent to participate in the dispute resolution process, at any point in the process, is confidential.*

*C. A written settlement agreement shall not be confidential, unless the parties otherwise agree in writing.*

*D. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:*

- 1. When all parties to the dispute resolution process agree, in writing, to waive the confidentiality;*
- 2. To the extent necessary, in a subsequent action between the neutral facilitator and a party, for damages arising out of the dispute resolution process; or*
- 3. Statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the dispute resolution procedure.*

*E. The use of attorney work product in dispute resolution shall not result in a waiver of the attorney work product privilege.*

*F. Unless otherwise specified by the parties, no dispute resolution procedure shall be electronically or stenographically recorded.*

## **9 VAC 5-210-90. Public participation.**

*A. In general, when a dispute has been referred to dispute resolution, the public shall be so notified by a notice placed in the Virginia Register of Regulations. The public also may be notified by any other means deemed appropriate by the board. The notice shall state the nature of the dispute and the name, telephone number, fax number, postal address, and e-mail address of the department staff person to whom a member of the public should apply in order to become a party. The notice shall allow for a response time of at least five business days following publication.*

*B. Anyone who is interested in becoming a party in the pending dispute resolution and who meets the eligibility criteria specified in the definition of "party" in 9 VAC 5-210-20 shall, within the time allotted in the notice, apply to the department staff person listed in the notice. The application shall include the name, telephone number, postal address, and, if applicable, the fax number and e-mail address of the interested person.*

*C. The director shall respond to the application of the interested person in writing, explaining the obligations of a party to dispute resolution concerning attendance and costs. The director shall also request that the interested person submit a dated and signed statement as follows: "I understand that by becoming a party to dispute resolution, I am obligated to abide by Virginia law and regulations concerning dispute resolution and that I incur partial financial responsibility for the dispute resolution procedure."*

*D. After receiving the signed and dated statement from the interested person as required by subsection C of this section, the director may consider this person a party and proceed accordingly.*

## **9 VAC 5-210-100. Appointment and function of neutral facilitator.**

*A. A neutral facilitator participating in a dispute resolution procedure pursuant to this chapter shall comply with all provisions of this section. A neutral facilitator shall indicate compliance by filing with the director a signed, written statement as follows: "I agree to comply with Virginia's statutes and regulations governing dispute resolution, including § 10.1-1186.3 of the Code of Virginia and 9 VAC 5-210-10 et seq."*

*B. A neutral facilitator shall adhere to the Judicial Council of Virginia's Standards of Ethics and Professional Responsibility for Certified Mediators.*

*C. If a complaint is made to the director that a neutral facilitator has failed to comply with all the provisions of the applicable regulations, laws, and Judicial Council Standards during a dispute resolution proceeding, the director shall notify the neutral facilitator of the complaint and shall give the neutral facilitator 10 business days to respond in writing. If the director deems the response unsatisfactory, or if no response is made by the deadline, the director shall remove the neutral facilitator from the ongoing dispute resolution process. The parties to the terminated dispute resolution procedure shall decide whether to continue in the same dispute resolution procedure with a new neutral facilitator, to*

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# Proposed Regulations

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begin a new dispute resolution procedure, or to forego further dispute resolution.

D. The recommendation of a neutral facilitator is not a case decision as defined in § 9-6.14:4 of the Administrative Process Act and therefore may not be appealed.

## **9 VAC 5-210-110. Résumés of neutral facilitators and descriptions of dispute resolution programs.**

The department may maintain a file containing the résumés of neutral facilitators and descriptions of dispute resolution programs. The file shall contain a disclaimer stating, "Inclusion of a résumé or dispute resolution program description in this file does not constitute an endorsement of a neutral facilitator or a dispute resolution program, nor should negative implications be drawn from the fact that a neutral facilitator's résumé or a dispute resolution program description is not included in this file. Parties are not obligated to choose a neutral facilitator or dispute resolution program from those whose résumés and descriptions are maintained in this file."

## **9 VAC 5-210-120. Enforcement of written settlement agreement.**

The board may incorporate the terms of the written settlement agreement into decisions pertinent to the case.

## **9 VAC 5-210-130. Referral of disputes to dispute resolution.**

A. The board, consistent with the provisions of 9 VAC 5-210-40 G and H, may refer a dispute to dispute resolution.

B. A party other than the board may request dispute resolution by applying to the director.

1. The application shall contain the following:
  - a. A request for dispute resolution, specifying mediation or another dispute resolution procedure;
  - b. The names, postal addresses, telephone numbers, fax numbers, e-mail addresses, or other appropriate communication addresses or numbers of all known parties to the dispute and of their attorneys, if known; and
  - c. A statement of issues and a summary of the basis for the dispute.
2. Filing an application constitutes consent to referral of the dispute to dispute resolution.
3. Filing an application shall not stay any proceeding and shall have no effect on any procedural or substantive right of any party to the dispute.
4. Under normal circumstances, within 14 business days of the receipt of an application from a party requesting dispute resolution, the director shall review the application to determine if the dispute is suitable for dispute resolution, shall decide which form of dispute resolution is appropriate, and shall notify the parties in writing accordingly.

5. If the director has decided that mediation is appropriate, the provisions of Part III (9 VAC 5-210-140 et seq.) of this chapter shall apply.

6. If the director has decided that a dispute resolution proceeding other than mediation is appropriate, the director shall specify what that proceeding is. The parties and the neutral facilitator shall determine the appropriate procedures for conducting this dispute resolution proceeding.

### **PART III. MEDIATION PROCEDURES.**

## **9 VAC 5-210-140. Appointment of mediator.**

A. If the director has decided that mediation is appropriate, any party may nominate a mediator.

B. If all parties agree with the nomination, the director shall appoint that person the mediator for the case and shall notify the parties accordingly.

C. If all parties do not agree with the nomination, the following procedure shall apply:

1. By a date specified by the director, each party shall name up to three mediators who would be acceptable to that party. These mediators may or may not have résumés on file with the department.
2. The director shall compile a list of the names submitted and send it to the parties.
3. Upon receipt of the list, each party may strike two names and return the list to the director within 14 business days following the date on which the list was mailed.
4. On the next business day after the 14-day period expires or as soon as practicable thereafter, the director shall appoint a mediator from the remaining list of names and shall notify the parties accordingly.

D. Once the mediator is appointed, the director shall send the mediator an acceptance form to sign and return. The acceptance form shall require the mediator to append his signature to the following statements:

1. That the mediator agrees to abide by the applicable dispute resolution statutes, regulations, and ethical standards;
2. That the mediator agrees to attempt to complete the mediation within 60 business days from the date of his appointment; and
3. That the mediator foresees no potential conflict of interest in agreeing to mediate the case. A determination of conflict of interest shall be made by the director or board on a case-by-case basis.

## **9 VAC 5-210-150. Evaluation session.**

A. Once the mediator has been appointed, the board shall issue a referral to the mediator and the parties. This referral shall include a list of the information that the board, in its preliminary judgment, expects to use in making its final

decision regarding the case. This list shall contain the caveat that the board may require other information as yet unspecified at some point in the future. All parties shall attend one evaluation session with the mediator unless excused pursuant to subsection B of this section.

B. The board shall excuse a party from participation in the evaluation session if, within 14 business days after issuance of the order of referral, a statement signed by the party is filed with the board. This statement shall declare that the mediation process has been explained to the party and that the party does not wish to participate in the evaluation session.

C. The evaluation session shall be conducted at any place within the Commonwealth of Virginia, at any time, and on any date convenient to the mediator and the parties.

D. At least seven business days before the evaluation session, each party shall provide the mediator with a statement outlining his perspective on the facts and issues of the case. At the discretion of the mediator, these statements may be mutually exchanged by the parties.

E. During the evaluation session, the parties, assisted by the mediator, shall determine the manner in which the issues in dispute shall be framed and addressed. In the absence of agreement by the parties, the mediator shall make this determination.

## **9 VAC 5-210-160. Continuation, termination, and resolution of mediation.**

A. Following the evaluation session, mediation shall proceed in any manner agreed on by the parties and the mediator in conformance with the provisions of 9 VAC 5-210-60.

B. Mediation may be terminated through written notice by the permittee or the director at any time before settlement is reached.

C. Mediation shall continue if a party other than the permittee or the director chooses to opt out of mediation following the evaluation session. A party who chooses to opt out of mediation at any time following the evaluation session shall not be bound by any written settlement agreement resulting from the mediation but shall be bound by the cost provisions of 9 VAC 5-210-50 and the confidentiality provisions of 9 VAC 5-210-80.

D. If the mediation is terminated before settlement is reached, the parties shall resume the same status as before mediation and shall proceed with the formal adjudication as if mediation had not taken place. The board shall not refer the case to mediation a second time.

E. If the mediation results in settlement, a written settlement agreement shall be signed and dated by each party or by that party's authorized representative.

## CHAPTER 15. REGULATION FOR DISPUTE RESOLUTION.

### PART I. DEFINITIONS.

#### **9 VAC 20-15-10. Use of terms.**

A. For the purpose of this chapter and subsequent amendments to it, of regulations of the board, or of orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 20-15-20.

B. Unless specifically defined in the Virginia Waste Management Act or in the regulations of the board, terms used shall have the meanings commonly ascribed to them.

#### **9 VAC 20-15-20. Terms defined.**

"Board" means the Virginia Waste Management Board.

"Conciliation" means a process in which a neutral facilitator facilitates settlement by clarifying issues and serving as an intermediary for negotiations in a manner that is generally more informal and less structured than mediation.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality or his designee.

"Dispute resolution," "dispute resolution procedure," "dispute resolution proceeding," or "dispute resolution service" means any structured process in which a neutral facilitator assists disputants in reaching a voluntary settlement by means of dispute resolution techniques such as mediation, conciliation, early neutral evaluation, nonjudicial settlement conferences, or any other proceeding leading to a voluntary settlement conducted consistent with the requirements of this chapter. The term includes the evaluation session.

"Dispute resolution program" means a program that offers dispute resolution services to the public that is run by the Commonwealth or any private for-profit or not-for-profit (including nonprofit) organization, political subdivision, or public corporation, or a combination of these.

"Evaluation session" means a preliminary meeting during which the parties and the neutral facilitator assess the case and decide whether to continue with a dispute resolution proceeding or with adjudication.

"Mediation" means a process by which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between the mediator and any party or parties, until such time as a resolution is agreed to by the parties or the parties discharge the mediator.

"Mediator" means a neutral facilitator selected by agreement of the parties to a controversy to assist them in mediation. As used in this chapter, this word may refer to a single person or to two or more people.

"Neutral facilitator" means a person who is trained or experienced in conducting dispute resolution proceedings and in providing dispute resolution services. As used in this

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chapter, this word may refer to a single person or to two or more people.

"Party" means an interested person who has chosen to be and who is eligible to be a disputant in a dispute resolution proceeding. An interested person is eligible if he (i) has attended a public meeting or public hearing on the permit or regulation in dispute and is therefore named in the public record, (ii) is the applicant for the permit in dispute, or (iii) is the department.

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

"Virginia Waste Management Act" means Chapter 14 (§10.1-1400 et seq.) of title 10.1 of the Code of Virginia.

## PART II. GENERAL PROVISIONS.

### **9 VAC 20-15-30. Applicability.**

A. The provisions of this chapter, unless specified otherwise, shall apply throughout the Commonwealth of Virginia.

B. The provisions of this chapter, unless specified otherwise, shall apply in the administration of all regulations of the board to the extent not covered by a specific regulation of the board. In cases where the provisions of this chapter conflict with another regulation of the board, the provisions of the other regulation shall apply.

C. No provision of this chapter shall limit the power of the board to take appropriate action as necessary to carry out its duties under the Virginia Waste Management Act.

D. By the adoption of this chapter, the board confers upon the director the administrative, enforcement, and decision-making authority articulated in this chapter.

E. Nothing in this chapter shall create or alter any right, action, or cause of action, or be interpreted or applied in a manner inconsistent with the Administrative Process Act (§ 9-6.14:1 et seq.), with applicable federal law, or with any applicable requirement for the Commonwealth to obtain or maintain federal delegation or approval of any regulatory program.

F. For a permit in dispute, dispute resolution may not be initiated after the final permit is issued. For a regulation in dispute, dispute resolution may not be initiated after the final regulation is adopted.

### **9 VAC 20-15-40. Purpose and scope.**

A. This chapter shall be construed to encourage the fair, expeditious, voluntary, consensual resolution of disputes. It shall not be construed to preclude collaborative community problem-solving.

B. Dispute resolution shall be used to resolve only those disputes that reveal significant issues of disagreement among parties and may be used unless the board decides that it is not in the public interest to do so.

C. The decision to employ dispute resolution is in the board's sole discretion and is not subject to judicial review.

D. The outcome of any dispute resolution procedure shall not be binding upon the board but may be considered by the board in issuing a permit or promulgating a regulation.

E. Dispute resolution may be used to resolve a dispute relating to the promulgation, amendment, or repeal of a regulation that is subject to the public participation process prescribed in Article 2 (§ 9-6.14:7.1 et seq.) of the Administrative Process Act.

F. Dispute resolution may be used to resolve a dispute involving any process relating to the issuance of a permit. Dispute resolution may be used in this case only with the consent and participation of the permit applicant and may be terminated at any time at the request of the permit applicant.

G. The board shall consider not using dispute resolution in the circumstances listed in § 10.1-1186.3 A of the Code of Virginia.

### **9 VAC 20-15-50. Costs.**

A. Compensation of the neutral facilitator and any other associated common costs, such as rental fees, shall be the responsibility of the parties. Compensation of each party's counsel and other individual costs shall be the responsibility of that party alone, unless the parties agree otherwise.

B. An agreement regarding compensation and other associated costs shall be reached between the neutral facilitator and the parties before the dispute resolution procedure commences and shall be memorialized in writing.

C. The parties shall agree on how to allocate costs. In the absence of an agreement to the contrary, all costs shall be paid by the parties in equal shares.

### **9 VAC 20-15-60. Date, time, and place.**

The dispute resolution procedure shall be conducted in any place within the Commonwealth of Virginia, on any date, and at any time agreeable to the parties and the neutral facilitator.

### **9 VAC 20-15-70. Attendance at the dispute resolution procedure.**

A. A party may satisfy the attendance requirement by sending a representative familiar with the facts of the case. This representative shall have the authority to negotiate and to recommend settlement to the party that he represents.

B. Any party may have the assistance of an attorney or other representative during any session of the dispute resolution procedure.

C. Persons who are not parties or representatives of parties may attend dispute resolution sessions only with the permission of all parties and with the consent of the neutral facilitator.

### **9 VAC 20-15-80. Confidentiality.**

A. The provisions of § 8.01-576.10 of the Code of Virginia concerning the confidentiality of dispute resolution shall govern all dispute resolution proceedings held pursuant to this



chapter except when the board uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation. The board shall inform the parties in the order of referral issued under 9 VAC 20-15-150 what this information is expected to be. If the board later decides that it will need additional information before it can issue the permit or promulgate the regulation, it shall so notify the parties as expeditiously as possible. If any of the information requested by the board would normally be protected by the confidentiality provisions of this section, the parties shall waive that protection when delivering the requested information to the board.

B. With the exception noted in subsection A of this section, all memoranda, work products, or other materials contained in the case files of a neutral facilitator are confidential. Any communication made during dispute resolution that relates to the controversy or the proceeding, whether made to the neutral facilitator, to a party, or to any other person, is confidential. Any party's lack of consent to participate in the dispute resolution process, at any point in the process, is confidential.

C. A written settlement agreement shall not be confidential, unless the parties otherwise agree in writing.

D. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:

1. When all parties to the dispute resolution process agree, in writing, to waive the confidentiality;
2. To the extent necessary, in a subsequent action between the neutral facilitator and a party, for damages arising out of the dispute resolution process; or
3. Statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the dispute resolution procedure.

E. The use of attorney work product in dispute resolution shall not result in a waiver of the attorney work product privilege.

F. Unless otherwise specified by the parties, no dispute resolution procedure shall be electronically or stenographically recorded.

### **9 VAC 20-15-90. Public participation.**

A. In general, when a dispute has been referred to dispute resolution, the public shall be so notified by a notice placed in the Virginia Register of Regulations. The public also may be notified by any other means deemed appropriate by the board. The notice shall state the nature of the dispute and the name, telephone number, fax number, postal address, and e-mail address of the department staff person to whom a member of the public should apply in order to become a party. The notice shall allow for a response time of at least five business days following publication.

B. Anyone who is interested in becoming a party in the pending dispute resolution and who meets the eligibility criteria specified in the definition of "party" in 9 VAC 20-15-20

shall, within the time allotted in the notice, apply to the department staff person listed in the notice. The application shall include the name, telephone number, postal address, and, if applicable, the fax number and e-mail address of the interested person.

C. The director shall respond to the application of the interested person in writing, explaining the obligations of a party to dispute resolution concerning attendance and costs. The director shall also request that the interested person submit a dated and signed statement as follows: "I understand that by becoming a party to dispute resolution, I am obligated to abide by Virginia law and regulations concerning dispute resolution and that I incur partial financial responsibility for the dispute resolution procedure."

D. After receiving the signed and dated statement from the interested person as required by subsection C of this section, the director may consider this person a party and proceed accordingly.

### **9 VAC 20-15-100. Appointment and function of neutral facilitator.**

A. A neutral facilitator participating in a dispute resolution procedure pursuant to this chapter shall comply with all provisions of this section. A neutral facilitator shall indicate compliance by filing with the director a signed, written statement as follows: "I agree to comply with Virginia's statutes and regulations governing dispute resolution, including § 10.1-1186.3 of the Code of Virginia and 9 VAC 20-15-10 et seq."

B. A neutral facilitator shall adhere to the Judicial Council of Virginia's Standards of Ethics and Professional Responsibility for Certified Mediators.

C. If a complaint is made to the director that a neutral facilitator has failed to comply with all the provisions of the applicable regulations, laws, and Judicial Council Standards during a dispute resolution proceeding, the director shall notify the neutral facilitator of the complaint and shall give the neutral facilitator 10 business days to respond in writing. If the director deems the response unsatisfactory, or if no response is made by the deadline, the director shall remove the neutral facilitator from the ongoing dispute resolution process. The parties to the terminated dispute resolution procedure shall decide whether to continue in the same dispute resolution procedure with a new neutral facilitator, to begin a new dispute resolution procedure, or to forego further dispute resolution.

D. The recommendation of a neutral facilitator is not a case decision as defined in § 9-6.14:4 of the Administrative Process Act and therefore may not be appealed.

### **9 VAC 20-15-110. Résumés of neutral facilitators and descriptions of dispute resolution programs.**

The department may maintain a file containing the résumés of neutral facilitators and descriptions of dispute resolution programs. The file shall contain a disclaimer stating, "Inclusion of a résumé or dispute resolution program description in this file does not constitute an endorsement of a neutral facilitator or a dispute resolution program, nor should negative implications be drawn from the fact that a neutral

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facilitator's résumé or a dispute resolution program description is not included in this file. Parties are not obligated to choose a neutral facilitator or dispute resolution program from those whose résumés and descriptions are maintained in this file."

## **9 VAC 20-15-120. Enforcement of written settlement agreement.**

The board may incorporate the terms of the written settlement agreement into decisions pertinent to the case.

## **9 VAC 20-15-130. Referral of disputes to dispute resolution.**

A. The board, consistent with the provisions of 9 VAC 20-15-40 G and H, may refer a dispute to dispute resolution.

B. A party other than the board may request dispute resolution by applying to the director.

1. The application shall contain the following:
  - a. A request for dispute resolution, specifying mediation or another dispute resolution procedure;
  - b. The names, postal addresses, telephone numbers, fax numbers, e-mail addresses, or other appropriate communication addresses or numbers of all known parties to the dispute and of their attorneys, if known; and
  - c. A statement of issues and a summary of the basis for the dispute.
2. Filing an application constitutes consent to referral of the dispute to dispute resolution.
3. Filing an application shall not stay any proceeding and shall have no effect on any procedural or substantive right of any party to the dispute.
4. Under normal circumstances, within 14 business days of the receipt of an application from a party requesting dispute resolution, the director shall review the application to determine if the dispute is suitable for dispute resolution, shall decide which form of dispute resolution is appropriate, and shall notify the parties in writing accordingly.
5. If the director has decided that mediation is appropriate, the provisions of Part III (9 VAC 20-15-140 et seq.) of this chapter shall apply.
6. If the director has decided that a dispute resolution proceeding other than mediation is appropriate, the director shall specify what that proceeding is. The parties and the neutral facilitator shall determine the appropriate procedures for conducting this dispute resolution proceeding.

### PART III. MEDIATION PROCEDURES.

## **9 VAC 20-15-140. Appointment of mediator.**

A. If the director has decided that mediation is appropriate, any party may nominate a mediator.

B. If all parties agree with the nomination, the director shall appoint that person the mediator for the case and shall notify the parties accordingly.

C. If all parties do not agree with the nomination, the following procedure shall apply:

1. By a date specified by the director, each party shall name up to three mediators who would be acceptable to that party. These mediators may or may not have résumés on file with the department.
2. The director shall compile a list of the names submitted and send it to the parties.
3. Upon receipt of the list, each party may strike two names and return the list to the director within 14 business days following the date on which the list was mailed.
4. On the next business day after the 14-day period expires or as soon as practicable thereafter, the director shall appoint a mediator from the remaining list of names and shall notify the parties accordingly.

D. Once the mediator is appointed, the director shall send the mediator an acceptance form to sign and return. The acceptance form shall require the mediator to append his signature to the following statements:

1. That the mediator agrees to abide by the applicable dispute resolution statutes, regulations, and ethical standards;
2. That the mediator agrees to attempt to complete the mediation within 60 business days from the date of his appointment; and
3. That the mediator foresees no potential conflict of interest in agreeing to mediate the case. A determination of conflict of interest shall be made by the director or board on a case-by-case basis.

## **9 VAC 20-15-150. Evaluation session.**

A. Once the mediator has been appointed, the board shall issue a referral to the mediator and the parties. This referral shall include a list of the information that the board, in its preliminary judgment, expects to use in making its final decision regarding the case. This list shall contain the caveat that the board may require other information as yet unspecified at some point in the future. All parties shall attend one evaluation session with the mediator unless excused pursuant to subsection B of this section.

B. The board shall excuse a party from participation in the evaluation session if, within 14 business days after issuance of the order of referral, a statement signed by the party is filed with the board. This statement shall declare that the mediation process has been explained to the party and that the party does not wish to participate in the evaluation session.

C. The evaluation session shall be conducted at any place within the Commonwealth of Virginia, at any time, and on any date convenient to the mediator and the parties.

D. At least seven business days before the evaluation session, each party shall provide the mediator with a statement outlining his perspective on the facts and issues of the case. At the discretion of the mediator, these statements may be mutually exchanged by the parties.

E. During the evaluation session, the parties, assisted by the mediator, shall determine the manner in which the issues in dispute shall be framed and addressed. In the absence of agreement by the parties, the mediator shall make this determination.

**9 VAC 20-15-160. Continuation, termination, and resolution of mediation.**

A. Following the evaluation session, mediation shall proceed in any manner agreed on by the parties and the mediator in conformance with the provisions of 9 VAC 20-15-60.

B. Mediation may be terminated through written notice by the permittee or the director at any time before settlement is reached.

C. Mediation shall continue if a party other than the permittee or the director chooses to opt out of mediation following the evaluation session. A party who chooses to opt out of mediation at any time following the evaluation session shall not be bound by any written settlement agreement resulting from the mediation but shall be bound by the cost provisions of 9 VAC 20-15-50 and the confidentiality provisions of 9 VAC 20-15-80.

D. If the mediation is terminated before settlement is reached, the parties shall resume the same status as before mediation and shall proceed with the formal adjudication as if mediation had not taken place. The board shall not refer the case to mediation a second time.

E. If the mediation results in settlement, a written settlement agreement shall be signed and dated by each party or by that party's authorized representative.

CHAPTER 15.  
REGULATION FOR DISPUTE RESOLUTION.

PART I.  
DEFINITIONS.

**9 VAC 25-15-10. Use of terms.**

A. For the purpose of this chapter and subsequent amendments to it, of regulations of the board, or of orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 25-15-20.

B. Unless specifically defined in the Virginia Water Control Law or in the regulations of the board, terms used shall have the meanings commonly ascribed to them.

**9 VAC 25-15-20. Terms defined.**

"Board" means the Virginia Water Control Board.

"Conciliation" means a process in which a neutral facilitator facilitates settlement by clarifying issues and serving as an intermediary for negotiations in a manner that is generally more informal and less structured than mediation.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality or his designee.

"Dispute resolution," "dispute resolution procedure," "dispute resolution proceeding," or "dispute resolution service" means any structured process in which a neutral facilitator assists disputants in reaching a voluntary settlement by means of dispute resolution techniques such as mediation, conciliation, early neutral evaluation, nonjudicial settlement conferences, or any other proceeding leading to a voluntary settlement conducted consistent with the requirements of this chapter. The term includes the evaluation session.

"Dispute resolution program" means a program that offers dispute resolution services to the public that is run by the Commonwealth or any private for-profit or not-for-profit (including nonprofit) organization, political subdivision, or public corporation, or a combination of these.

"Evaluation session" means a preliminary meeting during which the parties and the neutral facilitator assess the case and decide whether to continue with a dispute resolution proceeding or with adjudication.

"Mediation" means a process by which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between the mediator and any party or parties, until such time as a resolution is agreed to by the parties or the parties discharge the mediator.

"Mediator" means a neutral facilitator selected by agreement of the parties to a controversy to assist them in mediation. As used in this chapter, this word may refer to a single person or to two or more people.

"Neutral facilitator" means a person who is trained or experienced in conducting dispute resolution proceedings and in providing dispute resolution services. As used in this chapter, this word may refer to a single person or to two or more people.

"Party" means an interested person who has chosen to be and who is eligible to be a disputant in a dispute resolution proceeding. An interested person is eligible if he (i) has attended a public meeting or public hearing on the permit or regulation in dispute and is therefore named in the public record, (ii) is the applicant for the permit in dispute, or (iii) is the department.

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

"Virginia Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.), Chapter 3.2 (§62.1-44.36 et seq.), Chapter 24 (§62.1-242 et seq.), and Chapter 25 (§62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

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## PART II. GENERAL PROVISIONS.

### **9 VAC 25-15-30. Applicability.**

A. The provisions of this chapter, unless specified otherwise, shall apply throughout the Commonwealth of Virginia.

B. The provisions of this chapter, unless specified otherwise, shall apply in the administration of all regulations of the board to the extent not covered by a specific regulation of the board. In cases where the provisions of this chapter conflict with another regulation of the board, the provisions of the other regulation shall apply.

C. No provision of this chapter shall limit the power of the board to take appropriate action as necessary to carry out its duties under the Virginia Water Control Law.

D. By the adoption of this chapter, the board confers upon the director the administrative, enforcement, and decision-making authority articulated in this chapter.

E. Nothing in this chapter shall create or alter any right, action, or cause of action, or be interpreted or applied in a manner inconsistent with the Administrative Process Act (§ 9-6.14:1 et seq.), with applicable federal law, or with any applicable requirement for the Commonwealth to obtain or maintain federal delegation or approval of any regulatory program.

F. For a permit in dispute, dispute resolution may not be initiated after the final permit is issued. For a regulation in dispute, dispute resolution may not be initiated after the final regulation is adopted.

### **9 VAC 25-15-40. Purpose and scope.**

A. This chapter shall be construed to encourage the fair, expeditious, voluntary, consensual resolution of disputes. It shall not be construed to preclude collaborative community problem-solving.

B. Dispute resolution shall be used to resolve only those disputes that reveal significant issues of disagreement among parties and may be used unless the board decides that it is not in the public interest to do so.

C. The decision to employ dispute resolution is in the board's sole discretion and is not subject to judicial review.

D. The outcome of any dispute resolution procedure shall not be binding upon the board but may be considered by the board in issuing a permit or promulgating a regulation.

E. Dispute resolution may be used to resolve a dispute relating to the promulgation, amendment, or repeal of a regulation that is subject to the public participation process prescribed in Article 2 (§ 9-6.14:7.1 et seq.) of the Administrative Process Act.

F. Dispute resolution may be used to resolve a dispute involving any process relating to the issuance of a permit. Dispute resolution may be used in this case only with the consent and participation of the permit applicant and may be terminated at any time at the request of the permit applicant.

G. The board shall consider not using dispute resolution in the circumstances listed in § 10.1-1186.3 A of the Code of Virginia.

### **9 VAC 25-15-50. Costs.**

A. Compensation of the neutral facilitator and any other associated common costs, such as rental fees, shall be the responsibility of the parties. Compensation of each party's counsel and other individual costs shall be the responsibility of that party alone, unless the parties agree otherwise.

B. An agreement regarding compensation and other associated costs shall be reached between the neutral facilitator and the parties before the dispute resolution procedure commences and shall be memorialized in writing.

C. The parties shall agree on how to allocate costs. In the absence of an agreement to the contrary, all costs shall be paid by the parties in equal shares.

### **9 VAC 25-15-60. Date, time, and place.**

The dispute resolution procedure shall be conducted in any place within the Commonwealth of Virginia, on any date, and at any time agreeable to the parties and the neutral facilitator.

### **9 VAC 25-15-70. Attendance at the dispute resolution procedure.**

A. A party may satisfy the attendance requirement by sending a representative familiar with the facts of the case. This representative shall have the authority to negotiate and to recommend settlement to the party that he represents.

B. Any party may have the assistance of an attorney or other representative during any session of the dispute resolution procedure.

C. Persons who are not parties or representatives of parties may attend dispute resolution sessions only with the permission of all parties and with the consent of the neutral facilitator.

### **9 VAC 25-15-80. Confidentiality.**

A. The provisions of § 8.01-576.10 of the Code of Virginia concerning the confidentiality of dispute resolution shall govern all dispute resolution proceedings held pursuant to this chapter except when the board uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation. The board shall inform the parties in the order of referral issued under 9 VAC 25-15-150 what this information is expected to be. If the board later decides that it will need additional information before it can issue the permit or promulgate the regulation, it shall so notify the parties as expeditiously as possible. If any of the information requested by the board would normally be protected by the confidentiality provisions of this section, the parties shall waive that protection when delivering the requested information to the board.

B. With the exception noted in subsection A of this section, all memoranda, work products, or other materials contained in the case files of a neutral facilitator are confidential. Any communication made during dispute resolution that relates to the controversy or the proceeding, whether made to the

neutral facilitator, to a party, or to any other person, is confidential. Any party's lack of consent to participate in the dispute resolution process, at any point in the process, is confidential.

C. A written settlement agreement shall not be confidential, unless the parties otherwise agree in writing.

D. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:

1. When all parties to the dispute resolution process agree, in writing, to waive the confidentiality;
2. To the extent necessary, in a subsequent action between the neutral facilitator and a party for damages arising out of the dispute resolution process; or
3. Statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the dispute resolution procedure.

E. The use of attorney work product in dispute resolution shall not result in a waiver of the attorney work product privilege.

F. Unless otherwise specified by the parties, no dispute resolution procedure shall be electronically or stenographically recorded.

#### **9 VAC 25-15-90. Public participation.**

A. In general, when a dispute has been referred to dispute resolution, the public shall be so notified by a notice placed in the Virginia Register of Regulations. The public also may be notified by any other means deemed appropriate by the board. The notice shall state the nature of the dispute and the name, telephone number, fax number, postal address, and e-mail address of the department staff person to whom a member of the public should apply in order to become a party. The notice shall allow for a response time of at least five business days following publication.

B. Anyone who is interested in becoming a party in the pending dispute resolution and who meets the eligibility criteria specified in the definition of "party" in 9 VAC 25-15-20 shall, within the time allotted in the notice, apply to the department staff person listed in the notice. The application shall include the name, telephone number, postal address, and, if applicable, the fax number and e-mail address of the interested person.

C. The director shall respond to the application of the interested person in writing, explaining the obligations of a party to dispute resolution concerning attendance and costs. The director shall also request that the interested person submit a dated and signed statement as follows: "I understand that by becoming a party to dispute resolution, I am obligated to abide by Virginia law and regulations concerning dispute resolution and that I incur partial financial responsibility for the dispute resolution procedure."

D. After receiving the signed and dated statement from the interested person as required by subsection C of this section,

the director may consider this person a party and proceed accordingly.

#### **9 VAC 25-15-100. Appointment and function of neutral facilitator.**

A. A neutral facilitator participating in a dispute resolution procedure pursuant to this chapter shall comply with all provisions of this section. A neutral facilitator shall indicate compliance by filing with the director a signed, written statement as follows: "I agree to comply with Virginia's statutes and regulations governing dispute resolution, including § 10.1-1186.3 of the Code of Virginia and 9 VAC 25-15-10 et seq."

B. A neutral facilitator shall adhere to the Judicial Council of Virginia's Standards of Ethics and Professional Responsibility for Certified Mediators.

C. If a complaint is made to the director that a neutral facilitator has failed to comply with all the provisions of the applicable regulations, laws, and Judicial Council Standards during a dispute resolution proceeding, the director shall notify the neutral facilitator of the complaint and shall give the neutral facilitator 10 business days to respond in writing. If the director deems the response unsatisfactory, or if no response is made by the deadline, the director shall remove the neutral facilitator from the ongoing dispute resolution process. The parties to the terminated dispute resolution procedure shall decide whether to continue in the same dispute resolution procedure with a new neutral facilitator, to begin a new dispute resolution procedure, or to forego further dispute resolution.

D. The recommendation of a neutral facilitator is not a case decision as defined in § 9-6.14:4 of the Administrative Process Act and therefore may not be appealed.

#### **9 VAC 25-15-110. Résumés of neutral facilitators and descriptions of dispute resolution programs.**

The department may maintain a file containing the résumés of neutral facilitators and descriptions of dispute resolution programs. The file shall contain a disclaimer stating, "Inclusion of a résumé or dispute resolution program description in this file does not constitute an endorsement of a neutral facilitator or a dispute resolution program, nor should negative implications be drawn from the fact that a neutral facilitator's résumé or a dispute resolution program description is not included in this file. Parties are not obligated to choose a neutral facilitator or dispute resolution program from those whose résumés and descriptions are maintained in this file."

#### **9 VAC 25-15-120. Enforcement of written settlement agreement.**

The board may incorporate the terms of the written settlement agreement into decisions pertinent to the case.

#### **9 VAC 25-15-130. Referral of disputes to dispute resolution.**

A. The board, consistent with the provisions of 9 VAC 25-15-40 G and H, may refer a dispute to dispute resolution.

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B. A party other than the board may request dispute resolution by applying to the director.

1. The application shall contain the following:

- a. A request for dispute resolution, specifying mediation or another dispute resolution procedure;
- b. The names, postal addresses, telephone numbers, fax numbers, e-mail addresses, or other appropriate communication addresses or numbers of all known parties to the dispute and of their attorneys, if known; and
- c. A statement of issues and a summary of the basis for the dispute.

2. Filing an application constitutes consent to referral of the dispute to dispute resolution.

3. Filing an application shall not stay any proceeding and shall have no effect on any procedural or substantive right of any party to the dispute.

4. Under normal circumstances, within 14 business days of the receipt of an application from a party requesting dispute resolution, the director shall review the application to determine if the dispute is suitable for dispute resolution, shall decide which form of dispute resolution is appropriate, and shall notify the parties in writing accordingly.

5. If the director has decided that mediation is appropriate, the provisions of Part III (9 VAC 25-15-140 et seq.) of this chapter shall apply.

6. If the director has decided that a dispute resolution proceeding other than mediation is appropriate, the director shall specify what that proceeding is. The parties and the neutral facilitator shall determine the appropriate procedures for conducting this dispute resolution proceeding.

## PART III. MEDIATION PROCEDURES.

### 9 VAC 25-15-140. Appointment of mediator.

A. If the director has decided that mediation is appropriate, any party may nominate a mediator.

B. If all parties agree with the nomination, the director shall appoint that person the mediator for the case and shall notify the parties accordingly.

C. If all parties do not agree with the nomination, the following procedure shall apply:

- 1. By a date specified by the director, each party shall name up to three mediators who would be acceptable to that party. These mediators may or may not have résumés on file with the department.
- 2. The director shall compile a list of the names submitted and send it to the parties.
- 3. Upon receipt of the list, each party may strike two names and return the list to the director within 14

business days following the date on which the list was mailed.

4. On the next business day after the 14-day period expires or as soon as practicable thereafter, the director shall appoint a mediator from the remaining list of names and shall notify the parties accordingly.

D. Once the mediator is appointed, the director shall send the mediator an acceptance form to sign and return. The acceptance form shall require the mediator to append his signature to the following statements:

- 1. That the mediator agrees to abide by the applicable dispute resolution statutes, regulations, and ethical standards;
- 2. That the mediator agrees to attempt to complete the mediation within 60 business days from the date of his appointment; and
- 3. That the mediator foresees no potential conflict of interest in agreeing to mediate the case. A determination of conflict of interest shall be made by the director or board on a case-by-case basis.

### 9 VAC 25-15-150. Evaluation session.

A. Once the mediator has been appointed, the board shall issue a referral to the mediator and the parties. This referral shall include a list of the information that the board, in its preliminary judgment, expects to use in making its final decision regarding the case. This list shall contain the caveat that the board may require other information as yet unspecified at some point in the future. All parties shall attend one evaluation session with the mediator unless excused pursuant to subsection B of this section.

B. The board shall excuse a party from participation in the evaluation session if, within 14 business days after issuance of the order of referral, a statement signed by the party is filed with the board. This statement shall declare that the mediation process has been explained to the party and that the party does not wish to participate in the evaluation session.

C. The evaluation session shall be conducted at any place within the Commonwealth of Virginia, at any time, and on any date convenient to the mediator and the parties.

D. At least seven business days before the evaluation session, each party shall provide the mediator with a statement outlining his perspective on the facts and issues of the case. At the discretion of the mediator, these statements may be mutually exchanged by the parties.

E. During the evaluation session, the parties, assisted by the mediator, shall determine the manner in which the issues in dispute shall be framed and addressed. In the absence of agreement by the parties, the mediator shall make this determination.

### 9 VAC 25-15-160. Continuation, termination, and resolution of mediation.

A. Following the evaluation session, mediation shall proceed in any manner agreed on by the parties and the

mediator in conformance with the provisions of 9 VAC 25-15-60.

B. Mediation may be terminated through written notice by the permittee or the director at any time before settlement is reached.

C. Mediation shall continue if a party other than the permittee or the director chooses to opt out of mediation following the evaluation session. A party who chooses to opt out of mediation at any time following the evaluation session shall not be bound by any written settlement agreement resulting from the mediation but shall be bound by the cost provisions of 9 VAC 25-15-50 and the confidentiality provisions of 9 VAC 25-15-80.

D. If the mediation is terminated before settlement is reached, the parties shall resume the same status as before mediation and shall proceed with the formal adjudication as if mediation had not taken place. The board shall not refer the case to mediation a second time.

E. If the mediation results in settlement, a written settlement agreement shall be signed and dated by each party or by that party's authorized representative.

VA.R. Doc. Nos. R00-136, R00-139, and R00-140; Filed September 28, 2000, 8:36 a.m.

STATE WATER CONTROL BOARD

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

Title of Regulation: 9 VAC 25-110-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons per Day (amending 9 VAC 25-110-10, 9 VAC 25-110-20, 9 VAC 25-110-60, 9 VAC 25-110-70, and 9 VAC 25-110-80; repealing 9 VAC 25-110-40 and 9 VAC 25-110-50).

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

Public Hearing Dates: November 27, 2000 - 7 p.m. December 7, 2000 - 7 p.m.

Public comments may be submitted until December 22, 2000.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board has proposed to reissue a general VPDES permit for domestic sewage discharges of less than or equal to 1,000 gallons per day. The proposed regulation will replace the general permit VAG40 that expires August 1, 2001.

This proposed regulatory action sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage. These plants are typically installed at individual homes, duplexes, churches, gas stations, etc. when central sewer is not available and the soil conditions prohibit the use of onsite disposal methods such as septic tanks and drainfields. The proposed general permit consists of limitations and monitoring requirements on discharges to surface waters for the following parameters: flow, less than or equal to 1,000 gallons per day; pH, 6.0 minimum, 9.0 maximum; biochemical oxygen demand, 30 mg/l maximum; total suspended solids, 30 mg/l maximum; total residual chlorine, 1.0 mg/l minimum, 2.0 mg/l or nondetectable maximum; fecal coliform bacteria, 200/100ml maximum; and dissolved oxygen, 5.0 mg/l maximum. Effluent limitations and monitoring requirements are established for two subcategories depending upon the amount of dilution provided by the waters into which the treated effluent is discharged. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit. No discharge may be covered by the general permit unless the Department of Health certifies that there are no onsite sewage disposal options available to the lot owner.

The proposed regulation contains two significant changes to the existing permit. A maintenance contract is required in order to ensure that the treatment works are properly operated and maintained. In cases where qualified personnel are currently employed to operate and maintain the treatment works, an exception to the maintenance contract requirement is provided. Due to the recent change in the Water Quality Standards (9 VAC 25-260-5 et seq.) regarding chlorine, the two subcategories of discharges have been redefined.

CHAPTER 110.

GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY.

9 VAC 25-110-10. Definitions.

The words and terms used in this chapter shall have the same meanings defined as given in the State Water Control Law, (Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia) and 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

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~~"Department" means the Department of Environmental Quality.~~

"Domestic sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places.

**9 VAC 25-110-20. Purpose; delegation of authority; effective date of permit.**

A. This general permit regulation governs domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day on a monthly average.

~~**9 VAC 25-110-40. Delegation of authority.**~~

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

~~**9 VAC 25-110-50. Effective date of the permit.**~~

C. This ~~general~~ *general* VPDES ~~general permit regulation~~ *general permit regulation* ~~supersedes 9 VAC 25-110-10 et seq., which was effective July 1, 1992, and which expired on August 1, 1996. This general permit will become effective on August 1, 1996~~ *will become effective on August 1, 2001*, and it expires on August 1, ~~2004~~ *2006*. *With respect to a particular facility, this general permit shall become effective as to any covered owner upon the facility owner's compliance with all the provisions of 9 VAC 25-110-60 and the receipt of this a copy of the general VPDES general permit.*

**9 VAC 25-110-60. Authorization to discharge.**

A. Any owner of a treatment works governed by this general permit is hereby authorized to discharge treated domestic sewage to surface waters of the Commonwealth of Virginia provided that the owner ~~files~~ *has filed with the department* the registration statement ~~of~~ *described in 9 VAC 25-110-70, complies* ~~with~~ *has complied* with the effluent limitations and other requirements of 9 VAC 25-110-80, and ~~provided that the owner has complied with all the following conditions:~~

~~A. Individual permit.~~ 1. The owner shall not have been required to obtain an individual VPDES permit as may be required in 9 VAC 25-31-170 B.;

~~B. Prohibited discharge locations.~~ 2. The owner shall not be authorized by this general permit to discharge to surface waters specifically named in other board regulations or policies ~~which that~~ *that* prohibit such discharges.;

~~C. Central sewage facilities.~~ 3. The owner shall not be authorized by this general permit to discharge to surface waters where there are central sewage facilities reasonably available, as determined by the department of Environmental Quality.; *and*

~~D. Onsite sewage disposal system.~~ 4. The owner of any proposed treatment works or any treatment works ~~which that~~ *that* has not previously been issued a valid VPDES permit shall have applied to the Virginia Department of Health for an onsite sewage disposal system permit and the Virginia Department of Health must have determined

that there is no technology available to serve that parcel of land with an onsite system.

B. Receipt of this ~~general~~ *general* VPDES ~~general~~ permit does not relieve any owner of the responsibility to comply with any other *applicable federal, state or local statute, ordinance or regulation*, including applicable regulations of the Virginia Department of Health adopted pursuant to §§ 32.1-163 and 32.1-164 of the Code of Virginia.

**9 VAC 25-110-70. Registration statement.**

A. ~~Deadlines for submitting registration statement.~~ The owner shall file a complete ~~General~~ *General* VPDES ~~General~~ Permit Registration Statement for domestic sewage discharges of less than or equal to 1,000 gallons per day. Any owner proposing a new discharge shall file ~~the~~ *a complete* registration statement ~~with the department~~ *at least 60 days prior to the date planned for commencing construction or operation of the treatment works from which the discharge will emanate*. Any owner of an existing treatment works covered by an individual VPDES permit who ~~is proposing~~ *proposes* to be covered by this general permit shall file ~~the~~ *a complete* registration statement at least 180 days prior to the expiration date of the individual VPDES permit. *To avoid a lapse in permit coverage, any owner of an existing treatment works that was authorized to discharge under the general permit issued in 1996 shall file a complete registration statement prior to August 1, 2001.*

B. ~~Registration statement.~~ The ~~required~~ *owner* shall submit a registration statement ~~shall contain that contains~~ the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT REGISTRATION STATEMENT FOR DOMESTIC SEWAGE DISCHARGES LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

1. Name of Facility/Residence
2. Address of Facility  
Street... City... State... Zip...
3. Facility Owner(s)  
Last Name... First Name... M.I....  
Last Name... First Name... M.I....
4. Address of Owner  
Street... City... State... Zip...
5. Phone  
Home... Work...
6. Name of stream into which discharge occurs  
~~Is the discharge point on a stream that usually flows during dry weather? Yes... No... If no, approximate distance from the discharge to the point where a stream flows during dry weather. .... ft.~~
7. Amount of Discharge (gallons per day)
8. ~~Are any pollutants other than domestic sewage to be discharged?~~  
Yes... No... If yes, please indicate what:
9. ~~Are central sewage facilities available to this facility?~~  
Yes... No... If yes, please explain:



10. Does this facility currently have a VPDES permit?  
Yes... No... If yes, please provide Permit Number:

~~11. The owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPDES permit must submit the following attachments with this registration statement:~~

- ~~a. A topographic or other map which indicates discharge point, property boundaries, wells, downstream houses, etc. for 1/2 mile downstream;~~
- ~~b. A diagram of the existing or proposed sewage treatment system, including the location of the facility/residence and the individual sewage treatment units; and~~
- ~~c. A notification from the Department of Health that an onsite sewage disposal system permit has been applied for and that the Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.~~

~~... Check here if these items have been submitted previously and are still accurate/applicable.~~

**Certification:**

~~I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the general permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.~~

~~Signature(s):..... Date:...~~

~~For Department of Environmental Quality use only:~~

~~Accepted/Not Accepted by:..... Date:...~~

~~Basin Stream Class Section~~

**Special Standards**

- ~~1. Name and location of the facility/residence.~~
- ~~2. Name, mailing address, and work and home telephone numbers of the facility owner. Indicate if the owner is or will be the occupant of the facility.~~
- ~~3. Name of the water body receiving the discharge. Indicate if the discharge point is on a stream that usually flows during dry weather.~~
- ~~4. The amount of discharge, in gallons per day, on a monthly average.~~

5. A description of any pollutants, other than domestic sewage, to be discharged.

6. If there are central sewage facilities available to serve this facility.

7. If the facility currently has a VPDES permit. Provide the permit number, if applicable. Indicate if the facility has been built and begun discharge.

8. For the owner of any proposed treatment works or any treatment works that has not previously been issued a valid VPDES permit:

- a. A topographic map that indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, and other water bodies, or downstream residences within 1/2 mile downstream from the discharge;

- b. A site diagram of the existing or proposed sewage treatment works, including the property boundaries, the location of the facility/residence to be served, the individual sewage treatment units, the receiving water body, and the discharge line location;

- c. A notification from the Virginia Department of Health that an onsite sewage disposal system permit has been applied for and that the Virginia Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system; and

- d. For discharges into any water impoundment, a notification from the governing body of the county, city, or town in which the discharge is to take place that the location and operation of the treatment works are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. Should the governing body fail to provide such written notification within 45 days from the receipt of a request from the applicant, the requirement for such notification is waived.

9. For the owner of any existing treatment works, a copy of a valid maintenance contract that provides for the following:

- a. Performance of all testing required in accordance with 9 VAC 25-110-80, Part I A;
- b. Full and complete repairs to the treatment works within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed \$500 in any given year for repairs (including parts and labor); and
- c. A minimum of 24 months of consecutive coverage under the maintenance contract.

10. The owner of any existing treatment works may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to the department for review and approval. At a minimum, the plan shall contain the following information:

- a. An up-to-date operation and maintenance manual for the treatment works;

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b. A log of maintenance performed on the plant including, but not limited to, the following:

- (1) The date and amount of disinfection chemicals added to the chlorinator.
- (2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.
- (3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.
- (4) The date and approximate volume of sludge removed;

c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;

d. Proof of installation of elapsed time meters for electric motor-driven equipment; and

e. An effluent monitoring plan in accordance with the requirements of 9 VAC 25-110-80 Part I A.

11. The following certification: "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with the requirements of 9 VAC 25-31-110.

## 9 VAC 25-110-80. General permit.

Any owner whose registration statement is accepted by the board will receive the following permit and shall comply with

the requirements contained therein and be subject to all requirements of 9 VAC 25-31-170.

General Permit No.: VAG40

Effective Date:.....

Expiration Date:.....

GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, (33 USC § 1251 et seq.), as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of *treatment works* with domestic sewage discharges with a design flow of less than or equal to 1,000 gallons per day on a monthly average are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulations or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Special Conditions, and Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements Conditions Applicable to All VPDES Permits, as set forth herein.

### Part I.

Effluent Limitations and Monitoring Requirements.

#### A. Effluent limitations and monitoring requirements.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 to receiving waters where either: a) the 7Q10 flow is zero and the discharge travels less than 500 feet before it reaches receiving waters with 7Q10 flow greater than zero; or b) the 7Q10 flow is greater than zero and flows are less than 0.2 MGD.

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)*	NA	NL	1/year	Estimate
BOD <sub>5</sub>	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine**				
After contact tank	1.0 mg/l	NA	1/year	Grab

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Final Effluent	NA	Nondetectable	1/year	Grab
Fecal Coliform Bacteria***	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0	9.0	1/year	Grab
Dissolved Oxygen	5 mg/1	NA	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

*2. All monitoring data required by Part I A 1 shall be maintained on site in accordance with Part II B. Reporting of results to the department is not required; however, the monitoring results shall be made available to department or Virginia Department of Health personnel upon request.*

\* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

\*\* Applies only when chlorine is used for disinfection. *Chlorine limitation of nondetectable is defined as < 0.1 mg/l.*

\*\*\* Applies only when methods other than chlorine are used for disinfection. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

\*\*\*\* *Where the Water Quality Standards (9 VAC 25-260-5 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.*

### A. Effluent limitations and monitoring requirements.

~~2.~~ 1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 to receiving waters where either: a) the 7Q10 flow is zero and the discharge must travel at least 500 feet to reach receiving waters with 7Q10 flow greater than zero; or b) the 7Q10 flow is flows are equal to or greater than 0.2 MGD.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)*	NA	NL	1/year	Estimate
BOD <sub>5</sub>	NA	30 mg/1	1/year	Grab
Total Suspended Solids	NA	30 mg/1	1/year	Grab
Total Residual Chlorine**				
Final Effluent	1.0 mg/l	2.0 mg/l	1/year	Grab
Fecal Coliform Bacteria***	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0	9.0	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

*2. All monitoring data required by Part I A 1 shall be maintained on site in accordance with Part II B. Reporting of results to the department is not required; however, the monitoring results shall be made available to department or Virginia Department of Health personnel upon request.*

\*\*\* Applies only when methods other than chlorine are used for disinfection. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

\*\*\*\* *Where the Water Quality Standards (9 VAC 25-260-5 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.*

\* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

\*\* Applies only when chlorine is used for disinfection.

### B. Special conditions.

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

2. Schedule of compliance. This compliance schedule shall be allowed only for treatment works that were existing on the effective date of this general permit. Treatment works constructed after the permit effective date are expected to comply with the limitations and conditions of the general permit from the date of ~~coverage~~ *operation*. The permittee shall install equipment or unit processes or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Virginia Department of Health or the Department of Environmental Quality. The permittee shall submit to the Department of Environmental Quality Regional Office a written notice certifying completion of any necessary modifications on or before the 180-day compliance deadline. If the permittee is unable to meet the deadline, a written notice shall be submitted ~~which that~~ shall include the cause of the delay, any ~~remedial~~ actions taken ~~to eliminate the delay~~, and the projected date for compliance.

3. *Maintenance contract.* For existing treatment works, the permittee shall maintain a maintenance contract during the permit term. A copy of a valid maintenance contract shall be maintained at the site of treatment works and made available to the department or to the Virginia Department of Health for examination upon request. For proposed treatment works, the permittee shall submit a copy of a valid maintenance contract to the department for review and approval prior to operation of the treatment works. The maintenance contract shall provide for the following:

a. Performance of all testing required in accordance with Part I A;

b. Full and complete repairs to the facility within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed \$500 in any given year for repairs (including parts and labor); and

c. A minimum of 24 months of consecutive coverage under the maintenance contract.

4. *Operation and maintenance plan.* The owner of any treatment works may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to the department for review and approval. At a minimum, the plan shall contain the following information:

a. An up-to-date operation and maintenance manual for the treatment works;

b. A log of maintenance performed on the plant including, but not limited to, the following:

(1) The date and amount of disinfection chemicals added to the chlorinator.

(2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.

(3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.

(4) The date and approximate volume of sludge removed;

c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;

d. Proof of installation of elapsed time meters for electric motor-driven equipment; and

e. An effluent monitoring plan in accordance with Part I A. Should the permittee fail to implement the approved operation and maintenance plan, or if there are violations of effluent limitations, the department reserves the right to require the permittee to obtain a maintenance contract.

## Part II.

### Monitoring and Reporting.

#### A. ~~Sampling and analysis methods.~~

~~1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.~~

~~2. Unless otherwise specified in the permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in the Federal Register (40 CFR 136).~~

~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~

~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.~~

~~B. Recording of results.~~ For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

~~1. The date, exact place and time of sampling or measurements;~~

~~2. The persons who performed the sampling or measurements;~~

~~3. The dates analyses were performed;~~

~~4. The persons who performed each analysis;~~

~~5. The analytical techniques or methods used; and~~

~~6. The results of such analyses and measurements.~~

~~C. Monitoring records.~~ All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and

~~maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for five years from the date of the sample, measurement, report or application. Such records shall be made available to the department or the state Department of Health upon request.~~

~~D. Reporting requirements. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide the following information regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours:~~

- ~~1. A description and cause of noncompliance;~~
- ~~2. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease, or both; and~~
- ~~3. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

~~E. Signatory requirements. Any registration statement, report, or certification required by this permit shall be signed as follows:~~

- ~~1. Registration statement.
  - ~~a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~
  - ~~b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)~~
  - ~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~~~

- ~~2. Reports. All reports required by permits and other information requested by the board shall be signed by:
  - ~~a. One of the persons described in subparagraph 1, a, b, or c of this section; or~~
  - ~~b. A duly authorized representative of that person. A person is a duly authorized representative only if:~~~~

~~(1) The authorization is made in writing by a person described in subparagraph 1 a, b, or c of this section; and~~

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

~~(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the board prior to or together with any separate information, or registration statement to be signed by an authorized representative.~~

~~3. Certification. Any person signing a document under paragraph 1 or 2 of this section shall make the following certification:~~

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

~~Part III.  
Management Requirements.~~

~~A. Change in discharge.~~

~~1. Any permittee proposing a new discharge shall submit a new registration statement at least 60 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. There shall be no commencement of treatment until a permit is received.~~

~~2. All discharges authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 60 days prior to all expansions, production increases, or process modifications, that will result in new or increased pollutants. The discharge of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.~~

~~B. Treatment works operation and quality control.~~

~~1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement. If facility deficiencies, design or~~

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operational, or both, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

b. Maintenance of treatment works shall be carried out in such a manner that the monitoring or limitation requirements, or both, are not violated.

c. Collected sludges shall be stored in such a manner as to prevent entry of those wastes (or run-off from the wastes) into state waters.

C. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitations or conditions, or both, specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitations or conditions, or both.

D. Duty to halt, reduce activity or to mitigate.

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

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability. The structural stability of any of the units or parts of the treatment works herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing. Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works here permitted is prohibited.

G. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act, (33 USC § 1370).

H. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

I. Severability. The provisions of this permit are severable.

J. Duty to reregister. If the permittee wishes to be eligible to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 60 days prior to the expiration date of this permit.

K. Right of entry. The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;

2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;

3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and

5. To inspect at reasonable times any collection, treatment, or discharge facilities required under this permit.

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

L. Transferability of permits. This permit may be transferred to another person by a permittee if:

1. The current owner notifies the Department of Environmental Quality Regional Office 30 days in advance of the proposed transfer of the title to the treatment works or property;

2. The notice includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and

3. The department does not within the 30-day time period notify the existing owner and the proposed owner of the State Water Control Board's intent to modify or revoke and re-issue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

M. Continuation of expired general permits. An expired general permit continues in force and effect until a new general permit is issued. Only those treatment works authorized to discharge under the expiring general permit are covered by the continued permit.

~~N. Public access to information. All information pertaining to permit processing or in reference to any source of discharge of any pollutant, shall be available to the public.~~

~~O. Permit modification. The permit may be modified when any of the following developments occur:~~

- ~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~
- ~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act (33 USC § 1317(a)); or~~
- ~~3. When the level of discharge of a pollutant not limited in the permit exceeds applicable Water Quality Standards or Water Quality Criteria, or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.~~

~~P. Permit termination. After public notice and opportunity for a public hearing, the general permit may be terminated for cause.~~

~~Q. When an individual permit may be required. The department may require any owner authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

- ~~1. The discharger(s) is a significant contributor of pollution.~~
- ~~2. Conditions at the operating facility change altering the constituents or characteristics, or both, of the discharge such that the discharge no longer qualifies for a general permit.~~
- ~~3. The discharge violates the terms or conditions of this permit.~~
- ~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.~~
- ~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.~~
- ~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

~~This permit may be terminated as to an individual owner for any of the reasons set forth above after appropriate notice and an opportunity for a public hearing.~~

~~R. When an individual permit may be requested. Any owner operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to an owner the applicability of this general permit to the individual owner is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to an owner already covered by an individual permit, such owner may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.~~

~~S. Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.~~

~~T. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~U. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

- ~~1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or~~
- ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

## PART II.

### CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

#### A. Monitoring.

- 1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.*
- 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (1998) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.*
- 3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.*

#### B. Records.

- 1. Records of monitoring information shall include:*
  - a. The date, exact place, and time of sampling or measurements;*
  - b. The individual(s) who performed the sampling or measurements;*
  - c. The date(s) and time(s) analyses were performed;*
  - d. The individual(s) who performed the analyses;*
  - e. The analytical techniques or methods used; and*
  - f. The results of such analyses.*
- 2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip*

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chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

## C. Reporting monitoring results.

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

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

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

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

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

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

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

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

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

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

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

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

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.



I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

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

- a. Any unanticipated bypass; and
- b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

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

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

(1) After promulgation of standards of performance under Section 306 of Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act that are applicable to such source, but only if the

standards are promulgated in accordance with Section 306 within 120 days of their proposal;

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

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

K. Signatory requirements.

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

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

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

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

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

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

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification:

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

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

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

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

for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

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

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

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

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

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

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and 3.

## 2. Notice.

a. *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible, at least 10 days before the date of the bypass.

b. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part II I.

## 3. Prohibition of bypass.

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

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

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

(3) *The permittee submitted notices as required under Part II U 2.*

b. *The board may approve an anticipated bypass after considering its adverse effects if the board determines that it will meet the three conditions listed above in Part II U 3 a.*

## V. Upset.

1. *An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.*

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

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

b. *The permitted facility was at the time being properly operated;*

c. *The permittee submitted notice of the upset as required in Part II I; and*

d. *The permittee complied with any remedial measures required under Part II S.*

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

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

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

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

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

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

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

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

## Y. Transfer of permits.

1. *Permits are not transferable to any person except after notice to the department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.*

2. *As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:*

a. *The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;*

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

c. *The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not*

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received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

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

VA.R. Doc. No. R00-101; Filed October 3, 2000, 4:31 p.m.

\* \* \* \* \*

**Title of Regulation:** 9 VAC 25-260-5 et seq. **Water Quality Standards (amending 9 VAC 25-260-50, 9 VAC 25-260-310, 9 VAC 25-260-380, 9 VAC 25-260-390, 9 VAC 25-260-410, 9 VAC 25-260-420, 9 VAC 25-260-440, 9 VAC 25-260-470, 9 VAC 25-260-480, 9 VAC 25-260-520, and 9 VAC 25-260-530; adding 9 VAC 25-260-55).**

**Statutory Authority:** § 62.1-44.15 of the Code of Virginia.

**Public Hearing Dates:**

November 27, 2000 - 7 p.m. (Williamsburg).

November 28, 2000 - 7 p.m. (Glen Allen).

December 7, 2000 - 7 p.m. (Roanoke).

Public comments may be submitted until December 22, 2000.

(See Calendar of Events section for additional information)

**Basis:** Section 62.1-44.15(3a) of the Code of Virginia mandates and authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend or cancel any such standards or policies established. The federal Clean Water Act at § 303(c) mandates the State Water Control Board to review and, as appropriate, modify and adopt water quality standards. The corresponding federal water quality standards regulation at 40 CFR 131.6 describes the minimum requirements for water quality standards. The minimum requirements are use designations, water quality criteria to protect the designated uses and an antidegradation policy. All of the citations mentioned describe mandates for water quality standards.

**Purpose:** Water Quality Standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of this rulemaking is to update the state's dissolved oxygen water quality criteria to recognize that naturally low dissolved oxygen conditions may occur in some waters. The regulation currently does not do this to a level that allows water quality assessments and other regulatory actions to make decisions based on natural conditions. Rather, they are required to make decisions on the existing numerical criteria for dissolved oxygen, which do not take into account natural conditions. Waters that may have naturally occurring low dissolved oxygen include the deepest stratified tidal waters of the Chesapeake Bay and its tidal tributaries, the deepest waters in stratified lakes and areas of stagnant waters with minimal flow velocity and decomposing vegetation. These conditions typically occur during the summer months.

If the amendments are not adopted, the existing regulation may impose unreasonable and unnecessary treatment technologies on all point and nonpoint users of the water bodies. These treatment technologies will be imposed via the development of total maximum daily loads for water bodies not meeting water quality standards. Currently, many waters are or will be listed as impaired for dissolved oxygen even though the low dissolved oxygen levels may be partially or fully due to naturally occurring conditions.

This provision of the regulation is justified from the standpoint of the public's health, safety or welfare in that it allows for the protection of designated uses of the water bodies without imposing unreasonable requirements on the Commonwealth and its citizens. Proper criteria protect water quality and living resources of Virginia's waters for consumption of fish and shellfish, recreational uses and conservation in general.

**Substance:** A new section (9 VAC 25-260-55) is proposed to recognize that dissolved oxygen concentrations may fall below established criteria in Class II tidal waters and lakes and reservoirs in Classes III, IV, V and VI due to naturally occurring stratification that prevents reaeration of deep waters. This new section also provides the procedures describing how the board will identify these waters. Identification of waters would be an iterative process; therefore, the proposal was drafted to allow for periodic review of these types of waters. This new section is footnoted in the existing table of numerical criteria for dissolved oxygen by four asterisks. The new language states that when the board determines these natural conditions are causing the decrease in dissolved oxygen, then the dissolved oxygen concentrations do not constitute a violation of the water quality standards. The intent of this new language is to allow staff to make better decisions when doing assessments for Clean Water Act § 305(b) reports and § 303(d) listings. Currently, even waters that are naturally low in dissolved oxygen must be listed as impaired with a schedule for development of a total maximum daily load. This new section would be used during assessments as a basis for determining whether or not to list such waters as "impaired." The public would be allowed to comment on this assessment determination and public participation requirements mentioned in 9 VAC 25-250-55 are expected to be included with the § 303(d) list notifications.

The proposal to add a new special standard "y" in 9 VAC 25-260-310 would apply to waters naturally low in dissolved oxygen because of decomposition of vegetation combined with minimal flow velocities (that is, areas of stagnant water). Unlike proposed 9 VAC 25-260-55, specific waters are listed in this section based on existing monitoring data that indicate naturally low dissolved oxygen concentrations because of decomposition of vegetation combined with minimal flow velocities. The result of this special standard "y" is that it allows staff to make better decisions when doing assessments for Clean Water Act § 305(b) reports and § 303(d) listings. Currently, most of the waters proposed for inclusion under special standard "y" appear on the Clean Water Act § 303(d) list (list of impaired waters). To address these waters, EPA has acknowledged that Virginia may modify its water quality standards to account for natural conditions. Once these amendments are effective, the

agency would then have the regulatory basis to work with EPA to remove these waters from the § 303(d) list.

In the future, if new waters are found that exhibit these naturally low dissolved oxygen concentrations due to decomposition and minimal flow velocities, then these waters must be added via a separate rulemaking.

Finally, the special standard “y” has been added to the appropriate column in the River Basin Section Tables. Also, explanatory language has been added to 9 VAC 25-260-380 to instruct the reader of the River Basin Tables that whenever they see a “y” next to a basin description that they must refer to the specific water listed in 9 VAC 25-260-310 y (2).

Issues: The primary advantage to the public is that the standard more accurately portrays actual stream conditions and will result in more reasonable and accurate water quality assessments. The disadvantage is that the public may see this as an attempt to “lower the bar” on water quality or that DEQ is trying to change standards just to remove waters from the § 303(d) list to avoid Total Maximum Daily Loads. These concerns ignore the fact that Total Maximum Daily Loads should be developed where there are manmade impacts and not where natural quality may be lower, but still ecologically acceptable. It also ignores the importance of setting realistic, yet protective goals in water quality management. In response to the Virginia General Assembly Water Quality Monitoring, Information and Restoration Act of 1997, the Virginia Water Quality Academic Advisory Committee 1998 report stated that DEQ should provide specific criteria by which natural impairment can be determined and that the identification of naturally impaired waters is appropriate. This rulemaking is the first step in making that identification.

The primary advantage to the agency is that this recognition of waters as “naturally low in dissolved oxygen” is written to allow assessments staff to make better decisions about which waters should be included on § 303(d) lists based on existing data. This should result in a positive impact to the agency as existing resources can concentrate on waters exceeding water quality standards due to manmade impacts rather than naturally occurring conditions. There are no disadvantages to the agency or the Commonwealth.

Another issue is how the board is going to make the determination that low dissolved oxygen concentrations are due to natural conditions. The proposal states that the board will make the determination of natural water quality based upon an evaluation of aquatic life uses, habitat, available monitoring data, available computer modeling results or other accepted scientific principles. The board is requesting comments from the public on how the board should use these parameters to make the determination of natural water quality.

Locality Particularly Affected: The majority of these amendments are statewide in nature and will not affect any one locality more than another. The determination that a water body has naturally low dissolved oxygen could occur anywhere in any locality. In addition, if a water body is determined to have a water body with naturally occurring low dissolved oxygen, the recognition of this will not incur any financial impact on the locality.

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. Current Water Quality Standards classify waters as impaired if the level of dissolved oxygen falls below a specific critical level. The numerical dissolved oxygen criteria do not take account of whether the waters are below the standards due to natural conditions, manmade conditions, or both. All waters below the numerical criteria are defined as “impaired” and consequently must be scheduled for development of a treatment plan to bring the water body up to water quality standards. The State Water Control Board proposes to amend the standards to recognize that dissolved oxygen concentrations may fall below established criteria due to naturally occurring circumstances. Under such circumstances, the waters in question will not be categorized as impaired.

Estimated economic impact. Under the current regulations, water quality is assessed according to specific numeric criteria. However, the regulations do not recognize that dissolved oxygen concentrations in some waters may fall below the established criteria due to natural conditions. According to the Department of Environmental Quality (DEQ), some of the waters in Virginia that are currently listed on the Clean Water Act 303(d) list of impaired waters do not meet the dissolved oxygen criteria due to natural conditions. Under the proposed regulations, waters with low dissolved oxygen concentrations due to natural conditions would not be considered impaired. Thus, these waters could be removed from the 303(d) list of impaired waters.

DEQ will have to take necessary measures in the future to diagnose and improve the quality of the waters on the 303(d) list so that they meet the existing numerical water quality standards. This will be done via the development of a total maximum daily load (TMDL). According to DEQ, TMDL's for the waters on 303(d) list must be developed by 2010. The costs of the diagnosis and development of TMDL's would be paid from state and federal funds. DEQ estimates that the state's contribution for this would be above \$3 million for the 47 waters that are impaired due to natural causes. The cost of the implementation of the TMDL is expected to be much larger. A rough estimate suggests that the treatment required by the TMDL could potentially cost hundreds of millions of dollars for treatment of naturally impaired waters.<sup>1</sup> This

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<sup>1</sup> Sources: Virginia Association of Municipal Wastewater Agencies and Department of Environmental Quality.

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ballpark estimate does not include the additional expenditures to keep the water quality at the acceptable natural level. The maintenance of the water quality at the acceptable natural level would still be necessary, as the natural conditions will reduce the quality of these waters below the acceptable standards over time. Thus, the proposed regulatory change would potentially save hundreds of millions of dollars in state expenditures.<sup>2</sup>

Under the current regulations, DEQ could be required to create environmental damage by aerating waters that naturally have low dissolved oxygen levels. For example, the current regulation may require human interference to a swamp whose dissolved oxygen level is naturally below the existing standard, and remediation measures such as aeration may be required to increase dissolved oxygen levels in a swamp. Under the proposed regulations, DEQ would not be required to aerate waters that naturally have low dissolved oxygen levels. Thus, implementation of the proposed regulations may help prevent damage to natural ecosystems by this type of human interference.

The main costs introduced by the proposed amendments are the assessment costs of determining whether the low dissolved oxygen levels are due to natural conditions. These may include the costs related to evaluation, data collection, experiments, and computer modeling.

Also, these costs are not fixed and must be incurred on a regular basis since the assessments will be done periodically. DEQ's ballpark estimate indicates that 920 hours of staff time will be devoted for initial diagnostics. Another 960 hours of staff time will be devoted every four years for periodic assessment.

The identification of the benefits and costs depends on the feasibility of correctly applying the new narrative water quality criterion. According to DEQ, there are several methods to identify natural water quality. An evaluation of aquatic life uses, habitat, available monitoring data, available computer modeling results and other accepted scientific principles are possible ways of determining natural water quality. Although these several methods are designed to ensure that a correct assessment is done, the absence of a unique method indicates an unknown degree of uncertainty in assessing the natural water quality. Since assessment of low dissolved oxygen levels is an imprecise endeavor, there exist the possibility that DEQ will overestimate the contribution of nature to low dissolved oxygen levels. If this were to happen, then some water treatment that would have been environmentally beneficial may not occur due to the regulatory change. Thus, the correct determination of natural water quality is critically important and has direct consequences on the benefits and costs of the proposed regulation.

In summary, if implemented the proposed regulation would likely produce significant net benefits. The main portion of the benefits will come from the savings of funds that would be

spent on design and implementation of TMDLs. An additional source of benefit comes from not disturbing naturally occurring ecosystems. The cost of the periodic assessment process is expected to be considerably lower than the estimated benefits. This analysis and its conclusion are based on the assumption that the assessment of the natural water quality is feasible and will be done correctly. There may be additional associated costs if the assessment of natural water quality is not done properly. The best estimate of the expected costs of the changes in the regulation is small relative to the expected benefits. This leads to an estimated net positive economic impact for the proposed regulation.

Businesses and entities affected. The proposed regulation may have some potential effect on a small number of environmental consulting businesses as DEQ employed the services of only two academic and one private contractors in the past to design TMDLs.

Localities particularly affected. The proposed changes to the regulation affect localities throughout the Commonwealth.

Projected impact on employment. The changes in the regulation will require less labor who are in the waste water treatment business since the treatment of waters that are low in dissolved oxygen due to natural conditions will be avoided in the future. The changes will have some positive impact on employment of diagnostic workers after the proposed amendments are effective since the assessment of the natural water quality will require additional labor. In the near term, the net impact on employment is expected to be small and positive since currently there are not any labor resources directed toward treatment of naturally impaired waters that are scheduled for development of TMDL while the diagnostic work will be done right away. But, in the longer term, the net impact would be negative when the treatment in the long run starts to occur.

Effects on the use and value of private property. The demand for diagnostic services may experience an increase. The demand for treatment services is expected to decline.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Environmental Quality agrees with the economic impact analysis conducted by the Department of Planning and Budget.

### Summary:

*The proposed amendments will change the state's approach to assessment of dissolved oxygen water quality criteria in certain waters that are naturally low in dissolved oxygen concentration. These waters are the deep stratified tidal waters including the Chesapeake Bay and its tidal tributaries, the deep stratified waters in lakes and reservoirs and areas of stagnant waters with minimal flow velocity and large amounts of decomposing vegetation. These conditions are considered "natural" and should not be considered water quality standards violations. This will enable water quality assessments staff to make better decisions when doing assessments for federal Clean Water Act § 305(b) reports and § 303(d) listings. Currently, even waters that are naturally low in dissolved oxygen must be listed as impaired with a*

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<sup>2</sup> This figure is the estimated savings for only those waters where it is feasible to achieve the numeric dissolved oxygen criteria. Attempts to treat waters where it is infeasible to achieve the criteria would be even more costly.

*schedule for development of a total maximum daily load. This new section would be used during assessments as a basis for determining whether to list such waters as "impaired."*

*of the numerical water quality criteria as long as the board determines these concentrations do not fall below the natural water quality resulting from stratification and depth. The board shall periodically make this determination:*

**9 VAC 25-260-50. Numerical criteria for dissolved oxygen, pH, and maximum temperature.\*\*\***

CLASS	DESCRIPTION CLASS OF WATERS	DISS. DISSOLVED OXYGEN		pH	Max. Temp. (°C)
		(mg/l)****			
		Min.	Daily Avg.		
I	Open Ocean	5.0	--	6.0-9.0	--
II	Estuarine Waters (Tidal Water-Coastal Zone to Fall Line)	4.0	5.0	6.0-9.0	--
III	Nontidal Waters (Coastal and Piedmont Zones)	4.0	5.0	6.0-9.0	32
IV	Mountainous Zones Waters	4.0	5.0	6.0-9.0	31
V	Stockable Trout Waters	5.0	6.0	6.0-9.0	21
VI	Natural Trout Waters	6.0	7.0	6.0-9.0	20
VII	Wetlands	*	*	*	**

\*This classification recognizes that the natural quality of these waters may fall outside of the ranges for D.O. and pH set forth above as water quality criteria; therefore, on a case-by-case basis, criteria for specific wetlands can be developed which that reflect the natural quality of the waterbody.

\*\*Maximum temperature will be the same as that for Classes I through VI waters as appropriate.

\*\*\*The water quality criteria in 9 VAC 25-260-50 do not apply below the lowest flow averaged (arithmetic mean) over a period of seven consecutive days that can be statistically expected to occur once every 10 climatic years (a climatic year begins April 1 and ends March 31).

\*\*\*\*See 9 VAC 25-260-55 for special provisions for waters naturally low in dissolved oxygen.

**9 VAC 25-260-55. Waters naturally low in dissolved oxygen.**

*A. The dissolved oxygen concentrations in the waters listed in 9 VAC 25-260-50 may seasonally fall below the criteria established in that section due to density stratification and depth in Class II waters or temperature stratification and depth in lakes and reservoirs in Class III, IV, V and VI waters, which prevents mixing and reaeration of deep waters. These dissolved oxygen concentrations do not constitute a violation*

*1. Based upon an evaluation of aquatic life uses, habitat, available monitoring data, available computer modeling results or other accepted scientific principles; and*

*2. By providing the public an opportunity to comment through publication of a notice in selected newspapers or through other media as will best serve the purpose of notifying the general public.*

*B. The board shall maintain a publicly available list of waters where determinations under this section have been made.*

**9 VAC 25-260-310. Special standards and requirements.**

The special standards are shown in small letters to correspond to lettering in the basin tables. The special standards are as follows:

a. Shellfish waters. In all open ocean or estuarine waters capable of propagating shellfish or in specific areas where public or leased private shellfish beds are present, including those waters on which condemnation or restriction classifications are established by the State Department of Health, the following criteria for fecal coliform bacteria will apply:

The median fecal coliform value for a sampling station shall not exceed an MPN of 14 per 100 ml of sample and not more than 10% of samples shall exceed 43 for a 5-tube, 3-dilution test or 49 for a 3-tube, 3-dilution test.

The shellfish area is not to be so contaminated by radionuclides, pesticides, herbicides, or fecal material that the consumption of shellfish might be hazardous.

b. Policy for the Potomac Embayments. At its meeting on September 12, 1996, the board adopted a policy (9 VAC 25-415-10 et seq. Policy for the Potomac Embayments) to control point source discharges of conventional pollutants into the Virginia embayment waters of the Potomac River, and their tributaries, from the fall line at Chain Bridge in Arlington County to the Route 301 bridge in King George County. The policy sets effluent limits for BOD<sub>5</sub>, total suspended solids, phosphorus, and ammonia, to protect the water quality of these high profile waterbodies.

c. Cancelled.

d. Aquia Creek. No proposal resulting in the discharge of treated wastes to Aquia Creek will be approved unless the following is provided:

(1) At least 100 days' storage to allow complete elimination of discharges during the low-flow summer months; or

(2) Other treatment, based on sound engineering concepts (preferably with experimental data to show

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their feasibility), for nutrient removal prior to discharge.

e. Cancelled.

f. Cancelled.

g. Occoquan watershed policy. At its meeting on July 26, 1971 (Minute 10), the board adopted a comprehensive pollution abatement and water quality management policy for the Occoquan watershed. The policy set stringent treatment and discharge requirements in order to improve and protect water quality, particularly since the waters are an important water supply for Northern Virginia. Following a public hearing on November 20, 1980, the board, at its December 10-12, 1980, meeting, adopted as of February 1, 1981, revisions to this policy (Minute 20). These revisions became effective March 4, 1981. Additional amendments were made following a public hearing on August 22, 1990, and adopted by the board at its September 24, 1990, meeting (Minute 24) and became effective on December 5, 1990. Copies are available upon request from the Department of Environmental Quality.

h. Cancelled.

i. Cancelled.

j. Cancelled.

k. Cancelled.

l. Cancelled.

m. The following effluent standards apply to the entire Chickahominy watershed above Walker's Dam:

CONSTITUENT	CONCENTRATION
1. Biochemical Oxygen demand 5-day at 20	6.0 mg/l monthly average, with not more than 5.0% of individual samples to exceed 8.0 mg/l
2. Settleable Solids	Not to exceed 0.1 ml/l
3. Suspended Solids	5.0 mg/l monthly average, with not more than 5.0% of individual samples to exceed 7.5 mg/l
4. Ammonia Nitrogen	Not to exceed 2.0 mg/l as N
5. Total Phosphorus	Not to exceed 0.1 mg/l monthly average for all discharges with the exception of Holly Farms Poultry Industries, Inc., which shall meet 0.3 mg/l monthly average and 0.5 mg/l daily maximum.
6. Other Physical and Chemical Constituents	Other physical or chemical constituents not specifically mentioned will be covered by additional specifications as conditions detrimental to the

stream arise. The specific mention of items 1 through 5 does not necessarily mean that the addition of other physical or chemical constituents will be condoned.

n. No sewage discharges, regardless of degree of treatment, should be allowed into the James River between Boshier and Williams Island Dams.

o. The concentration and total amount of impurities in Tuckahoe Creek and its tributaries of sewage origin shall be limited to those amounts from sewage, industrial wastes, and other wastes which are now present in the stream from natural sources and from existing discharges in the watershed.

p. Cancelled.

q. Rappahannock River Basin.

The following effluent standards (adopted in Minute 17 from the proceedings of the board at its meeting on September 17-18, 1972) apply to all waste discharges to the Rappahannock River Basin above the proposed Salem Church Dam in accordance with subdivisions (1) and (2) below:

CONSTITUENT	FINAL EFFLUENT REQUIREMENTS (WEEKLY AVERAGE)
BOD - mg/l	1
COD - mg/l	10
Suspended solids - mg/l	0 (unmeasurable)
MBAS - mg/l	0.1
Turbidity (Jackson Units)	0.4
Fecal Coliform Bacteria per 100 ml sample	Less than 2
Nitrogen - mg/l	1
Phosphorus - mg/l	0.1

(1) After the date of Congressional authorization for actual construction of the dam has been given, all new proposals shall comply fully with the adopted standards of the paragraph above and all existing owners shall immediately commence the necessary planning, financing and design to ensure that facilities are completed prior to final completion of the construction of the dam; and

(2) Any new proposals for waste discharges to the area encompassed by the standards shall provide such conventional treatment that in the opinion of the State Department of Health, the staff and the board, satisfactory advanced waste treatment units can readily be added when funds for construction of the Salem Church Dam have been authorized.

r. Cancelled.



s. Chlorides not to exceed 40 mg/l at any time.

t. Cancelled.

u. Maximum temperature for the New River Basin from West Virginia state line upstream to the Giles--Montgomery County line:

The maximum temperature shall be 27°C (81°F) unless caused by natural conditions; the maximum rise above natural temperatures shall not exceed 2.8°C (5°F).

This maximum temperature limit of 81°F was established in the 1970 water quality standards amendments so that Virginia temperature criteria for the New River would be consistent with those of West Virginia, since the stream flows into that state.

v. The maximum temperature of the New River and its tributaries (except trout waters) from the Montgomery-Giles County line upstream to the Virginia-North Carolina state line shall be 29°C (84°F).

w. Cancelled.

x. Clinch River from the confluence of Dumps Creek at river mile 268 at Carbo downstream to river mile 255.4. The special water quality criteria for copper (measured as total recoverable) in this section of the Clinch River are 12.4 µg/l for protection from chronic effects and 19.5 µg/l for protection from acute effects. These site-specific criteria are needed to provide protection to several endangered species of freshwater mussels.

y. (1) *The board recognizes that the dissolved oxygen concentrations in the waters listed in this special standard seasonally fall below the criteria established in 9 VAC 25-260-50 due to minimal flow velocity and the decomposition of vegetation. These dissolved oxygen concentrations do not constitute a violation of the numerical water quality criteria if the concentrations do not fall below the natural water quality resulting from minimal flow velocity and decomposition of vegetation. Designations of surface waters of the Commonwealth under this special standard are determined by the board based upon an evaluation of the aquatic life uses, habitat, available monitoring data, available computer modeling or other accepted scientific principles.*

(2) These waters are:

**Potomac River Basin, Potomac River Subbasin**

*Pine Hill Creek from its headwaters to its mouth, Section 1A, King George and Westmoreland Counties.*

*Potomac Creek from the Richmond, Fredericksburg, and Potomac Railroad crossing to 2.84 miles downstream, Section 1A, Stafford County*

**James River Basin (Lower)**

*College Run from its headwaters to its mouth at Cobham Bay, Section 1, Surry County*

**James River Basin (Middle)**

*Chickahominy River from Route 360 bridge to Route 156 bridge, Section 5, Hanover County*

*Deep Creek from its headwaters to Route 611 bridge, Section 6, Nottoway County*

*Rumley Marsh from its headwaters to Old Forge Pond, Section 4, New Kent County*

*Skinquarter Creek from its headwaters to its mouth at the Appomattox River, Section 6, Powhatan and Chesterfield Counties*

*Swift Creek from Turkey Creek to Swift Creek Reservoir, Section 6c, Chesterfield County*

*Wahrani Swamp from its headwaters to Diascund Reservoir, Section 3A, New Kent County*

**Rappahannock River Basin**

*Masons Mill Swamp from Cedar Creek to its mouth, Section 2, Middlesex County*

*Occupacia Creek from Hunters Millpond Dam to the tidal limit, Section 4, Essex County*

**Chowan and Dismal Swamp, Chowan River Subbasin**

*Assamoosick Swamp from its headwaters to its confluence with the Nottoway River, Section 2C, Southampton and Sussex Counties*

*Blackwater River from the Route 617 bridge to the Route 603 bridge, Section 2, Isle of Wight and Southampton Counties*

*Blackwater River from Route 603 bridge to Route 611 bridge, Section 2, Southampton and Isle of Wight Counties*

*Blackwater River from river mile 12.3 (downstream of Franklin at the city line) to the Virginia/North Carolina state line, Section 1, Southampton County and City of Suffolk*

*Blackwater River from Warwick Swamp to Route 617 bridge, Section 2, Sussex and Surry Counties*

*Blackwater Swamp from its headwaters to its confluence with the Blackwater River, Section 2, Prince George, Surry, and Sussex Counties*

*Buckhorn Creek from its headwaters to the Virginia/North Carolina state line, Section 1, Southampton County*

*Buckskin Creek from its headwaters to its mouth, Section 2, Dinwiddie County*

*Butterwood Creek from its headwaters to its mouth, Section 2, Dinwiddie County*

*Caney Swamp from its headwaters to its mouth, Section 3, Greensville County*

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*Cypress Swamp, from its headwaters to its confluence with the Blackwater River, Section 2, Surry County*

*Darden Mill Run from Route 673 to Route 680 (including Windbourne Millpond), Section 2, Southampton County*

*Fontaine Creek from Beaverpond Creek to its confluence with the Meherrin River, Section 3, Greensville County*

*German Swamp from its headwaters to its confluence with Seacorrie Swamp, Section 2, Sussex County*

*Gosee Swamp and all its tributaries, Section 2, Dinwiddie and Sussex Counties*

*Horsepen Branch from its headwaters to Millrun Branch, Section 2, Dinwiddie County*

*Jones Hole Swamp and all its tributaries from its headwaters to Belsches Millpond, Section 2, Dinwiddie, Prince George, and Sussex Counties*

*Mill Swamp from its headwaters to its mouth, Section 3, Greensville County*

*Mill Swamp from its headwaters to its confluence with the Blackwater River, Section 2, Isle of Wight and Surry Counties*

*Moore's Swamp from Belsches Millpond to its confluence with the Nottoway River, Section 2, Sussex County*

*Nebletts Mill Run and all its tributaries from the Nebletts Millpond Dam to its mouth at the Nottoway River, Section 2, Prince George and Sussex Counties*

*Nottoway River from the confluence at Mill Creek (river mile 6.60) upstream of the Route 258 bridge to the Virginia/North Carolina state line, Section 1, Southampton County*

*Otterdam Swamp from its headwaters to its mouth, Section 2, Surry County*

*Pigeon Swamp from its headwaters to its confluence with Assamoosick Swamp, Section 2, Sussex County*

*Raccoon Creek from its headwaters to its confluence with the Nottoway River, Section 2, Sussex and Southampton Counties*

*Rattlesnake Swamp from its headwaters to its confluence with the Blackwater River, Section 2, Isle of Wight County*

*Reedy Creek from the first tributary above Route 644 to its mouth, Section 2, Dinwiddie County*

*Rocky Run Creek from the first tributary above Route 738 to its mouth, Section 2, Dinwiddie County*

*Rowanty Creek and all its tributaries, Section 2, Dinwiddie and Sussex Counties*

*Sappony Creek from its headwaters to Millrun Branch, Section 2, Dinwiddie County*

*Seacock Swamp from its confluence with Drumwright Pond to its confluence with the Blackwater River, Section 2, Southampton and Sussex Counties*

*Seacorrie Swamp from its headwaters to its confluence with Assamoosick Swamp, Section 2, Sussex County*

*Somerton Creek from one mile upstream of Route 666 to the Virginia/North Carolina state line, Section 2, City of Suffolk*

*Spring Creek from its headwaters to its confluence with Raccoon Creek, Section 2, Southampton and Sussex Counties*

*Tarrara Creek from the headwaters upstream of Route 668 to its mouth at the Meherrin River, Section 3, Southampton County*

*Three Creek from Otterdam Swamp to its confluence with the Nottoway River, Section 2, S. Greensville, Southampton, and Sussex Counties*

*Warwick Swamp from its headwaters to its confluence with the Blackwater River, Section 2, Prince George and Sussex Counties*

*White Oak Swamp from its headwaters to the mouth of Butterwood Creek, Section 2, Dinwiddie County*

### **Chowan and Dismal Swamp, Albemarle Sound Subbasin**

*Great Dismal Swamp, including Lake Drummond and all feeder ditches within the National Wildlife Refuge, Section 3, Chesapeake and Suffolk*

*Nawney Creek from its headwaters to its mouth, Section 1, Virginia Beach*

*North Landing River from its headwaters at the Great Bridge Locks to the terminus of the Intracoastal Waterway at the North Landing River, Section 1, Chesapeake*

*Northwest River from the headwaters to one mile downstream of Route 168 Section 1C, Chesapeake*

*Unnamed tributary to the Northwest River from its headwaters to its confluence with the Northwest River, Section 1C, Chesapeake*

*West Neck Creek from one mile upstream of Princess Anne Road (Route 149) to one mile downstream of Indian River Road (Route 407), Section 1A, Virginia Beach*

### **Chesapeake Bay, Atlantic Ocean and Small Coastal Basins**

*Hungars Creek from one mile upstream of Route 622 to one mile downstream, Section 2, Northampton County*

*Messongo Creek from 0.5 mile upstream of Route 692 to 0.5 mile downstream, Section 2, Accomack County*

*Mill Creek from its headwaters to 0.64 mile downstream of Route 600, Section 1b, Northampton County*

*Unnamed tributary at river mile 12.12 of the Piankatank River, from its headwaters to its mouth, Section 2D, Middlesex County*

**York River Basin**

*Clark Swamp from its headwaters to Walkerton Millpond, Section 3, King and Queen County*

*Cohoke Mill Creek from its headwaters to Cohoke Millpond, Section 3, King William County*

*Dickeys Swamp in its entirety downstream of Dogwood Fork, Section 3, King and Queen County*

*Dogwood Fork from its headwaters to its mouth, Section 3, King and Queen County*

*Heartquake Creek from an unnamed tributary at river mile 4 to its mouth, Section 1 and 3, King and Queen County*

*Hobby Swamp from its headwaters to its mouth, Section 3, Caroline County*

*Jacks Creek from its headwaters to its mouth at the Pamunkey River, Section 3, King William County*

*King Creek from 0.5 mile upstream of Colonial National Historical Parkway crossing to 0.5 mile downstream, Section 2, York County*

*Queen Creek from 0.5 mile upstream of Route 716 landing to 0.5 mile downstream, Section 2, York County*

*Tastine Swamp from the Route 611 bridge to Corbins Pond, Section 2, King and Queen County*

*Unnamed tributary at river mile 3.66 of Garnetts Creek from its headwaters to its mouth, Section 3, King and Queen County*

*Unnamed tributary at river mile 17.01 of the Mattaponi River from its headwaters to its mouth, Section 3, King William County*

*Walkerton Branch from its headwaters to Walkerton Millpond, Section 3, King and Queen County*

**9 VAC 25-260-380. Special standards column.**

A. Bacteria criteria. All surface waters have criteria for fecal coliform bacteria. The bacteria criteria for shellfish waters are set forth in 9 VAC 25-260-160; the criteria

applying to all other surface waters are found in 9 VAC 25-260-170. The letter "a" in the special standards column next to a river basin section indicates that there are shellfish waters somewhere within that section and the bacteria criteria for shellfish waters applies to those shellfish waters. (It should be noted that even though the column contains the letter "a" the entire section may not be shellfish waters.)

B. Natural variation. In some cases natural water quality does not fall within the criteria set by these standards. (For example streams in some areas of the state may naturally exceed the usual pH range of 6.0 to 9.0.) In these instances the board may have set more appropriate criteria that reflect natural quality, and this special limit is shown in the special standards column.

*Special standard 9 VAC 25-260-310 y (2) contains a list of waters naturally low in dissolved oxygen due to minimal flow velocity and decomposition of vegetation. If a section in the River Basin Section Tables contains a water body that is listed in this special standard, the special standards column indicates this with the letter "y." The appropriate waterway can be found listed in 9 VAC 25-260-310 y (2). The entire section is not naturally low in dissolved oxygen, only that portion specifically listed in 9 VAC 25-260-310 y (2).*

C. Additional requirements. In other cases the basic water quality parameters of DO, pH, temperature, and bacteria have not been sufficient to protect water quality in certain areas, and effluent limits or treatment requirements have been established for these areas. This fact is also indicated in the special standards column. If the applicable standard was too long to print in its entirety in that column, the column contains only a lower case letter, and the standard itself will be found in the special standards 9 VAC 25-260-310 under that letter.

D. Other special standards or designations.

1. Public water supplies (PWS). Sections that are public water supplies are indicated in the special standards column with a PWS. This designation indicates that additional criteria are applicable. (See 9 VAC 25-260-140 B for applicable criteria.)

2. Nutrient enriched waters (NEW). If a section contains a waterbody that has been designated as nutrient enriched in 9 VAC 25-260-350, the special standards column indicates this with the letters "NEW-" followed by a number. The appropriate waterway can be found listed in 9 VAC 25-260-350. The entire section is not necessarily nutrient enriched, only that portion specifically listed in 9 VAC 25-260-350.

**9 VAC 25-260-390. Potomac River Basin (Potomac River Subbasin).**

Potomac River Subbasin			
SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
1	II	a	Tidal tributaries of the Potomac River from Smith Point to Upper Machodoc Creek (Baber Point).
1a	III	y	All free-flowing portions of

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			tributaries to the Potomac River from Smith Point to the Route 301 Bridge in King George County unless otherwise designated in this chapter.	5b	III	PWS, b	Base water supply dam. Chopawamsic Creek and its tributaries above the Quantico Marine Base water supply intakes at the Gray and Breckenridge Reservoirs to their headwaters.
1b	III	b, NEW-12	All free-flowing portions of tributaries to the Potomac River from the Route 301 Bridge in King George County to, and including, Potomac Creek, unless otherwise designated in this chapter.	6	II	b, NEW-7, 8, 9, 10, 11, 13	Tidal portions of tributaries to the Potomac River from Shipping Point to Chain Bridge.
1c	III	PWS, b, NEW-12	Potomac Creek and its tributaries from the Stafford County water supply dam (Able Lake Reservoir) to their headwaters.	7	III	b, NEW-7, 8, 9, 10, 11, 13	Free-flowing portions of tributaries to the Potomac River from Shipping Point to Chain Bridge, unless otherwise designated in this chapter.
2	II	a, NEW-14	Tidal Upper Machodoc Creek and the tidal portions of its tributaries.	7a	III	g	Occoquan River and its tributaries to their headwaters above Fairfax County Water Authority's water supply impoundment, unless otherwise designated in this chapter.
2a	III	NEW-14	Free-flowing portions of Upper Machodoc Creek and its tributaries.				
3	II	b, NEW-12	Tidal portions of the tributaries to the Potomac River from the Route 301 Bridge in King George County to Marlboro Point.	7b	III	PWS, g	The impounded waters of Occoquan River above the water supply dam of the Fairfax County Water Authority to backwater of the impoundment on Bull Run and Occoquan River, and the tributaries of Occoquan above the dam to a point 5 miles above the dam.
4	II	b, d, NEW-6	Tidal portions of the tributaries to the Potomac River from Marlboro Point to Brent Point (to include Aquia Creek and its tributaries).				
4a	III	b, d, NEW-6	Free-flowing portions of tributaries to the Potomac River in Section 4 up to the Aquia Sanitary District Water Impoundment.	7c	III	PWS, g	Broad Run and its tributaries above the water supply dam of the City of Manassas upstream to a point 5 miles above the dam.
4b	III	PWS, b, d, NEW-6	Aquia Creek from the Aquia Sanitary District Water Impoundment, and other tributaries into the impoundment, including Beaverdam Run and the Lunga Reservoir upstream to their headwaters.	7d	III	PWS, g	The impounded waters of Lake Jackson, Broad Run, and Cedar Run.
				7e	III	PWS, g	Cedar Run from the Town of Warrenton's raw water intake (just upstream of Route 672) to a point 5 miles upstream of the proposed multiple purpose structure near Airlie (Fauquier County).
5	II	b	Tidal portions of tributaries to the Potomac River from Brent Point to Shipping Point, including tidal portions of Chopawamsic Creek and its tidal tributaries.	7f	III	PWS, g	The Quantico Marine Base Camp Upshur and its tributaries' raw water intake on Cedar Run (located approximately 0.2 mile above its confluence with Lucky Run) to a point 5 miles upstream.
5a	III	b	Free-flowing portions of Chopawamsic Creek and its tributaries to Quantico Marine				

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7g	III	PWS, g	The proposed impounded waters of Licking Run above the multiple purpose impoundment structure in Licking Run near Midland (Fauquier County) upstream to a point 5 miles above the proposed impoundment.				Difficult Run, Tuscarora Creek, Sycoline Creek, and other streams tributary to streams in Section 8 from a point 5 miles above their confluence with the Potomac River to their headwaters, unless otherwise designated in this chapter.
7h	III	PWS, g	The proposed impounded waters of Cedar Run above the proposed multiple purpose impoundment structure on the main stem of Cedar Run near Auburn (Fauquier County), to a point 5 miles above the impoundment.	9a	III	PWS	All the impounded water of Goose Creek from the City of Fairfax's water supply dam upstream to backwater, and its tributaries above the dam to a point 5 miles above the dam.
8	III	PWS	Tributaries to the Potomac River in Virginia between Chain Bridge and the Monacacy River from their confluence with the Potomac upstream 5 miles, to include Goose Creek to the City of Fairfax's raw water intake, unless otherwise designated in this chapter.	9b	III	PWS	The Town of Round Hill's raw water intake at the Round Hill Reservoir, and including the two spring impoundments located northwest of the town on the eastern slope of the Blue Ridge Mountains.
8a	VI	PWS	Big Spring Creek and its tributaries in Loudoun County, from its confluence with the Potomac River upstream to their headwaters. (The temperature standard for natural trout water may be exceeded in the area above Big Spring and Little Spring at Routes 15 and 740 due to natural conditions). This section was given a PWS designation due to the Town of Leesburg's intake on the Potomac as referenced in Section 8b below.	9c	III	PWS	Unnamed tributary to Goose Creek, from Camp Highroad's raw water intake (Loudoun County) located in an old quarry (at latitude 39°02'02"; longitude 77°40'49') to its headwaters.
8b	III	PWS	Those portions of Virginia tributaries into the Potomac River that are within a 5 mile distance upstream of the Town of Leesburg's intake on the Potomac River, unless otherwise designated in this chapter.*	10	III		Tributaries of the Potomac River from the Monacacy River to the West Virginia-Virginia state line in Loudoun County, from their confluence with the Potomac River upstream to their headwaters, unless otherwise designated in this chapter.
8c	III	PWS	Those portions of Virginia tributaries into the Potomac River that are within a 5 mile distance upstream of the County of Fairfax's intake on the Potomac River.*	10a	III	PWS	North Fork Catoclin Creek from Purcellville's raw water intake to its headwaters.
9	III		Broad Run, Sugarland Run,	10b	III		South Fork Catoclin Creek and its tributaries from its confluence with the North Fork Catoclin Creek to its headwaters.
				11	IV	pH-6.5-9.5	Tributaries of the Potomac River in Frederick and Clarke Counties, Virginia, unless otherwise designated in this chapter.
					V	pH-6.5-9.5	Stockable Trout Waters in Section 11
					***		Back Creek (upper) from Rock Enon 4 miles upstream.

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***			Back Creek (lower) from Route 600 to the mouth of Hogue Creek - 2 miles.	VI	Potomac River 3.9 miles upstream.
***			Hogue Creek from Route 679 upstream 6 miles to the Forks below Route 612.	ii	Natural Trout Waters in Section 12
vi			Opequon Creek (in Frederick County) from its confluence with Hoge Run upstream to the point at which Route 620 first crosses the stream.	ii	Blights Run from its confluence with Laurel Fork (Highland County) upstream including all named and unnamed tributaries.
vi			Turkey Run (Frederick County) from its confluence with Opequon Creek 3.6 miles upstream.	ii	Buck Run (Highland County) from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
VI	pH-6.5-9.5		Natural Trout Waters in Section 11		Collins Run from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
ii			Bear Garden Run from its confluence with Sleepy Creek 3.1 miles upstream.	ii	Laurel Fork (Highland County) from 1.9 miles above its confluence with the North Fork South Branch Potomac River upstream including all named and unnamed tributaries.
iii			Redbud Run from its confluence with Opequon Creek 4.4 miles upstream.		
11a	IV	pH-6.5-9.5	Hot Run and its tributaries from its confluence with Opequon Creek to its headwaters.	ii	Locust Spring Run from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
V		pH-6.5-9.5	Stockable Trout Waters in Section 11a	ii	Lost Run from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
vi			Clearbrook Run from its confluence with Hot Run 2.1 miles upstream.	ii	Mullenax Run from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
12	IV	pH-6.5-9.5	South Branch Potomac River and its tributaries, such as Strait Creek, and the North Fork River and its tributaries from the Virginia-West Virginia state line to their headwaters.	ii	Newman Run from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
V			Stockable Trout Waters in Section 12	ii	Slabcamp Run from its confluence with Laurel Fork upstream including all named and unnamed tributaries.
vi			Frank Run from its confluence with the South Branch Potomac River 0.8 mile upstream.		
vii			South Branch Potomac River (in Highland County) from 69.2 miles above its confluence with the Potomac River 4.9 miles upstream.		
vi			Strait Creek (Highland County) from its confluence with the South Branch		

See 9 VAC 25-260-360 B.

**9 VAC 25-260-410. James River Basin (Lower).**

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
1	II	a, y, NEW-19	James River and its tidal tributaries from Old Point Comfort - Fort Wool to Barrets Point (Buoy 64), except prohibited or spoil areas, unless otherwise

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			designated in this chapter.				impoundment).
1a	III	NEW-19	Free-flowing or non-tidal portions of streams in Section 1, unless otherwise designated in this chapter.	1l	III	PWS, NEW-19	The Lone Star lakes and impoundments in the City of Suffolk, Chuckatuck Creek watershed which serve as a water source for the City of Suffolk.
1b	II	a, NEW-19	Eastern Branch of the Elizabeth River and tidal portions of its tributaries from its confluence with the Elizabeth River to the end of tidal waters.	1m	III	PWS, NEW-19	The Lee Hall Reservoir system, near Skiffes Creek and the Warwick River, in the City of Newport News.
1c	III	NEW-19	Free-flowing portions of the Eastern Branch of the Elizabeth River and its tributaries.	1n	III	PWS, NEW-19	Chuckatuck Creek and its tributaries from Suffolk's raw water intake (at Godwin's Millpond) to a point 5 miles upstream.
1d	II	a, NEW-19	Southern Branch of the Elizabeth River from its confluence with the Elizabeth River to the lock at Great Bridge.	<b>9 VAC 25-260-420. James River Basin (Middle).</b>			
				SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
1e	III	NEW-19	Free-flowing portions of the Western Branch of the Elizabeth River and of the Southern Branch of the Elizabeth River from their confluence with the Elizabeth River to the lock at Great Bridge.	2	II	NEW-18, 19	James River and its tidal tributaries from Buoy 64 near Barrets Point upstream to the fall line at Richmond, to include the Chickahominy River and its tidal tributaries from the mouth upstream to Walkers Dam and the Appomattox River and its tidal tributaries from the mouth upstream to the head of tidal waters (approximately at the Route 1/301 Bridge across the Appomattox), unless otherwise designated in this chapter.
1f	II	a, NEW-19	Nansemond River and its tributaries from its confluence with the James River to Suffolk (dam at Lake Meade), unless otherwise designated in this chapter.				
1g	III	NEW-19	Shingle Creek from its confluence with the Nansemond River to its headwaters in the Dismal Swamp.	2a	II	PWS, NEW-18	James River from City Point to a point 5 miles above American Tobacco Company's raw water intake and the Appomattox River and its tidal tributaries from its mouth to 5 miles upstream of Virginia-American Water Company's raw water intake.
1h	III	PWS, NEW-19	Lake Prince, Lake Burnt Mills and Western Branch impoundments for Norfolk raw water supply and Lake Kilby - Cahoon Pond, Lake Meade and Lake Speight impoundments for Portsmouth raw water supply and including all tributaries to these impoundments.	2b	III	PWS, NEW-18	Free-flowing tributaries to Section 2a.
				3	III	NEW-18, 19	Free-flowing tributaries of the James River from Buoy 64 to Brandon and free-flowing tributaries of the Chickahominy River to Walkers Dam, unless otherwise designated in this chapter.
1i	III	NEW-19	Free-flowing portions of the Pagan River and its free-flowing tributaries.				
1j			(Deleted)				
1k	III	PWS, NEW-19	Skiffes Creek Reservoir (Newport News water	3a	III	y, PWS, NEW-18	Diascund Creek and its tributaries from Newport News' raw water intake dam

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			to its headwaters.				in this chapter.
3b	III	PWS, NEW-18	Little Creek Reservoir and its tributaries from the City of Newport News impoundment dam to 5 miles upstream of the raw water intake.	7a			(Deleted)
4	III	m, y, NEW-18	Chickahominy River and its tributaries from Walkers Dam to Bottoms Bridge (Route 60 bridge), unless otherwise designated in this chapter.	8	III		James River and its tributaries from the low water dam above 14th Street Bridge to Richmond's raw water intake at Williams Island Dam.
4a	III	PWS, m, NEW-18	Chickahominy River from Walkers Dam to a point 5 miles upstream.	9	III	PWS, n	James River and its tributaries, unless otherwise designated in this chapter, from Richmond's raw water intake at Williams Island Dam to river mile 127.26 (at latitude 37°35'24'; longitude 77°42'33') near public landing site, inclusive of Henrico County's raw water intake (at latitude 37°33'32'; longitude 77°37'16') and St. John's Hospital's raw water intake (at latitude 37°34'33'; longitude 77°40'39').
5	III	m, y	Chickahominy River and its tributaries, unless otherwise designated in this chapter, from Bottoms Bridge (Route 60 bridge) to its headwaters.				
6	III	y, NEW-2	Appomattox River from the head of tidal waters, and free-flowing tributaries to the Appomattox River, to their headwaters, unless otherwise designated in this chapter.	9a	III	PWS, o	Tuckahoe Creek and its tributaries from its confluence with the James River to its headwaters.
6a			(Deleted)				
6b	III		Swift Creek and its tributaries from the dam at Pocahontas State Park upstream to Chesterfield County's raw water impoundment dam.	10	III	NEW-3	James River and its tributaries from a point at latitude 37°40'32'; longitude 77°54'08' to, and including the Rockfish River, unless otherwise designated in this chapter.
6c	III	y, PWS	Swift Creek and its tributaries from Chesterfield County's raw water impoundment dam to a point 5 miles upstream.		V		Stockable Trout Waters in Section 10
6d			(Deleted)		vii		Lynch River from the upper Route 810 crossing near the intersection of Route 628 2.9 miles upstream (to Ivy Creek).
6e	III	PWS, NEW-2	Appomattox River and its tributaries from Appomattox River Water Authority's raw water intake located at the dam at Lake Chesdin to the headwaters of the lake.		***		Rockfish Creek from its confluence with the South Fork Rockfish River to its headwaters.
6f			(Deleted)		VI		Natural Trout Waters in Section 10
6g	III	PWS	The Appomattox River and its tributaries from Farmville's raw water intake (approximately 2.5 miles above the Route 15/45 bridge) to a point 5 miles upstream.		ii		Doyles River from 6.4 miles above its confluence with Moormans River above Browns Cove at Route 629 including all named and unnamed tributaries.
7	III		Free-flowing tributaries to the James River from Brandon to the fall line at Richmond, unless otherwise designated		iii		Fork Hollow from its confluence with Ivy Creek



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	upstream including all named and unnamed tributaries.				above its confluence with the North Fork Rivanna River upstream including all named and unnamed tributaries.
iii	Ivy Creek (Greene County) from its confluence with the Lynch River upstream including all named and unnamed tributaries.	10a	III	PWS	James River at river mile 127.26 near the public landing site and its tributaries from, and including, Little River to 5 miles above State Farm's raw water intake, including Beaverdam and Courthouse Creeks, to their headwaters.
ii	Jones Falls Run from its confluence with Doyles River upstream including all named and unnamed tributaries.				
ii	Little Stony Creek (Nelson County) from its confluence with Stony Creek upstream including all named and unnamed tributaries.	10b	III	PWS	Deep Creek and its tributaries from St. Emma's Military Academy's raw water intake to a point 5 miles upstream.
iv	Mill Creek (Nelson County) from its confluence with Goodwin Creek upstream including all named and unnamed tributaries.	10c	III		Willis River and its tributaries within Cumberland State Forest.
		10d	III	PWS	Johnson Creek above the Schuyler (Nelson County Service Authority) raw water intake to its headwaters.
ii	Mutton Hollow from its confluence with Swift Run upstream including all named and unnamed tributaries.	10e	III	PWS	Totier Creek and its tributaries from the Scottsville (Rivanna Water and Sewer Authority) raw water intake to their headwaters (including the Reservoir).
iv	Pauls Creek (Nelson County) from 1.3 miles above its confluence with the North Fork Rockfish River upstream including all named and unnamed tributaries.	10f	III		Powell Creek and its tributaries from its confluence with the Rivanna River upstream to their headwaters.
iv	Rodes Creek from its confluence with Goodwin Creek upstream including all named and unnamed tributaries.	10g	III	PWS, NEW-3	Beaver Creek and its tributaries from the Crozet (Rivanna Water and Sewer Authority) raw water intake upstream to their headwaters (including the reservoir).
ii	South Fork Rockfish River from 8 miles above its confluence with the Rockfish River upstream including all named and unnamed tributaries.	10h	III	PWS, NEW-3	Mechums River and its tributaries from the Rivanna Water and Sewer Authority's raw water intake to a point 5 miles upstream.
ii	Spruce Creek (Nelson County) from 1.5 miles above its confluence with the South Fork Rockfish River upstream including all named and unnamed tributaries.	10i	III	PWS, NEW-3	Moormans River and its tributaries from the Rivanna Water and Sewer Authority's raw water intake to a point 5 miles upstream (including Sugar Hollow Reservoir).
ii	Stony Creek (Nelson County) from 1 mile above its confluence with the South Fork Rockfish River upstream including all named and unnamed tributaries.		VI		Natural Trout Waters in Section 10i
ii	Swift Run from 14.5 miles		ii		North Fork Moormans River from its confluence with

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			Moormans River upstream including all named and unnamed tributaries.				Buckingham County's raw water intake point at a flood control dam south of the Route 631 bridge to a point 5 miles upstream.
	ii		Pond Ridge Branch from its confluence with the North Fork Moormans River upstream including all named and unnamed tributaries.	10q	III	PWS	Allen Creek and its tributaries from the Wintergreen Mountain Village's primary raw water intake at Lake Monocan at latitude 37°54'15"; longitude 78°52'10' to a point upstream at latitude 37°53'59"; longitude 78°53'14'.
	iii		South Fork Moormans River from its confluence with Moormans River upstream including all named and unnamed tributaries.				
10j	III	PWS, NEW-3	South Fork Rivanna River and its tributaries to their headwaters; except Ivy Creek, from the Rivanna Water and Sewer Authority's South Fork Rivanna River Dam to the confluence of the South Fork Rivanna River and Moormans River, and Ivy Creek to a point 5 miles above the dam.	10r	III	PWS	Stony Creek from the diversion structure at latitude 37°54'00"; longitude 78°53'47' to its headwaters inclusive of the Stony Creek raw water intake just upstream of the Peggy's Pinch booster pump station.
				10s	III	PWS	Mechunk Creek and its tributaries from the Department of Corrections raw water intake (at the US Route 250 bridge 37°58'57.6', 78°18'48.1') to points 5 miles upstream.
10k	III	PWS	James River and its tributaries from Fork Union Sanitary District's raw water intake (just below the Route 15 bridge) to a point 5 miles upstream, including the Slate River to a point 5 miles above the intake.				
				<b>9 VAC 25-260-440. Rappahannock River Basin.</b>			
				SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
10l	III		Lake Monticello in Fluvanna County.	1	II	a, NEW-15, 16	Rappahannock River and the tidal portions of its tributaries from Stingray and Windmill Points to Route 1 Alternate Bridge at Fredericksburg.
10m	III	PWS	Rivanna River and its tributaries from the raw water intake for Lake Monticello (about 2.76 miles above the Route 600 bridge in Fluvanna County) to a point 5 miles upstream.	1a	II	NEW-16	Hoskins Creek from the confluence with the Rappahannock River to its tidal headwaters.
10n	III	PWS	Ragged Mountain Reservoir (intake for the Rivanna Water and Sewer Authority) including its tributaries to their headwaters.	2	III	y, NEW-15, 16	Free-flowing tributaries of the Rappahannock from Stingray and Windmill Points upstream to Blandfield Point, unless otherwise designated in this chapter.
10o	III	PWS	The North Fork Rivanna River and its tributaries from the Rivanna Water and Sewer Authority's raw water intake (approximately 1/4 mile upstream of the U. S. Route 29 bridge north of Charlottesville) to a point 5 miles upstream.	3	III	q	The Rappahannock River from the Route 1 Alternate Bridge at Fredericksburg upstream to the low dam water intake at Waterloo (Fauquier County).
				3a	III	PWS, q	The main stem of the Rappahannock River from the low dam water intake at Waterloo, Fauquier County,
10p	III	PWS	Troublesome Creek in Buckingham County from				

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			to the headwaters of the Rappahannock River.			tributaries.
4	III	q, y, NEW-15	Free-flowing tributaries of the Rappahannock from Blandfield Point to its headwaters, unless otherwise designated in this chapter.	I		Conway River (Greene County) from the Town of Fletcher upstream including all named and unnamed tributaries.
	V	q	Stockable Trout Waters in Section 4	li		Dark Hollow from its confluence with the Rose River upstream including all named and unnamed tributaries.
	***		Hughes River (Madison County) from Route 231 upstream to the upper crossing of Route 707 near the confluence of Rocky Run.	I		Devils Ditch from its confluence with the Conway River upstream including all named and unnamed tributaries.
	***		Robinson River from Route 231 to river mile 26.7.			
	***		Rose River from its confluence with the Robinson River 2.6 miles upstream.	iii		Entry Run from its confluence with the South River upstream including all named and unnamed tributaries.
	***		South River from 5 miles above its confluence with the Rapidan River 3.9 miles upstream.	iii		Garth Run from 1.9 miles above its confluence with the Rapidan River at the Route 665 crossing upstream including all named and unnamed tributaries.
	VI	q	Natural Trout Waters in Section 4			
	ii		Berry Hollow from its confluence with the Robinson River upstream including all named and unnamed tributaries.	ii		Hannah Run from its confluence with the Hughes River upstream including all named and unnamed tributaries.
	li		Bolton Branch from 1.7 miles above its confluence with Hittles Mill Stream upstream including all named and unnamed tributaries.	ii		Hazel River (Rappahannock County) from 38.6 miles above its confluence with the Rappahannock River upstream including all named and unnamed tributaries.
	li		Broad Hollow Run from its confluence with Hazel River upstream including all named and unnamed tributaries.	ii		Hogcamp Branch from its confluence with the Rose River upstream including all named and unnamed tributaries.
	I		Brokenback Run from its confluence with the Hughes River upstream including all named and unnamed tributaries.	I		Hughes River (Madison County) from the upper crossing of Route 707 near the confluence of Rocky Run upstream including all named and unnamed tributaries.
	I		Bush Mountain Stream from its confluence with the Conway River upstream including all named and unnamed tributaries.	iii		Indian Run (Rappahannock County) from 3.4 miles above its confluence with the Jordan River upstream including all named and unnamed tributaries.
	I		Cedar Run (Madison County) from 0.8 mile above its confluence with the Robinson River upstream including all named and unnamed	ii		Jordan River (Rappahannock

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	County) from 10.9 miles above its confluence with the Rappahannock River upstream including all named and unnamed tributaries.				upstream including all named and unnamed tributaries.
		i			Rose River from river mile 2.6 upstream including all named and unnamed tributaries.
iii	Kinsey Run from its confluence with the Rapidan River upstream including all named and unnamed tributaries.		iv		Rush River (Rappahannock County) from the confluence of Big Devil Stairs (approximate river mile 10.2) upstream including all named and unnamed tributaries.
ii	Laurel Prong from its confluence with the Rapidan River upstream including all named and unnamed tributaries.		ii		Sams Run from its confluence with the Hazel River upstream including all named and unnamed tributaries.
ii	Mill Prong from its confluence with the Rapidan River upstream including all named and unnamed tributaries.		ii		South River from 8.9 miles above its confluence with the Rapidan River upstream including all named and unnamed tributaries.
ii	Negro Run (Madison County) from its confluence with the Robinson River upstream including all named and unnamed tributaries.		ii		Sprucepine Branch from its confluence with Bearwallow Creek upstream including all named and unnamed tributaries.
ii	North Fork Thornton River from 3.2 miles above its confluence with the Thornton River upstream including all named and unnamed tributaries.		i		Staunton River (Madison County) from its confluence with the Rapidan River upstream including all named and unnamed tributaries.
ii	Piney River (Rappahannock County) from 0.8 mile above its confluence with the North Fork Thornton River upstream including all named and unnamed tributaries.		ii		Strother Run from its confluence with the Rose River upstream including all named and unnamed tributaries.
ii	Pocosin Hollow from its confluence with the Conway River upstream including all named and unnamed tributaries.		iii		Thornton River (Rappahannock County) from 25.7 miles above its confluence with the Hazel River upstream including all named and unnamed tributaries.
ii	Ragged Run from 0.6 mile above its confluence with Popham Run upstream including all named and unnamed tributaries.		ii		Wilson Run from its confluence with the Staunton River upstream including all named and unnamed tributaries.
i	Rapidan River from Graves Mill (Route 615) upstream including all named and unnamed tributaries.	4a			(Deleted)
ii	Robinson River (Madison County) from river mile 26.7 to river mile 29.7.	4b	III	PWS, q	The Rappahannock River and its tributaries, to include the VEPCO Canal, from Fredericksburg's raw water intake to a point 5 miles upstream.
i	Robinson River (Madison County) from river mile 29.7				

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4c	III	PWS, q	Motts Run and its tributaries.				tributaries in Virginia, unless otherwise designated in this chapter.
4d	III	q	Horsepen Run and its tributaries.	2a	III	PWS	Blackwater River and its tributaries from Norfolk's auxiliary raw water intake near Burdette, Virginia, to a point 5 miles above the raw water intake, to include Corrowaugh Swamp to a point 5 miles above the raw water intake.
4e	III	PWS, q	Hunting Run and its tributaries.				
4f	III	q	Wilderness Run and its tributaries.				
4g	III	q	Deep Run and its tributaries.				
4h			(Deleted)				
4i	III	PWS, q	Mountain Run from Culpeper's raw water intake to its headwaters.	2b			(Deleted)
				2c	III	y, PWS	Nottoway River and its tributaries from Norfolk's auxiliary raw water intake near Courtland, Virginia, to a point 5 miles upstream.
4j	VI	PWS, q	White Oak Run from the Town of Madison's raw water intake upstream to its headwaters.				(Deleted)
				2d			
4k	III	PWS, q	Rapidan River from Orange's raw water intake upstream 5 miles.	2e	III	PWS	Nottoway River from the Georgia-Pacific and the Town of Jarratt's raw water intakes near Jarratt, Virginia, to a point 5 miles above the intakes.
4l	III	PWS, q	Rapidan River and its tributaries from the Rapidan Service Authority's raw water intake (just upstream of the Route 29 bridge) upstream to a point 5 miles above the intake.	2f	III	PWS	Nottoway River and its tributaries from Camp Pickett's raw water intake to a point 5 miles above the raw water intake.
4m	III	PWS, q	Rapidan River and its tributaries from the Wilderness Shores raw water intake (38°22'30', 77°44'50', Orange County - Rapidan Service Authority) to a point 5 miles upstream.	2g	III	PWS	Lazaretto Creek and its tributaries from Crewe's raw water intake to a point 5 miles upstream.
				2h	III	PWS	Modest Creek and its tributaries from Victoria's raw water intake to their headwaters.
<b>9 VAC 25-260-470. Chowan and Dismal Swamp (Chowan River Subbasin).</b>							
Chowan River Subbasin							
SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION	2i	III	PWS	Nottoway River and its tributaries from the Town of Victoria's raw water intake at the Falls (about 200 feet upstream from State Route 49) to a point 5 miles upstream.
1	II	y, NEW-21	Blackwater River and its tidal tributaries from the Virginia-North Carolina state line to the end of tidal waters at approximately State Route 611 at river mile 20.90;				
			Nottoway River and its tidal tributaries from the Virginia-North Carolina state line to the end of tidal waters at approximately Route 674.	2j	III	PWS	Big Hounds Creek from the Town of Victoria's auxiliary raw water intake (on Lunenburg Lake) to its headwaters.
2	III	y, NEW-21	Blackwater and Nottoway Rivers from the end of tidal waters to their headwaters and their free-flowing	3	III	y	Meherrin River and its tributaries in Virginia from the Virginia-North Carolina state line to its headwaters.
				3a	III	PWS	Meherrin River and its

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			tributaries from Emporia's water supply dam to a point 5 miles upstream.	2	III		Intracoastal Waterway (portions not described in Section 1).
3b	III	PWS	Great Creek from Lawrenceville's raw water intake to a point 7.6 miles upstream.	3	III	y	Lake Drummond, including feeder ditches, and all interstate tributaries of the Dismal Swamp between Virginia and North Carolina.
3c	III	PWS	Meherrin River from Lawrenceville's raw water intake to a point 5 miles upstream.				
3d	III	PWS	Flat Rock Creek from Kenbridge's raw water intake upstream to its headwaters.				
3e	III	PWS	Meherrin River and its tributaries from South Hill's raw water intake to a point 5 miles upstream.				
3f	III		Couches Creek from a point 1.6 miles downstream from the Industrial Development Authority discharge to its headwaters.				

**9 VAC 25-260-520. Chesapeake Bay, Atlantic Ocean and small coastal basins.**

SEC.	CLASS	SP.	STDS.	SECTION DESCRIPTION
1	I	a		The Atlantic Ocean from Cape Henry Light (Latitude 36°55'06' North; Longitude 76°00'04' West) east to the three mile limit and south to the North Carolina state line. The Atlantic Ocean from Cape Henry Light to Thimble Shoal Channel (Latitude 36°57'30' North; Longitude 76°02'30' West) from Thimble Shoal Channel to Smith Island (Latitude 37°07'04' North; Longitude 75°54'04' West) and north to the Virginia-Maryland state line.

**9 VAC 25-260-480. Chowan and Dismal Swamp (Albemarle Sound Subbasin).**

Albemarle Sound Subbasin

SEC.	CLASS	SP.	STDS.	SECTION DESCRIPTION
1a	III			All free-flowing portions of the streams, creeks and coves in Section 1 east of the east-west divide boundary on the Eastern Shore of Virginia.
1b	II	a, y		Tidal portions of streams, creeks and coves in Section 1 east of the east-west divide boundary on the Eastern Shore of Virginia.
2	II	a, y, NEW-20		Chesapeake Bay and its tidal tributaries from Old Point Comfort Tower (Latitude 37°00'00' North; Longitude 76°18'08' West) to Thimble Shoal Light (Latitude 37°00'09' North; Longitude 76°14'04' West) to and along the south side of Thimble Shoal Channel to its eastern end (Latitude 36°57'03' North; Longitude 76°02'03' West) to Smith Island (Latitude 37°07'04' North; Longitude 75°54'04' West) north to the Virginia-Maryland border following the east-west divide boundary on the Eastern Shore of Virginia, west along the Virginia-Maryland border,
1a	III	y		The free-flowing portions of streams in Section 1 and tributaries of Stumpy Lake.
1b	III	PWS		Stumpy Lake (raw water supply for the City of Norfolk) and feeder streams to a point 5 miles upstream.
1c	II	y, PWS		Northwest River and its tributaries from the City of Chesapeake's raw water intake to a point 5 miles upstream and a point 5 miles downstream.

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			to the Virginia Coast, (Latitude 37°53'23' North; Longitude 76°14'25' West) and south following the Virginia Coast to Old Point Comfort Tower (previously described), unless otherwise designated in this chapter.	3b	II	a, NEW-20	Bay (Lynnhaven Roads) to end of navigable waters.	
2a	III		Free-flowing portions of streams lying on the Eastern Shore of Virginia west of the east-west divide boundary unless otherwise designated in this chapter.				Tidal portions of Lynnhaven watershed from its confluence with the Chesapeake Bay (Lynnhaven Roads) to and including Lynnhaven Bay, Western Branch Lynnhaven River, Eastern Branch Lynnhaven River, Long Creek, Broad Bay and Linkhorn Bay, Thalia Creek and its tributaries to the end of tidal waters. Great Neck Creek and Little Neck Creek from their confluence with Linkhorn Bay and their tidal tributaries. Rainey Gut and Crystal Lake from their confluence with Linkhorn Bay.	
2b	III		Drummonds Millpond including Coards Branch.					
2c	III		The Virginia Department of Agriculture experimental station pond and its tributaries.					
2d	III	y	The free-flowing streams tributary to the western portion of the Chesapeake Bay lying between the Virginia-Maryland state line and Old Point Comfort.	3c	III		Free-flowing portions of streams in Section 3b, unless otherwise designated in this chapter.	
2e	III	PWS	Harwood's Mill Reservoir (in Poquoson River's headwaters - a source of water for the City of Newport News) and its tributaries.	3d	III	PWS	The impoundments on the Little Creek watershed including Little Creek Reservoir, Lake Smith, Lake Whitehurst, Lake Lawson, and Lake Wright.	
2f	III	PWS	Brick Kiln Creek and its tributaries from Fort Monroe's raw water intake (at the Big Bethel Reservoir) to a point 5 miles upstream.	3e	II	NEW-20	London Bridge Creek from its confluence with the Eastern Branch of Lynnhaven River to the end of tidal waters. Wolfsnare Creek from its confluence with the Eastern Branch Lynnhaven River to the fall line.	
2g	III	PWS	Beaverdam Swamp and its tributaries (including Beaverdam Swamp Reservoir) from the Gloucester County Water System raw water intake (at latitude 37°26'23'; longitude 76°32'47') to its headwaters.	3f	III		Free-flowing portions of London Bridge Creek and Wolfsnare Creek and their free-flowing tributaries.	
				3g	III		Lake Joyce and Lake Bradford.	
3	II	a, NEW-20	Chesapeake Bay from Old Point Comfort Tower (Latitude 37°00'00' North; Longitude 76°18'08' West) to Thimble Shoal Light (Latitude 37°00'09' North; Longitude 76°14'04' West) along the south side of Thimble Shoal Channel to Cape Henry Light (Latitude 36°55'06' North; Longitude 76°00'04' West).	<b>9 VAC 25-260-530. York River Basin.</b>				
				SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION	
				1	II	a, y, NEW-17	York River and the tidal portions of its tributaries from Goodwin Neck and Sandy Point upstream to Thorofare Creek and Little Salem Creek near West Point; Mattaponi River and the tidal portions of its tributaries from Little Salem Creek to the end of tidal waters; Pamunkey River and the tidal portions of its	
3a	II	a, NEW-20	Little Creek from its confluence with Chesapeake					

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			tributaries from Thorofare Creek near West Point to the end of tidal waters.	3f	III	PWS	Stevens Mill Run from the Lake Caroline water impoundment, and other tributaries into the impoundment upstream to their headwaters.
2	III	y, NEW-17	Free-flowing tributaries of the York River, free-flowing tributaries of the Mattaponi River to Clifton and the Pamunkey River to Romancoke, unless otherwise designated in this chapter.				
							VA.R. Doc. No. R00-57; Filed September 29, 2000, 1:55 p.m.
				◆	◆		
							<b>TITLE 12. HEALTH</b>
							<b>STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD</b>
							<b>Withdrawal of Regulations</b>
2a	III	PWS, NEW-17	Waller Mill Reservoir and its drainage area above Waller Mill dam which serves as a raw water supply for the City of Williamsburg.				<b>Title of Regulation: VR 470-03-02. Regulations to Ensure the Rights of Residents in Department of Mental Health, Mental Retardation and Substance Abuse Services Operated Facilities.</b>
2b	III	PWS, NEW-17	Jones Pond (a tributary of Queen Creek near Williamsburg which serves as the raw water supply for Cheatham Annex Naval Station) and its tributaries to a point 5 miles upstream.				The Department of Mental Health, Mental Retardation and Substance Abuse Services has terminated the regulatory process on VR 470-03-02, Regulations to Ensure the Rights of Residents in Department of Mental Health, Mental Retardation and Substance Abuse Services Operated Facilities, which was published in 5:23 VA.R. 3408-3431 August 14, 1989.
							VA.R. Doc. No. R89-495; Filed October 3, 2000, 10:47 a.m.
							* * *
3	III	y	Free-flowing portions of the Mattaponi and Pamunkey Rivers, free-flowing tributaries of the Mattaponi above Clifton, and free-flowing tributaries of the Pamunkey above Romancoke, unless otherwise designated in this chapter.				<b>Title of Regulation: VR 470-05-02. Regulations Governing Certification of Therapeutic Consultation and Residential Services.</b>
3a	III	PWS	South Anna River from Ashland's raw water intake to a point 5 miles upstream.				The Department of Mental Health, Mental Retardation and Substance Abuse Services has terminated the regulatory process on VR 470-05-02, Regulations Governing Certification of Therapeutic Consultation and Residential Services, which was published in 8:14 VA.R. 2276-2285 April 6, 1992.
3b	III	PWS	Northeast Creek from the Louisa County Water Authority's impoundment dam (approximately 1/8 mile upstream of Route 33) to its headwaters.				VA.R. Doc. No. R92-482; Filed October 3, 2000, 10:47 a.m.
				◆	◆		
3c	III		South Anna River from Route 15 upstream to a point 1.5 miles below the effluent from the Gordonsville Sewage Treatment Plant.				
3d	III	PWS	Ni River and its tributaries from Spotsylvania's raw water intake near Route 627 to their headwaters.				
3e	III	PWS	The North Anna River and its tributaries from Hanover County's raw water intake near Doswell (approximately 1/2 mile upstream from State Route 30) to a point 5 miles upstream.				



**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

**Title of Regulation: 18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology (amending 18 VAC 30-20-10, 18 VAC 30-20-80, and 18 VAC 30-20-160; adding 18 VAC 30-20-300, 18 VAC 30-20-310, and 18 VAC 30-20-320).**

Statutory Authority: § 54.1-103 and 54.1-2400 of the Code of Virginia.

Public Hearing Date: November 9, 2000 - 9:30 a.m.

Public comments may be submitted until December 22, 2000.

(See Calendar of Events section for additional information)

Basis: Section 54.1-2400 establishes the general powers and duties of health regulatory boards, including the responsibility to establish qualifications for licensure, to set fees and schedules for renewal, to establish requirements for an inactive license and to promulgate regulations, in accordance with the Administrative Process Act, that are reasonable and necessary to effectively administer the regulatory system.

In addition, the board is also authorized by § 54.1-103 of the Code of Virginia to specify additional training or conditions for practitioners seeking renewal of licenses.

Purpose: At a strategic planning retreat in 1998, the board adopted a mission statement that says: "The Mission of the Board of Audiology and Speech-Language Pathology is to protect the health, safety and welfare of the consumer by licensing qualified individuals and by working to assure the quality of care, enforce compliance with regulations and statutes governing the practice, and promote the integrity of the professions." Among the obstacles to its achieving its mission, the board identified no standard for continuing competency of practitioners, changing technology and the need for the board to be able to respond, the demand for a reduced level of care to the lowest common denominator, and a trend toward multi-skilling.

The Code of Virginia specifically authorizes the board to establish requirements for relicensure that will assure the continuing competency of the practitioners it licenses. As the practices of audiology and speech-language pathology have evolved and changed, the minimal competencies that were evidenced by completion of requirements for initial licensure may no longer be adequate.

In the professions of audiology and speech-language pathology, the knowledge base has continued to grow, but the growth in utilization of technology has been even more dramatic. Educational programs have been modified to accommodate changes in practice and to incorporate newer technology, but some who currently hold licensure are not keeping up with those changes and may not be offering the consumers of the Commonwealth the most competent and

safest care. While no definitive numbers are available, it is estimated by members of the board that only about half of its licensees regularly obtain hours of continuing education. That estimate was borne out by a 1997 survey of licensees in which approximately half of the respondents indicated that some continuing education requirement for licensure would have a financial impact. While only 607 licensees out of approximately 2,068 responded, that is statistically a good sampling of the population.

In addition, the economic demands of third-party payers have led to an increased use of assistive personnel in the practices of audiology and speech-language pathology. With such usage, there are new demands on the licensed professionals to make evaluative judgments on which tests and procedures can be safely delegated to these unlicensed, unregulated persons. There is a need for continuing education in the delegation of tasks to such persons who are treating consumers with disabilities who are being rehabilitated from disease or injury.

Therefore, the board now finds that it is essential to establish some evidence of continuing education as a condition for renewal of licensure in order to assure the public of the continuing competency and safety of its practitioners.

For some practitioners who are now retired or are practicing out of state but who wish to retain their Virginia license, the necessity of acquiring continuing education would result in an unnecessary burden and expense. The department sought legislation, which was included in the Governor's legislative package for the 1998 General Assembly, to authorize the establishment of an inactive license. Therefore, the board is authorized to develop and propose regulations for inactive licensure to include a fee for such a license and any remedial education or professional activity it deems necessary to assure that the practitioner is prepared to return to active practice with minimal safety and skill.

In the development of amendments to these regulations, the board has used the "Principles for Fee Development" adopted by the department in 1999 to be applied across all professions and all boards. In doing so, it became necessary to lower several of the miscellaneous fees charged for a specific purpose--specifically the fees providing a duplicate wall certificate or license and for reinstatement of an expired license.

Substance: Amendments to regulations have been proposed to establish a requirement for 30 hours per biennium in activities or educational courses as an indication of continuing competency. Regulations state that a minimum of 15 hours must be Type 1, or activities offered by an accredited sponsor as approved by board regulation; no more than 15 of the hours may be Type 2 activities that may or may not be offered by accredited sponsors but are considered by the practitioner to be valuable to his clinical practice.

Since there are many areas of practice for audiology and speech-language pathology in which there are overlapping modalities or conditions, the board has provided a 45-hour continuing competency requirement for persons who are dually licensed in both fields. Knowledge gained in one is likely to be beneficial to practice in another. Examples of

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overlapping subject matter include: central auditory processing, otitis media (ear infections), which may affect speech, psychoacoustics, aphasia, an impairment of the ability to use or comprehend words, usually acquired as a result of a stroke or other brain injury, and treatment of children with hearing loss that typically results in the need for speech therapy.

Amendments will also stipulate provisions for recordkeeping, a random audit of licensees for compliance, an exemption for the first renewal cycle following initial licensure, and conditions for waivers or exemptions. Amendments to regulations will also establish an inactive license, a fee for renewal of such a license, and conditions for reinstatement of an inactive or lapsed license to include some indication of continued competency to practice.

**Issues:** Issues that were addressed by the ad hoc advisory committee, the Regulatory/Legislative Committee and the board include the following:

1. Type and amount of continuing competency requirements. In order to include varying perspectives on practice in the development of regulations, the board appointed a Task Force on Continuing Competency Requirements with representation from public and private practice settings. Included in the task force to advise the board were: the President of Speech-Language and Hearing Association of Virginia (SHAV), representatives from the Veteran's Administration, a large academic institution, Central Virginia Training Center, a large hospital system, the home health care industry, a local school system, and several audiologists and speech-language pathologists in private practice. Members of the board representing both professions also served on the Task Force and on the Legislative/Regulatory Committee that developed proposed regulations for the board's consideration. The two citizen members of the board were significantly involved in the development of regulations; one is responsible for continuing education for a large medical center in the state and was able to provide helpful expertise.

The goal of their work and the intent of the board was to develop requirements that would: (i) encourage learner-directed continuing education through which the practitioner can identify a question or problem, seek the learning activity that provides needed information or teaches a new skill, and thereby, enhance his expertise or ability to practice; (ii) offer a choice of content and form that is flexible enough to meet the needs of the learner in any type of practice in any location in Virginia; and (iii) assure the public that practitioners providing audiology or speech-language treatment are maintaining their skills and competencies.

As a result of its work over a period of several months, the task force and the Legislative/Regulatory Committee recommended and the board adopted a requirement that is aimed at involving the audiologist or speech-language pathologist as a continuing learner who is consistently assessing the questions and problems encountered in his practice and then making a determination about the knowledge and skills needed to address those issues. In

making the assessment, the practitioner is asked to consider issues of ethics, standards of care, patient safety, new technology, communication with patients, the changing health care system, and other topics influencing practice.

The 30 required hours are divided into two types: (i) In Type 1 continuing learning activities, the 15 hours required biennially must be offered by an accredited sponsor or organization that is sanctioned by the profession and that provides documentation of hours to the practitioner; and (ii) in Type 2 continuing learning activities, a maximum of 15 hours earned biennially may or may not be approved by an accredited sponsor or organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning; licensees document their own participation on the form provided by the board.

In its adoption of these regulations, the board considered continuing education requirements for the two professions in other states, requirements of other boards within the Department of Health Professions, and the availability and cost of compliance. Of the 39 states that currently have a continuing education requirement, 20 require a minimum of 10 hours in one year or 20 hours in two years. The average number among all states is 11.5 hours of continuing education per year with a range of 10 hours every two years in West Virginia to 50 hours every two years in Maine. Maine and Montana are the only states that list a division between approved and unapproved hours, similar to the proposal in Virginia. In both states, 25 hours must be gained in sponsored activities every two years, compared with the 15 hours proposed in Virginia.

The board (following the recommendation of the Task Force) elected to model its regulations after those adopted by the Board of Medicine, in which half of the hours are "unaccredited," learner-directed and documented. Therefore, of the 30 hours required for biennial renewal, only 15 hours would have to be obtained from and documented by an accredited sponsor. The board determined that was a minimal amount. In addition, a wide range of accredited sponsors for continuing education were approved through the proposed regulation, so compliance should not be a burden for any licensee regardless of the practice setting or area of the Commonwealth in which he works.

2. Requirements for reactivation of an inactive or lapsed license. Along with requirements for continuing competency for renewal of licenses, the board is proposing an inactive license for those practitioners who are now retired or out-of-state and have no intention of engaging in active practice in the Commonwealth. In doing so, requirements for reactivation of such a license are necessary to ensure that practitioners are competent to resume practice. The board determined that it was necessary for a practitioner whose license has been inactive or lapsed for two or more years to provide evidence of continuing competency hours equal to the amount of time the license has not been active, not to

exceed four years. The board also reserves the right to deny reactivation if an inactive licensee has violated provisions of unprofessional conduct.

Advantages to the licensees: The proposed continuing competency requirements are intended to provide some assurance to the public that licensees of the board are maintaining current knowledge and skills, while providing the maximum amount of flexibility and availability to licensees. Board members concluded that approximately half of the practitioners already engage in enough learning activities to meet the requirements and should only have to maintain documentation of those activities and hours. Fifteen of the 30 hours may be earned by the practitioner on his own time and schedule and may be hours that are useful to the learner but not accredited or documented by an organization. Fifteen of the hours must involve the practitioner in some course or activity that is offered by an approved sponsor that provides documentation of completion. The resources for earning the hours and engaging in the required learning are numerous and readily available in all parts of Virginia.

Disadvantages to the licensees: For those practitioners who do not currently engage in any continuing learning in their profession, these requirements will represent an additional burden. While opportunities for obtaining continued competencies exist that are without cost, there may be some additional expense associated with renewal of licensure. However, it was determined by enactment of the statute and by the board's concurrence that those practitioners and their patients would greatly benefit from continuing learning requirements, and that the public is better protected if there is some assurance of that effort.

Advantages or disadvantages to the public: There are definite advantages of the proposed amended regulations to the public, which will have greater assurance that the licensees of the board are engaged in activities to maintain and improve their knowledge and skills in providing care to their patients.

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 Board of Audiology and Speech-Language Pathology proposes the following changes to the Regulations of the Board of Audiology and Speech-Language Pathology:

1. Addition of continuing education requirements (30 hours per biennium, 45 hours for persons who are dually

licensed in both fields) for the renewal of an active license and for the reactivation of an inactive or lapsed license;

2. Establishment of an inactive license; and

3. Reduction of the several of the miscellaneous fees.

Estimated economic impact.

### Continuing Education Requirements

The most significant change proposed to the current regulations is the addition of continuing education (CE) requirements for the renewal of an active license and for the reactivation of an inactive or lapsed license. The economic costs of this provision are the costs of any courses offered for the purposes of meeting the requirements of this regulation (whether paid for by the practitioner, his employer or professional association).

Compliance costs for meeting the CE requirements will differ across licensees. Some licensees may already be obtaining CE hours during academic or professional activities or for professional credentialing. A survey conducted in 1997 indicated that approximately half of the board's licensees regularly obtain hours of continuing education. For these individuals, the proposed requirements will not result in any additional costs aside from those associated with the documentation and maintenance of records. For other practitioners, however, the proposed CE requirements can be expected to represent a significant personal cost. Based on information provided by the Board of Audiology and Speech-Language Pathology, the average out-of-pocket costs for earning the required CE hours could range from zero for licensees who have in-service courses and programs available through their employer to \$200 for licensees who will obtain continuing education hours through the state or national associations. Additionally, practitioners would incur the cost of the time spent on pursuing such activities, whether in lost income or lost leisure time, and any costs associated with the documentation and maintenance of the records.

### Inactive Licenses and Reactivation Criteria

In light of the additional CE requirements for licensure renewal, the Board of Audiology and Speech-Language Pathology proposes to establish an inactive license for those practitioners who are either retired, on family leave, or out-of-state, and do not intend to engage in active practice in Virginia, which would be exempt from on-going CE requirements. Since this would be a voluntary action, it can be expected that the associated renewal costs would not exceed the perceived benefits for any practitioner who chose to obtain an inactive license.

Requirements are set forth that the reactivation of an inactive license or reinstatement of a lapsed license include documentation of having completed continued competency hours equal to the requirement for the length of time, not to exceed four, that the license has been inactive.

### Miscellaneous Fees

The proposed fee changes are intended to represent more accurately the actual cost of service. For example, the fee

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charged for a duplicate license is reduced from \$10 to \$5, and the fee for a duplicate wall certificate is reduced from \$50 to \$20. These fees are set uniformly across all professions and all boards and will provide consistency and equity for members.

## Conclusion

The proposed CE requirements and license reactivation criteria can be expected to provide some beneficial results. The proposed rules would provide some assurance to the public that audiologists and speech-language pathologists licensed by the board are maintaining their knowledge, skills, and competencies and keeping up to date with methodology and new technologies. While there is no empirical evidence currently available with which to estimate the potential benefits resulting from the proposed requirements, any reduction in sub-standard care due to additional safeguards to assure the competency of practitioners would justify the anticipated costs of this regulation. In addition, some individuals and organizations will benefit financially by becoming providers of continuing education programs.

The Board of Audiology and Speech-Language Pathology will also incur costs related to enforcement of the proposed CE requirements. Based on the experience of other professions, the board estimates that total costs for enforcement of the continued competency requirements could range from \$2,000 to \$8,000 per biennium. These costs will be able to be absorbed into the existing budget without any fee increases at this time. Enforcement of the proposed requirements will increase compliance, and if the requirements themselves result in a net economic benefit, then the enforcement costs are also justified.

Businesses and entities affected. There are 385 audiologists and 2,039 speech-language pathologists currently licensed in Virginia who would be affected by the proposed changes to this regulation.

Localities particularly affected. The proposed changes to this regulation should not disproportionately affect any particular locality.

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

Effects on the use and value of private property. The proposed changes to this regulation are not expected to have any significant 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 agency concurs with the analysis of the Department of Planning and Budget.

## Summary:

*The proposed amendments provide continued competency requirements for renewal of an active license to practice. For each biennial renewal, the licensee shall be required to complete 30 hours of continuing learning activities, at least 15 of which must be provided by an accredited sponsor as approved by the board through its regulations. A maximum of 15 hours*

*may be in non-accredited activities that the learner considers beneficial to his practice. In addition, amended regulations establish an inactive license and set the renewal fee and requirements for reactivation of such a license.*

## **18 VAC 30-20-10. Definitions.**

The words and terms "audiologist," "board," "practice of audiology," "practice of speech-language pathology," "speech-language disorders," and "speech-language pathologist," when used in this chapter, shall have the meanings ascribed to them in § 54.1-2600 of the Code of Virginia.

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

"School speech-language pathologist" means a person licensed pursuant to § 54.1-2603 of the Code of Virginia to provide speech-language pathology services solely in public school divisions.

"Supervision" means that the audiologist or speech-language pathologist is responsible for the entire service being rendered or activity being performed, is available for consultation, and is providing regular monitoring of clinical activities and competencies of the person being supervised.

"Type 1" means continuing learning activities that must be offered by an accredited sponsor or organization as specified in 18 VAC 30-20-300.

"Type 2" means continuing learning activities that may or may not be approved by an accredited sponsor or organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning. In Type 2 activities, licensees document their own participation on the Continued Competency Activity and Assessment Form and are considered self-learning activities.

## **18 VAC 30-20-80. Fees.**

A. The following fees shall be paid as applicable for licensure:

1. Application for audiology or speech-language pathology license \$100
2. Application for school speech-language pathology license \$50
3. Verification of licensure requests from other states \$20
4. Biennial renewal \$60
5. Reinstatement fee \$50 20
6. Duplicate wall certificates \$50 15
7. Duplicate license \$40 5
8. Returned check \$25
9. Inactive license renewal \$30

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refunded once submitted.

**18 VAC 30-20-160. Reinstatement of lapsed license.**

A. When a license is not renewed by the expiration date, the board may consider reinstatement of a license up to two years of expiration. In addition to *payment* of the back renewal fee, *and* a reinstatement fee as prescribed in 18 VAC 30-20-80 ~~shall be paid~~, the licensee shall provide documentation of having completed the number of continuing competency hours required for the period in which the license has been lapsed.

B. A licensee who does not reinstate within two years as prescribed by subsection A of this section shall reapply for licensure as prescribed by Part III (18 VAC 30-20-170 et seq.) of this chapter ~~and~~, meet the qualifications for licensure in effect at the time of the new application *and provide documentation of having completed the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years.*

C. *If the licensee holds licensure in any other state or jurisdiction, he shall provide evidence that no disciplinary action has been taken or is pending.*

PART V.

CONTINUING COMPETENCY REQUIREMENTS.

**18 VAC 30-20-300. Continued competency requirements for renewal of an active license.**

A. *In order to renew an active license biennially on or after December 31, 2002, a licensee shall complete the Continued Competency Activity and Assessment Form that is provided by the board and which shall indicate completion of at least 30 hours of continuing learning activities within the two years immediately preceding renewal as follows:*

1. *A minimum of 15 of the 30 hours shall be in Type 1 programs or courses related to speech-language pathology or audiology, depending on the license held, and offered by one of the following accredited sponsor or organization sanctioned by the profession:*
  - a. *The Speech-Language Hearing Association of Virginia or similar state speech-language hearing association of another state;*
  - b. *The American Academy of Audiology;*
  - c. *The American Speech-Language Hearing Association;*
  - d. *The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;*
  - e. *Local, state or federal government agencies;*
  - f. *Colleges and universities;*
  - g. *International Association of Continuing Education and Training;*

h. *Health care organizations accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO);*

i. *A sponsor approved by the board provided the sponsor has submitted satisfactory documentation on forms provided by the board.*

2. *No more than 15 of the 30 hours may be Type 2 activities or courses, which may or may not be approved by an accredited sponsor or organization but which shall be chosen by the licensee related to the licensed profession.*

B. *If the licensee is dually licensed by this board as an audiologist and speech-language pathologist, no more than 45 continuing education hours are required for renewal. A minimum of 30 of the 45 hours shall be Type 1 activities or courses, with a minimum of 15 hours in each profession. The remaining hours of the 45 hours may or may not be Type 2 activities or courses and may be related to either profession.*

C. *A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.*

D. *The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.*

E. *The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.*

F. *Failure to comply with these requirements may subject the licensee to disciplinary action by the board.*

G. *The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.*

H. *The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.*

**18 VAC 30-20-310. Inactive license.**

*A speech-language pathologist or audiologist who holds a current, unrestricted license in Virginia may, upon a request on the renewal application and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be required to maintain continuing competency requirements and shall not be entitled to perform any act requiring a license to practice speech-language pathology or audiology in Virginia.*

**18 VAC 30-20-320. Reinstatement of an inactive license.**

A. *A licensee whose license has been inactive and who requests reinstatement of an active license shall file a reinstatement application, pay the difference between the inactive and active renewal fees for the current biennium, and provide documentation of having completed continued*

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## Proposed Regulations

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*competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been inactive.*

*B. The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of 18 VAC 30-20-280.*

**NOTICE:** The forms used in administering 18 VAC 30-20-10 et seq., Regulations of the Board of Audiology and Speech-Language Pathology, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

### FORMS

Application for Licensure (rev. 7/97).

Application for School Speech-Language Pathologist Licensure (rev. 11/99).

Licensure Reinstatement Application (rev. 7/97).

Endorsement Certification Form A (rev. 11/99).

Renewal Notice and Application (rev. 5/00).

*Continued Competency Activity and Assessment Form (eff. 9/00).*

VIRGINIA BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY  
CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM

Please photocopy this original form to record your learning activities.

The completed forms and all documentation must be maintained for a period of four years.

Name:  
Time Period:

PART A: ACTIVITY		PART B: ASSESSMENT	PART C: OUTCOME	# OF HOURS/TYPE	
Learning Activity, Resources, Strategies & Experiences; e.g. conferences, consultations, teaching, peer-reviewed journals, self- instructional material, case studies and staff development.	Date	Knowledge or Skills You Maintained or Developed. What questions or problems encountered in your practice were addressed by this learning activity?	Outcome: Indicate whether you will: a) make a change in your practice, b) not make a change in your practice, and/or c) need additional information on this topic.	Type 1 (at least 15 hours)	Type 2 (no more than 15 hours)

Signature

Date

9/00

VA.R. Doc. No. R99-219; Filed September 25, 2000, 11:23 a.m.

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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

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

**Title of Regulation:** 4 VAC 20-490-10 et seq. **Pertaining to Sharks (amending 4 VAC 20-490-20, 4 VAC 20-490-40 and 4 VAC 20-490-60).**

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

**Effective Date:** October 15, 2000.

**Summary:**

*The amendment prohibits the taking, possession, and landing of spiny dogfish in Virginia after the federal quota for spiny dogfish has been taken.*

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

#### 4 VAC 20-490-20. Definitions.

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

*"Carcass length"* means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

*"Finning"* means removing the fins and returning the remainder of the shark to the sea.

*"Fork length"* means that length measured in a straight line from the tip of the nose of the shark to the center of the fork of the tail of the shark.

*"Longline"* means any fishing gear composed of a line in excess of 1,000 feet in length that has multiple hooks and is either anchored, floating or attached to a vessel.

*"Shark"* means any fish of the following species:

Sevengill shark, *Heptranchias perlo*

Sixgill shark, *Hexanchus griseus*

Bigeye sixgill shark, *Hexanchus vitulus*

Atlantic angel shark, *Squatina dumerili*

Nurse shark, *Ginglymostoma cirratum*

Whale shark, *Rhincodon typus*

Ragged-tooth shark, *Odontaspis ferox*

Sand tiger shark, *Odontaspis taurus*

Bigeye thresher, *Alopias superciliosus*

Thresher shark, *Alopias vulpinus*

Basking shark, *Cetorhinus maximus*

White shark, *Carcharodon carcharias*

Shortfin mako, *Isurus oxyrinchus*

Longfin mako, *Isurus paucus*

Porbeagle shark, *Lamna nasus*

Tiger shark, *Galeocerdo cuvieri*

Lemon Shark, *Negaprion brevirostris*

Blue shark, *Prionace glauca*

Blacknose shark, *Carcharhinus acronotus*

Bignose shark, *Carcharhinus altimus*

Narrowtooth shark, *Carcharhinus brachyurus*

Spinner shark, *Carcharhinus brevipinna*

Silky shark, *Carcharhinus falciformis*

Galapagos shark, *Carcharhinus galapagensis*

Finetooth shark, *Carcharhinus isodon*

Bull shark, *Carcharhinus leucas*

Blacktip shark, *Carcharhinus limbatus*

Oceanic whitetip shark, *Carcharhinus longimanus*

Dusky shark, *Carcharhinus obscurus*

Caribbean reef shark, *Carcharhinus perezi*

Sandbar shark, *Carcharhinus plumbeus*

Night shark, *Carcharhinus signatus*

Atlantic sharpnose shark, *Rhizoprionodon terraenovae*

Caribbean sharpnose shark, *Rhizoprionodon porosus*

Scalloped hammerhead, *Sphyrna lewini*

Great hammerhead, *Sphyrna mokarran*

Bonnethead, *Sphyrna tiburo*

Smooth hammerhead, *Sphyrna zygaena*

"Shark carcass" means any shark whose head, gills, tail, and viscera have been removed.



"Smooth dogfish" means any shark of the species *Mustelus canis*.

"Spiny dogfish" means any shark of the species *Squalus acanthias*.

**4 VAC 20-490-40. Catch limitations.**

A. It shall be unlawful for any person to take or catch by hook and line, rod and reel, or spear and retain possession of more than one shark at any time.

1. Any shark taken after the possession limit has been reached shall be returned to the water immediately.

2. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

B. It shall be unlawful for any commercial fishing vessel to have on board or to land more than 7,500 pounds of shark carcasses per day. The vessel captain or operator is responsible for compliance with the provisions of this subsection.

C. Except as provided in subsection D of this section, it shall be unlawful for any person to land in Virginia or to possess for commercial purposes any shark less than 58 inches in fork length or any shark carcass less than 31 inches in carcass length.

D. Any person may harvest and land for commercial purposes from Virginia's portion of the Territorial Sea within the three nautical mile line only up to 200 pounds of shark carcasses less than the 31-inch minimum carcass length.

E. It shall be unlawful for any person to take, possess or land in Virginia any spiny dogfish for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

**4 VAC 20-490-60. Exceptions.**

Nothing in 4 VAC 20-490-40 or 4 VAC 20-490-50 shall pertain to the taking or possession of the ~~spiny dogfish, *Squalus acanthias* and the smooth dogfish, *Mustelus canis*~~ and nothing in 4 VAC 20-490-40 A through D or 4 VAC 20-490-50 shall pertain to the taking or possession of the spiny dogfish.

VA.R. Doc. No. R01-24; Filed October 3, 2000, 11:05 a.m.

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**Title of Regulation:** 4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20, 4 VAC 20-720-40, 4 VAC 20-720-50, 4 VAC 20-720-60, 4 VAC 20-720-70, and 4 VAC 20-720-80).

**Statutory Authority:** §§ 28.2-201 and 28.2-507 of the Code of Virginia.

**Effective Date:** October 1, 2000.

**Summary:**

The amendments establish restrictions on the 2000-2001 public oyster harvest season.

**Agency Contact:** Copies of the regulation may be obtained from Katherine V. Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2120.

**4 VAC 20-720-20. Definitions.**

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

"Deep Water Shoal State Replenishment Seed Area (DWS)" in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, North 302,280.00, East 2,542,360.00; thence North Azimuth 30°49'59", 4,506.99 feet to Corner 2, North 306,150.00, East 2,544,670.00; thence North Azimuth 135°08'57", 5,430.60 feet to Corner 3, North 302,300.00, East 2,548,500.00; thence North Azimuth 212°13'54", 3,487.42 feet to Corner 4, North 299,350.00, East 2,546,640.00; thence North Azimuth 269°10'16", 2,765.29 feet to Corner 5, North 299,310.00, East 2,543,875.00; thence North Azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

~~"Johnson's Rock" means that area of Tangier Sound in Public Ground 4 that is south of a line from the Tangier Sound light to the northern tip of Watts Island.~~

"Pocomoke and Tangier Sounds Management Area (PTSMA)" means the area as defined in § 28.2-524 of the Code of Virginia.

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside as public oyster ground by order of the Marine Resources Commission.

"Rappahannock River Hand Scrape Area" means that area including all public grounds between a line extending from the eastern-most point of Long Point thence in an easterly direction to flashing red buoy "8"; thence due east to Rogue Point, upriver to a line extending from Tarpley Point; thence in a southwesterly direction to flashing green buoy "13"; thence south-southwesterly to Jones Point. (See map.)

"Tangier Sound" means that area of Tangier Sound from Tangier Sound Light, east to the south end of Watts Island, thence north to the Virginia-Maryland state line.

"Tangier Sound Hand Tong Area" means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy "5", thence south southwest to buoy "3" (such area to include all of Public Ground 3 and Flat Rock)

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and shall be a hand tong area only (see map) and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence south 79° 59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10° 16', west 2,800 feet; thence south 28° 46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning. (See map.)

"Thorofare Rock" means that area of the Tangier Sound on the east side of the Tangier Channel north of green buoy "5." This area includes Public Grounds 5, 6, and 7 north to the Maryland line.

"Unassigned ground" means all grounds other than public oyster ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

~~"Waterview Hand Scrape Area" means the area beginning at a point on the inshore line of Public Ground 1 - Middlesex County at the intersection with a line extending from the easternmost point of Punchbowl Point northerly to green buoy "11"; thence northerly to green buoy "11"; thence southeasterly to green buoy "9"; thence southeasterly to red buoy "8"; thence to a point where the line extended from red buoy "8" westerly to the southernmost point of Long Point intersects the inshore line of Public Ground 1 - Middlesex County; thence following the inshore line of the public ground northerly to the point of beginning.~~

#### 4 VAC 20-720-40. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster grounds and unassigned grounds are as follows:

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area: ~~October 1, 1999 2000~~, through April 30, ~~2000~~ 2001.
2. James River Jail Island and Point of Shoals Clean Cull Areas: ~~October 1, 1999 2000~~, through April 30, ~~2000~~ 2001.
3. Seaside of Eastern Shore: for clean cull oysters only, November 1, ~~1999 2000~~, through January 31, ~~2000~~ 2001.
4. ~~That area of Piankatank River, west of the Route 3 bridge: October 1, 2000, through December 31, 2000.~~
- 4- 5. The area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Rappahannock River Hand Scrape Area: November October 1, 1999 2000~~, through January December 31, 2000.
- 5- 6. That area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini-PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C):

~~November October 1, 1999 2000~~, through January December 31, 2000.

6- 7. That area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B) except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): ~~November October 1, 1999 2000~~, through January December 31, 2000.

7- 8. That area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: ~~November October 1, 1999 2000~~, through January December 31, 2000.

8- 9. ~~Two areas in the Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rock (Public Grounds 5, 6, and 7) and in the Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island: December 1, 1999, through January 31, 2000. That area of the PTSMA in Tangier Sound, including the Tangier Sound Hand Tong Areas: December 1, 2000, through December 31, 2000.~~

9- 10. Little Wicomico River: ~~November October 1, 1999 2000~~, through January December 31, 2000.

#### 4 VAC 20-720-50. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Rappahannock River Hand Scrape Area, and that area of the Piankatank River west of the Route 3 bridge~~, that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113, the Little Wicomico River, ~~two areas in the Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rocks (Public Grounds 5, 6, and 7) and in the Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island, that area in the PTSMA in Tangier Sound, including the Tangier Sound Hand Tong Area~~, the James River Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: October 1, ~~1999 2000~~, through September 30, ~~2000~~ 2001.
2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, ~~2000 2001~~, through September 30, ~~2000~~ 2001.

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, ~~1999 2000~~, and February 1, ~~2000 2001~~, through September 30, ~~2000 2001~~; and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Rappahannock River Hand Scrape Area~~, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), ~~that area of the Piankatank River west of the Route 3 bridge~~, and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: ~~October 1 through October 31, 1999, and February January 1, 2000 2001~~, through September 30, ~~2000 2001~~.

5. ~~Two areas in the Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rocks (Public Ground 7) and in the Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island: October 1, 1999, through November 30, 1999, and February 1, 2000, through September 30, 2000. That area of the PTSMA in Tangier, including the Tangier Sound Hand Tong Area: October 1, 2000, through November 30, 2000, and January 1, 2001, through September 30, 2001.~~

6. Little Wicomico River: ~~October 1, 1999, through October 31, 1999, and February January 1, 2000 2001~~, through September 30, ~~2000 2001~~.

**4 VAC 20-720-60. Day and time limit.**

A. It shall be unlawful to take, catch or harvest oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest. The presence of any gear normally associated with the harvesting of oysters on board the boat or other vehicle used during any harvesting under this exception shall be prima facie evidence of violation of this chapter.

B. Harvest on the public oyster grounds in that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Rappahannock River Hand Scrape Area~~, ~~that area of the Piankatank River west of the Route 3 bridge~~, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut

Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113, the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, the James River Jail Island and Point of Shoals Clean Cull Areas, Little Wicomico River, and ~~the two areas in Tangier Sound, Johnson's and Thorofare Rocks and in Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island that area in the PTSMA in Tangier Sound, including the Tangier Sound Hand Tong area~~ shall be from sunrise to 2 p.m. daily. It shall be unlawful for any person to harvest oysters from the public grounds in that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Rappahannock River Hand Scrape Area~~, ~~that area of the Piankatank River west of the Route 3 bridge~~, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113, the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, or the Jail Island and Point of Shoals Clean Cull Areas, Little Wicomico River, and ~~the two areas in Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rocks (Public Ground 7) and in Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island that area in the PTSMA in Tangier Sound, including the Tangier Sound Hand Tong Area~~ prior to sunrise or after 2 p.m. daily.

C. The Commissioner of Marine Resources hereby is authorized to issue permits to applicants to dredge for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

D. The Commissioner of Marine Resources hereby is authorized to issue permits to applicants to hand scrape, as described in 4 VAC 20-720-20, for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

**4 VAC 20-720-70. Gear restrictions.**

A. It shall be unlawful for any person to harvest oysters from public oyster grounds or unassigned grounds in the James River, including the Deep Water Shoal State Replenishment Seed Area, that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River, ~~that area of the Piankatank River west of the Route 3 bridge~~ and that area of the Nomini and Lower Machodoc

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Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), the Little Wicomico River, and that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), *that area known as the Tangier Sound Hand Tong Area*, and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113 with shaft tongs longer than 18 feet in total overall length, except shaft tongs may exceed 18 feet in total overall length from Morattico Bar to the Route 3 bridge in the Rappahannock River.

B. It shall be unlawful for any person to harvest shellfish with a dredge from the public oyster grounds who has not first obtained a current gear license to use said dredge, and only at times and in areas as established by the commission can this dredge be used for harvesting on public oyster grounds. In order to be allowed to operate a dredge for harvesting oysters from any public oyster grounds, a harvester must have a current dredge gear license and the cost of this license shall be \$50.

C. The use of the hand scrape shall be allowed in the ~~Waterview Rappahannock River~~ Hand Scrape Area. In order to be allowed to operate a hand scrape for harvesting oysters from any public oyster grounds, a harvester must have a current hand scrape gear license and the cost of this license shall be \$50. It shall be unlawful for any person to harvest shellfish with a hand scrape from the public oyster grounds that has not first obtained a current gear license to use said hand scrape and only at times and in areas as established by the commission can this hand scrape be used for harvesting on public oyster grounds. No more than one license may be issued to any one boat for hand scrape and no more than one hand scrape may be on board any boat so licensed at any time. No hand tongs may be used or possessed aboard the licensed boat at the same time as said hand scrape.

D. Harvesting with a standard oyster dredge ~~will~~ *shall* be allowed in ~~the Tangier Sound on the two areas opened, Johnson's and Thorofare Rocks and in Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island that area in the PTSMA in Tangier Sound, except for the designated hand tong areas.~~ Only standard oyster dredges (maximum weights 100 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.

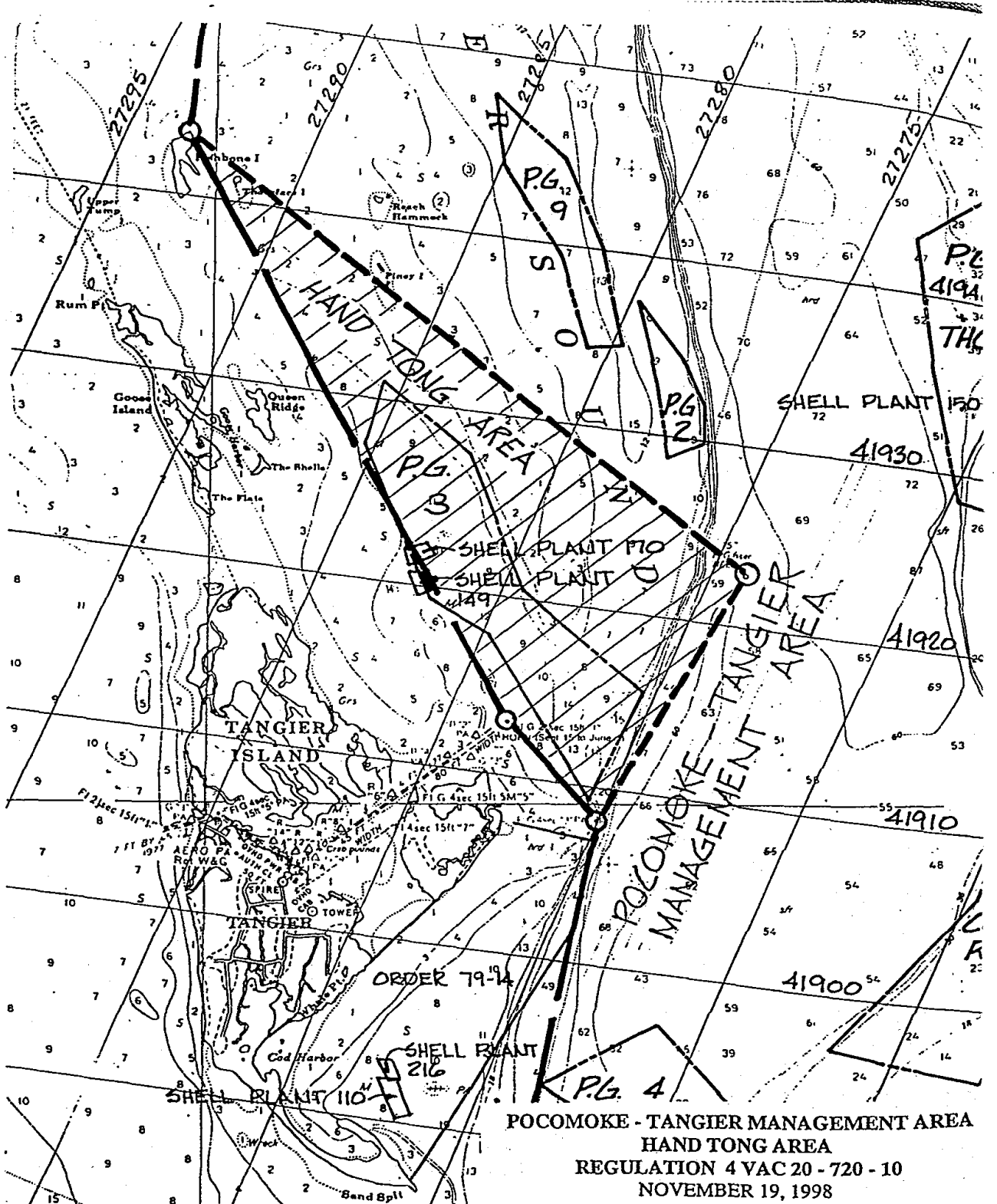
#### 4 VAC 20-720-80. Quotas and catch limits.

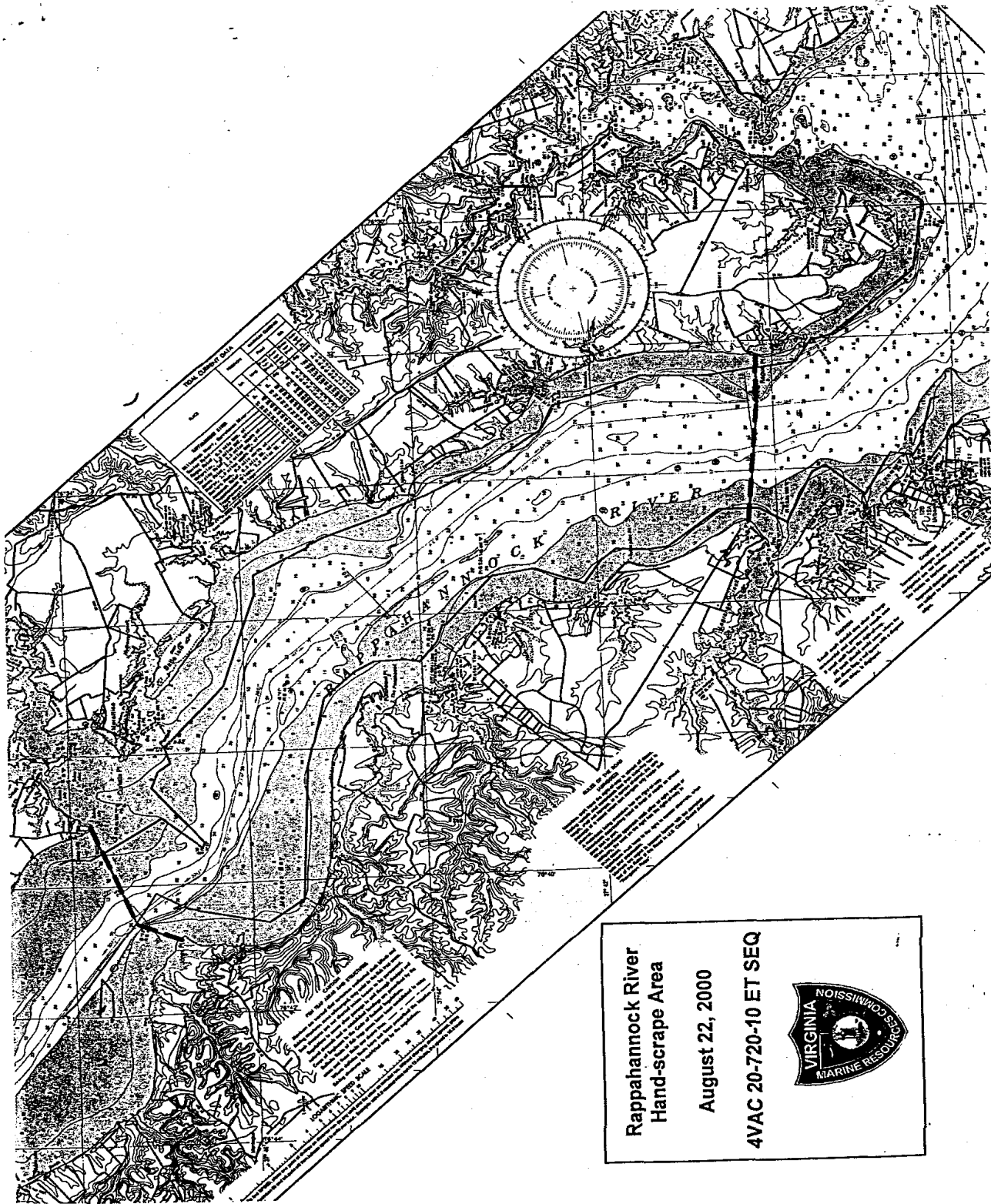
A. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, there shall be an oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached. In the James River Seed, including the Deep Water Shoal State Replenishment Seed Area, and Clean Cull Areas there shall be an oyster harvest quota of 15,000 bushels of market oysters. It shall be unlawful for any person to harvest market oysters from the James River Seed and

Clean Cull Areas after the 15,000 bushel quota has been reached.

B. In the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Hand Rappahannock River~~ Scrape Area, and in the Little Wicomico, Nomini, Lower Machodoc, Coan, *Piankatank*, and Yeocomico Rivers, *and the Tangier Sound Hand Tong Areas* there shall be a six-bushel per person daily limit of clean cull oysters. It shall be unlawful to possess more than six bushels of clean cull oysters per person in the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the ~~Waterview Rappahannock River~~ Hand Scrape Area, and in the Little Wicomico River, Nomini, Lower Machodoc, Coan, *Piankatank*, and Yeocomico Rivers *and the Tangier Sound Hand Tong Areas*.

C. In the ~~Tangier Sound and Pocomoke Sound~~ *PTSMA in Tangier Sound* where harvesting is allowed *by dredge*, there shall be a catch limit of 15 bushels per day, per boat. It shall be unlawful to catch more than 15 bushels per day, per boat. No hard clam or blue crab bycatch is allowed. Harvest shall be reported for each day of harvest. Failure to report oysters harvested or violation of any requirements for the harvesting of oysters shall result in the forfeiture of all harvested oysters and revocation of the dredge gear license for the remainder of the season.





VA.R. Doc. No. R01-22; Filed September 29, 2000, 12:22 p.m.

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Title of Regulation: **4 VAC 20-754-10 et seq. Pertaining to Importation of Fish, Shellfish, or Crustacea (amending 4 VAC 20-754-30).**

Statutory Authority: §§ 28.2-201 and 28.2-825 of the Code of Virginia.

Effective Date: October 1, 2000.

Summary:

*The amendment changes the procedures for the importation of shellfish from other states for introduction into Virginia waters.*

Agency Contact: Copies of the regulation may be obtained from Katherine V. Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2120.

**4 VAC 20-754-30. Approved species and criteria for importation.**

A. Pursuant to the provisions of § 28.2-825 of the Code of Virginia, it shall be lawful to import into the Commonwealth, with the intent of placing such animals into the waters of the Commonwealth, any species listed below:

1. Any hard clam of the species *Mercenaria mercenaria*, from the waters of any coastal area or state within the continental United States and which is absent of any known shellfish pathogen.
2. Any American oyster shellstock of the species *Crassostrea virginica* greater than 25mm in shell height from the waters of New England, Mid-Atlantic, or South Atlantic coastal areas or states and which is absent of any known shellfish pathogen.
3. Any American oyster hatchery produced seed of the species *Crassostrea virginica* less than 25mm in shell height from the waters of any coastal area or state within the Continental United States and which is absent of any known shellfish pathogen.
4. Any bay scallop hatchery produced seed of the species *Argopecten irradians* less than 25mm in shell height from the waters of any coastal area or state within the continental United States and absent of any known shellfish pathogen.
5. Any surf clam hatchery produced seed of the species *Spisula solidissima* less than 25mm in shell length from the waters of any coastal area or state within the continental United States and which is absent of any known shellfish pathogen.
6. Any soft shell clam-hatchery-produced-seed of the species *Mya arenaria* less than 25mm in shell length from the waters of any coastal area or state within the United States which is absent of any known shellfish pathogen.
7. Any pre-molt (peeler) blue crab of the species *Callinectes sapidus* from the waters of the states of New

Jersey, Delaware, Maryland, North Carolina, South Carolina, or Georgia.

*B. A certified statement from an approved shellfish pathologist as to the complete absence of known shellfish pathogens in a random sample shall be provided to the Virginia Marine Resources Commission, Fisheries Management Division, at least 10 days prior to the shipment of any molluscan shellfish specified above for introduction into the waters of the Commonwealth. The test for shellfish pathogens in all shellfish species except oysters shall be from a random sample of 60 individuals from the shipment or population in question that was examined by histological and fluid thioglycollate methods within 60 days of each importation. For oysters, samples shall be tested within 30 days of each importation.*

~~B. C.~~ Shipments of any molluscan shellfish specified above, upon entry into the Commonwealth for introduction into the waters of the Commonwealth, shall be accompanied by a certified statement from an approved shellfish pathologist as to the complete absence of known shellfish pathogens in a random sample of 60 individuals from the shipment or population in question ~~which was examined by histological and fluid thioglycollate methods prior to each importation and written acknowledgement from the Virginia Marine Resources Commission on the receipt of such statement.~~

~~C. D.~~ Shipments of any species under the provisions of this chapter shall be accompanied by documentation of the quantity imported.

~~D. E.~~ The provisions of the chapter shall not apply to the importation of any molluscan shellfish from the waters of the *Delaware Bay or the Maryland portion of the Chesapeake Bay and its tributaries.*

VA.R. Doc. No. R01-21; Filed September 29, 2000, 12:22 p.m.

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Title of Regulation: **4 VAC 20-910-10 et seq. Pertaining to Scup (amending 4 VAC 20-910-45).**

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

Effective Date: November 1, 2000.

Summary:

*The amendments modify the possession limits and harvest quotas for the November 1 through December 31 fishing season. The possession limit is reduced from 500 pounds to 200 pounds when one-half of the quota for the time period is projected to have been taken.*

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

**4 VAC 20-910-45. Possession limits and harvest quotas.**

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 10,000 pounds of scup; except when it is projected and announced that 85% of

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the coastwide quota for this period has been landed, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,000 pounds of scup.

B. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~8,000~~ 500 pounds of scup except when it is announced that *50% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 200 pounds of scup, until such time that the coastwide quota for this period has been reached.*

C. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to 2,149 pounds.

D. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

E. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

F. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R01-25; Filed October 4, 2000, 11:08 a.m.

\* \* \* \* \*

**Title of Regulation:** 4 VAC 20-950-10 et seq. Pertaining to Black Sea Bass (amending 4 VAC 20-950-10 and 4 VAC 20-950-45).

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

**Effective Date:** October 1, 2000.

**Summary:**

*The amendments modify the possession limits and harvest quotas for each of the quarterly time periods of the fishing year. Possession limits are further reduced when specified harvest quantities are determined to have been taken.*

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

## 4 VAC 20-950-10. Purpose.

The purposes of this chapter are to (i) reduce fishing mortality in the black sea bass fishery to assure that overfishing does not occur, (ii) increase the spawning stock biomass, ~~and~~ (iii) improve the yield from the fishery, *and (iv) reduce the probability of quarterly overages and early closure of the commercial fishery.*

## 4 VAC 20-950-45. Possession limits and harvest quotas.

A. During the period January 1 through March 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 9,000 pounds of black sea bass, except when it is announced that *75% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 4,500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.*

B. During the period April 1 through June 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~3,000~~ 1,500 pounds of black sea bass, except when it is announced that *50% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 750 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.*

C. During the period July 1 through September 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~2,000~~ 1,000 pounds of black sea bass, except when it is announced that *50% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.*

D. During the period October 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~3,000~~ 2,000 pounds of black sea bass, except when it is announced that *50% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 1,000 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.*

E. It shall be unlawful for any person to possess or to land any black sea bass for commercial purposes after the coastwide quota for the designated period as described in subsections A through D of this section has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any black sea bass after any commercial harvest quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 black sea bass. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or



vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

H. Possession of any quantity of black sea bass which that exceeds the possession limit described in subsection G of this section shall be presumed to be for commercial purposes.

VA.R. Doc. No. R01-23; Filed September 29, 2000, 3:27 p.m.

**TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES**

**REGISTRAR'S NOTICE:** The Department of Criminal Justice Services is claiming an exemption from the Administrative Process Act pursuant to § 9-6.14:4.1 B 6 of the Code of Virginia, which exempts agency action relating to customary military, naval or police functions.

Title of Regulation: ~~1 VAC 30-50-10~~ **6 VAC 20-190-10 et seq. Regulations for Breath Alcohol Testing.**

Statutory Authority: §§ 9-170, 18.2-267 and 18.2-268.9 of the Code of Virginia

Effective Date: November 23, 2000.

Summary:

*The 1996 Acts of the Assembly amended § 9-196.1 of the Code of Virginia by moving the Division of Forensic Science from the Department of General Services to the Department of Criminal Justice Services. Therefore, the Virginia Administrative Code numbers are being changed to reflect this transfer. The amendments also clarify the approval process for breath test devices, required training and licensing procedures for operators, required forms and records, publication of approved equipment and supplies, and the technical process for administering breath alcohol tests.*

Agency Contact: Copies of the regulation may be obtained from Judith Kirkendall, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 786-8003.

CHAPTER ~~50~~ 190.  
REGULATIONS FOR BREATH ALCOHOL TESTING.

PART I.  
DEFINITIONS.

~~1 VAC 30-50-10.~~ **6 VAC 20-190-10. Definitions.**

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

"Agency" means any town, city, county, or state law enforcement agency under whose auspices breath tests are performed.

"Blood alcohol concentration" or "blood alcohol level" means percent by weight of alcohol in a person's blood based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"Breath test device" means, as used in Part II (~~1 VAC 30-50-30 through 1 VAC 30-50-140~~ **6 VAC 20-190-30 et seq. of this chapter**), an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of a person ~~lawfully arrested for an offense subjecting such person~~ *subject to the provisions of §§ 18.2-268.1 through 18.2-268.3, 18.2-268.9, 29.1-738.2, 46.2-341.26:1 through 46.2-341.26:3 and 46.2-341.26:9 of the Code of Virginia or a parallel local ordinance.*

"Chemical test" or "chemical analysis" means a quantitative test for alcohol using photometric, infrared, oxidation-reduction, or fuel cell methodologies or any combination thereof performed on a sample or samples of breath of a person subject to the provisions of §§ 18.2-267, 18.2-268.1 through 18.2-268.3, 18.2-268.9, 29.1-738.1, 29.1-738.2, 46.2-341.25, 46.2-341.26:1 through 46.2-341.26:3 or 46.2-341.26:9 of the Code of Virginia or a parallel local ordinance.

"Division" means the Division of Forensic Science.

"Licensee" means a person holding a valid license from the division to perform a breath test of the type set forth within these regulations under the provisions of § 18.2-268.9 of the Code of Virginia, or a parallel local ordinance.

"Preliminary breath test device" means, as used in Part III (~~1 VAC 30-50-150 through 1 VAC 30-50-180~~ **6 VAC 20-190-170 et seq. of this chapter**), an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of a person suspected of an offense subjecting such person to the provisions of §§ 18.2-267, 29.1-738.1 and 46.2-341.25 of the Code of Virginia.

"Supplies and accessories" means any item, device, chemical, reagent, tube, mouthpiece, replacement part, ampoule, or glassware, whether or not reusable, which is used in conjunction with a breath test device or a preliminary breath test device to determine the blood alcohol level of any person subject to the provisions of §§ 18.2-267 ~~et~~, 18.2-268.1 through 18.2-268.3, 18.2-268.9, 29.1-738.1, 29.1-738.2, 46.2-341.25, 46.2-341.26:1 through 46.2-341.26:3 or 46.2-341.26:9 of the Code of Virginia, or a parallel local ordinance.

~~1 VAC 30-50-20.~~ **6 VAC 20-190-20. Substantial compliance.**

These regulations and the steps set forth herein relating to the taking, handling, identification and disposition of breath samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

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## PART II.

### BREATH TESTS UNDER §§ 18.2-268.9, 29.1-738.2, AND 46.2-341.26:9 OF THE CODE OF VIRGINIA.

#### Article 1.

##### General Breath Test Administrative Procedures.

#### ~~1 VAC 30-50-30.~~ 6 VAC 20-190-30. Breath test devices.

Breath test devices shall be tested for accuracy by the division at least once every six months. All new breath test devices or those having been repaired by the manufacturer or the manufacturer's authorized repair service shall be tested for accuracy by the division before their return to service.

#### ~~1 VAC 30-50-40.~~ 6 VAC 20-190-40. Storage.

The breath test device must be stored in a clean, dry location ~~which~~ that is only accessible to an authorized licensee for the purpose of actually administering a breath test, preventative maintenance check, or other official uses.

#### ~~1 VAC 30-50-50.~~ 6 VAC 20-190-50. Care.

Proper care shall be taken at all times to ensure that the breath test device shall be kept free from excessive moisture, excessive heat and dust, as well as any unintentional jars, knocks or falls ~~which~~ that may damage the internal mechanism.

#### ~~1 VAC 30-50-60.~~ 6 VAC 20-190-60. Modifications.

No modifications shall be made on any breath test device without the written consent of the division.

#### 6 VAC 20-190-70. Use.

*The breath test device shall not be used for administration of tests for alcohol use pursuant to the Federal Omnibus Transportation Employees Testing Act of 1991, 49 CFR Part 40.*

#### Article 2.

##### Approval of Breath Test Devices.

#### ~~1 VAC 30-50-70.~~ 6 VAC 20-190-80. Approval.

All ~~evidential~~ breath tests as prescribed in §§ 18.2-268.9, 29.1-738.2 and 46.2-341.26:9 of the Code of Virginia shall be performed on a breath test device approved by the division. Those breath test devices listed in the "Conforming Products List of Evidential Breath Measurement Devices" as established by the National Highway Traffic Safety Administration ("NHTSA"), United States Department of Transportation, or in such other list as may be established by NHTSA evidencing that such device meets criteria, standards or specifications promulgated by it, as published from time to time in the Federal Register, may be approved by the division as a breath test device. In approving such devices, the division will consider factors including, but not limited to, costs, maintenance, necessity of instruction and/or training by the division, ease of operation, availability of parts and service facilities, reliability, maintenance instruction and the historical performance record of the device.

#### ~~1 VAC 30-50-80.~~ 6 VAC 20-190-90. Publishing list of devices.

The division shall periodically publish in the Virginia Register of Regulations a list of devices approved for use as breath test devices. Such list shall be published forthwith after any addition or deletion of any device(s) to or from the division's approved list. The division may, in addition, provide copies of its approved list to any agency subject to ~~these regulations~~ this chapter.

#### 6 VAC 20-190-100. Publishing list of supplies.

*The division shall periodically publish in the Virginia Register of Regulations a list of approved supplies and accessories approved for use with breath test devices. Such list shall be published forthwith after any addition or deletion of any supplies or accessories to or from the division's approved list. The division may, in addition, provide copies of its approved list to any agency subject to this chapter.*

#### Article 3.

##### Methods of Conducting Breath Tests.

#### ~~1 VAC 30-50-90.~~ 6 VAC 20-190-110. Methods and procedures.

The division shall approve such methods of performing breath tests as are demonstrated to the satisfaction of the division to produce accurate and reliable determinations in a reasonable, convenient and effective manner. The division approves the following breath test methods and procedures:

~~A.~~ 1. All breath test devices shall be operated in accordance with those sections of the instructional manual published by the division that are applicable to the particular breath test device. Licensees shall follow any additional instructions or modifications of instructions published by the division in supplements to the foregoing instructional manual.

~~B.~~ 2. The person to be tested shall be observed for at least 20 minutes prior to collection of the breath specimen, during which period the person must not have ingested ~~alcoholic beverages or other~~ fluids, regurgitated, vomited, eaten, or smoked. Should ~~this~~ any of these actions occur, an additional 20-minute ~~waiting~~ observation period must be ~~observed~~ performed.

~~C.~~ 3. The licensee shall verify that the breath test device is properly calibrated and in proper working order by conducting a room air blank analysis prior to analysis of the breath of the person and by conducting a validation test with a control sample ~~immediately following the analysis of the breath of the person as part of the test protocol.~~

~~D.~~ 4. The licensee must use only supplies and accessories issued by or approved by the division in conducting breath tests on approved breath test devices.

Article 4.  
Licensing Procedures.

~~1 VAC 30-50-100.~~ **6 VAC 20-190-120. Licensing procedures.**

A. The division shall issue, renew, terminate and revoke licenses for individuals to perform breath alcohol tests on the basis of standards ~~herein~~ set forth *in this chapter*.

~~A. B.~~ Application for an initial license to perform breath tests shall be made in writing to the division. The applicant shall have the endorsement of the appropriate supervisory law-enforcement officer or designated representative unless an exception is granted by the division.

~~B. C.~~ The initial licenses shall be granted to individuals who demonstrate the ability to perform breath tests accurately and reliably in accordance with the methods approved by the division and who satisfactorily explain the theoretical basis for such chemical analysis.

~~C. D.~~ Only individuals successfully completing a *basic* course of instruction ~~of a minimum of 40 hours in breath testing and the administration of such tests~~ shall be deemed to have demonstrated competence to qualify for the issuance of a license.

~~D. E.~~ Licenses shall be limited in scope to those breath test devices on which the individual applying for an initial or renewal license has demonstrated competence. This limitation may be upon the device(s) on which the applicant received instruction in the course referred to in subsection ~~C. D~~ of *this section* or in such further instruction as may be necessary to qualify the individual for additional breath test device(s).

~~E. F.~~ Licenses shall state the date upon which they are to expire, which date shall, in no event, be later than 24 months after the date of issuance. Licenses shall be subject to renewal at expiration or at such time prior to expiration as is convenient for the division on demonstration by the licensee of continuing competency to perform accurate and reliable breath tests ~~and upon proof of administering a minimum of 24 tests, actual or simulated, during the 24 month period immediately preceding the application for renewal.~~ The division may at any time examine licensees to determine such continuing competency. Licenses shall ~~terminate~~ *expire* at the ~~end of the expiration of the period of issuance date, unless renewed on or before that date.~~ Licenses may be terminated or revoked by the division at any time upon its finding that the licensee no longer meets the qualifications necessary for the issuance of a license.

~~F. G.~~ Any individual whose license has expired may renew his license within one year after its expiration date by successfully completing a recertification class and by demonstrating his competence in the performance of breath tests. Any individual (i) who fails the recertification class, or (ii) whose license has expired and who does not renew his license within one year after its expiration date may renew his license by again attending and successfully completing the basic ~~40-hour~~ course of instruction *referred to in subsection D of this section* and demonstrating competence in the performance of breath tests as otherwise required.

~~G. H.~~ The failure of a licensee to comply with this chapter may be grounds for revocation of such individual's license.

~~1 VAC 30-50-110.~~ **6 VAC 20-190-130. Certificates.**

The division shall issue, terminate and revoke instructor certificates for individuals to teach breath alcohol testing on the basis of the following standards:

~~A. 1.~~ The instructor certificate shall be granted only to individuals who (i) demonstrate the ability to teach the breath test method or methods approved by the division, (ii) possess a valid breath test license and (iii) satisfactorily complete a ~~40-hour~~ course for Breath Alcohol Instructors. The division may issue instructor certificates to persons who have acquired the necessary ability by past experience or formal education.

~~B. 2.~~ Instructor certificates shall be limited in scope to the methods or devices for which the individual has demonstrated competence.

~~C. 3.~~ The division may, at any time, examine instructors to determine continuing ability.

~~D. 4.~~ Instructor certificates shall be terminated or revoked by the division upon its finding that the instructor no longer meets the necessary qualifications.

**1 VAC 30-50-120. 6 VAC 20-190-140. Revocation.**

Any revocation of a license or instructor certificate shall be by notice sent by registered or certified mail from the division to the licensee or instructor.

Article 5.  
Forms and Records.

~~1 VAC 30-50-130.~~ **6 VAC 20-190-150. Log.**

A. Each agency to which a breath test device is assigned shall keep a permanent log (~~Exhibit A~~) of all *tests completed, evidential tests and simulator solution changes* administered by the licensees of that agency ~~of~~ or other agencies. This log shall be provided by the division and must be kept in the same location with the breath test device. The log shall be subject to periodic inspection by the division at any time. At least once each month, a copy of the log entries for the preceding month shall be submitted to the division to be kept on file for at least three years.

B. *For each agency to which a breath test device is assigned, the division shall download by modem, at least once each month, data also recorded on the breath testing log. The division shall keep this data on file for at least three years.*

~~1 VAC 30-50-140.~~ **6 VAC 20-190-160. Checklist.**

A. At least once each month, each agency to which a breath test device is assigned shall complete a preventive maintenance checklist (~~Exhibit B~~) provided by the division. A signed copy of this preventative maintenance checklist shall be submitted to the division to be kept on file for at least three years.

B. *For each agency to which a breath test device is assigned, the division shall download by modem, at least*

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once each month, data also recorded on the preventive maintenance checklist. The division shall keep this data on file for at least three years.

## PART III.

PRELIMINARY BREATH ~~TEST TESTS~~ UNDER §§ 18.2-267, 29.1-738.1, AND 46.1-341.25 OF THE CODE OF VIRGINIA.

~~1 VAC 30-50-150.~~ **6 VAC 20-190-170. Preliminary breath test device.**

All preliminary breath tests shall be performed on a preliminary breath test device approved by the division. Such devices shall offer convenience and efficiency in operation as determined by the division and shall also satisfy the requirements of either ~~A or B~~ below subdivision 1 or 2 of this section.

~~A.~~ 1. For instruments having a numeric readout, the device shall have a systematic error not exceeding  $\pm 10\%$ .

~~B.~~ 2. For instruments having a pass/fail, colored light readout, the device satisfies the following specifications:

~~1.~~ a. When a sample of breath is properly taken from a person with an actual blood alcohol level of 0.05% or less by weight or 0.05 grams of alcohol per 210 liters of breath, the device shall not indicate a positive result.

~~2.~~ b. When a sample of breath is properly taken from a person with an actual blood alcohol level of ~~0.13%~~ 0.09% or more by weight or 0.09 grams of alcohol per 210 liters of breath, the device shall not indicate a negative result.

~~1 VAC 30-50-160.~~ **6 VAC 20-190-180. List of preliminary devices.**

The division shall periodically publish in the Virginia Register of Regulations a list of devices approved for use as preliminary breath test devices. Such list shall be published forthwith after any addition or deletion of any device(s) to or from the division's approval list.

~~1 VAC 30-50-170.~~ **6 VAC 20-190-190. Operational procedures.**

All preliminary breath ~~test tests~~ shall be conducted substantially in accordance with the operational procedures set forth in the instruction manual of the manufacturer of the instrument in use except as may be modified by the division.

~~1 VAC 30-50-180.~~ **6 VAC 20-190-200. Preventive maintenance.**

It shall be the responsibility of each agency using preliminary breath test devices to provide preventive maintenance and repairs according to the manufacturer's instructions or procedures except as may be modified by the division.

V.A.R. Doc. No. R01-18; Filed September 28, 2000, 9:17 a.m.

## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

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

**Title of Regulation:** **9 VAC 25-630-10 et seq. Virginia Pollution Abatement General Permit Regulation for Poultry Waste Management.**

**Statutory Authority:** §§ 62.1-44.15 and 62.1-44.17:1.1 of the Code of Virginia.

**Effective Date:** December 1, 2000.

**Summary:**

*The 1999 General Assembly enacted § 62.1-44.17:1.1 in the State Water Control Law requiring a poultry waste management program for confined poultry feeding operations. The State Water Control Board has adopted a general permit regulation that authorizes management of poultry waste at these operations. The general permit establishes standards and criteria for the storage, management and tracking of poultry waste and sets minimum monitoring requirements. The general permit requires all regulated pollutant management activities to maintain no point source discharge of pollution to state waters except in the case of a storm event greater than the 25-year, 24-hour storm. The permittee will be required to develop a nutrient management plan approved by the Department of Conservation and Recreation.*

*In response to comments received from the public, substantive changes were made to the regulation since it was last published in the Virginia Register. A definition of "poultry waste broker" was added along with tracking, accounting and reporting requirements for brokers. The requirement for nitrate testing of soils once in three years was deleted. New poultry waste storage facilities will only be allowed in the 100-year floodplain if the poultry grower has no land outside the floodplain on which to construct the facility. New, expanded or replacement poultry growing houses will only be allowed in the 100-year floodplain if they are part of an ongoing growing*

operation. Any new waste storage facilities and growing houses built in the 100-year floodplain have to be constructed above the flood elevation or otherwise protected from inundation by flood waters. The recordkeeping requirements for growers who transfer waste to other persons were revised to include information on the location where the waste is to be utilized. The provision regarding the timing of land application of poultry waste was revised to clarify the primacy of the farm's nutrient management plan (NMP) in determining when waste can be applied. This provision now applies to periods of inclement weather which occur within the NMP-allowed land application schedule. The provision for operator training was revised to require attendance at one training session within one year of applying for general permit coverage.

The State Water Control Board, through the Department of Environmental Quality, will annually compile information received from poultry growers and poultry waste brokers regarding the amount of poultry waste transferred in Virginia, the nutrient content of the waste and the geographic distribution of the transferred waste. This compilation will be made available to the public.

Section 62.1-44.17:1.1 H of the Code of Virginia requires each commercial poultry processor in Virginia to implement a plan under which the processor, either directly or under contract with a third party, shall:

1. Provide technical assistance to the poultry growers with whom it contracts on the proper management and storage of poultry waste in accordance with best management practices;
2. Provide education programs on poultry waste nutrient management for the poultry growers with whom it contracts as well as for poultry litter brokers and persons utilizing poultry waste;
3. Provide a toll-free hotline and advertising program to assist poultry growers with excess amounts of poultry waste to make available such waste to persons in other areas who can use such waste as a fertilizer or for other alternative purposes;
4. Participate in the development of a poultry waste transportation and alternative use equal matching grant program between the Commonwealth and commercial poultry processors to (i) facilitate the transportation of excess poultry waste in the possession of poultry growers with whom it contracts to persons in other areas who can use such waste as a fertilizer or for other alternative purposes and (ii) encourage alternative uses to land application of poultry waste;
5. Conduct research on the reduction of phosphorus in poultry waste, innovative best management practices for poultry waste, water quality issues concerning poultry waste, or alternative uses of poultry waste; and
6. Conduct research on and consider implementation of nutrient reduction strategies in the formulation of feed. Such nutrient reduction strategies may include the

addition of phytase or other feed additives or modifications to reduce nutrients in poultry waste.

The poultry processors are to make annual reports to the State Water Control Board on the activities undertaken pursuant to these plans. On or before December 31, 2003, the Director of the Department of Environmental Quality, in consultation with the Director of the Department of Conservation and Recreation and the Commissioner of Agriculture and Consumer Services, will report to the Governor and the General Assembly on the effectiveness of these processor plans.

**Agency Contact:** Copies of the regulation may be obtained from Richard W. Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4075 or FAX (804) 698-4032.

## CHAPTER 630.

### VIRGINIA POLLUTION ABATEMENT GENERAL PERMIT REGULATION FOR POULTRY WASTE MANAGEMENT.

#### 9 VAC 25-630-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the VPA Permit Regulation (9 VAC 25-32-10 et seq.) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry. [ ~~The equivalent number of chickens is 20,000 and the equivalent number of turkeys is 11,000~~ This equates to 20,000 chickens or 11,000 turkeys ]. These numbers are established regardless of animal age or sex.

"Nutrient management plan" or "NMP" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment and management of poultry waste, including dry litter, and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters.

"Permittee" means the poultry grower whose confined poultry feeding operation is covered under the general permit.

"Poultry grower" means any person who owns or operates a confined poultry feeding operation.

"Poultry waste" means dry poultry litter and composted dead poultry.

[ "Poultry waste broker" means a person, other than the poultry grower, who possesses more than 10 tons of poultry waste in any 365-day period and who transfers some or all of the waste to other persons. ]

#### 9 VAC 25-630-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the management of poultry [ ~~wastes waste~~ ] at confined poultry feeding operations having 200 or more animal units. It establishes requirements for proper nutrient management, waste storage, and waste tracking and accounting of poultry waste.

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B. The director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on [ December 1, 2000 ]. This general permit will expire 10 years from the effective date.

## 9 VAC 25-630-30. Authorization to manage pollutants.

A. Any poultry grower governed by this general permit is hereby authorized to manage pollutants at confined poultry feeding operations provided that the poultry grower files the registration statement of 9 VAC 25-630-40, complies with the requirements of 9 VAC 25-630-50, and provided that:

1. The poultry grower has not been required to obtain an individual permit according to 9 VAC 25-32-260 B;

2. The activities of the confined poultry feeding operation shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater except in the case of a storm event greater than the 25-year, 24-hour storm. Domestic sewage or industrial waste shall not be managed under this general permit;

3. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit by a permittee for routine disposal of daily poultry mortalities shall be considered a violation of this permit. This prohibition shall not apply to the emergency disposal of [ ~~entire flocks of~~ ] dead poultry [ ~~governed by~~ done according to ] regulations adopted pursuant to § 3.1-726 of the Code of Virginia;

4. The Department of Conservation and Recreation must approve a nutrient management plan for the confined poultry feeding operation prior to the submittal of the registration statement. The poultry grower shall attach to the registration statement a copy of the approved nutrient management plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the nutrient management plan. The poultry grower shall implement the approved nutrient management plan;

5. Adjoining property notification.

a. When a poultry grower files a general permit registration statement for a confined poultry feeding operation that proposes construction of poultry growing houses after [ ~~the effective date of this general permit~~ December 1, 2000 ], the poultry grower shall also give notice to all owners or residents of property that adjoins the property on which the proposed confined poultry feeding operation will be located. Such notice shall include: (i) the types and maximum number of poultry which will be maintained at the facility and (ii) the address and phone number of the appropriate department regional office to which comments relevant to the permit may be submitted.

b. Any person may submit written comments on the proposed operation to the department within 30 days of the date of the filing of the registration statement. If, on the basis of such written comments or his review, the director determines that the proposed operation will not be capable of complying with the provisions of the general permit, the director shall require the owner to obtain an individual permit for the operation. Any such determination by the director shall be made in writing and received by the poultry grower not more than 45 days after the filing of the registration statement or, if in the director's sole discretion additional time is necessary to evaluate comments received from the public, not more than 60 days after the filing of the registration statement; and

6. Each poultry grower covered by this general permit shall complete the training program offered or approved by the Department of Conservation and Recreation within one year [ ~~after~~ of filing ] the registration statement [ ~~has been submitted~~ ] for general permit coverage. [ ~~Thereafter, all poultry growers shall complete the training program at least once every three years.~~ ]

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

## 9 VAC 25-630-40. Registration statement.

A. In order to be covered under the general permit, the poultry grower shall file a complete VPA General Permit Registration Statement. The registration statement shall contain the following information:

1. The poultry grower's name, mailing address and telephone number;

2. The location of the confined poultry feeding operation;

3. The name and telephone number of a contact person or operator other than the poultry grower, if necessary;

4. The best time of day and day of the week to contact the poultry grower or contact person;

5. If the facility has an existing VPA permit, the permit number;

6. The types of poultry and the maximum numbers of each type to be grown at the facility at any one time;

7. Identification of the method of dead bird disposal;

[ 8. Indicate if new poultry growing houses are under construction or planned for construction; ]

[ ~~8.~~ 9. ] A copy of the nutrient management plan approved by the Department of Conservation and Recreation and a copy of the letter certifying approval of the plan; and

[ ~~9.~~ 10. ] The following certification: "I certify that notice of the registration statement for any confined poultry feeding operation that proposes construction of poultry growing houses after [ ~~the effective date of this general permit~~ December 1, 2000, ] has been given to all owners

or residents of property that adjoins the property on which the confined poultry feeding operation will be located. This notice included the types and numbers of poultry which will be grown at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted. I certify under penalty of law that all the requirements of the board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

B. The registration statement shall be signed in accordance with 9 VAC 25-32-50.

**9 VAC 25-630-50. Contents of the general permit.**

Any poultry grower whose registration statement is accepted by the board will receive the following general permit and shall comply with the requirements therein and be subject to the VPA Permit Regulation, 9 VAC 25-32-10 et seq.

General Permit No. VPG2  
 Effective Date:  
 Expiration Date:

**GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT AT CONFINED POULTRY FEEDING OPERATIONS**

**AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of confined poultry feeding operations having 200 or more animal units are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where board regulations or policies prohibit such activities.

The authorized pollutant management activities shall be in accordance with the registration statement and supporting documents submitted to the Department of Environmental Quality; and Part I – Pollutant Management and Monitoring Requirements and Part II – Conditions Applicable to All VPA Permits, as set forth herein.

**PART I  
 POLLUTANT MANAGEMENT AND MONITORING REQUIREMENTS**

A. Pollutant management authorization and monitoring requirements.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location(s) identified in the registration statement and the nutrient management plan.
2. If poultry waste is land applied, it shall be applied at the rates specified in the nutrient management plan.
3. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the nutrient management plan.

**SOILS MONITORING**

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm	1/3 years	Composite
Potash	NL	ppm	1/3 years	Composite
Calcium	NL	ppm	1/3 years	Composite
Magnesium	NL	ppm	1/3 years	Composite
[ Nitrate* ]	NL	ppm	1/3 years	Composite ]

NL = No limit, this is a monitoring requirement only.

[ \* The Nitrate test is only required on those sites planted in corn or small grains. ]

4. Poultry waste shall be monitored as specified below. Additional waste monitoring may be required in the nutrient management plan.

**WASTE MONITORING**

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	ppm	[ 1/3 years ]	Composite
Ammonia Nitrogen	NL	ppm	[ 1/3 years ]	Composite
Total Phosphorus	NL	ppm	[ 1/3 years ]	Composite
Total Potassium	NL	ppm	[ 1/3 years ]	Composite
Moisture Content	NL	%	[ 1/3 years ]	Composite

NL = No limit, this is a monitoring requirement only.

5. Analysis of soil and waste shall be according to methods specified in Reference Soil Test Methods for the Southern Region of the United States, Southern Cooperative Series Bulletin 289 (1983); or Reference Soil and Media Diagnostic Procedures for the Southern Region of the United States, Southern Cooperative Series Bulletin 374 (1992); or Laboratory Procedures, Virginia Tech Soil Testing and Plant Analysis Laboratory, Virginia Cooperative Extension, Publication 452-881 (1996). [ Copies of these publications are available for public review at the department's regional offices. ]

6. All monitoring data required by Part I A shall be maintained on site in accordance with Part II B.

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Reporting of results to the department is not required; however, the monitoring results shall be made available to department personnel upon request.

## B. Other requirements or special conditions.

1. The confined poultry feeding operation shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is [ ~~frozen~~ ice covered, snow covered ] or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Poultry waste shall be stored according to the nutrient management plan and in a manner that prevents contact with surface water and ground water. [ ~~Poultry waste storage facilities constructed after [the effective date of this general permit] shall not be located on a 100-year floodplain. Adequate storage shall be provided for any poultry waste that is stored at any location outside of the growing house for more than 14 days. Poultry waste that is stockpiled outside of the growing house for more than 14 days shall be kept in a facility that provides adequate storage.~~ ] Adequate storage shall, at a minimum, include the following:

a. Poultry waste shall be covered to protect it from precipitation and wind;

b. [ ~~Poultry waste storage facilities shall prevent storm water from running~~ Storm water shall not run ] onto or under the stored poultry waste; and

c. A minimum of [ ~~three~~ two ] feet separation distance to the seasonal high water table or [ ~~use of~~ ] an impermeable barrier [ ~~to prevent capillary movement of soil water into~~ shall be used under the ] stored poultry waste. [ All poultry waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot separation between the seasonal high water table and the impermeable barrier. ] "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers must [ ~~have a permeability equal to or greater than a synthetic liner of at least 20 mils thickness or compacted clay with a~~ be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum ] permeability rating of 0.0014 inches per hour [ (1x10<sup>6</sup> centimeters per second) ].

[ 3. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless the poultry grower has no land outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored

above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. New, expanded or replacement poultry growing houses that are constructed after December 1, 2000, shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures. ]

[ ~~3. 4. ] When a poultry grower [ sells or gives away transfers ] to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person a copy of the most recent nutrient analysis for the poultry waste [ ~~The poultry grower shall also provide the person buying or taking the poultry waste and~~ ] a fact sheet approved by the department [ , in consultation with the Department of Conservation and Recreation, ] that includes appropriate practices for proper storage and management of the waste. The person receiving the waste shall [ ~~certify in writing that he agrees to utilize and manage the waste according to the recommendations in the fact sheet~~ provide the poultry grower his name and address and acknowledge in writing receipt of the waste, the nutrient analysis and the fact sheet ]. If the person receiving the waste is [ ~~not the end user~~ a poultry waste broker ], then he shall also certify in writing that he will provide a copy of the nutrient analysis and fact sheet to each end user to whom he [ ~~sells or gives away~~ transfers ] poultry waste.~~

[ ~~4. 5. ] When a poultry grower [ sells or gives away transfers ] to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of [ ~~the name and address of the person who received the poultry waste,~~ ] the amount of poultry waste received by the person, the date of the transaction [ ~~and the signed waste utilization certification,~~ the nutrient content of the waste, the locality in which the recipient intends to utilize the waste (i.e., nearest town or city and zip code), the name of the stream or waterbody known to the recipient that is nearest to the waste utilization site, and the signed waste transfer acknowledgement ]. These records shall be maintained on site for three years after the transaction and shall be made available to department personnel upon request.~~

[ ~~5. 6. ] Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be considered a violation of this permit. This prohibition does not apply to the emergency disposal of [ ~~entire flocks of~~ ] dead poultry [ ~~governed by~~ done according to ] regulations adopted pursuant to § 3.1-726 of the Code of Virginia.~~

[ ~~6. 7. ] The Nutrient Management Plan (NMP) approved by the Department of Conservation and Recreation shall be maintained on site. The NMP shall be implemented~~



and is enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied by the poultry grower;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;
- d. Storage and land area requirements for the grower's poultry waste management activities;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

[ ~~7~~. 8. ] When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. [ At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. ] Removed waste materials shall be utilized according to the nutrient management plan.

[ ~~8~~. 9. ] Nitrogen application rates contained in the NMP shall not exceed crop nutrient needs as determined by the Department of Conservation and Recreation. The application of poultry waste shall be managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water quality impacts from nitrogen.

[ ~~9~~. 10. ] For all NMPs developed after October 1, 2001, phosphorus application rates shall not exceed the greater of crop nutrient needs or crop nutrient removal as determined by the Department of Conservation and Recreation. For all NMPs developed after December 31, 2005, phosphorus application rates shall be in accordance with the Department of Conservation and Recreation's regulatory criteria and standards in effect at the time the NMP is written. The application of poultry waste shall be managed to minimize runoff and leaching and reduce adverse water quality impacts from phosphorous.

[ ~~10~~. Land application of poultry waste shall not be undertaken when soil is saturated, frozen, or covered with snow or when no actively growing crop is either in place or will be planted within 30 days using sound agronomic practices. 11. The timing of land application of poultry waste shall be according to the schedule contained in the NMP, except that no waste may be applied to ice or snow covered ground or to soils that are saturated. Poultry waste may be applied to frozen

ground within the NMP scheduled times only under the following conditions:

- a. Slopes are not greater than 6.0%;
- b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- c. Only those soils characterized by USDA as "well drained" with good infiltration are used; and
- d. At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water. ]

[ ~~11~~. 12. ] Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 50 feet (for surface application) or 25 feet (if by subsurface injection [ or same day soil incorporation ] );
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

[ ~~12~~. 13. ] Records shall be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records shall be maintained on site for a period of three years after recorded application is made and shall be made available to department personnel upon request.

[ ~~13~~. 14. ] Each poultry grower covered by this general permit shall complete the training program offered or approved by the Department of Conservation and Recreation within one year [ ~~after~~ of filing ] the registration statement has been submitted for general permit coverage. [ ~~Thereafter, all poultry growers shall complete the training program at least once every three years.~~ ]

## PART II

### CONDITIONS APPLICABLE TO ALL VPA PERMITS

#### A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures listed under 40 CFR Part 136 unless other procedures have been specified in this permit.

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3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

## B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The name of the individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The name of the individual(s) who performed the analyses;
- e. The analytical techniques or methods used, with supporting information such as observations, readings, calculations and bench data; and
- f. The results of such analyses.

2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application. This period of retention may be extended by request of the board at any time.

## C. Reporting monitoring results.

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

2. Monitoring results shall be reported on forms provided or specified by the department.

3. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant more frequently than required by the permit using approved analytical methods, the permittee shall report the results of this monitoring on the monitoring report.

4. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant that is not required to be monitored by the permit, and uses approved analytical methods, the permittee shall report the results with the monitoring report.

5. Calculations for all limitations [ ~~which~~ that ] require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the board prior to commencing construction.

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

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

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F or (ii) a discharge that may reasonably be expected to enter state waters in violation of Part II F shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

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

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within five days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2 in writing at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II F, G and H may be made to the department's regional office. For reports outside normal working hours, leave a

message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.
2. The permittee shall give at least 10 days advance notice to the department of any planned changes in the permitted facility or activity [ ~~which that~~ ] may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Applications. All permit applications shall be signed as follows:

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

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

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

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

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

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# Final Regulations

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c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit unless permission for a later date has been granted by the board. The board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on bypassing (Part II U), and upset (Part II V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be

subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

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

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

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

U. Bypass.

1. Prohibition. "Bypass" means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.

2. Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects, the board may approve an anticipated bypass if:

a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production; and

b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

3. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as

possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.

V. *Upset.* A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. *Inspection and entry.* Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private and have access to records required by this permit;
2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and
4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

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

X. *Permit actions.* Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. *Transfer of permits.*

1. Permits are not transferable to any person except after notice to the department. The board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.

2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit.

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

**[ 9 VAC 25-630-60. Tracking and accounting requirements for poultry waste brokers.**

A. Poultry waste brokers shall keep a record of the source of the poultry waste in their possession, the amount of poultry waste received from the source, and the date the poultry waste was acquired.

B. When a poultry waste broker transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry waste broker shall provide to the recipient of the waste copies of the most recent nutrient analysis for the poultry waste and a fact sheet approved by the department that includes appropriate practices for proper storage and management of the waste. The person receiving the waste shall provide the poultry waste broker his name and address and acknowledge in writing receipt of the waste, the nutrient analysis and the fact sheet.

C. When a poultry waste broker transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry waste broker shall keep a record of the amount of poultry waste received by the person, the date of the transaction, the nutrient content of the waste, the locality in which the recipient intends to utilize the waste (i.e., nearest town or city and zip code), the name of the stream or waterbody known to the recipient that is nearest to the waste utilization site, and the signed waste transfer acknowledgement.

D. Poultry waste brokers shall submit copies of the records required by subsections A and C of this section, except the

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# Final Regulations

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waste transfer acknowledgement, to the department annually. Records for the preceding calendar year shall be submitted to the department not later than February 15. Poultry waste brokers shall maintain the records required by subsections A and C of this section for at least three years and make them available to department personnel upon request.

## DOCUMENTS INCORPORATED BY REFERENCE

Reference *Soil Test Methods for the Southern Region of the United States, 1983, The University of Georgia, College of Agriculture Experiment Stations.*

Reference *Soil and Media Diagnostic Procedures for the Southern Region of the United States, 1992, Virginia Polytechnic Institute and State University, Virginia Agricultural Experiment Station.*

*Laboratory Procedures, Virginia Tech Soil Testing and Plant Analysis Laboratory, 1996, Virginia Cooperative Extension.*

**NOTICE:** The form used in administering 9 VAC 25-630-10 et seq., Virginia Pollution Abatement General Permit Regulation for Poultry Waste Management, is listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORM

*Registration Statement, VPA General Permit for Poultry Waste Management, RS VPG2 (eff. 10/1/00).]*

REGISTRATION STATEMENT  
VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT

PLEASE TYPE OR PRINT ALL INFORMATION ALL PARTS OF THIS FORM MUST BE COMPLETED

1. Grower's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

2. The location of the confined poultry feeding operation:  
\_\_\_\_\_

3. Contact Person or Operator's Name (other than the poultry grower, if necessary):  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

4. The best time of day and day of the week to contact the poultry grower or contact person:  
Time: \_\_\_\_\_ Day: \_\_\_\_\_

5. Does the facility have an existing VPA permit? YES \_\_\_\_\_ NO \_\_\_\_\_ Permit Number: \_\_\_\_\_

POULTRY TYPE	MAXIMUM NUMBER
_____	_____
_____	_____
_____	_____

7. Identify the method of dead bird disposal: \_\_\_\_\_

8. Are new poultry growing houses under construction or planned for construction? YES \_\_\_\_\_ NO \_\_\_\_\_

9. Attach to the registration statement a copy of the nutrient management plan approved by the Department of Conservation and Recreation and a copy of the letter certifying approval of the plan.

10. **Certification:** "I certify that notice of the registration statement for any confined poultry feeding operation that proposes construction of poultry growing houses after December 1, 2000 has been given to all owners or residents of property that adjoins the property on which the confined poultry feeding operation will be located. This notice included the types and numbers of poultry which will be grown at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted.

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

For DEQ Use Only: Accepted \_\_\_\_\_ Not Accepted \_\_\_\_\_ Initials \_\_\_\_\_ Date \_\_\_\_\_

RS VPG2 10/1/00

VA.R. Doc. No. R99-113; Filed September 28, 2000, 8:35 a.m.



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# Final Regulations

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**REGISTRAR'S NOTICE:** This 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 (amending 12 VAC 30-40-345).**

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

**Effective Date:** November 22, 2000.

**Summary:**

*This action revises the State Plan for Medical Assistance concerning the provision of Medicaid eligibility for low-income families and children to replace the former AFDC recipient eligibility group under the authority of § 1931 of the Social Security Act. DMAS had covered this group of eligibles, but had not shown them as covered in the plan since the 1996 Personal Responsibility and Work Opportunity Reconciliation Act replaced the previous Aid to Families with Dependent Children program. This regulatory action is necessary to comply with specific federal requirements for the inclusion of certain information in the plan.*

**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.

*The waiver contains the following more liberal income disregards:*

- 1. Earned income will be disregarded so long as the earnings plus the AFDC benefits are equal to or less than 100% of the Federal Income Poverty Guidelines. For any month in which earnings plus the AFDC standard of payment for the family size exceed the Federal Poverty Income Guidelines for a family of the same size, earned income above 100% of the Federal Poverty Income Guidelines shall be counted.*
- 2. One automobile valued at \$7,500.*

*These waivers will apply only to TANF cash assistance recipients. These waivers will be continued only for so long as eligibility for TANF was established under the welfare reform demonstration project for which these waivers were originally approved.*

VA.R. Doc. No. R01-19; Filed September 28, 2000, 9 a.m.





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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

### TITLE 3. ALCOHOLIC BEVERAGES

#### ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: **3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R99-211; Filed September 22, 2000, 2:38 p.m.

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Title of Regulation: **3 VAC 5-70-10 et seq. Other Provisions.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R99-213; Filed September 22, 2000, 2:38 p.m.

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Title of Regulation: **3 VAC 5-70-10 et seq. Other Provisions.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R99-212; Filed September 22, 2000, 2:39 p.m.



### TITLE 12. HEALTH

#### STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-185-10 et seq. Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R99-182; Filed September 22, 2000, 2:39 p.m.

#### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **Restrictions on Out-of-State Hospital Coverage:**

**12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.**

**12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care.**

**12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Services.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R00-40; Filed September 22, 2000, 2:39 p.m.

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Title of Regulation: **Pharmacy Intravenous Infusion Therapy Services:**

**12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.**

**12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates—Other Types of Care.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the

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# Governor

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Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: September 14, 2000

VA.R. Doc. No. R00-1; Filed September 22, 2000, 2:39 p.m.

have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R00-4; Filed September 22, 2000, 2:39 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

Title of Regulation: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R00-51; Filed September 22, 2000, 2:39 p.m.

### BOARD OF PHARMACY

Title of Regulation: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: August 16, 2000

VA.R. Doc. No. R00-3; Filed September 22, 2000, 2:39 p.m.

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Title of Regulation: **18 VAC 110-30-10 et seq. Regulations for Practitioners of the Healing Arts To Sell Controlled Substances.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I

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# THE LEGISLATIVE RECORD

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*The Legislative Record* is available on the Internet at <http://dls.state.va.us/pubs/legisrec/>

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# GENERAL NOTICES/ERRATA

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## VIRGINIA BOARD OF ACCOUNTANCY

### Notice of Periodic Review

The Board of Accountancy invites public comment on 18 VAC 5-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on November 12, 2000. Comments or questions should be sent to Carmen M. Garrison, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-2648.

## VIRGINIA BOARD FOR ASBESTOS AND LEAD

### Notice of Periodic Review

The Virginia Board for Asbestos and Lead invites public comment on 18 VAC 15-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on November 12, 2000. Comments or questions should be sent to Carmen M. Garrison, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-2648.

## STATE CORPORATION COMMISSION

September 20, 2000

Administrative Letter 2000-11

**TO: All Insurers Licensed to Market Accident and Sickness Insurance in Virginia, all Health Maintenance Organizations, and all Health Services Plans Licensed in Virginia**

**RE: Individual Health Insurance Coverage Provided in Virginia**

It has come to the attention of the Bureau of Insurance that many carriers offering individual health insurance coverage in Virginia may not be in compliance with §§ 38.2-3430.3 or 38.2-3432.3 of the Code of Virginia. Changes were made to each of these laws during the 1999 Virginia General Assembly, and became effective on July 1, 1999. **Sections 38.2-3430.3 and 38.2-3432.3 apply to all carriers offering**

**individual health insurance coverage in Virginia, including those offering such coverage through group insurance policies issued in another state.**

Section 38.2-3430.3 C provides:

C. Health insurance issuers shall include on all applications for health insurance coverage questions which will enable the health insurance issuer to determine if an applicant is applying for coverage as an eligible individual as defined in § 38.2-3430.2.

The Bureau's staff has noted that many applications do not include the types of questions described above, and are therefore not in compliance with Virginia law.

Section 38.2-3432.3 provides standards for imposing preexisting conditions exclusions. These standards, with respect to **individual** health insurance coverage, include: a 12-month "look back" period; a 12-month limitation on the preexisting exclusion period; and reduction of the preexisting condition exclusion period by the aggregate of the periods of creditable coverage applicable to the participant or beneficiary on the enrollment date.

The purpose of this administrative letter is to remind carriers providing individual health insurance coverage in Virginia of their responsibilities as set forth in this letter, and to assist carriers in complying with Virginia law. In order to document compliance with the requirements imposed on individual health insurance issuers, **ALL** carriers to whom this letter is addressed are directed to complete the questionnaire attached to this letter and return it to the Bureau of Insurance by no later than October 15, 2000.

Completed questionnaires, as well as questions regarding this matter may be directed, in writing (or via telefax), to:

Robert L. Wright  
Special Projects Coordinator  
Life and Health Division  
Bureau of Insurance  
P.O. Box 1157  
Richmond, VA 23218  
FAX: 804-371-9944

/s/ Alfred W. Gross  
Commissioner of Insurance

**QUESTIONNAIRE  
INDIVIDUAL HEALTH INSURANCE COVERAGE**

NAME OF COMPANY: \_\_\_\_\_  
NAIC NUMBER: \_\_\_\_\_  
NAME OF PERSON COMPLETING  
QUESTIONNAIRE: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DIRECT TELEPHONE NUMBER: \_\_\_\_\_

1. Does this company provide "individual health insurance coverage" as defined in § 38.2-3431 B of the Code of Virginia? \_\_\_\_ yes \_\_\_\_ no  
(If no, please sign and return the questionnaire.)
2. What kind of product is used to provide "individual health insurance coverage" in Virginia?  
Individual policies approved in Virginia \_\_\_\_ yes \_\_\_\_ no  
(If yes, please respond to Question 3.)  
Group policies approved in Virginia \_\_\_\_ yes \_\_\_\_ no  
(If yes, please respond to Questions 4 through 7)  
Group policies issued in another state \_\_\_\_ yes \_\_\_\_ no  
(If yes, please respond to Questions 4 through 8)
3. What are the form numbers of the individual policies used?  
\_\_\_\_\_  
\_\_\_\_\_
4. What are the form numbers of the group policies used?  
\_\_\_\_\_  
\_\_\_\_\_
5. Is the group policy issued to a trust? \_\_\_\_ yes \_\_\_\_ no

State Corporation Commission  
Bureau of Insurance  
P.O. Box 1157  
Richmond, VA 23218

6. If yes, what is the name of the trust? \_\_\_\_\_  
\_\_\_\_\_  
Is the group policy issued to an association? \_\_\_\_ yes \_\_\_\_ no  
If yes, what is the name of the association? \_\_\_\_\_  
\_\_\_\_\_
7. Is the association a "bona fide association" as that term is defined in § 38.2-3431 B of the Code of Virginia? \_\_\_\_ yes \_\_\_\_ no.
8. In which states are the group policies issued? \_\_\_\_\_  
\_\_\_\_\_

Please respond by October 15, 2000 to:

Robert L. Wright  
Special Projects Coordinator  
Life and Health Division  
Bureau of Insurance  
P.O. Box 1157  
Richmond, VA 23218  
FAX 804 371 9944

State Corporation Commission  
Bureau of Insurance  
P.O. Box 1157  
Richmond, VA 23218

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## General Notices/Errata

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September 27, 2000

Administrative Letter 2000-12

**TO: All Insurers Licensed to Market Credit Life Insurance or Credit Accident and Sickness Insurance in Virginia**

**RE: Credit Life Insurance and Credit Accident and Sickness Insurance Premium Rates Effective January 1, 2001**

On July 20, 2000, the Virginia State Corporation Commission (the Commission) issued an *Order Adopting Adjusted Prima Facie Rates for the Triennium Commencing January 1, 2001*, Case No. INS000041. All insurers licensed to market credit life insurance or credit accident and sickness insurance in Virginia were mailed a copy of the Order and the adopted rates on July 26, 2000. Pursuant to § 38.2-3725 D and E of the Code of Virginia, the adjusted prima facie rates for the triennium commencing January 1, 2001 will remain in effect until January 1, 2004.

In accordance with §§ 38.2-3728 A and 38.2-3729 C of the Code of Virginia, each company that markets credit life insurance in Virginia will be required to file an actuarial memorandum setting forth the rates, rate formulas and refund formulas that it intends to use effective January 1, 2001. This memorandum should include, but not be limited to, the specific single premium and monthly outstanding balance (MOB) rates and rate formulas, all premium and refund formulas, including examples of each, and any other information required to document the development of these rates. The memorandum should also specify the date of previously approved formulas, provide the form numbers to which each rate or formula will apply, and provide a description of the referenced forms.

It should be noted that the newly adopted credit accident and sickness insurance rates are higher than those previously adopted; therefore, credit accident and sickness insurance rates are not required to be filed unless the Company wants to request approval of rates that are in excess of those that it has currently approved.

A request for approval of a deviated premium rate or rates to be effective on or after January 1, 2001, may be included as part of the actuarial memorandum referenced above. Please contact the Bureau of Insurance for the specific requirements for such a filing if needed. It should be noted that previously approved deviated premium rates can only be used through December 31, 2000, in accordance with § 38.2-3728 C 1 of the Code of Virginia. This section of the Code states that in no event will deviated rates remain in effect after the effective date that new prima facie rates are effective as set forth in § 38.2-3730 of the Code of Virginia.

My staff will review filings as promptly as possible; however, companies that delay making filings cannot be assured that our review can be completed by January 1, 2001. Any insurer that does not have rates and refund formulas approved by the Commission on or before January 1, 2001, that comply with the maximum prima facie rates set

forth in INS000041 must cease marketing credit life insurance or credit accident and sickness in Virginia as of January 1, 2001, and must cease charging premiums for existing MOB contracts as of January 1, 2001, and until such date that it has received the Commission's approval, as noted above.

Any questions with regard to any of the above matters should be directed to:

Robert F. Grissom  
Senior Insurance Market Examiner  
State Corporation Commission  
Bureau of Insurance  
Life and Health Division - Forms and Rates Section  
P.O. Box 1157  
Richmond, Virginia 23218  
804-371-9152

/s/ Alfred W. Gross  
Commissioner of Insurance

\* \* \*

September 29, 2000

Administrative Letter 2000-13

**TO: The Chief Executive Officer of All Insurers and Other Entities Regulated under Title 38.2 of the Code of Virginia**

**RE: Compliance with the Privacy Provisions of the Gramm-Leach-Bliley Act; Extension of Compliance Date**

In order to provide sufficient time to establish policies and systems to comply with the requirements of Title V of the Gramm-Leach-Bliley Act (the Act; 15 U.S.C. 6801 through 6827), which become effective November 13, 2000, the State Corporation Commission Bureau of Insurance (Bureau) is extending the time for compliance with Title V until July 1, 2001. Title V of the Gramm-Leach-Bliley Act grants enforcement authority to state insurance regulators pursuant to Section 505 (15 U.S.C. 6805) of the Act. The Bureau's July 1, 2001, extended compliance date is consistent with the compliance date established by the federal regulators responsible for enforcing the Act as it applies to regulated financial institutions.

To the extent that insurers and other entities regulated by the Bureau are subject to the provisions of Title V of the Gramm-Leach-Bliley Act, they will not be required by the Bureau to comply with Title V of the Act until July 1, 2001. However, to the extent that said insurers and other entities are required to comply with Virginia's insurance information and privacy protection laws as set forth in Chapter 6 of Title 38.2 of the Code of Virginia (§§ 38.2-600 et seq.), they will be required to continue to comply with those laws.

Please advise your appointed agents, and any other persons authorized to transact business on your behalf, in this Commonwealth of this administrative letter. Please contact JoAnne Scott at (804) 371-9600 if you have any questions.

/s/ Alfred W. Gross  
Commissioner of Insurance

## BOARD OF EDUCATION

### Notice of Revision of the Standards of Learning in History and Social Science

Notice is hereby given that the Board of Education intends to revise the Standards of Learning in History and Social Science. Public hearings will be announced in the *Virginia Register of Regulations* in order to receive oral comments. For more information or to submit written comments, please contact Dr. Beverly Thurston, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120; telephone 804/225-2893; fax 804/225-2524. Comments will be received until December 15, 2000.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Notice of Public Meeting and Public Comment Regarding Fecal Coliform Bacteria (TMDL) in Christians Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria in Christians Creek. The stream is located in Augusta County and is part of the Potomac and Shenandoah River Basin. The segment is 31.52 miles in length: it begins at Christians Creek's headwaters and continues downstream to its confluence with the Middle River. The segment is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The second public meeting on the development of the Fecal Coliform Bacteria TMDL will be held on Wednesday, November 8, 2000, 7 p.m. in the Beam Annex Building next to Expo Hall on Route 935, Fishersville, VA.

The public comment period will end on November 24, 2000. A fact sheet on the development of the TMDL for Fecal Coliform Bacteria on Christians Creek is available upon request. Questions or information requests should be addressed to Rod Bodkin. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Rod Bodkin, Department of Environmental Quality, P.O. Box 3000, 4411 Early Road, Harrisonburg, Virginia 22801, telephone (540) 574-7801, FAX (540) 574-7878, or e-mail [rvbodkin@deq.state.va.us](mailto:rvbodkin@deq.state.va.us).

## STATE BOARD OF HEALTH

### Update on the Current Estimated Balance in the Commonwealth Neurotrauma Initiative Trust Fund

In the September 11, 2000, issue of the *Virginia Register* (Volume 16, Issue 26), the State Board of Health published proposed regulations titled Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund (12 VAC 5-185-10 et seq.). In the statement preceding the text of the proposed regulations, the balance of the CNI Trust Fund was estimated to be \$580,000. A more current and accurate estimate of the balance in the Trust Fund, as of September 1, 2000, is \$1.9 million.

## BOARD OF HEALTH PROFESSIONS

### Notice of Forum

The Institute of Medicine (IOM) report entitled "To Err Is Human: Building a Safer Health System" has made headlines across the country. The report suggests that as many as 44,000 to 98,000 Americans die each year as a result of medical errors. The reasons for these medical errors are complex and multifaceted.

Within the context of the present healthcare environment:

How can health regulatory boards encourage reporting of medical errors so that measures can be taken to prevent future occurrences?

Are the appropriate measures in place to insure ongoing competence of health care providers?

What would be the implications of re-examination and relicensure on patients, providers, payors, and health care organizations?

The Board of Health Professions will host an Issues Forum entitled "The Role of Health Regulatory Boards in the Reduction of Medical Errors" on November 15, 2000 from 9 a.m. to noon at the Omni Hotel, 100 S. 12th Street, Richmond, Virginia.

We are pleased to announce Senator William T. Bolling, Chair, Joint Commission on Health Care, as the panel moderator. Panel participants will speak to issues regarding the Institute of Medicine report and how the recommendations within the report can be implemented in practice. Following brief presentations by the panel experts, there will be interactive dialogue between the audience and panel in a questions and answer format.

Location accessible to handicapped. Seating is available for 150 attendees. Please RSVP to Kirsten Barrett at (804) 662-7218 or via e-mail at [kbarrett@dhp.state.va.us](mailto:kbarrett@dhp.state.va.us) no later than November 1, 2000.

Contact Information: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, Virginia 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, DDT (804) 662-7197,

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## General Notices/Errata

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e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us), or homepage <http://www.dhp.state.va.us/>

### **VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS**

#### **Notice of Periodic Review**

The Board for Waste Management Facility Operators invites public comment on 18 VAC 155-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on November 12, 2000. Comments or questions should be sent to Carmen Garrison, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-2648.

### **STATE WATER CONTROL BOARD**

#### **Proposed Consent Special Order Imperial Oil Company**

The State Water Control Board (SWCB) proposes to issue an amendment to a consent special order to Imperial Oil Company regarding settlement of a civil enforcement action related to compliance with Underground Storage Tanks: Technical Standards and Corrective Action Requirements, 9 VAC 25-580-10 et seq. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019, telephone (540) 562-6777.

The final order may be examined at the department during regular business hours. Copies are available from Mr. Steele at the above address.

#### **Proposed Consent Special Order Pittsylvania County School Board**

The State Water Control Board (SWCB) proposes to issue an amendment to a consent special order to the Pittsylvania County School Board regarding settlement of a civil enforcement action related to compliance with the Permit Regulation, 9 VAC 25-31-10 et seq. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019, telephone (540) 562-6777.

The final order may be examined at the department during regular business hours. Copies are available from Mr. Steele at the above address.

#### **Proposed Consent Special Order Staywel, Inc.**

The State Water Control Board (SWCB) proposes to issue an Amendment to a consent special order to Staywel, Inc., regarding settlement of a civil enforcement action related to compliance with the Permit Regulation, 9 VAC 25-31-10 et seq. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019, telephone (540) 562-6777.

The final order may be examined at the department during regular business hours. Copies are available from Mr. Steele at the above address.

#### **Proposed Consent Special Order James P. Townsend - Queenfield Farm**

The State Water Control Board proposes to issue a consent special order to James P. Townsend (Queenfield Farm) to resolve certain alleged violations of environmental laws and regulations occurring at Queenfield Farm located in the County of King William. The proposed order requires James P. Townsend to pay a civil charge.

On behalf of the State Water Control Board, DEQ will receive, written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Richard F. Weeks, Jr., Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060. Comments can also be faxed to 804-527-5106 or emailed to [rfweeks@deq.state.va.us](mailto:rfweeks@deq.state.va.us). A copy of the order may be obtained by mail, email or in person from the above address.

### **VIRGINIA BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS**

#### **Notice of Periodic Review**

The Board for Waterworks and Wastewater Works Operators invites public comment on 18 VAC 160-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on November 12, 2000. Comments or questions should be sent to Carmen M. Garrison, Department of Professional and



Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia, 23230, telephone (804) 367-2648.

## VIRGINIA CODE COMMISSION

### Change in Subscription Rate for the Virginia Register of Regulations

The Virginia Code Commission approved an increase of the annual subscription rate for the Virginia Register of Regulations to \$125 and an increase for single copy issues of the Register to \$5.00 per issue. The new rates became effective with Volume 17, Issue 1, published on September 25, 2000.

### 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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: 2 VAC 5-600-10. Regulations Pertaining to Food for Human Consumption.

Publication: 16:26 VA.R. 3403-3406 September 11, 2000.

#### Correction to Proposed Regulation:

Page 3403, column 1, before "2 VAC 5-600-10. Adoption by reference." insert:

2 VAC 5-600-5. Petitions.

The Board of Agriculture and Consumer Services will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

### STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-210-10 et seq. Virginia Water Protection Permit Regulation.

Publication: 16:25 VA.R. 3252-3255 August 28, 2000

#### Corrections to Final Regulation:

Page 3254, 9 VAC 25-210-110 4 a, line 1, delete "a. Except as authorized in subdivisions b and c below,"

Page 3254, 9 VAC 25-210-110 4 a, line 6, between "not" and "exceed" delete "to"

Page 3254, 9 VAC 25-210-110 4 a, lines 6 and 7, after "years" delete "for any period of construction, monitoring, or other activity"

Page 3254, 9 VAC 25-210-110 4 b, delete subdivision b



Page 3254, 9 VAC 25-210-110 4 c, delete subdivision c

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# CALENDAR OF EVENTS


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## 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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.vipnet.org](http://www.vipnet.org) or contact the organization directly.

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


**October 30, 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 Accountancy intends to **repeal** regulations entitled: **18 VAC 5-20-10 et seq. Board for Accountancy Regulations and adopt** regulations entitled: **18 VAC 5-21-10 et seq. Board of Accountancy Regulations.** The board is currently operating under emergency regulations that implement the provisions of Senate Bill 926 passed by the 1999 Session of the General Assembly. The proposed regulations are necessary to replace the emergency regulations and to continue to implement the provisions of SB 926.


Statutory Authority: §§ 54.1-201 and 54.1-2002 of the Code of Virginia.

**Contact:** Christine Martine, Regulatory Board Administrator, Board of Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-6128 or (804) 367-9753/TTY 

NOTE: CHANGE IN MEETING DATE


**November 15, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4W, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

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 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail [accountancy@dpor.state.va.us](mailto:accountancy@dpor.state.va.us).

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


### Virginia Charity Food Assistance Advisory Board

† **November 9, 2000 - 10:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, First Floor, Conference Room, Richmond, Virginia. 

A routine meeting to discuss issues related to food insecurity. 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 Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Steven W. Thomas, Executive Director, Department of Agriculture and Consumer Services, Virginia Charity Food Assistance Advisory Board, Washington Building, 1100 Bank St., Room 809, Richmond, VA, telephone (804) 786-3936, FAX (804) 371-7788.

### Consumer Affairs Advisory Committee

† **November 1, 2000 - 9:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, Second Floor, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Members will review the consumer education outreach efforts of the year, including State Fair 2000, and make recommendations for their annual report. Members will nominate their chairperson for the coming year, suggest names to fill citizen terms that expire in December, and discuss events planned for consumer education and outreach activities for 2001. The committee will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any 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:** Evelyn A. Jez, Staff Liaison, Department of Agriculture and Consumer Services, Consumer Affairs Advisory Committee, 1100 Bank St., Suite 1101, Richmond, VA, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY ☎

## Virginia Farmers Market Board

† **November 9, 2000 - 9:30 a.m.** -- Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. 📍

The board will convene for its quarterly meeting for the purpose of conducting business to benefit the Virginia Farmers Market System. During the meeting, the board members will hear and approve the financial report and, if appropriate, approve the minutes of the August 8, 2000, meeting. In addition, contracted private sector operators of the shipping point markets in the system will present reports on operations of the four markets. 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:** Susan K. Simpson, Special Programs Manager, Department of Agriculture and Consumer Services, Virginia Farmers Market Board, 1100 Bank St., Room 1002, Richmond, VA 23219, telephone (804) 786-2112, FAX (804) 371-7786.

## Virginia Winegrowers Advisory Board

**November 1, 2000 - 10 a.m.** -- Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. 📍

A meeting to elect a board chairman and vice chairman. Agenda items will include committee reports, a report from a representative of the Alcoholic Beverage Control Board, hearing and approval of minutes of the last board meeting, and presentation of the board's financial statement. 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 Mary Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Mary Davis-Barton, Board Secretary, Department of Agriculture and Consumer Services, Virginia Winegrowers Advisory Board, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122.

## STATE AIR POLLUTION CONTROL BOARD

**November 8, 2000 - 2 p.m.** -- Open Meeting

**November 9, 2000 - 9 a.m.** -- Open Meeting

Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia.

The annual meeting of the State Air Pollution Control Board and the State Advisory Board on Air Pollution.

**Contact:** Janet Wynne, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4140, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail [jtwynne@deq.state.va.us](mailto:jtwynne@deq.state.va.us).

**November 14, 2000 - 9 a.m.** -- Open Meeting

Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia.

A public meeting to receive comments on the Notice of Intended Regulatory Action issued for 9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. D00) to bring the regulation into conformance with federal regulation.

**Contact:** Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY ☎ e-mail [kgsabastea@deq.state.va.us](mailto:kgsabastea@deq.state.va.us).

† **November 29, 2000 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

A public meeting to receive comments on the Notice of Intended Regulatory Action to develop amendments that conform to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

**Contact:** Beth Major, State Air Pollution Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail [memajor@deq.state.va.us](mailto:memajor@deq.state.va.us).

## STATE AIR POLLUTION CONTROL BOARD

### VIRGINIA WASTE MANAGEMENT BOARD

### STATE WATER CONTROL BOARD

**December 4, 2000 - 9 a.m.** -- Public Hearing

Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

**December 26, 2000** - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to adopt regulations entitled **9 VAC 5-210-10 et seq., Regulation for Dispute Resolution**; that the Virginia Waste Management Board intends to adopt regulations entitled **9 VAC 20-15-20 et seq., Regulation for Dispute Resolution**; and that the State Water Control Board intends to adopt regulations entitled **9 VAC 25-15-10 et seq., Regulation for Dispute Resolution**.

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## Calendar of Events

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The proposed regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the boards' sole discretion, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The proposed regulations contain provisions addressing situations appropriate for the use of dispute resolution, costs, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

### ALCOHOLIC BEVERAGE CONTROL BOARD

**October 31, 2000 - 11 a.m.** -- Public Hearing  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

**November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed amendment is to require that notices of initial decisions of the board's hearing officers be sent by both certified mail and regular mail and to extend the present 10-day appeal period to 30 days.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

**Contact:** W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

**October 31, 2000 - 11 a.m.** -- Public Hearing  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

**November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The purpose of the proposed amendment is to allow for the acceptance of

credit or debit cards from licensees for the purchase of alcoholic beverages at government stores.

Statutory Authority: §§ 4.1-103, 4.1-111 and 4.1-119 of the Code of Virginia.

**Contact:** W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

**October 31, 2000 - 11 a.m.** -- Public Hearing  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

**November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The proposed amendment adds a new section that lists a number of administrative violations for which a licensee may waive administrative hearing and accept a predetermined penalty in lieu of license suspension for a first violation within three years.

Statutory Authority: §§ 4.1-103 and 4.1-227 of the Code of Virginia.

**Contact:** W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

### BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† **December 15, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting of the full board to conduct 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 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

### Certified Interior Designer Section

† **December 6, 2000 - 9 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)

The Certified Interior Designer Section will 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 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

## VIRGINIA BOARD FOR ASBESTOS AND LEAD

† **November 8, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to discuss routine business. A public comment period will be held at the beginning of the meeting.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail [asbestos@dpor.state.va.us](mailto:asbestos@dpor.state.va.us).

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

### State Executive Council

**October 25, 2000 - 9 a.m.** -- Open Meeting  
**November 29, 2000 - 9 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to provide for interagency programmatic and fiscal policies, oversee the administration of funds appropriated under the Act, and advise the Secretary of Health and Human Resources and the Governor.

**Contact:** Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23219, telephone (804) 662-9815, FAX (804) 662-9831, e-mail [ags992@central.dss.state.va.us](mailto:ags992@central.dss.state.va.us).

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **November 9, 2000 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ♿

A meeting to adopt amendments to public participation guideline regulations and consider other business as may

come before it. Public comment on agenda items will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail [etisdale@dhp.state.va.us](mailto:etisdale@dhp.state.va.us).

**November 9, 2000 - 9:30 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia.

**December 22, 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed amendments is to establish requirements for evidence of continued competency and for an inactive license for audiologists and speech-language pathologists.

Statutory Authority: §§ 54.1-103 and 54.1-2400 of the Code of Virginia.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or e-mail [Etisdale@dhp.state.va.us](mailto:Etisdale@dhp.state.va.us).

## BOARD FOR BARBERS AND COSMETOLOGY

**October 30, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting of the Regulatory Review Committee to discuss regulatory review. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the department at 804-367-8590 or 804-367-9753/TTY 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:** Nancy Taylor Feldman, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail [barbercosmo@dpor.state.va.us](mailto:barbercosmo@dpor.state.va.us).

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# Calendar of Events

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## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**October 30, 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)

The Review Committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting, however, written comments are welcome.

**Contact:** Carolyn J. Elliott, Executive Secretary Sr., Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY, e-mail celliott@cblad.state.va.us.

**October 30, 2000 - 2 p.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)

The Review Committee will review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting, however, written comments are welcome.

**Contact:** Carolyn J. Elliott, Executive Secretary Sr., Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, 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.

**November 7, 2000 - 7 p.m.** -- Public Hearing  
Virginia Commonwealth University, 907 Floyd Avenue, Student Commons, Capitol Ball Room, Richmond, Virginia.

**November 14, 2000 - 7 p.m.** -- Public Hearing  
Eastern Shore Community College, 29300 Lankford Highway, Lecture Hall, Melfa, Virginia.

**November 16, 2000 - 7 p.m.** -- Public Hearing  
Virginia Institute of Marine Science, 1208 Greate Road, John L. McHugh Auditorium, Gloucester Point, Virginia.

**November 21, 2000 - 7 p.m.** -- Public Hearing  
Fairfax County Government Center, 12000 Government Center Parkway, Conference Rooms 4 and 5, Fairfax, Virginia.

**December 8, 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 Chesapeake Bay Local Assistance Board intends to amend regulations entitled:

**9 VAC 10-20-10 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations.** This regulation amendment is being proposed to accomplish the following:

1. Achieve greater clarity in all regulatory language to minimize confusion and misinterpretation.
2. Eliminate any conflicts and unnecessary redundancies between the requirements in the regulations and those in other related state and federal laws and regulations while still providing for maximum water quality protection. Specific issues under consideration where conflicts or redundancies are perceived to exist are as follows:
  - a. Stormwater management criteria (9 VAC 10-20-120, subdivision 8);
  - b. Erosion and sediment control criteria (9 VAC 10-20-120, subdivision 6);
  - c. Septic system criteria (9 VAC 10-20-120, subdivision 7);
  - d. Agricultural criteria [9 VAC 10-20-120, subdivision 9];
  - e. Silvicultural criteria (9 VAC 10-20-120, subdivision 10); and

3. Improve vegetative buffer area criteria (9 VAC 10-20-80, subdivision 5; and 9 VAC 10-20-130, subdivisions 3-5 and 7) to provide greater clarity as well as consistency with the riparian forest buffer policy developed by the Executive Council of the Regional Chesapeake Bay Program.

4. Improve agricultural conservation criteria (9 VAC 10-20-120, subdivision 9; and 9 VAC 10-20-130, subdivision 5 b, (1) – (3)) to correct the inability to meet the existing conservation plan approval deadline, reduce administrative overhead and result in more water quality protection practices on the land.

5. Add criteria regarding a board/department process to review local program implementation for consistency with the regulations (Parts V, VI and VII).


Accomplish numerous technical amendments necessitated by changes in terminology and numbering protocols.

A more detailed and specific explanation of the proposed amendments can be found on the agency's web site (<http://www.cblad.state.va.us>) or at the Department of Planning and Budget's Regulatory Town Hall web site (<http://www.townhall.state.va.us>) within the document entitled "Agency Background Statement."


Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

**Contact:** Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7503, FAX (804) 225-3447, toll-free 1-800-243-7229/TTY

## STATE BOARD FOR COMMUNITY COLLEGES


† **November 15, 2000 - 3:30 p.m.** -- Open Meeting  
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs; Audit, Budget and Finance; Facilities; and Personnel Committees.


**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

† **November 16, 2000 - 9 a.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting.

**Contact:** D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

## COMPENSATION BOARD

**October 24, 2000 - 11 a.m.** -- Open Meeting  
† **November 28, 2000 - 11 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

**Contact:** Cindy 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.


## BOARD OF CONSERVATION AND RECREATION

**October 23, 2000 - 10 a.m.** -- Open Meeting  
Lake Anna State Park, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.


**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

## DEPARTMENT OF CONSERVATION AND RECREATION

**October 23, 2000 - 2 p.m.** -- Open Meeting  
**October 23, 2000 - 6 p.m.** -- Open Meeting  
Southside PDC Office, 200 South Mecklenburg Avenue, South Hill, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Outdoor Planning District Commission 13 will meet to provide the public with information about the 2001 Virginia Outdoor Plan and to solicit comments on possible issues and recommendations that should be considered for the plan.

**Contact:** Robert S. Munson, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-6140, e-mail rsmunson@dcr.state.va.us.

**October 24, 2000 - 2 p.m.** -- Open Meeting  
**October 24, 2000 - 6 p.m.** -- Open Meeting  
West Piedmont PDC Office, One Starling Avenue, Martinsville, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Outdoor Planning District Commission 12 will meet to provide the public with information about the 2001 Virginia Outdoor Plan and to solicit comments on possible issues and recommendations that should be considered for the plan.

**Contact:** Robert S. Munson, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor Street Richmond, VA 23219, telephone (804) 786-6140, e-mail rsmunson@dcr.state.va.us, homepage <http://dit1.state.va.us/~dcr/>.


## Falls of the James Scenic River Advisory Board

**November 2, 2000 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Richard G. Gibbons, Environmental Programs Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

## Virginia Land Conservation Foundation

† **November 14, 2000 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Silas Davenport, Virginia Land Conservation Foundation, Special Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-5678, FAX (804) 786-6141, e-mail sdavenport@dcr.state.va.us.

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# Calendar of Events

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## BOARD OF COUNSELING

† **November 8, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Credentials Committee will hold informal conferences pursuant to § 9-6.14:11 of the Code of Virginia to review applicant credentials.

**Contact:** Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 660-9912, FAX (804) 662-7250, (804) 662-7197/TTY, e-mail coun@dhp.state.va.us.

† **November 8, 2000 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 4, Richmond, Virginia.

The Joint Regulatory and Supervision Committee will discuss issues pertaining to supervisor education and training. The Regulatory Committee will discuss recommendations for a time-limited waiver of certain requirements for licensure as a substance abuse treatment practitioner. The Regulatory Committee will review draft Periodic Review Reports for all of its regulations.

**Contact:** Janet Delorme, Deputy Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY, e-mail jdelorme@dhp.state.va.us.

† **November 9, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee to review the agenda for the Board of Counseling meeting.

**Contact:** Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 660-9912, FAX (804) 662-7250, (804) 662-7197/TTY, e-mail coun@dhp.state.va.us.

† **November 9, 2000 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia.

A meeting to adopt proposed regulations for a time-limited waiver for individuals meeting certain requirements to become licensed as substance abuse treatment practitioners. The board will adopt proposed amendments to its Public Participation Guidelines and will adopt periodic review reports for its regulations governing professional counselors.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY, e-mail ebrown@dhp.state.va.us.

## BOARD OF DENTISTRY

**October 27, 2000 - 9 a.m.** -- Open Meeting  
**November 3, 2000 - 9 a.m.** -- Open Meeting  
† **November 17, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
4th Floor, Richmond, Virginia.

An informal conference committee will convene to hear possible violations of the regulations governing the practice of dentistry. No public comment will be heard.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 West Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, e-mail mmiller@dhp.state.va.us.

† **November 3, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
4th Floor, Richmond, Virginia.

A formal administrative hearing to hear possible violations of the regulations governing the practice of dentistry. No public comment will be heard.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 West Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY, e-mail mmiller@dhp.state.va.us.

## STATE BOARD OF EDUCATION

**October 27, 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 Education intends to amend regulations entitled: **9 VAC 20-160-10 et seq. Regulations Governing Secondary School Transcripts.** The proposed amendments specify the manner in which the public schools shall account for and exhibit verified credit on the student transcript.

Statutory Authority: §§ 22.1-16 and 22.1-253.13:3 of the Code of Virginia.

**Contact:** Vernon Wildy, Division of Secondary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2877 or FAX (804) 225-2524.

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**November 24, 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 Education intends to **repeal** regulations entitled: **8 VAC 20-540-10 et seq. Regulations Governing Approved Programs for Virginia Institutions of Higher Education** and **adopt** regulations entitled: **8 VAC 20-541-10 et seq. Regulations Governing Approved Programs for Virginia Institutions of Higher Education.** The Board



of Education seeks to repeal the current regulations (8 VAC 20-540) and promulgate regulations by the same title (8 VAC 20-541). The purpose is to ensure that prospective teachers receive the academic training necessary to become a quality teacher.

Statutory Authority: §§ 22.1-16, 22.1-298, and 22.1-305.2 of the Code of Virginia.

**Contact:** Dr. Thomas A. Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2524.


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**November 24, 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 Education intends to amend regulations entitled: **8 VAC 20-110-10 et seq. Regulations Governing Pupil Accounting Records.** The purpose of the proposed amendments is to eliminate the requirement that school divisions either maintain paper records of student enrollment and attendance data or implement equivalent systems.


Statutory Authority: §§ 22.1-16, 22.1-20, and 22.1-259 of the Code of Virginia.

**Contact:** Jerry Mathews, Principal Specialist-Software, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2950 or FAX (804) 225-2524.

**November 6, 2000 - 9 a.m.** -- Open Meeting  
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Management and Advisory Committee. All sessions will consist of work sessions, and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.


**Contact:** Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu), homepage <http://www.pen.k12.va.us>.

**November 9, 2000 - 9 a.m.** -- Open Meeting  
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Task Force. All sessions will be work sessions and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.


**Contact:** Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540,

FAX (804) 225-2524, e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu), homepage <http://www.pen.k12.va.us>.

**November 20, 2000 - 9 a.m.** -- Open Meeting  
Virginia Commonwealth University, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the Advisory Board on Teacher Education and Licensure. Public comment will not be received at this meeting. Persons requesting services of interpreter for the deaf should do so in advance. Contact the board for exact location.


**Contact:** Dr. Thomas Elliott, Assistant Superintendent for Teacher Licensure, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 371-2522, FAX (804) 225-2524.

**November 30, 2000 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Persons requesting services of interpreter for the deaf should do so in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu).

## LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER

**October 25, 2000 - 6:30 p.m.** -- Open Meeting  
Gloucester Courthouse Office Building, 6467 Main Street, Conference Room, Gloucester, Virginia. 

A meeting to include election of officers, an update on the public information campaign, and goals for 2001.

**Contact:** Georgette N. Hurley, Assistant County Administrator, Local Emergency Planning Committee, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042, FAX (804) 693-2998.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

† **October 27, 2000 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, First Floor, Conference Room, Richmond, Virginia.

A meeting of the Virginia delegation to the Southeast Interstate Low-Level Radioactive Waste Management Compact Commission to discuss needs for waste disposal services and commission activities over the next five to 10 years.

**Contact:** James Sydnor, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4424, e-mail [jesydnor@deq.state.va.us](mailto:jesydnor@deq.state.va.us).

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# Calendar of Events


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NOTE: CHANGE IN MEETING LOCATION


**November 6, 2000 - 1 p.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
Richmond, Virginia.


A meeting of the Virginia Environmental Education Advisory Committee advising the Governor on all matters related to environmental education in the Commonwealth.

**Contact:** Ann Regn, Environmental Education Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4442, FAX (804) 698-4522, e-mail amregn@deq.state.va.us.


**November 14, 2000 - 9 a.m.** -- Open Meeting  
Main Street Centre, 600 East Main Street, Conference Room, Lower Level, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to receive comments on and to discuss the notice of intended regulatory action for Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas regulation. 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.

**Contact:** Karen G. Sabastanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free (800) 592-5482, (804) 698-4021/TTY 

**† November 29, 2000 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.  (Interpreter for the deaf provided upon request)

A public meeting to receive comments on and to discuss the Notice of Intended Regulatory Action to develop amendments that conform to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia. Unlike a public hearing, which is intended to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.


**Contact:** Beth Major, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, (804) 698-4021/TTY 

**December 8, 2000 - 9 a.m.** -- Open Meeting  
**December 9, 2000 - 9 a.m.** -- Open Meeting  
Virginia Commonwealth University, Student Commons Building, Richmond, Virginia.


A meeting of the Virginia Environmental Education Advisory Committee in conjunction with the Governor's Forum on Environmental Education.


**Contact:** Ann Regn, Environmental Education Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4442, FAX (804) 698-4522, e-mail amregn@deq.state.va.us.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS


**† November 29, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia 

The Legislative Committee will consider issues related to laws and regulations and the practice of funeral directing and embalming. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

**† December 6, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to consider matters and agenda items arising from the September workshop and other issues brought before the board. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

## DEPARTMENT OF GAME AND INLAND FISHERIES

**October 26, 2000 - 9 a.m.** -- Public Hearing  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to consider for final adoption fish, fishing, and wildlife diversity regulations to be effective from January 2001 through December 2002. Under board procedures, regulatory actions occur over two sequential board meetings. At the October 26, 2000, meeting, the board will determine whether the amendments to regulations for fish, fishing, and wildlife diversity which were proposed at its August 24, 2000, meeting, will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting on October 26, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than, the regulations currently in effect or the regulation amendments proposed at the August 24, 2000, meeting, as necessary for the proper management of wildlife resources. Additional information on this review of regulations, including a list of the specific regulations subject to review and additional details on opportunities for public involvement, was published in a separate announcement in the "General Notices" section of the July 17, 2000, Virginia Register of Regulations, and is also available online at [www.dgif.state.va.us](http://www.dgif.state.va.us). At


the October 26 meeting the board may discuss general and administrative issues; it may hold an executive session before the public session begins. The board may elect to hold a dinner Wednesday evening, October 25, at a location and time to be determined.

**Contact:** Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, e-mail RegComments@djif.state.va.us.

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board


† **November 3, 2000 - 10 a.m.** -- Open Meeting  
Richmond Convention Center, 550 East Marshall Street, Salon C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

† **November 3, 2000 - 10 a.m.** -- Open Meeting  
† **December 1, 2000 - 10 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A monthly meeting to review projects submitted by state agencies.

**Contact:** Richard L. Ford, Chairman, Art and Architectural Review Board, 1011 East Main Street, Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981.

## STATE BOARD OF HEALTH

**November 2, 2000 - 10 a.m.** -- Open Meeting  
Southwest Virginia Higher Education Center, Abingdon, Virginia. 

The State Board of Health meets several times a year and strives to conduct each meeting in a different location of the Commonwealth in order to maintain awareness of regional and local public health issues. The board will have a routine two-day meeting, beginning on November 2, 2000, at 10 a.m., and continuing on November 3, 2000, from 9 a.m. to 12 p.m. The November 2 session will be a work session; the November 3 session will be a business session. Matters pertaining generally to public health, agency administration and regulatory initiatives are typically discussed. Citizens may attend and observe the sessions and may sign up to speak to relevant issues during a brief period toward the end of the business session on November 3. An agenda is not yet available.


**Contact:** Paul Matthias, Staff to the State Board of Health, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 371-2909, FAX (804) 371-0116, (804) 828-1120/TTY , e-mail pmatthias@vdh.state.va.us.

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**November 15, 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 Health is adopting regulations entitled: **12 VAC 5-185-10 et seq. Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund.** These regulations will establish (i) policies and procedures for handling applications for funding received by the Commonwealth Neurotrauma Initiative (CNI) Advisory Board, (ii) criteria for reviewing applications, and (iii) procedures for distributing moneys from the CNI Trust Fund.

Statutory Authority: § 32.1-73.1 of the Code of Virginia.

**Contact:** Douglas R. Harris, Adjudication Officer, State Board of Health, 1500 E. Main St., Room 308, Richmond, VA 23218, telephone (804) 786-3561, FAX (804) 786-4616 or toll-free 1-800-828-1120/TTY 

### Biosolids Use Information Committee (BUIC)

**October 26, 2000 - 1 p.m.** -- Open Meeting  
Henrico County Human Services Building, 8600 Dixon Powers Drive, Richmond, Virginia. 

A meeting to discuss the agricultural use of biosolids and related issues concerning the Biosolids Use Regulations (12 VAC 5-585) and the land application distribution and marketing of biosolids.

**Contact:** Dr. C. M. Sawyer, Director, Wastewater Engineering, Department of Health, Main Street Station, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.


### Biosolids Use Regulations Advisory Committee

**October 26, 2000 - 10 a.m.** -- Open Meeting  
Henrico County Human Services Building, 8600 Dixon Powers Drive, Richmond, Virginia. 

A meeting to discuss implementation issues concerning the Biosolids Use Regulations (12 VAC 5-585) and land application, distribution and marketing of biosolids.

**Contact:** Dr. C. M. Sawyer, Director, Wastewater Engineering, Department of Health, Main Street Station, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.

## BOARD OF HEALTH PROFESSIONS

† **November 15, 2000 - 9 a.m.** -- Open Meeting  
Omni Hotel, 100 South 12th Street, Richmond, Virginia. 

The Board of Health Professions will host an issues forum entitled "The Role of Health Regulatory Boards in

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the Reduction of Medical Errors” from 9 a.m. to noon. Senator William T. Bolling, Chair, Joint Commission on Health Care, we serve as the panel moderator. Panel participants will speak to issues regarding the Institute of Medicine report, “To Err is Human: Building a Safer Health System,” and how the recommendations within the report can be implemented in practice. Following brief presentations by the panel experts, there will be interactive dialogue between the audience and panel in a question and answer format. See the General Notices section for further details. Seating is available for 150 attendees. Please RSVP to Kirsten Barrett at (804) 662-7218 or via e-mail at [kbarrett@dhp.state.va.us](mailto:kbarrett@dhp.state.va.us) no later than November 1, 2000.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY ☎ or e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

† **November 15, 2000 - 12:15 p.m.** -- Open Meeting  
Omni Hotel, 100 South 12th Street, Richmond, Virginia. ♿

A meeting to adopt proposed amendments to public participation guideline regulations and consider other business as may come before the board. Public comment will be received for the first 10 minutes of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY ☎ or e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**November 21, 2000 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿

A general meeting. Agenda materials will be available on the web site approximately one week prior to the meeting at [www.schev.edu](http://www.schev.edu).

**Contact:** Lee Ann Rung, Executive Assistant, State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail [lrung@schev.edu](mailto:lrung@schev.edu).

### HOPEWELL INDUSTRIAL SAFETY COUNCIL

**November 7, 2000 - 9 a.m.** -- Open Meeting  
**December 5, 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 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

### DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

† **December 6, 2000 - 1:30 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ♿

A quarterly meeting of the State Advisory Council to discuss the state employee health benefits program.

**Contact:** Anthony Graziano, Director, Office of Health Benefit Programs, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.

### COUNCIL ON HUMAN RIGHTS

**November 18, 2000 - 10 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 12th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular board meeting.

**Contact:** Sandra D. Norman, Administration/Operations Manager, Council on Human Rights, Washington Bldg., 1100 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 225-2292, FAX (804) 225-3294, e-mail [snorman@chr.state.va.us](mailto:snorman@chr.state.va.us).

### JAMESTOWN-YORKTOWN FOUNDATION

**November 2, 2000 - Noon** -- Open Meeting  
**November 3, 2000 - 8:30 a.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Semi-annual board and committee meetings of the Board of Trustees. Specific schedule to be confirmed. No public comment will be heard.

**Contact:** Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, (757) 253-7236/TTY ☎, e-mail [lwbailey@jyf.state.va.us](mailto:lwbailey@jyf.state.va.us).

### LIBRARY BOARD

**November 13, 2000 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the Library Board. Committees of the board will meet as follows:

8:15 a.m. -- Public Library Development Committee, Orientation Room  
Publications and Educational Services Committee, Conference Room B  
Records Management Committee, Conference Room C

9:30 a.m. -- Archival and Information Services Committee, Orientation Room  
Collection Management Services Committee, Conference Room B  
Legislative and Finance Committee, Conference Room C

10:30 a.m. The full board will meet in the Conference Room on 2M.

Public comments will be received at approximately 11 a.m.

**Contact:** Jean H. Taylor, Executive Secretary to the Librarian of Virginia, The Library of Virginia, Richmond, VA 23219, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

## COMMISSION ON LOCAL GOVERNMENT

† **November 13, 2000 - 10 a.m.** -- Open Meeting  
Commission on Local Government, 900 East Main Street, Suite 103, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

**Contact:** Barbara W. Bingham, Administrative Staff Specialist, Commission on Local Government, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

## MARINE RESOURCES COMMISSION

NOTE: CHANGE IN MEETING DATE

**October 24, 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

**November 10, 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 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services; 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care; and 12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment--Inpatient Hospital Services.** The proposed regulations incorporate the agency's restrictions for covering Medicaid services in out-of-state facilities.

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

Public comments may be submitted until November 10, 2000, to Jim Cohen, Director, Division of 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 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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**November 10, 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 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Pharmacy Services: Pharmacy Intravenous Infusion Therapy Services.** The purpose of the proposed amendments is to provide a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence. By simplifying their billing and documentation procedures, this consistent payment methodology will benefit pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies.

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

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# Calendar of Events

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
Public comments may be submitted until November 10, 2000, to Marianne Rollings, 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 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

## BOARD OF MEDICINE

**November 8, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, 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, subsection A 7 of the Code of Virginia, and subsection a 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler or Renee Dixon, Department of Health Professions, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail Psadler@dhp.state.va.us.


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**November 10, 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 Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to modify the seven-year rule for completion of Steps 1, 2 and 3 of the USMLE examination and delete the provision permitting an applicant to take combination USMLE and FLEX examinations.


Statutory Authority: §§ 54.1-2400 and 54.1-2913 of the Code of Virginia.

**Contact:** Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.


**November 17, 2000 - 8:45 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia 


The Executive Committee will meet to consider adoption of final regulations for collaborative practice, jointly promulgated with the Board of Pharmacy. Public comment will be received immediately following adoption of the agenda.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.


**December 1, 2000 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia 

The Executive Committee will meet to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, interview applicants, and act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

**December 1, 2000 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Credentials Committee will be held in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

## Informal Conference Committee

**October 26, 2000 - 9:30 a.m.** -- Open Meeting  
Wyndham Roanoke Hotel, 2801 Hershberger Road, Roanoke, Virginia.

**November 2, 2000 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

**November 17, 2000 - 9:15 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

**December 15, 2000 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, 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 Dixson, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**October 23, 2000 - 4 p.m.** -- Open Meeting  
Douthat State Park, Route 1, Millboro, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Marlene Butler, State Board Secretary, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-7945, FAX (804) 371-2308.

## STATE MILK COMMISSION

**November 15, 2000 - 10 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

A public hearing to receive evidence and testimony relative to 2 VAC 15-20-100 6(b)(c). The commission seeks public input on a proposal made during the periodic review of its regulations. The proposal would permit promotional specials below cost selling on fluid milk products. The hearing will be conducted under the provisions of 2 VAC 15-20-125.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth Street Office Bldg., 202 N. 9th St., Room 915, Richmond, VA 23219, telephone (804) 786-2013 or (804) 786-3779, e-mail ewilson@smc.state.va.us.

**November 15, 2000 - 1 p.m.** -- Open Meeting  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

A regular meeting to consider industry issues, distributor licensing, base transfers, fiscal matters, and to review reports from staff of the agency. The commission will review and discuss public input from the hearing on 2 VAC 15-20-100 6(b)(c) to determine if any regulatory action should be commenced. Any persons requiring special accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr. at least five days prior to the meeting date so that suitable arrangements can be made.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth Street Office Bldg., 202 N. Ninth St., Room 915 Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, (804) 786-2013/TTY ☎, e-mail ewilson@smc.state.va.us.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Coal Surface Mining Reclamation Fund Advisory Board

† **October 26, 2000 - 10 a.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Room 116, Route 23 South, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss the current status and administration of the Coal Surface Mine Reclamation Fund. Public comments will not be accepted.

**Contact:** Roger L. Williams, Abandoned Mine Land Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (804) 523-8247, (800) 828-1120/TTY ☎, e-mail rlw@mme.state.va.us.

### Virginia Remining Ad Hoc Advisory Work Group

**October 25, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Room 219, Route 23 South, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to be held with the Office of Surface Mining and other agencies to discuss remining incentives. Public comment will not be received at this meeting.

**Contact:** Bradley C. Lambert, Agency Management Lead Analyst, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8286, FAX (540) 523-8163, (800) 828-1120/TTY ☎, e-mail bcl@mme.state.va.us.

## MOTOR VEHICLE DEALER BOARD

† **November 13, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Personnel Committee - 8:30 a.m.  
Dealer Practices Committee - 9 a.m.  
Franchise Law Committee - 10 a.m.  
Licensing Committee - 10:45 a.m.  
Transaction Recovery Fund Committee - 1:30 p.m.  
Advertising Committee - 2:15 p.m.  
Finance - Committee - 3 p.m.

Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.


**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104,

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## Calendar of Events


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Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

† **November 14, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the full board. Meetings may begin later, but not earlier than scheduled. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.


**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

† **November 14, 2000 - 2 p.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss electronic commerce in the automobile dealer industry as it relates to the Motor Vehicle Dealer Board, and current and future issues.

**Contact:** Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

### VIRGINIA MUSEUM OF FINE ARTS

† **November 15, 2000 - 10 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

Meetings of the following committees:

10 a.m. -- Architect Search Committee  
2nd Floor Meeting Room


11:30 a.m. -- Legislative Committee  
Main Lobby Conference Room


12:30 p.m. -- Planning Committee  
Auditorium

2 p.m. -- Education and Program Committee  
1st Floor Meeting Room

4:30 p.m. -- Exhibitions Committee  
1st Floor Meeting Room

3:15 p.m. -- Communications and Marketing Committee  
CEO Building, 2nd Floor Meeting Room

**Contact:** Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† **November 16, 2000 - 8:30 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 


Meetings of the following committees:

8:30 a.m. -- Buildings and Grounds Committee  
CEO Building, 2nd Floor Meeting Room


9:30 a.m. -- Collections Committee  
Auditorium

11 a.m. -- Finance Committee  
Main Lobby, Conference Room

**Contact:** Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† **November 16, 2000 - 12:30 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.


**Contact:** Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


### BOARD OF NURSING

**October 26, 2000 - 8:30 a.m.** -- Open Meeting


**October 31, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 1, 2, 3 or 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. 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.

**November 15, 2000 - 3 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

The board will hear comments on proposed fee changes for nurse practitioner licensure and prescriptive authority.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

**November 15, 2000 - 3 p.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia.



**December 8, 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 Nursing intends to amend regulations entitled: **18 VAC 90-30-10 et seq. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to increase application, renewal and other fees charged to applicants and regulated entities in order to cover the expenditures for the regulatory and disciplinary functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

**November 15, 2000 - 3 p.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia.

**December 8, 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 Nursing intends to amend regulations entitled: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to increase application, renewal and other fees charged to applicants and regulated entities in order to cover the expenditures for the regulatory and disciplinary functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

**November 30, 2000 - 8:30 a.m.** -- Open Meeting

**December 4, 2000 - 8:30 a.m.** -- Open Meeting

**December 5, 2000 - 8:30 a.m.** -- Open Meeting

**December 11, 2000 - 8:30 a.m.** -- Open Meeting

**December 14, 2000 8:30 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 1, 2, 3 or 4, Richmond, Virginia. ♿

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. 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.

## OLD DOMINION UNIVERSITY

**December 7, 2000 - 2:30 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

**Contact:** Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

**November 13, 2000 - 3 p.m.** -- Open Meeting

† **January 22, 2001 - 3 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

**Contact:** Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

## BOARD FOR OPTICIANS

**October 27, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

**November 17, 2000 - 9 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 discuss regulatory review. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpreter services should contact the department at 804-367-8590 or 804-367-9753/TTY 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:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

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# Calendar of Events

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## VIRGINIA OUTDOORS FOUNDATION

**December 5, 2000 - 10 a.m.** -- Open Meeting

**December 6, 2000 - 9 a.m.** -- Open Meeting

State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business of the foundation and to accept conservation easements. Public input will be accepted after the regular business meeting.

**Contact:** Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor Street, Richmond, VA 23219, telephone (804) 225-2147.

## Preservation Trust Fund Advisory Board-Region II

**November 15, 2000 - 10 a.m.** -- Open Meeting

Virginia Outdoors Foundation, 1010 Harris Street, Charlottesville, Virginia.

A meeting to review Region II Preservation Trust Fund Applications.

**Contact:** Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

## Preservation Trust Fund Advisory Board-Region V

**November 8, 2000 - 10:30 a.m.** -- Open Meeting


Lynchburg Chamber of Commerce, Conference Room, Lynchburg, Virginia.

A meeting to review Preservation Trust Fund Region V applications.

**Contact:** Sherry Buttrick, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

## BOARD OF PHARMACY

† **October 26, 2000 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A Special Conference Committee will hear informal conferences. Public comments will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.

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**November 10, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The proposed amendments provide for approval of robotic technology in hospital pharmacies through application to an informal conference committee.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

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**November 10, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-30-10 et seq. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The proposed amendments would update and clarify sections of the regulation to provide consistency with current law, current practices in pharmacy, and the board's regulations for licensed pharmacists.

Statutory Authority: §§ 54.1-2400 and 54.1-3304.1 of the Code of Virginia.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

## BOARDS OF PHARMACY AND MEDICINE

**October 27, 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 Boards of Pharmacy and Medicine intend to adopt regulations entitled: **18 VAC 110-40-10 et seq. Regulations Governing Collaborative Practice Agreements.** The boards are proposing regulations governing collaborative practice agreements, which will replace the emergency regulations currently in effect.

Statutory Authority: §§ 54.1-2400, 54.1-3303 and 54.1-3303.1 of the Code of Virginia.


**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.


## BOARD OF PHYSICAL THERAPY

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† **November 20, 2000 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Legislative/Regulatory Committee to consider issues related to the regulations and laws governing physical therapy.


**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg., 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail [etisdale@dhp.state.va.us](mailto:etisdale@dhp.state.va.us).

† **December 15, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to receive a report from the Credentials and Legislative/Regulatory Committees and to consider other board business. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg., 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail [etisdale@dhp.state.va.us](mailto:etisdale@dhp.state.va.us).

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**November 13, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulations,  
3600 West Broad Street, Conference Room 5W, Richmond,  
Virginia. 


A regular meeting.

**Contact:** Judith A. Spiller, Administrative Staff Assistant, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, e-mail [spiller@dpor.state.va.us](mailto:spiller@dpor.state.va.us).

## BOARD OF PSYCHOLOGY

† **October 26, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia.

A meeting of the Special Conference Committee to discuss possible violations of the regulations and laws governing the practice of psychology. No public comment will be received.

**Contact:** Arnice Covington, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail [acovington@dhp.state.va.us](mailto:acovington@dhp.state.va.us).

**October 27, 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 Psychology intends to amend regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to set the criteria and fees for licensure of school psychologists-limited.


Statutory Authority: § 54.1-2400 and Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.


**Contact:** Janet Delorme, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913 or FAX (804) 662-9943.

## REAL ESTATE BOARD


**October 25, 2000 - 1 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.


A general meeting of the Education Committee.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [reboard@dpor.state.va.us](mailto:reboard@dpor.state.va.us).

**October 25, 2000 - 2:30 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 


A meeting to hold fair housing training.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [reboard@dpor.state.va.us](mailto:reboard@dpor.state.va.us).

**October 26, 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, e-mail [reboard@dpor.state.va.us](mailto:reboard@dpor.state.va.us).

**October 26, 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, e-mail [reboard@dpor.state.va.us](mailto:reboard@dpor.state.va.us).


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# Calendar of Events


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## DEPARTMENT OF REHABILITATIVE SERVICES

**November 1, 2000 - 4 p.m.** -- Public Hearing  
Roanoke area; location to be determined, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


**November 8, 2000 - 4 p.m.** -- Public Hearing  
Department of Rehabilitative Services, Bristol Square Station, 307 County Street, Room 220, Portsmouth, Virginia.  (Interpreter for the deaf provided upon request)

**December 4, 2000 - 4 p.m.** -- Public Hearing  
Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

**December 7, 2000 - 4 p.m.** -- Public Hearing  
Fairfax County Government Center, Pennino Human Services Center, 2011 Government Center Parkway, Fairfax, Virginia.  (Interpreter for the deaf provided upon request)

**December 11, 2000 - 4 p.m.** -- Public Hearing  
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Department of Rehabilitative Services and the State Rehabilitation Council invite public comment for use in the development of the FY 2000-2001 State Plan for Vocational Rehabilitation and Supported Employment. This notice is for the public hearings to be held across the state during the 2000-2001 public comment period which lasts until March 9, 2001. Input to the state plan may be submitted by mail, telephone, FAX, or e-mail. Consumer input to the department's planning efforts is welcomed at any time.

**Contact:** Gloria O'Neal, Program Support Technician, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7611, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY , e-mail [onealgb@drs.state.va.us](mailto:onealgb@drs.state.va.us).

## VIRGINIA RESOURCES AUTHORITY


**† October 26, 2000 - 9 a.m.** -- Open Meeting  
Virginia Resources Authority, 707 East Main Street, 2nd Floor, Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting.


Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Benjamin Hoyle, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, e-mail [bhoyle@vra.state.va.us](mailto:bhoyle@vra.state.va.us).


## VIRGINIA RETIREMENT SYSTEM

**December 21, 2000 - 1 p.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 


A regular meeting of the Board of Trustees.


**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail [dkestner@vrs.state.va.us](mailto:dkestner@vrs.state.va.us).

**November 14, 2000 - Noon** -- Open Meeting


**December 20, 2000 - Noon** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 


A regular meeting of the Investment Advisory Committee.

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail [dkestner@vrs.state.va.us](mailto:dkestner@vrs.state.va.us).


**November 16, 2000 - 10 a.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Benefits and Actuarial Committee.

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail [dkestner@vrs.state.va.us](mailto:dkestner@vrs.state.va.us).

**November 16, 2000 - 11 a.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Audit and Compliance Committee.

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail [dkestner@vrs.state.va.us](mailto:dkestner@vrs.state.va.us).

**November 16, 2000 - Noon** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Administration and Personnel Committee.

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

## DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

† **October 25, 2000 - 10 a.m.** -- Open Meeting  
Hampton Inn, 900 West Main Street, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Developmental Disabilities Advisory Council.

**Contact:** Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail jonessm@drvd.state.va.us.

† **November 8, 2000 - 3 p.m.** -- Open Meeting  
Ninth Street Office Building, 202 North Ninth Street, 10th Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Steering Committee.

**Contact:** Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail jonessm@drvd.state.va.us.

† **November 9, 2000 - 10:30 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 North Ninth Street, 10th Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Protection and Advocacy for Individuals with Mental Illness Advisory Council, preceded by specific committee meetings including Priorities at 9 a.m., Policy at 9 a.m., and Nominating at 8:30 a.m.

**Contact:** Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail jonessm@drvd.state.va.us.

## SCIENCE MUSEUM OF VIRGINIA

† **November 2, 2000 - 3 p.m.** -- Open Meeting  
Science Museum of Virginia, 2500 W. Broad Street, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Karen Spencer, Administrative Assistant, Science Museum of Virginia, 2500 W. Broad St., Richmond, VA 23230, telephone (804) 367-6799, FAX (804) 367-8410, e-mail kspencer@smv.org.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**October 24, 2000 - 10 a.m.** -- Open Meeting  
† **November 28, 2000 - 10 a.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval and for general business of the board. Contact the authority for confirmation of meeting time.

**Contact:** Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254 or FAX (804) 225-3384.

## STATE BOARD OF SOCIAL SERVICES

**November 10, 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 40-35-10 et seq. Virginia Independence Program.** The purpose of the proposed amendment is to provide one year of supportive transitional employment and training services to VIEW (Virginia Initiative for Employment not Welfare) participants.

Statutory Authority: §§ 63.1-25 and 63.1-133.46 of the Code of Virginia.

**Contact:** Chris Raines, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1323 or FAX (804) 692-1704.

## BOARD OF SOCIAL WORK

† **November 30, 2000 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

The Special Conference Committee will hear possible violations of the regulations and statues that governing the practice of social work. No public comment will be heard.

**Contact:** Rai Minor, Administrative Assistant, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail Rminor@dhp.state.va.us.

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# Calendar of Events

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## VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **December 6, 2000 - 9 a.m.** -- Open Meeting  
Wyndham Roanoke Airport, 2801 Hershberger Road, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting. The board will meet first in joint session with the Board of Directors of the Virginia Association of Soil and Water Conservation District Directors, then move to the regular business meeting.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail [leonapp@dcr.state.va.us](mailto:leonapp@dcr.state.va.us).

† **January 18, 2001 - 9 a.m.** -- Open Meeting  
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail [leonapp@dcr.state.va.us](mailto:leonapp@dcr.state.va.us).

## GOVERNOR'S COMMISSION ON TRANSPORTATION POLICY

† **October 30, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia.

A regular meeting.

**Contact:** Dan Shoemaker, Assistant Secretary of Transportation, Governor's Commission on Transportation Policy, 1401 E. Broad St., Richmond, VA 23219 telephone (804) 786-3655, FAX (804) 786-6683.

## COMMONWEALTH TRANSPORTATION BOARD

† **November 15, 2000 - 2 p.m.** -- Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

**Contact:** Cathy M. Ghidotti, Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

† **November 16, 2000 - 10 a.m.** -- Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

**Contact:** Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

## TRANSPORTATION SAFETY BOARD

† **November 16, 2000 - 10 a.m.** -- Open Meeting  
Smart Roadway, 3500 Transportation Research Plaza, Blacksburg, 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 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026.

## BOARD OF VETERINARY MEDICINE

† **October 24, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.


A meeting to adopt proposed amendments to regulations for public participation guidelines, receive a report from the Legislative/Regulatory Committee and consider other board business. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).


† **October 25, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Informal conferences (disciplinary hearings). These are public meetings, but public comment will not be received.


**Contact:** Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [tbeh@dhp.state.va.us](mailto:tbeh@dhp.state.va.us).

**October 25, 2000 - 2 p.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 4, Richmond, Virginia. 


**November 8, 2000 - 1 p.m.** -- Public Hearing  
Virginia-Maryland Regional College of Veterinary Medicine,  
Classroom 102, Blacksburg, Virginia. 

† **November 16, 2000 - 1 p.m.** -- Public Hearing  
Thomas Nelson Community College, 99 Thomas Nelson  
Drive, Moore Hall, EFPADA Room, Hampton, Virginia. 


A meeting to receive public comment on regulations governing the practice of veterinary medicine and veterinary technology, particularly issues related to practice by unlicensed assistants, facility regulations, and educational standards.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).


## DEPARTMENT FOR THE VISUALLY HANDICAPPED

**November 18, 2000 - 1:30 p.m.** -- Open Meeting  
Holiday Inn, 1017 Millwood Pike, Winchester, Virginia.   
(Interpreter for the deaf provided upon request)


A meeting to invite comments from the public regarding vocational rehabilitation services for persons with visual disabilities. All comments will be considered in developing the state plan for this program.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail [taylorjg@dvh.state.va.us](mailto:taylorjg@dvh.state.va.us).


## Statewide Rehabilitation Council for the Blind

† **December 2, 2000 - 10 a.m.** -- Open Meeting  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail [taylorjg@dvh.state.va.us](mailto:taylorjg@dvh.state.va.us).


## VIRGINIA VOLUNTARY FORMULARY BOARD

**November 9, 2000 - 10:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor,  
Conference Room, Richmond, Virginia. 

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Monroe Bldg., 101 N 14th St., Room S-45, Richmond VA 23219, telephone (804) 786-4326.

## VIRGINIA WASTE MANAGEMENT BOARD

**October 25, 2000 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
Richmond, Virginia. 

A public meeting to receive comments on the board's intent to consider amendments to the Voluntary Remediation Program Regulation.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, e-mail [msporterfi@deq.state.va.us](mailto:msporterfi@deq.state.va.us).

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**October 27, 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 Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations.** The proposed amendments clarify and correct minor matters or improve procedural requirements, reduce regulatory burden, and reflect changes in the Virginia Waste Management Act.

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

**Contact:** Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146.

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**November 10, 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 Virginia Waste Management Board intends to adopt regulations entitled: **9 VAC 20-170-10 et seq. Transportation of Solid Medical Wastes on State Waters.** The proposed regulation sets forth guidelines for the permitting of facilities and establishes a permit-by-rule requirement for facilities receiving solid and regulated medical wastes from a ship, barge or other vessel transporting such wastes upon navigable waters of the Commonwealth and includes provisions governing the commercial transport, loading and off-loading of solid and regulated medical wastes by ship, etc. The board is requesting comments from the public on:

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# Calendar of Events

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1. The costs and benefits of the proposal;
2. Alternatives to the requirements of the proposal, including the advantages and disadvantages of the alternatives;
3. The social costs of the proposal, including a description of the types of costs (i.e., increased paperwork, duplicative reporting requirements, etc.), potential nondollar impacts of the proposal (i.e., increased volume of waste transported by trucks due to increased regulation of water transport) and the possible health and environmental consequences associated with such impacts;
4. Quantitative information, if possible, regarding incremental benefits of the proposed regulation over existing federal and state regulations and current industry practices;
5. The relationship of the proposed regulation to federal regulations regarding nonhazardous and medical waste transport, including the identification of redundancy or conflict; and
6. Whether the board should make further distinctions between solid wastes and medical wastes which are regulated under the Resource Conservation and Recovery Act and covered by this rulemaking and hazardous wastes which are covered by the Resource Conservation and Recovery Act and not addressed in this rulemaking.

Statutory Authority: §§ 10.1-1402 and 10.1-1454.1 of the Code of Virginia.

**Contact:** Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, FAX (804) 698-4327 or e-mail [dsgwinner@deq.state.va.us](mailto:dsgwinner@deq.state.va.us).

† **December 4, 2000 - 9 a.m.** -- Public Hearing  
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia

A public hearing to receive comments on proposed Regulation for Dispute Resolution, 9 VAC 20-15-10 et seq. See notice under State Air Pollution Control Board.

**Contact:** Kathleen Sands, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail [klsands@deq.state.va.us](mailto:klsands@deq.state.va.us)

## STATE WATER CONTROL BOARD

**October 25, 2000 - 7 p.m.** -- Open Meeting  
Elkton Town Hall, Elkton, Virginia.

A public meeting to receive comments on the board's intent to consider amending the wasteload allocation in segment 1-4a of the Upper South Fork Shenandoah River based on new modeling information.

**Contact:** Tom Mizell, Department of Environmental Quality, P.O. Box 1129, Harrisonburg, VA 22801, telephone (540) 574-7800, FAX (540) 574-7878, e-mail [ctmizell@deq.state.va.us](mailto:ctmizell@deq.state.va.us).

**October 31, 2000 - 9:30 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 department in the development of General VWP Permits for Activities Impacting Wetlands regulations and in amendments to 9 VAC 25-210-10 et seq., Virginia Water Protection Permit Regulation.

**Contact:** Ellen Gilinsky, Virginia Water Protection Permit Program Manager, State Water Control Board, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4375, FAX (804) 698-4032, (804) 698-4021/TTY ☎, e-mail [egilinsky@deq.state.va.us](mailto:egilinsky@deq.state.va.us).

**November 8, 2000 - 2 p.m.** -- Open Meeting  
Roanoke County Administration Center, 5204 Bernard Drive, 1st Floor Meeting Room, Roanoke, Virginia.

**November 13, 2000 - 2 p.m.** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Auditorium, Richmond, Virginia.

A public meeting to receive comments on the notice of intended regulatory action to amend the Water Quality Standards.

**Contact:** Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, toll-free (804) 698-4021, e-mail [emdaub@deq.state.va.us](mailto:emdaub@deq.state.va.us).

**November 27, 2000 - 7 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

**December 7, 2000 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Meeting Room, Roanoke, Virginia.

**December 22, 2000** - Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-110-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.** The proposed regulation will replace the general permit VAG40 which expires August 1, 2001. The regulation sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage.

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

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or FAX (804) 698-4032.



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**November 27, 2000 - 7 p.m.** -- Public Hearing  
Williamsburg Municipal Building, Williamsburg City Council,  
401 Lafayette Street, Williamsburg, Virginia.

**November 28, 2000 - 7 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional  
Office, 4949-A Cox Road, Glen Allen, Virginia.

**December 7, 2000 - 3 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive,  
Board of Supervisors Meeting Room, Roanoke, Virginia.

**December 22, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** The proposed amendments change the state's approach to assessment of dissolved oxygen water quality criteria in certain waters that are naturally low in dissolved oxygen concentration. In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal. Also, the proposed regulation states that a determination of natural water quality should be based upon an evaluation of aquatic life uses, habitat, available monitoring data, available computer modeling results or other accepted scientific principles. The board requests comments on how the board should use these parameters to make the determination of natural water quality.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail. Written comments should be signed by the commenter and include the name and address of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Opportunity for formal hearing: The board will hold a formal hearing at a time and place to be established if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning any issue of fact directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of the board's Procedural Rule No. 1 (9 VAC 25-230-130 B) and must be received by the contact person no later than November 22, 2000.

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

**Contact:** Elleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

† **December 4, 2000 - 9 a.m.** -- Public Hearing  
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia

A public hearing to receive comments on proposed Regulation for Dispute Resolution, 9 VAC 25-15-10 et seq. See notice under State Air Pollution Control Board.

**Contact:** Kathleen Sands, State Water Control Board, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail klsands@deq.state.va.us.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**November 2, 2000 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

**December 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 Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **18 VAC 160-20-10 et seq. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed amendments will implement the "Environmental Protection Agency Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice" (1999), by creating a new Class VI waterworks operator license and requiring continuing professional education for all licensed waterworks operators. In addition, the text of the regulations have been reorganized and revised for clarity and ease of use.

Statutory Authority: §§ 54.1-201 and 54.1-2301 of the Code of Virginia.

**Contact:** Joseph Kossan, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-6128 or (804) 367-9753/TTY ☎

† **December 21, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ☎

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting. This meeting was rescheduled from December 14, 2000.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.state.va.us.

## VIRGINIA WORKERS' COMPENSATION COMMISSION

**November 28, 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 Virginia Workers' Compensation Commission intends to adopt regulations entitled: **16 VAC 30-100-10 et seq. Regulations for**

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# Calendar of Events

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**Professional Employer Organizations.** The proposed regulations relate to implementation of the registration and reporting requirements imposed upon professional employer organizations by amendments to Title 65.2 at the 2000 legislative session.

Statutory Authority: §§ 65.2-201 and 65.2-803.1 of the Code of Virginia.

**Contact:** Sam Lupica, Virginia Workers' Compensation Ombudsman, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8269, FAX (804) 367-9740, toll-free 1-877-664-2566, or (804) 367-3600/TTY ☎

## LEGISLATIVE

### JOINT SUBCOMMITTEE STUDYING OVERREPRESENTATION OF AFRICAN-AMERICAN STUDENTS IN SPECIAL EDUCATION PROGRAMS

† **November 15, 2000 - 10 a.m.** -- Open Meeting

† **December 1, 2000 - 10 a.m.** -- Open Meeting

† **December 15, 2000 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Rooms C and D, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### VIRGINIA CODE COMMISSION

† **November 27, 2000 - 10 a.m.** -- Open Meeting

**December 13, 2000 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting. Public comment will be scheduled.

**Contact:** Jane D. Chaffin, Registrar of Regulations, Division of Legislative Services, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

### COMMITTEE ON CORPORATIONS, INSURANCE AND BANKING

#### Subcommittee 2

**October 30, 2000 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Frank Munyan or Maureen Stinger, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### COMMISSION ON EDUCATIONAL INFRASTRUCTURE AND TECHNOLOGY (HJR 223)

**December 5, 2000 - 2 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### JOINT SUBCOMMITTEE TO EXAMINE THE CURRENT MEANS AND ADEQUACY OF COMPENSATION TO VIRGINIA'S CITIZENS WHOSE PROPERTIES ARE TAKEN THROUGH THE EXERCISE OF EMINENT DOMAIN (SJR 37, 2000)

**October 23, 2000 - 1 p.m.** -- Open Meeting


General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations seven working days before the meeting.


**Contact:** Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## COMMISSION ON THE FUTURE OF VIRGINIA'S ENVIRONMENT


### Solid Waste Subcommittee

† **October 24, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 3rd Floor East, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 


### HOUSE COMMITTEE ON FINANCE

**November 13, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Joan Putney or David Rosenberg, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 


### VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

**November 29, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A general meeting.

**Contact:** Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail [meverett@leg.state.va.us](mailto:meverett@leg.state.va.us).


### HOUSE COMMITTEE ON GENERAL LAWS

**November 14, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Questions regarding the meeting should be addressed to Maria Everett, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 


### SENATE COMMITTEE ON GENERAL LAWS

**December 6, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to consider legislation continued to the 2001 Session of the General Assembly.

**Contact:** John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

### JOINT SUBCOMMITTEE STUDYING COMMERCIAL PROMOTIONAL ACTIVITIES IN HIGH SCHOOLS (HJR 239)

**October 30, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

### COMMISSION ON PUBLIC-PRIVATE PARTNERSHIPS FOR THE OPERATION OF NONSTATE MUSEUMS AND OTHER EDUCATIONAL AND CULTURAL ENTITIES (HJR 285)

**October 30, 2000 - 2 p.m.** -- Open Meeting  
State Capitol, Capitol Square, House Room 2, Richmond, Virginia.

A regular meeting. Questions regarding the retreat or the agenda should be directed to Kathleen Harris or Mark Vucci, Division of Legislative Services, (804) 786-3591.

**Contact:** Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

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# Calendar of Events

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## JOINT SUBCOMMITTEE TO STUDY CREATION OF A NORTHERN VIRGINIA REGIONAL TRANSPORTATION AUTHORITY (SJR 121, 2000)

**November 8, 2000 - 9:30 a.m.** -- Open Meeting  
**December 13, 2000 - 9:30 a.m.** -- Open Meeting  
Northern Virginia Planning District Commission Headquarters,  
7535 Little River Turnpike, Suite 100, Annandale, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Senate Committee Operations. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

## JOINT SUBCOMMITTEE STUDYING SATELLITE CHIP MILLS (HJR 730)

NOTE: CHANGE IN MEETING DATE  
**December 6, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting. Questions regarding the retreat or the agenda should be directed to Marty Farber, Division of Legislative Services, (804) 786-3591. The meeting scheduled for December 14, 2000, has been canceled.

**Contact:** Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

## COMMISSION ON VIRGINIA'S STATE AND LOCAL TAX STRUCTURE FOR THE 21ST CENTURY

**October 31, 2000 - 9 a.m.** -- Open Meeting  
**† November 28, 2000 - 9 a.m.** -- Open Meeting  
University of Virginia, Newcomb Hall, South Meeting Room, Charlottesville, Virginia.

A regular meeting of the commission devoted to the discussion and consideration of issues concerning the adequacy of Virginia's state and local tax structure to address the needs of the Commonwealth in the 21st Century.

**Contact:** Leisa Steele, Executive Assistant, Weldon Cooper Center for Public Service, 700 E. Franklin St., Suite 700, Richmond, VA 23219-2318, telephone (804) 786-4273, FAX (804) 371-0234, e-mail leisasteele@erols.com.

## JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

### Advisory Committee 5 (UCITA)

**November 9, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please refer to the commission's website for details (<http://jcots.state.va.us>).

**Contact:** John Jung, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

### Advisory Committee 6 (Criminal Law)

**November 16, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please refer to the commission's website for details (<http://jcots.state.va.us>).

**Contact:** John S. Jung, Staff Attorney, Joint Commission on Technology and Science, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### October 23

Conservation and Recreation, Board of  
Conservation and Recreation, Department of  
- Virginia Outdoor Planning District Commission 13  
Eminent Domain, Joint Subcommittee to Examine the  
Current Means and Adequacy of Compensation to  
Virginia's Citizens Whose Properties are Taken  
Through the Exercise of  
Mental Health, Mental Retardation and Substance Abuse  
Services Board, State

#### October 24

Compensation Board  
Conservation and Recreation, Department of  
- Virginia Outdoor Planning District Commission 12  
† Environment, Commission on the Future of Virginia's  
- Solid Waste Subcommittee  
† Marine Resources Commission  
Small Business Financing Authority, Virginia  
† Veterinary Medicine, Board of

**October 25**

At-Risk Youth and Families, Comprehensive Services for  
- State Executive Council  
Emergency Planning Committee, Local - Gloucester  
Mines, Minerals and Energy, Department of  
- Virginia Remining Ad Hoc Advisory Work Group  
Real Estate Board  
- Education Committee  
† Rights of Virginians with Disabilities, Department for  
Waste Management Board, Virginia  
Water Control Board, State

**October 26**

Health, State Board of  
- Biosolids Use Information Committee  
- Biosolids Use Regulations Advisory Committee  
Medicine, Board of  
- Informal Conference Committee  
† Mines, Minerals and Energy, Department of  
- Coal Surface Mining Reclamation Fund Advisory  
Board  
Nursing, Board of  
- Special Conference Committee  
† Pharmacy, Board of  
- Special Conference Committee  
† Psychology, Board of  
- Special Conference Committee  
Real Estate Board  
- Fair Housing Committee  
† Resources Authority, Virginia  
- Board of Directors

**October 27**

Dentistry, Board of  
- Informal Conference Committee  
† Environmental Quality, Department of  
Opticians, Board for

**October 30**

Barbers and Cosmetology, Board for  
Chesapeake Bay Local Assistance Board  
- Northern Area Review Committee  
- Southern Area Review Committee  
Corporations, Insurance and Banking, Committee on  
- Subcommittee 2  
High Schools, Joint Subcommittee Studying Commercial  
Promotional Activities in  
Nonstate Museums and other Educational and Cultural  
Entities, Commission on Public-Private Partnerships for  
the Operation of  
† Transportation Policy, Governor's Commission on

**October 31**

Nursing, Board of  
- Special Conference Committee  
Tax Structure for the 21st Century, Commission on  
Virginia's State and Local  
Water Control Board, State

**November 1**

† Agriculture and Consumer Services, Department of  
- Consumer Affairs Advisory Committee  
- Virginia Winegrowers Advisory Board

**November 2**

Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
Health, State Board of  
Jamestown-Yorktown Foundation  
- Board of Trustees  
Medicine, Board of  
- Informal Conference Committee  
† Science Museum of Virginia  
† Waterworks and Wastewater Works Operators, Board  
for

**November 3**

† Dentistry, Board of  
† General Services, Department of  
- Art and Architectural Review Board  
Jamestown-Yorktown Foundation  
- Board of Trustees

**November 6**

Education, Board of  
Environmental Quality, Department of  
- Virginia Environmental Education Advisory  
Committee

**November 7**

Hopewell Industrial Safety Council

**November 8**

Air Pollution Control Board  
† Asbestos and Lead, Virginia Board for  
† Counseling, Board of  
- Credentials Committee  
- Joint Regulatory and Supervision Committee  
† Medicine, Board of  
Northern Virginia Regional Transportation Authority, Joint  
Subcommittee to Study Creation of a  
Outdoors Foundation, Virginia  
- Preservation Trust Fund Advisory Board - Region V  
† Rights of Virginian's with Disabilities, Department for  
Water Control Board, State

**November 9**

† Agriculture and Consumer Services, Department of  
- Virginia Charity Food Assistance Advisory Board  
- Virginia Farmers Market Board  
Air Pollution Control Board, State  
† Audiology and Speech-Language Pathology, Board of  
† Counseling, Board of  
- Executive Committee  
Education, Board of  
† Rights of Virginian's with Disabilities, Department for  
- PAIMI  
Technology and Science, Joint Commission on  
- Advisory Committee 5 (UCITA)  
Voluntary Formulary Board, Virginia  
Water Control Board, State

**November 13**

Finance, House Committee on  
Library Board  
- Archival and Information Services Committee  
- Collection Management Services Committee  
- Legislative and Finance Committee

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# Calendar of Events

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- Public Library Development Committee
- Publications and Educational Services Committee
- Records Management Committee
- † Local Government, Commission on
- † Motor Vehicle Dealer Board
- Old Dominion University
  - Board of Visitors' Executive Committee
- Professional and Occupational Regulation, Board for
- Water Control Board, State

## November 14

- Air Pollution Control Board, State
- † Conservation and Recreation, Department of
  - Virginia Land Conservation Foundation
- Environmental Quality, Department of
- General Laws, House Committee on
- † Motor Vehicle Dealer Board
- Retirement System, Virginia
  - Investment Advisory Committee

## November 15

- Accountancy, Board of
- † African-American Students in Special Education Programs, Joint Subcommittee Studying Overrepresentation of
- † Community Colleges, State Board for
- † Health Professions, Board of
- † Museum of Fine Arts, Virginia
  - Architect Search Committee
  - Communications and Marketing Committee
  - Education and Programs Committee
  - Exhibitions Committee
  - Legislative Committee
  - Planning Committee
- Milk Commission, Virginia
- Nursing, Board of
- Outdoors Foundation, Virginia
  - Preservation Trust Fund Advisory Board - Region II
- † Transportation Board, Commonwealth

## November 16

- † Community Colleges, State Board for
- † Museum of Fine Arts, Virginia
  - Buildings and Grounds Committee
  - Collections Committee
  - Finance Committee
- Retirement System, Virginia
  - Administration and Personnel Committee
  - Audit and Compliance Committee
  - Benefits and Actuarial Committee
- Technology and Science, Joint Commission on
  - Advisory Committee 6 (Criminal Law)
- † Transportation Board, Commonwealth
- † Transportation Safety Board

## November 17

- † Dentistry, Board of
- Medicine, Board of
  - Executive Committee
  - Informal Conference Committee
- Opticians, Board for

## November 18

- Human Rights, Council on

Visually Handicapped, Department for the

## November 20

- Education, Board of
  - Advisory Board of Teacher Education and Licensure
- † Physical Therapy, Board of
  - Legislative/ Regulatory Committee

## November 21

Higher Education for Virginia, State Council of

## November 27

- † Code Commission, Virginia

## November 28

- † Compensation Board
- † Small Business Financing Authority, Virginia
- † Tax Structure for the 21st Century, Virginia's State and Local

## November 29

- † Air Pollution Control Board
- At-Risk Youth and Families, Comprehensive Services for
  - State Executive Council
- † Environmental Quality, Department of
- Freedom of Information Advisory Council, Virginia
- † Funeral Directors and Embalmers, Board of
  - Legislative Committee

## November 30

- Education, Board of
- Nursing, Board of
  - Special Conference Committee
- † Social Work, Board of
  - Special Conference Committee

## December 1

- † African-American Students in Special Education Programs, Joint Subcommittee Studying Overrepresentation of
- † General Services, Department of
  - Art and Architectural Review Board
- Medicine, Board of
  - Credentials Committee
  - Executive Committee

## December 2

- † Visually Handicapped, Department for the
  - Statewide Rehabilitation Council for the Blind

## December 4

- Nursing, Board of
  - Special Conference Committee

## December 5

- Educational Infrastructure and Technology, Commission on
- Hopewell Industrial Safety Council
- Nursing, Board of
  - Special Conference Committee
- Outdoors Foundation, Virginia
  - Board of Trustees

**December 6**

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
- Certified Interior Designer Section  
† Funeral Directors and Embalmers, Board of  
General Laws, Senate Committee on  
† Human Resource Management, Department of  
Outdoors Foundation, Virginia  
- Board of Trustees  
Satellite Chip Mills, Joint Subcommittee Studying  
† Soil and Water Conservation Board, Virginia

**December 7**

Old Dominion University  
- Board of Visitors

**December 8**

Environmental Quality, Department of  
- Virginia Environmental Education Advisory  
Committee

**December 9**

Environmental Quality, Department of  
- Virginia Environmental Education Advisory  
Committee

**December 11**

Nursing, Board of  
- Special Conference Committee

**December 13**

Code Commission, Virginia  
Northern Virginia Regional Transportation Authority, Joint  
Subcommittee to Study Creation of a

**December 14**

Nursing, Board of  
- Special Conference Committee

**December 15**

† African-American Students in Special Education  
Programs, Joint Subcommittee Studying  
Overrepresentation of  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Medicine, Board of  
- Informal Conference Committee  
† Physical Therapy, Board of

**December 20**

Retirement System, Virginia  
- Investment Advisory Committee

**December 21**

Retirement System, Virginia  
- Board of Trustees  
† Waterworks and Wastewater Works Operators, Board  
for

**January 18, 2001**

† Soil and Water Conservation Board, Virginia

**January 22**

† Old Dominion University

- Executive Committee

**PUBLIC HEARINGS****October 25**

Veterinary Medicine, Board of

**October 26**

Game and Inland Fisheries, Department of

**October 31**

Alcoholic Beverage Control Board

**November 1**

Rehabilitative Services, Department of

**November 2**

Waterworks and Wastewater Works Operators, Board for

**November 7**

Chesapeake Bay Local Assistance Board

**November 8**

Rehabilitative Services, Department of  
Veterinary Medicine, Board of

**November 9**

† Audiology and Speech-Language Pathology, Board of

**November 14**

Chesapeake Bay Local Assistance Board

**November 15**

Milk Commission, State  
Nursing, Board of

**November 16**

Chesapeake Bay Local Assistance Board  
† Veterinary Medicine, Board of

**November 21**

Chesapeake Bay Local Assistance Board

**November 27**

† Water Control Board, State

**November 28**

† Water Control Board, State

**December 4**

† Air Pollution Control Board, State  
Rehabilitative Services, Department of  
† Waste Management Board, Virginia  
† Water Control Board, State

**December 7**

Rehabilitative Services, Department of  
† Water Control Board, State

**December 11**

Rehabilitative Services, Department of

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