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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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 21, dated July 2, 2001). 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
Title 1. Administration			
1 VAC 17-20-10	Amended	17:24 VA.R. 3556	9/12/01
1 VAC 17-20-40	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-70	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-110	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-180	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-210	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-250	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-270	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-280	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-310	Amended	17:24 VA.R. 3558	9/12/01
Title 4. Conservation and Natural Resources			
4 VAC 20-70-120	Amended	18:5 VA.R. 726	12/1/01
4 VAC 20-380-20	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-398-10 through 4 VAC 20-398-90	Added	18:6 VA.R. 875-877	11/1/01
4 VAC 20-510-20	Amended	18:5 VA.R. 726	1/1/02
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
4 VAC 20-610-40	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-610-60	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-620-10 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-10 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-30	Amended	18:8 VA.R. 1104	12/1/01
4 VAC 20-620-40 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-40	Amended	18:8 VA.R. 1105	12/1/01
4 VAC 20-620-40 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-40	Amended	18:12 VA.R. 1646	1/31/02
4 VAC 20-670-20	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-30	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-40	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-720-20	Amended	18:3 VA.R. 354	10/1/01
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	18:3 VA.R. 354-357	10/1/01
4 VAC 20-720-40	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-720-46 emer	Added	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-720-47 emer	Added	18:12 VA.R. 1697	2/1/02-2/28/02
4 VAC 20-720-50	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
4 VAC 20-910-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45 emer	Amended	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-950-45	Amended	18:12 VA.R. 1647	1/31/02
4 VAC 20-970-30	Amended	18:5 VA.R. 727	1/1/02
4 VAC 25-30 (Forms)	Amended	18:8 VA.R. 1130	--

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
4 VAC 25-130 (Forms)	Amended	18:8 VA.R. 1130	--
Title 5. Corporations			
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
Title 6. Criminal Justice and Corrections			
6 VAC 20-60-10 through 6 VAC 20-60-90	Amended	18:11 VA.R. 1397-1400	1/1/03
6 VAC 20-60-25	Added	18:11 VA.R. 1398	1/1/03
6 VAC 20-60-100	Added	18:11 VA.R. 1400	1/1/03
Title 8. Education			
8 VAC 20-21-10	Amended	18:9 VA.R. 1191	2/14/02
8 VAC 20-21-10	Amended	18:12 VA.R. 1648	3/28/02
8 VAC 20-21-40	Amended	18:12 VA.R. 1649	3/28/02
8 VAC 20-21-50	Amended	18:9 VA.R. 1192	2/14/02
8 VAC 20-21-50	Amended	18:12 VA.R. 1650	3/28/02
8 VAC 20-21-80	Amended	18:9 VA.R. 1193	2/14/02
8 VAC 20-21-90	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-100	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-120	Amended	18:12 VA.R. 1652	3/28/02
8 VAC 20-21-170	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-590	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-660	Amended	18:12 VA.R. 1655	3/28/02
8 VAC 20-21-680	Amended	18:12 VA.R. 1656	3/28/02
8 VAC 20-80-30	Amended	18:12 VA.R. 1657	3/27/02
8 VAC 20-80-40	Amended	18:12 VA.R. 1660	3/27/02
8 VAC 20-80-54	Amended	18:12 VA.R. 1661	3/27/02
8 VAC 20-80-56	Amended	18:12 VA.R. 1664	3/27/02
8 VAC 20-80-60	Amended	18:12 VA.R. 1666	3/27/02
8 VAC 20-80-66	Amended	18:12 VA.R. 1668	3/27/02
8 VAC 20-80-70	Amended	18:12 VA.R. 1671	3/27/02
8 VAC 20-80-76	Amended	18:12 VA.R. 1676	3/27/02
8 VAC 20-120-10 through 8 VAC 20-120-50	Amended	18:8 VA.R. 1106-1108	1/31/02
8 VAC 20-120-60	Repealed	18:8 VA.R. 1108	1/31/02
8 VAC 20-120-70 through 8 VAC 20-120-160	Amended	18:8 VA.R. 1109-1111	1/31/02
8 VAC 20-120-170	Added	18:8 VA.R. 1111	1/31/02
8 VAC 20-160-10	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-30	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-40	Amended	18:5 VA.R. 729	12/19/01
8 VAC 20-630-10 through 8 VAC 20-630-70	Added	18:12 VA.R. 1683-1684	3/28/02
Title 9. Environment			
9 VAC 5-10-20	Amended	18:7 VA.R. 998	2/1/02
9 VAC 5-20-21	Amended	18:7 VA.R. 1004	2/1/02
9 VAC 5-40-240	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-250	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-310	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-311	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-460	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-890	Amended	18:4 VA.R. 588	1/1/02
9 VAC 5-40-2930	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5210	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5230	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8130	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8150	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-400	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-410	Amended	18:7 VA.R. 1007	2/1/02
9 VAC 5-50-420	Amended	18:7 VA.R. 1011	2/1/02
9 VAC 5-60-60	Amended	18:7 VA.R. 1012	2/1/02

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9 VAC 5-60-80	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-90	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-100	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-110	Amended	18:7 VA.R. 1016	2/1/02
9 VAC 5-80-10	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-370	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-390	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-1710	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-2010	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 10-20-30 through 9 VAC 10-20-100	Amended	18:9 VA.R. 1196-1200	3/1/02
9 VAC 10-20-40	Erratum	18:13 VA.R. 1763	--
9 VAC 10-20-105	Added	18:9 VA.R. 1200	3/1/02
9 VAC 10-20-110 through 9 VAC 10-20-130	Amended	18:9 VA.R. 1200-1207	3/1/02
9 VAC 10-20-130	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-140	Repealed	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-150	Amended	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-160	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-170	Amended	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-171	Added	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-180	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-181	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-181	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-190	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-191	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-191	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-200 through 9 VAC 10-20-210	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-211	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-215	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-220	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-221	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-225	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-230	Repealed	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-231	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-250	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-260	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-270	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-280	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 20-60	Erratum	18:12 VA.R. 1714	--
9 VAC 20-60-14	Amended	18:11 VA.R. 1403	3/13/02
9 VAC 20-60-17	Amended	18:11 VA.R. 1404	3/13/02
9 VAC 20-60-18	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-60-18	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-20	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-30	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-50	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-60	Repealed	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-70	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-80	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-124	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-260	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-261	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-261	Amended	18:11 VA.R. 1422	3/13/02
9 VAC 20-60-262	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-264	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-265	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-266	Amended	18:11 VA.R. 1409	3/13/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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9 VAC 20-60-270	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-273	Amended	18:11 VA.R. 1412	3/13/02
9 VAC 20-60-315	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-355	Added	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-430	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-440	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-450	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-480	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-490	Amended	18:11 VA.R. 1414	3/13/02
Appendix 7.1	Repealed	18:11 VA.R. 1416	3/13/02
Part XI (9 VAC 20-60-960 through 9 VAC 20-60-1250, including Appendix 11.2)	Repealed	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1260	Amended	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1270	Amended	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1280	Amended	18:11 VA.R. 1418	3/13/02
Appendix 12.1	Repealed	18:11 VA.R. 1418	3/13/02
9 VAC 20-60-1285	Added	18:11 VA.R. 1418	3/13/02
9 VAC 20-60-1370	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1380	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1390	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1410	Amended	18:11 VA.R. 1420	3/13/02
9 VAC 20-60-1420	Amended	18:11 VA.R. 1420	3/13/02
9 VAC 20-60-1430	Amended	18:11 VA.R. 1421	3/13/02
9 VAC 20-60-1435	Added	18:11 VA.R. 1421	3/13/02
9 VAC 20-60-1505	Amended	18:11 VA.R. 1421	3/13/02
9 VAC 20-70 Appendices I through VI	Repealed	18:3 VA.R. 377-388	11/21/01
9 VAC 20-70-10	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70-41	Repealed	18:3 VA.R. 361	11/21/01
9 VAC 20-70-50 through 9 VAC 20-70-75	Amended	18:3 VA.R. 362-363	11/21/01
9 VAC 20-70-81	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-90	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-111	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-112	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-113	Amended	18:3 VA.R. 365	11/21/01
9 VAC 20-70-150 through 9 VAC 20-70-230	Amended	18:3 VA.R. 366-376	11/21/01
9 VAC 20-70-240	Repealed	18:3 VA.R. 376	11/21/01
9 VAC 20-70-250	Amended	18:3 VA.R. 376	11/21/01
9 VAC 20-70-260	Amended	18:3 VA.R. 377	11/21/01
9 VAC 20-70-280	Repealed	18:3 VA.R. 377	11/21/01
9 VAC 20-70-290	Added	18:3 VA.R. 377	11/21/01
9 VAC 20-130 (Forms)	Added	17:26 VA.R. 3758-3759	--
9 VAC 20-130 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 20-190-10 through 9 VAC 20-190-80	Added	18:3 VA.R. 389-390	11/21/01
9 VAC 25-31-10	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-30	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-40	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-100	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-120	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-121	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-150	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-190	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-220	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-230	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-340	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-470	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-500	Amended	18:9 VA.R. 1213	2/15/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-750	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-770 through 9 VAC 25-31-810	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-840	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-900	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 25-210-80	Erratum	17:24 VA.R. 3604	--
9 VAC 25-430-20	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-30	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-60	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-650-10 through 9 VAC 25-650-200	Added	18:4 VA.R. 590-604	12/5/01
9 VAC 25-650-50	Erratum	18:7 VA.R. 1064	--
9 VAC 25-660-10 through 9 VAC 25-660-100	Added	17:22 VA.R. 3316-3327	10/1/01
9 VAC 25-670-10 through 9 VAC 25-670-100	Added	17:22 VA.R. 3328-3344	10/1/01
9 VAC 25-680-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-50	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-100	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-40	Erratum	17:24 VA.R. 3604	--
Title 10. Finance and Financial Institutions			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01
10 VAC 5-20-40	Added	18:9 VA.R. 1214	12/20/01
10 VAC 5-40-30	Added	18:8 VA.R. 1111	12/15/01
Title 12. Health			
12 VAC 5-65	Repealed	18:12 VA.R. 1685	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Added	18:12 VA.R. 1685-1688	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Erratum	18:13 VA.R. 1764	--
12 VAC 5-90-80	Amended	18:9 VA.R. 1214	12/18/01
12 VAC 5-218-10 through 12 VAC 5-218-90 emer	Added	18:4 VA.R. 634-637	11/1/01-10/31/02
12 VAC 5-371-40	Amended	18:10 VA.R. 1305	2/28/02
12 VAC 5-408-10 through 12 VAC 5-408-360	Amended	18:8 VA.R. 1112-1120	1/30/02
12 VAC 5-410-70	Amended	18:10 VA.R. 1305	2/28/02
12 VAC 5-420	Repealed	18:10 VA.R. 1305	3/1/02
12 VAC 5-421-10 through 12 VAC 5-421-4070	Added	18:10 VA.R. 1305	3/1/02
12 VAC 5-430	Repealed	18:10 VA.R. 1306	3/1/02
12 VAC 5-431-10 through 12 VAC 5-431-480	Added	18:10 VA.R. 1306-1309	3/1/02
12 VAC 5-475-10 through 12 VAC 5-475-90	Added	18:12 VA.R. 1691	3/27/02
12 VAC 5-581-10 through 12 VAC 5-581-1070	Added	18:10 VA.R. 1309	2/27/02
12 VAC 30-10-631	Added	18:7 VA.R. 1016	1/16/02
12 VAC 30-10-640	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-30-10	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-40-220	Amended	18:7 VA.R. 1020	1/16/02
12 VAC 30-50-20	Amended	18:7 VA.R. 1022	1/16/02
12 VAC 30-50-30	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-60	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-70	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-100	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-100	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-105	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-105	Amended	18:7 VA.R. 1025	1/16/02
12 VAC 30-50-140	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-140	Amended	18:7 VA.R. 1027	1/16/02
12 VAC 30-50-160	Amended	18:10 VA.R. 1311	2/27/02
12 VAC 30-50-165	Added	18:10 VA.R. 1313	2/27/02
12 VAC 30-50-210	Amended	18:4 VA.R. 605	12/5/01
12 VAC 30-50-229.1	Amended	18:7 VA.R. 1028	1/16/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-260	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-60-21	Added	18:6 VA.R. 883	1/2/02
12 VAC 30-60-70	Amended	18:10 VA.R. 1315	2/27/02
12 VAC 30-60-75	Added	18:10 VA.R. 1317	2/27/02
12 VAC 30-60-170	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-70-120	Repealed	18:6 VA.R. 883	1/2/02
12 VAC 30-70-201	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-420	Amended	18:6 VA.R. 883	1/2/02
12 VAC 30-70-420	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-435	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-120-10 emer	Amended	18:12 VA.R. 1698	2/1/02-1/31/03
12 VAC 30-120-40 emer	Amended	18:12 VA.R. 1699	2/1/02-1/31/03
12 VAC 30-120-50 emer	Amended	18:12 VA.R. 1701	2/1/02-1/31/03
12 VAC 30-120-55 emer	Added	18:12 VA.R. 1702	2/1/02-1/31/03
12 VAC 30-120-60 emer	Amended	18:12 VA.R. 1704	2/1/02-1/31/03
12 VAC 30-120-210 emer	Amended	18:5 VA.R. 743	10/17/01-10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-215 emer	Added	18:5 VA.R. 745-751	10/17/01-10/16/02
12 VAC 30-120-220 emer	Amended	18:5 VA.R. 752	10/17/01-10/16/02
12 VAC 30-120-230 emer	Amended	18:5 VA.R. 755	10/17/01-10/16/02
12 VAC 30-120-240 emer	Amended	18:5 VA.R. 758	10/17/01-10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249 emer	Added	18:5 VA.R. 760-771	10/17/01-10/16/02
12 VAC 30-120-250 emer	Amended	18:5 VA.R. 771	10/17/01-10/16/02
12 VAC 30-120-251 through 12 VAC 30-120-255 emer	Added	18:5 VA.R. 772-777	10/17/01-10/16/02
12 VAC 30-120-258 emer	Added	18:5 VA.R. 777	10/17/01-10/16/02
12 VAC 30-120-259 emer	Added	18:5 VA.R. 778	10/17/01-10/16/02
12 VAC 30-120-360 emer	Amended	18:8 VA.R. 1123	12/1/01-11/30/02
12 VAC 30-120-370 emer	Amended	18:8 VA.R. 1124	12/1/01-11/30/02
12 VAC 30-120-380 emer	Amended	18:8 VA.R. 1126	12/1/01-11/30/02
12 VAC 30-120-385 emer	Repealed	18:8 VA.R. 1127	12/1/01-11/30/02
12 VAC 30-120-390 through 420 emer	Amended	18:8 VA.R. 1127-1129	12/1/01-11/30/02
12 VAC 30-130-20	Amended	18:10 VA.R. 1318	2/27/02
12 VAC 30-141-10 et seq. emer	Added	17:25 VA.R. 3660-3670	8/1/01-7/31/02
12 VAC 30-141-100 emer	Amended	17:26 VA.R. 3757	8/22/01-7/31/02
12 VAC 35-20	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-110	Repealed	18:3 VA.R. 391	11/21/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	18:3 VA.R. 392-414	11/21/01
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-250	Erratum	18:6 VA.R. 911	--
12 VAC 35-120	Repealed	18:3 VA.R. 414	11/21/01
12 VAC 35-130	Repealed	18:3 VA.R. 415	11/21/01
12 VAC 35-140	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-150	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-160	Repealed	18:12 VA.R. 1691	3/27/02
Title 13. Housing			
13 VAC 5-175-10	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-20	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-30	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-40	Amended	18:7 VA.R. 1034	1/1/02
13 VAC 10-40-30	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-110	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-130	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-190	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-230	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-180-10	Amended	18:10 VA.R. 1318	1/9/02
13 VAC 10-180-50	Amended	18:10 VA.R. 1319	1/9/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 10-180-60	Amended	18:10 VA.R. 1319	1/9/02
13 VAC 10-180-100	Amended	18:10 VA.R. 1328	1/9/02
Title 14. Insurance			
14 VAC 5-170-20	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-30	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-70	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-90	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-105	Amended	17:24 VA.R. 3562	9/1/01
14 VAC 5-170-120	Amended	17:24 VA.R. 3563	9/1/01
14 VAC 5-170-130	Amended	17:24 VA.R. 3565	9/1/01
14 VAC 5-170-150	Amended	17:24 VA.R. 3566	9/1/01
14 VAC 5-170-180	Amended	17:24 VA.R. 3566	9/1/01
Appendix D	Added	17:24 VA.R. 3566	9/1/01
14 VAC 5-200-20 through 14 VAC 5-200-40	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-70	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-75	Added	18:6 VA.R. 885	2/1/02
14 VAC 5-200-80	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-160	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-175	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-210-70	Amended	18:7 VA.R. 1035	12/1/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-330-10	Repealed	18:3 VA.R. 415	12/31/01
14 VAC 5-390-20	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-30	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-40	Amended	18:12 VA.R. 1692	2/1/02
Title 15. Judicial			
15 VAC 10-10	Amended	18:8 VA.R. 1120	12/3/01
Title 16. Labor and Employment			
16 VAC 25-60-50	Repealed	18:5 VA.R. 729	12/31/01
16 VAC 25-60-60	Repealed	18:5 VA.R. 730	12/31/01
16 VAC 25-60-70	Repealed	18:5 VA.R. 731	12/31/01
16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (a)&(b)	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.10 (c)	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.11	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.12	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.30 through 1904.46	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01
16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.760 (d) & (e)	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.761	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.500	Amended	18:5 VA.R. 732	1/18/02
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-10	Amended	18:7 VA.R. 1036	1/16/02
18 VAC 5-21-20	Amended	18:7 VA.R. 1035	1/1/02
18 VAC 5-21-30 through 18 VAC 5-21-70	Amended	18:7 VA.R. 1038-1042	1/16/02
18 VAC 5-21-90	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-120	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-170	Amended	18:7 VA.R. 1043	1/16/02
18 VAC 10-20-10	Amended	18:7 VA.R. 1045	3/1/02
18 VAC 10-20-15	Added	18:7 VA.R. 1046	3/1/02

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18 VAC 10-20-20	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-30	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-40	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-55	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-75	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-100	Repealed	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-110 through 18 VAC 10-20-170	Amended	18:7 VA.R. 1046-1049	3/1/02
18 VAC 10-20-180	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-190 through 18 VAC 18 VAC 10-20-220	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-240	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-250	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-260	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-270	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Erratum	18:10 VA.R. 1342	--
18 VAC 10-20-290	Repealed	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-295	Added	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-300	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-310	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-320	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-340 through 18 VAC 10-20-380	Amended	18:7 VA.R. 1050-1052	3/1/02
18 VAC 10-20-370	Erratum	18:10 VA.R. 1342	--
18 VAC 10-20-400	Amended	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-410	Repealed	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-420 through 18 VAC 10-20-450	Amended	18:7 VA.R. 1052-1053	3/1/02
18 VAC 10-20-480	Repealed	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-490	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-505	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-530 through 18 VAC 10-20-570	Amended	18:7 VA.R. 1053-1054	3/1/02
18 VAC 10-20-590 through 18 VAC 10-20-620	Amended	18:7 VA.R. 1054-1055	3/1/02
18 VAC 10-20-640	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-650	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-660	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-680	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-720	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-740	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-750	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-760	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-780	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 15-20	Erratum	18:7 VA.R. 1064	--
18 VAC 15-20-10	Amended	18:6 VA.R. 887	1/2/02
18 VAC 15-20-20	Amended	18:6 VA.R. 888	1/2/02
18 VAC 15-20-21	Added	18:6 VA.R. 890	1/2/02
18 VAC 15-20-30 through 18 VAC 15-20-90	Amended	18:6 VA.R. 890-893	1/2/02
18 VAC 15-20-100	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-101	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-110	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-120 through 18 VAC 15-20-140	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-150	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-160 through 18 VAC 15-20-240	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-250	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-251	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-260	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-270	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-271	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-280	Repealed	18:6 VA.R. 894	1/2/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 15-20-290	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-291	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-300 through 18 VAC 15-20-320	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-330	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-331	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-332	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-340 through 18 VAC 15-20-360	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-361	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-370 through 18 VAC 15-20-390	Repealed	18:6 VA.R. 895	1/2/02
18 VAC 15-20-400 through 18 VAC 15-20-450	Amended	18:6 VA.R. 895	1/2/02
18 VAC 15-20-451 through 18 VAC 15-20-455	Added	18:6 VA.R. 895-896	1/2/02
18 VAC 15-20-455.1	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-456 through 18 VAC 15-20-459	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-459.1 through 18 VAC 15-20-459.15	Added	18:6 VA.R. 896-897	1/2/02
18 VAC 15-20-460 through 18 VAC 15-20-500	Amended	18:6 VA.R. 897-899	1/2/02
18 VAC 15-20-510	Repealed	18:6 VA.R. 899	1/2/02
18 VAC 15-20-511	Added	18:6 VA.R. 899	1/2/02
18 VAC 15-20-520 through 18 VAC 15-20-610	Amended	18:6 VA.R. 899-900	1/2/02
18 VAC 15-20-620 through 18 VAC 15-20-690	Repealed	18:6 VA.R. 900	1/2/02
18 VAC 15-20-700 through 18 VAC 15-20-880	Amended	18:6 VA.R. 900-907	1/2/02
18 VAC 15-20-890 through 18 VAC 15-20-960	Repealed	18:6 VA.R. 908	1/2/02
18 VAC 25-21-10 through 18 VAC 25-21-70	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-90	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-110	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-180	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-200	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-210	Added	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-220	Added	18:7 VA.R. 1059	2/1/02
18 VAC 50-30-10	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-20	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-40	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-90	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-90	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-200	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 60-10-10 through 18 VAC 60-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-20-10 emer	Amended	18:5 VA.R. 780	12/1/01-10/30/02
18 VAC 60-20-250 through 18 VAC 60-20-330 emer	Added	18:5 VA.R. 780-782	12/1/01-10/30/02
18 VAC 75-10-10	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-20	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-30	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-40	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-60	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-70	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-80	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-100	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 85-20-131	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-110-100	Amended	18:4 VA.R. 607	12/5/01
18 VAC 90-20-36	Added	18:7 VA.R. 1059	1/16/02
18 VAC 95-10-10 through 18 VAC 95-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-60	Amended	17:24 VA.R. 3566	9/12/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-10 through 18 VAC 105-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 110-20-20	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-270	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-280	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-285	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 110-20-430	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 112-10-10 through 18 VAC 112-10-120	Added	18:5 VA.R. 733	12/19/01
18 VAC 112-20-10	Amended	17:25 VA.R. 3657	9/12/01
18 VAC 112-20-10 emer	Amended	18:3 VA.R. 429	11/1/01-10/31/02
18 VAC 112-20-90	Amended	17:25 VA.R. 3658	9/12/01
18 VAC 112-20-130 emer	Amended	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-131 emer	Added	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-135 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-135	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-136 emer	Added	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-140 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-150	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-151	Added	18:8 VA.R. 1121	1/30/02
18 VAC 115-10-10	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-20	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-30	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-40	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-60	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-70	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-80	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-100	Amended	18:1 VA.R. 32	10/24/01
18 VAC 125-10-10	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-20	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-30	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-40	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-60	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-70	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-80	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-100	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-30-10 through 18 VAC 125-30-50	Amended	18:13 VA.R. 1753-1754	4/10/02
18 VAC 125-30-60	Repealed	18:13 VA.R. 1754	4/10/02
18 VAC 125-30-80	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 125-30-90	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 145-20-10	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-20 through 18 VAC 145-20-50	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-70	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-80	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-90	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-91	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-100	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-110	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-111	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-120	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-130	Amended	18:7 VA.R. 1060	1/16/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 145-20-140	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-150	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-151	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-160	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-170	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 150-10-10 through 18 VAC 150-10-40	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-60	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-70	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-80	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-100	Amended	17:24 VA.R. 3567	9/12/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-10	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-20	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-30	Repealed	18:9 VA.R. 1225	12/14/01
20 VAC 5-302-40	Added	18:9 VA.R. 1226	12/14/01
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-312-10	Amended	18:4 VA.R. 613	10/10/01
20 VAC 5-312-10	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-70	Amended	18:4 VA.R. 614	10/10/01
20 VAC 5-312-70	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-80	Amended	18:4 VA.R. 615	10/10/01
20 VAC 5-312-80	Erratum	18:7 VA.R. 1064	--
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
20 VAC 5-400-10 through 20 VAC 5-400-60	Repealed	18:4 VA.R. 619-628	10/17/01
20 VAC 5-400-90	Repealed	18:9 VA.R. 1228	12/14/01
20 VAC 5-400-100 through 20 VAC 5-400-170	Repealed	18:4 VA.R. 629	10/17/01
20 VAC 5-400-190	Repealed	18:4 VA.R. 630	10/17/01
20 VAC 5-400-200	Repealed	18:4 VA.R. 632	10/17/01
20 VAC 5-401-10 through 20 VAC 5-401-50	Added	18:4 VA.R. 619-620	10/17/01
20 VAC 5-403-10 through 20 VAC 5-403-70	Added	18:4 VA.R. 621-627	10/17/01
20 VAC 5-405-10 through 20 VAC 5-405-130	Added	18:5 VA.R. 735-736	10/23/01
20 VAC 5-407-10 through 20 VAC 5-407-70	Added	18:9 VA.R. 1228-1230	12/14/01
20 VAC 5-409-10 through 20 VAC 5-409-70	Added	18:4 VA.R. 627-628	10/17/01
20 VAC 5-411-10 through 20 VAC 5-411-90	Added	18:4 VA.R. 628-629	10/17/01
20 VAC 5-413-10 through 20 VAC 5-413-40	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-10	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-20	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-419-10 through 20 VAC 5-419-40	Added	18:4 VA.R. 630-632	10/17/01
20 VAC 5-421-10	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-421-20	Added	18:4 VA.R. 632	10/17/01
Title 22. Social Services			
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	*
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	*
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	*
22 VAC 20-30-150	Added	17:23 VA.R. 3469	*
22 VAC 40-41-10	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-20	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-40	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-50	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-55	Added	18:12 VA.R. 1696	4/1/02
22 VAC 40-71-10 emer	Amended	17:24 VA.R. 3568	10/9/01-10/8/02
22 VAC 40-71-20 emer	Amended	17:24 VA.R. 3571	10/9/01-10/8/02
22 VAC 40-71-30 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02

* Effective date suspended in 18:1 VA.R. 32.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-50 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-60 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-80 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-90 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-110 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-130 emer	Amended	17:24 VA.R. 3574	10/9/01-10/8/02
22 VAC 40-71-150 through 22 VAC 40-71-180 emer	Amended	17:24 VA.R. 3574-3579	10/9/01-10/8/02
22 VAC 40-71-210 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-270 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-275 emer	Added	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-280 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-290 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-310 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-330 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-360 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-410 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-440 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-450 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-460 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-480 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-490 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-530 through 22 VAC 40-71-600 emer	Amended	17:24 VA.R. 3582-3584	10/9/01-10/8/02
22 VAC 40-71-630 through 22 VAC 40-71-700 emer	Amended	17:24 VA.R. 3584-3589	10/9/01-10/8/02
22 VAC 40-560	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-690 (Forms)	Amended	18:7 VA.R. 1061	--
22 VAC 40-705-10 emer	Amended	18:5 VA.R. 784	1/1/02-12/31/02
22 VAC 40-705-40 through 22 VAC 40-705-90 emer	Amended	18:5 VA.R. 786-790	1/1/02-12/31/02
22 VAC 40-705-110 through 22 VAC 40-705-160 emer	Amended	18:5 VA.R. 790-794	1/1/02-12/31/02
22 VAC 40-705-180 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-705-190 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-730-10	Erratum	17:25 VA.R. 3679	--
22 VAC 40-790	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 45-60	Repealed	18:11 VA.R. 1422	3/13/02
22 VAC 45-70-10 through 22 VAC 45-70-40	Amended	18:11 VA.R. 1423-1424	3/13/02
22 VAC 45-70-50	Repealed	18:11 VA.R. 1424	3/13/02
22 VAC 45-70-60 through 22 VAC 45-70-80	Amended	18:11 VA.R. 1424-1425	3/13/02
22 VAC 45-90	Repealed	18:11 VA.R. 1425	3/13/02
22 VAC 45-110-10 through 22 VAC 45-110-50	Amended	18:11 VA.R. 1425-1426	3/13/02
22 VAC 45-110-60	Repealed	18:11 VA.R. 1426	3/13/02
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229	Added	18:11 VA.R. 1426-1430	3/13/02
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70-30 emer	Amended	18:3 VA.R. 433	9/21/01-9/20/02
24 VAC 30-40	Repealed	18:3 VA.R. 416	11/21/01
24 VAC 30-41-10 through 24 VAC 30-41-760	Added	18:3 VA.R. 416-427	11/21/01
24 VAC 30-71-160	Amended	18:5 VA.R. 737	12/19/01
24 VAC 30-260-10 et seq.	Repealed	17:25 VA.R. 3658	7/26/01
24 VAC 30-370-10 et seq.	Repealed	17:24 VA.R. 3567	9/12/01
24 VAC 30-520-10	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-520-20	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-540-10	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-20	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-30	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-40	Added	17:23 VA.R. 3472	6/29/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waivered Services: Home and Community-Based Care Waiver Services for Elderly and Disabled Individuals.** The purpose of the proposed action is to provide coverage of personal emergency response systems (PERS) for individuals who are eligible for this waiver's services under the authority of DMAS' Elderly and Disabled Program. This PERS service will help to protect the safety and welfare of individuals who live in the community but live alone or are alone for significant parts of the day. These PERS devices will enable such individuals to signal for help in emergencies.

The agency does not intend to hold a public hearing on the proposed regulation after publication in the Virginia Register.

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

Public comments may be submitted until March 27, 2002, to Vivian Horn, Analyst, Division of Long Term Care, 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) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R02-126; Filed January 31, 2002, 7:54 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

REGISTRAR'S NOTICE: The following regulations filed by the Department of Conservation and Recreation are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4 VAC 5-35. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (repealing 4 VAC 5-35-10 through 4 VAC 5-35-50).

Title of Regulation: 4 VAC 5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (adding 4 VAC 5-36-10 through 4 VAC 5-36-210).

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: April 25, 2002.

Summary:

The department is repealing 4 VAC 5-35 and replacing it with a new regulation that contains substantive updates to the department's facilities, programs, and service fees and fee policies following a routine review of fair market values. The fees have not been increased since 1996. The fees set out in this new chapter include those for parking; boat launching; admission; swimming; commercial and nonprofit use; camping; cabin and lodge rental; picnic shelter, gazebo, and amphitheater use; boat storage; interpretive and outdoor skill programs; hunting; event entrance; environmental educational services and facilities; bike and watercraft rentals; and conference center rentals at department facilities.

Agency Contact: Copies of the regulation may be obtained from Leon E. App, Acting Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or e-mail leonapp@dcr.state.va.us.

CHAPTER 36.

STANDARD FEES FOR USE OF DEPARTMENT OF CONSERVATION AND RECREATION FACILITIES, PROGRAMS, AND SERVICES.

4 VAC 5-36-10. Definitions.

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

"Department" means the Department of Conservation and Recreation.

"Director" means the Director of the Department of Conservation and Recreation.

"Natural area" means all properties owned or operated by the Department of Conservation and Recreation as natural area preserves or natural areas.

"Nonstandard fee" means a one-time fee, pilot fee, etc., or fee established through a contract negotiation with a private contractor.

"Senior" means any individual 62 years of age or older.

"Standard fee" means a fee or price charged for facilities, services, or products as established on the Department of Conservation and Recreation fees list.

"State park" means all properties owned or operated by the Department of Conservation and Recreation as parks or historic sites.

"Week" means a seven-day and seven-night period.

4 VAC 5-36-20. Applicability and effective dates.

A. This chapter applies to all state parks, natural areas, facilities, programs, and services operated by the Department of Conservation and Recreation.

B. This chapter establishes all fees and prices by setting standard fees for facilities, programs, and services or otherwise establishing guidelines for setting fees for nonstandardized facilities, programs, and services. All revenues from fees and prices thus established and generated by Division of State Parks will be deposited in the Conservation Resources Fund and those generated by Division of Natural Heritage will be deposited in the Natural Area Preservation Fund.

4 VAC 5-36-30. General conditions and criteria concerning waiving or deviating from established fees for facilities, programs, and services.

A. The director may waive fees for any person, group, or organization whenever such action is deemed to be in the public interest. Any or all state parks, or any state park service or facility, may be closed by the director without notice due to an emergency or natural disaster. Refunds or credits will be

issued whenever the closure is made prior to the delivery of service or use of the facility.

B. The director may allow deviations from established fees in the form of discounts or special promotion prices for the purpose of stimulating visitation and use of departmental facilities, programs, and services. The director may deviate from standard pricing of conference and group meeting facilities and services, and overnight facilities associated with conference and group activities, in order to be competitive with similar facilities and services. Full or partial refunds of fees may be made in the interest of providing good customer service.

C. The director may accept "in-kind-service" in lieu of payment for fees under the following conditions:

1. The services provided are pertinent to the park mission and current programs/services.
2. The value of services provided must be at least equal to the total fee(s) considered.
3. The value of the product or service provided must be documented.

4 VAC 5-36-50. Parking and launch fees.

D. All local, state, and federal government users with offices established in Virginia may receive a 20% discount on the standard fees set out in this chapter provided such use is for official government purposes except for services provided through private concessionaires or contractors.

4 VAC 5-36-40. General conditions and criteria concerning the establishment of new fees.

A. The director may establish or revise fees for new or nonstandardized facility rentals, programs, festivals, special events, concerts, and services as the need arises according to reasonable and accepted business practices, negotiation with third party providers, and local market conditions. Such fees and prices shall be in effect immediately upon the reasonable availability of information allowing the public to be aware of the most current fee or price.

B. In the event the newly established or nonstandardized facility rentals, programs, or services become a continuing offering, the director shall standardize them and publish them in accordance with the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia).

PARKING FEES (NONTAXABLE)

	WEEKDAYS	WEEKENDS
<i>Main Season Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), motorcycles.</i>		
<i>All parks unless listed below.</i>	\$2.00	\$3.00
<i>Parks under construction and having only limited facilities and services.</i>	\$2.00	\$2.00
<i>First Landing, Fairy Stone, Raymond R. "Andy" Guest Jr. Shenandoah River, Smith Mountain Lake, Claytor Lake, Lake Anna, Leesylvania, Pocahontas, Kiptopeke, Westmoreland, Mason Neck, Sky Meadows</i>	\$3.00	\$4.00
<i>Horse Trailer Parking Fee: Applies to horse trailers when carrying horses in or out of a state park. Required in addition to applicable vehicle parking fee.</i>	\$3.00	\$3.00
<i>Other Trailer Parking Fee: Applies to other than horse trailers and those covered by camping and boat launch fee. (Add to daily parking fee.)</i>	\$2.00 per trailer	\$2.00 per trailer
<i>Off Season Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), motorcycles at all parks.</i>	\$2.00	\$2.00
<i>Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity.</i>		
<i>All parks unless listed below.</i>	\$10	\$10
<i>Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail</i>	\$12	\$12
<i>First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland</i>	\$15	\$15
<i>Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural Area Preserve.</i>	\$2.00	\$2.00

Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. May not apply to small "car-top" launch facilities (facilities at which boats may only be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment.

Daily Park/Launch Fees: All Seasons

WEEKDAYS WEEKENDS

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<i>All parks unless listed below.</i>	\$3.00	\$3.00
<i>First Landing, Kiptopeke (with Marine Fishing License), Lake Anna</i>	\$4.00	\$4.00
<i>Leesylvania, Kiptopeke (without Marine Fishing License)</i>	\$8.00	\$8.00
<i>Surcharge for second boat on same trailer: jet ski</i>	\$2.00	\$2.00
<i>Overnight parking at boat launch: where available</i>	\$5.00	\$5.00
<i>Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.</i>	\$3.00	\$3.00
 <i>Annual and Lifetime Parking Fees:</i>		<i>FEE</i>
<i>Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.</i>		\$275
<i>Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.</i>		\$55
<i>Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.</i>		\$33
<i>Senior Lifetime Naturally Yours Passport Plus: See Lifetime Naturally Yours Passport Plus above.</i>		\$100
<i>Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.</i>		\$30
<i>Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.</i>		\$20
<i>Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.</i>		No Charge
<i>Replacement fee for annual pass: No replacement fee required for Golden Disability Pass.</i>		\$10
<i>Handicapped Motorized Vehicle Annual Pass Processing Fee: New River Trail. Applies to specially permitted handicapped vehicles and transportation devices allowed within the park. Fifteen dollars of the processing fee is refundable if permit is denied.</i>		\$25
 <i>Annual and Lifetime Park/Launch Fees:</i>		<i>FEE</i>
<i>Lifetime Naturally Yours Passport Plus for Boaters: Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.</i>		\$385
<i>Naturally Yours Passport Plus for Boaters: 12-month from date of purchase admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.</i>		\$138
 <i>Park/Launch Passport:</i>		
<i>12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.</i>		\$116
<i>12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.</i>		\$88
<i>12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.</i>		\$72
<i>Senior Lifetime Naturally Yours Passport Plus for Boaters: Good at all parks.</i>		\$285
<i>Senior Naturally Yours Passport Plus for Boaters: Annual permit for all parks including Leesylvania.</i>		\$110
 <i>Senior Park/Launch Passport:</i>		
<i>12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.</i>		\$99
<i>12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.</i>		\$72
<i>12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.</i>		\$60

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<i>Buggs Island Lake Special Annual Pass: Good only at Occoneechee and Staunton River State Parks.</i>	\$33
<i>Leesylvania Annual Overnight Boating/Parking Program Fee:</i>	\$61

<i>Special Event Fees:</i>	<i>EVENT FEE</i>
<i>Special Use Application Fee: Special Use Permits, issued by the park, are required for special events and the fee is nonrefundable.</i>	\$10
<i>Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.</i>	\$10 per vehicle
<i>Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.</i>	\$1.00 per vehicle
<i>Sky Meadows: Strawberry Festival.</i>	\$10 per vehicle, one day \$15 per vehicle, two days
<i>New River Trail: Wythe County Heritage Day. Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival.</i>	\$6.00 per vehicle
<i>Claytor Lake Arts and Crafts Festival: Free parking with canned food donation on designated day.</i>	\$6.00 per vehicle
<i>Kiptopeke: Eastern Shore Birding Festival.</i>	<i>Parking Fee waived to registered festival guests; otherwise standard fees apply</i>
<i>Chippokes Plantation Pork, Peanut, and Pine Festival.</i>	\$5.00 per vehicle, 2002 event \$6.00 per vehicle, 2003 and beyond
<i>Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.</i>	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free
<i>Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment.</i>	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
<i>Chippokes Plantation Steam and Gas Engine Show.</i>	\$6.00 per person Children under 12 free
<i>Chippokes Plantation Christmas.</i>	\$5.00 per person
<i>Occoneechee Native American Heritage Festival and Powwow: Youth Day.</i>	\$1.00 per child
<i>Grayson Highlands Wayne C. Henderson Music Festival.</i>	\$8.00 per person Children under 12 free
<i>York River Estuaries Day.</i>	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
<i>Natural Tunnel Special Event Parking Fee.</i>	\$2.00 per person \$6.00 per vehicle
<i>Pocahontas Amphitheater Events.</i>	\$4.00 per person
<i>Leesylvania Early Opening Fee.</i>	\$20 per first hour \$35 per additional hour

Notes on Parking Fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.

2. Off-season rates apply from November 1 through March 31 of each year. Main season rates apply at all other times.

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3. No parking fee is required for up to two vehicles per campsite and per cabin. Vehicles in excess of two shall pay the prevailing daily parking fee for each day that the vehicle is parked in the park.

4. Except as otherwise noted, boat launching shall be free for up to one boat per vehicle per campsite.

5. Parking fees are waived for any vehicle displaying handicapped license plates or temporary handicapped parking identification issued by any state or the federal government.

6. Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form.

7. Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.

8. Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences; visitors to staff residences, and park volunteers entering the park to perform volunteer duties.

9. Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit.

10. The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight parking when and where available (e.g., backpackers, overnight fisherman, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).

11. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.

12. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.

13. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, March for Parks, Operation Spruce-Up Day, and National Trails Day and other park-sanctioned public service events as approved by the Director.

14. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park that contains provisions for the identification of participants in the event.

15. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.

16. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.

17. Annual Park/Launch pass also covers the park entrance or parking fee for horse trailers or other allowable trailers.

18. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.

19. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.

20. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.

4 VAC 5-36-60. Admission fees.

ADMISSION FEES (NONTAXABLE)

	DAILY ADMISSION PER PERSON (Weekdays and Weekends unless otherwise noted.)	ANNUAL PASS (Good for 12 months from date of purchase.)
Shot Tower	Free	Free
Southwest VA Museum	\$1.50 (Ages 6 through 12, or groups of 10 or more any age) \$3.00 (Age 13 and up)	\$10 (adult) per year \$4.00 (child) per year \$20 (family: up to 2 adults and 2 children) per year
Chippokes Plantation: Chippokes Mansion	\$2.00 (Age 6 through 12) \$4.00 (Age 13 and over) \$2.00 group rate (10 or more)	NA

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<i>Chippokes Plantation: Farm and Forestry Museum</i>	\$3.00 (Age 13 and over) \$2.00 (Age 6 through 12) \$2.00 group rate (10 or more)	NA
<i>Chippokes Plantation: Combination Pass</i>	\$6.00 (Age 13 and over) \$3.00 (Age 6 through 12)	NA
<i>Kiptopeke Fishing Pier Fishing Fee</i>	\$1.00 (Age 6 through 12) \$3.00 (Age 13 and over)	NA
<i>Kiptopeke Fishing Pier Fishing Fee: Coupon book good for 10 visits</i>	\$20 per 10 Passes	NA

ADMISSION

False Cape Transportation: Round Trip Beach Vehicle Transportation

<i>Group Rate by reservation (10-person minimum)</i>	\$160
<i>School Rate by reservation (10-person minimum)</i>	\$100
<i>Per Person on dates of published operation (10-person minimum)</i>	\$8.00

Natural Tunnel Chairlift:

<i>Children under age 6</i>	Free
<i>Round trip per person</i>	\$3.00
<i>One-way per person</i>	\$2.00
<i>Group Rate Round Trip per person (10 or more)</i>	\$2.00

<i>Archery Range: All parks where available; per person user fee</i>	\$2.00 per day (over 15) \$1.00 per day (under 15) \$15 per year (any age)
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Notes on Admission/Entrance Fees:

1. Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.
2. Museum entrance fees are waived at the Southwest Virginia Museum during the "Festival of Trees" event for members of groups who submitted trees for the display.

4 VAC 5-36-70. Swimming fees.

SWIMMING (NONTAXABLE)

	WEEKDAYS	WEEKENDS
<i>Daily Swimming Fees</i>		
<i>All parks with fee swimming areas unless noted below.</i>	<i>Under age 3 Free</i> \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	<i>Under age 3 Free</i> \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
<i>Staunton River, Lake Anna, Westmoreland, Pocahontas</i>	<i>Under age 3 Free</i> \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	<i>Under age 3 Free</i> \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)
<i>Claytor Lake</i>	<i>Under age 3 Free</i> \$2.00 (Age 3 through 12) \$2.00 (Age 13 and over)	<i>Under age 3 Free</i> \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
<i>Hungry Mother</i>	<i>Under age 3 Free</i> \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)	<i>Under age 3 Free</i> \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
<i>Group campers utilizing unimproved group camps.</i>	\$1.00 (all ages)	\$1.00 (all ages)
<i>Chippokes Plantation: Recreation/Education Fun Package: Swimming, Mansion, and Farm & Forestry Museum (Memorial Day – Labor Day: Wed. – Sun.)</i>	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)

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<i>Deposit on all locker keys: Refunded when key is returned.</i>	\$2.00 each
<i>Swimming Coupon Book: Adult or child</i>	\$35 per 20 coupons \$18 per 10 coupons
<i>Group Swimming: per person (10 persons or more)</i>	\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)
<i>Season Swimming Permit: All parks where available.</i>	\$40 (Age 3 through 12) \$50 (Age 13 and over)
<i>After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled less than 3 days before the date of event unless cancellation is for inclement weather or cancelled by the park.</i>	\$100 (up to 25 persons) \$125 (26 to 50 persons) \$175 (51 to 75 persons) \$200 (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee
<i>Lifeguard Certification Course: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</i>	\$102
<i>Head Lifeguard Training Module: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</i>	\$37
<i>Waterfront Lifeguard Training Module: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</i>	\$26
<i>CPR for the Professional Rescuer: Certification and recertification: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.</i>	\$46

Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children.
2. Raincheck Policy for Swimming: All state parks will issue a raincheck, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. Rainchecks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, rainchecks will be issued to the individual members of the group in the same manner as other park patrons.

4 VAC 5-36-80. Commercial and nonprofit user fees.

COMMERCIAL AND NONPROFIT ORGANIZATIONAL USERS FEES (NONTAXABLE)

Permit Type:	DAILY FEE	ANNUAL FEE
<p><i>Commercial Parking Fees: Required for for-profit companies and businesses that use the lands and/or facilities of a state park to deliver services to the public for a fee, and when such use is similar or the same as the general public use, unless permitted by other means. May not be used to establish exclusive or continuous concession-type services. Activities of this type include but are not limited to canoe, horse, bicycle, or hiking trip outfitters and rental agencies (if they deliver equipment or services on park property), caterers, and for-profit day care centers (note that some day care centers are government or nonprofit). The agency reserves the right to withhold this or any other permit or license for commercial use of parks when such use is deemed to be not in keeping with the mission of intended purpose of the park, conflicts or interferes with other use of the park, or creates an unreasonable burden on the management of the park. Licensed commercial fishermen are not required to pay this fee, but are required to pay the applicable public user fee for the use of state park boat launches.</i></p>		
<i>For 1 or 2 passenger vehicles (up to 15-passenger vans) or one bus and one passenger vehicle.</i>	\$10	NA

For 1 to 6 passenger vehicles (up to 15-passenger vans) or two buses and two passenger vehicles. NA \$200

Commercial Parking/Launching Fees: Required for for-profit companies and businesses that use the lands and/or facilities of a state park to deliver services to the public for a fee, and when such use is similar or the same as the general public use, unless permitted by other means. May not be used to establish exclusive or continuous concession-type services.

For 1 or 2 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or one bus and one passenger vehicle and/or passenger vehicle with trailer combination. \$14 NA

For 1 to 6 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or two buses and two passenger vehicles and/or passenger vehicle with trailer combinations. NA \$250

Nonprofit Organization Parking Fees: These fees may be utilized only by nonprofit organizations engaged in the activities or purposes of the organization.

For 1 or 2 passenger vehicles (up to 15-passenger vans) or one bus and one passenger vehicle. \$4.00 \$30

For 1 to 6 passenger vehicles (up to 15-passenger vans) or two buses and two passenger vehicle. \$9.00 \$70

Nonprofit Organization Parking/Launching Fees: These fees may be utilized only by nonprofit organizations engaged in the activities or purposes of the organization.

For 1 or 2 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or one bus and one passenger vehicle and/or passenger vehicle with trailer combination. \$6.00 \$65

For 1 to 6 passenger vehicles (up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or two buses and two passenger vehicle and/or passenger vehicle with trailer combinations. \$10 \$130

4 VAC 5-36-90. Camping fees.

CAMPING FEES (TAXABLE, Price here does not include tax)

Camping fees include free use of dump station and free swimming and boat launching for members of the camping party during their stay at the property, when and where available, except that at Kiptopeke State Park guest is subject to applicable launch fee unless the trailer is returned to the campsite immediately after launching. The number of campers per campsite is limited to six individuals except when all campers are members of the same household. ALL SEASONS (Per site fees)

Standard Sites: No hookup; access to bathhouse and restrooms.

All parks with standard sites unless noted below. \$13 per night

Chippokes Plantation, Hungry Mother, Grayson Highlands, Staunton River, Westmoreland, Occoneechee, Claytor Lake. \$16 per night

Douthat, Kiptopeke, First Landing. \$20 per night

Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.

All parks where available unless noted below. \$18 per night

Chippokes Plantation, Claytor Lake, Douthat, Fairy Stone, Grayson Highlands, Hungry Mother, Occoneechee, Westmoreland. \$21 per night

Kiptopeke. \$25 per night

Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms. \$28 per night

Primitive Camping Sites: primitive restrooms; no showers.

All parks where available unless noted below. \$8.00 per night

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Grayson Highlands (November, March, and April when bathhouses are closed), James River, Raymond R. "Andy" Guest Jr. Shenandoah River, New River Trail (Foster Falls sites).	\$10 per night
<i>Horse Camping</i>	
Grayson Highlands Only: Campsite Fee.	\$16 per night
Horse Stall Fee: All horses must be in stalls.	\$6.00 per night (Outside Stalls) \$8.00 per night (Inside Stall)
Standard Group Camping: Unless otherwise noted, groups camping in the regular park campground pay the existing rate for sites in that campground.	Standard Rates
<i>Primitive Group Camp Rental (camping in special primitive group areas) All parks where available.</i>	
Up to 20 campers.	\$50 for entire area per night
Up to 30 campers.	\$75 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	\$100 for entire area per night
Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	\$10 per site per night
<i>Special Group Camping Areas:</i>	
Fairy Stone Group Campsites.	\$16 per site per night
Twin Lakes, Cedar Crest Group Camping Area.	\$13 per site per night \$157 entire area per night
Chippokes Plantation: All 4 Sites; Group Rate; 24 persons maximum.	\$55 per night
Natural Tunnel Group Area: Only available as entire group area.	
Grayson Highlands Group Area.	
Shenandoah Group Area.	
Westmoreland Group Area.	\$100 per night
Westmoreland Buddy Sites.	\$64 per night
<i>Camping – Other Fees</i>	
Pet Fees	\$3.00 per pet per night
Dump Station Fee: Free to state park campers during stay.	\$5.00 per use
Camping Reservation Cancellation Fee.	\$10 per reservation
Hiker Shower Fee at Virginia State Parks along the Appalachian Trail.	\$5.00 per person
<i>Notes on camping:</i>	<i>not be open again prior to the start date of the reservation, transferring is not an option. There is no fee to transfer.</i>
1. Check-out time is 3 p.m. and check-in time is 4 p.m.	
2. Camping Transfer/Cancellation/Early Departure Policy.	<i>e. A camping reservation may be canceled until 4 p.m. on the scheduled date of arrival but campers will be charged the cancellation fee. This cancellation fee applies to each separate reservation made.</i>
a. Any fees to be refunded are calculated less the applicable cancellation fee(s).	
b. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.	<i>f. Once the 4 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure.</i>
c. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.	<i>g. After the check-in time is reached, the first night is considered used whether the site is occupied or not.</i>
d. A customer may move a camping reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 4 p.m. on the scheduled date of arrival. If the reservation center will	<i>h. There is a one-night penalty, deducted from any amount available for refund, for early departure.</i>

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3. Campers are allowed two vehicles per campsite per day without charge of parking fee. Additional vehicles, beyond two, must pay the prevailing parking fee in effect at the park for each day that the vehicle(s) is parked in the park. The number of vehicles allowed to park on the campsite varies according to site design and size of other camping equipment. No vehicles shall park on a campsite in other than the designated area for this purpose. Camper vehicles that do not fit on the site, whether or not they require the special camper vehicle fee, must park in the designated overflow parking area.

4. Each member of the camping party, up to the maximum allowable per site, may receive an entrance

pass to the park's swimming facility on the basis of one pass per night of camping.

5. Damage to campsites, not considered normal wear and tear, will be billed to the person registered for the campsite on an itemized cost basis.

6. At honor collection sites, the stated camping fees on this list shall be considered as having tax included. Honor collection is defined as the payment of the camping fee on-site at the park at a nonelectronic collection point at which the payment is placed in a box or safe provided for that purpose.

4 VAC 5-36-100. Cabin fees.

CABIN RENTALS (TAXABLE, Price here does not include tax)

Prime Season Cabin and Lodge Rates

Cabin/Lodge Type	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Efficiency	\$69	\$414	\$62	\$372
One Bedroom, Standard	\$81	\$485	\$73	\$436
One Bedroom, Waterfront or Water View	\$89	\$537	\$80	\$480
One Bedroom, Chippokes Plantation	\$94	\$565	\$85	\$509
Two Bedroom, Standard	\$93	\$561	\$84	\$505
Two Bedroom, Waterfront or Water View	\$103	\$617	\$93	\$555
Two Bedroom, First Landing, Chippokes Plantation	\$109	\$652	\$98	\$587
Three Bedroom, Standard	\$106	\$635	\$95	\$571
Three Bedroom, Chippokes Plantation	\$123	\$740	\$111	\$666
Mistletoe Lodge (Twin Lakes)	\$151	\$909	\$136	\$818
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat)	\$248	\$1,485	\$223	\$1,337
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland), Belle Air Mansion (Belle Isle)	\$292	\$1,752	\$263	\$1,577
Belle Air Guest House (Belle Isle)	\$123	\$740	\$111	\$666
Belle Isle: Mansion and Guest House (combined)	\$374	\$2,243	\$337	\$2,019

Mid-Season Cabin and Lodge Rates

Cabin/Lodge Type	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Efficiency	\$61	\$368	\$55	\$331
One Bedroom, Standard	\$72	\$431	\$65	\$388
One Bedroom, Waterfront or Water View	\$79	\$474	\$71	\$427
One Bedroom, Chippokes Plantation	\$75	\$452	\$68	\$407
Two Bedroom, Standard	\$83	\$499	\$75	\$449
Two Bedroom, Waterfront or Water View	\$92	\$549	\$82	\$494
Two Bedroom, First Landing, Chippokes Plantation	\$87	\$522	\$78	\$469
Three Bedroom, Standard	\$94	\$565	\$85	\$509
Three Bedroom, Chippokes Plantation	\$99	\$592	\$89	\$533
Mistletoe Lodge (Twin Lakes)	\$135	\$809	\$121	\$728
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat)	\$220	\$1,322	\$198	\$1,189
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland), Belle Air Mansion (Belle Isle)	\$260	\$1,560	\$234	\$1,404

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Off-Season Cabin and Lodge Rates

Cabin/Lodge Type	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Efficiency	\$51	\$306	\$46	\$276
One Bedroom, Standard	\$60	\$359	\$54	\$323
One Bedroom, Waterfront or Water View	\$66	\$394	\$59	\$355
One Bedroom, Chippokes Plantation	\$57	\$339	\$51	\$305
Two Bedroom, Standard	\$69	\$415	\$62	\$374
Two Bedroom, Waterfront or Water View	\$76	\$457	\$68	\$411
Two Bedroom, First Landing, Chippokes Plantation	\$65	\$391	\$59	\$352
Three Bedroom, Standard	\$78	\$470	\$70	\$423
Three Bedroom, Chippokes Plantation	\$74	\$444	\$67	\$400
Mistletoe Lodge (Twin Lakes)	\$112	\$672	\$101	\$605
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat)	\$183	\$1,099	\$165	\$989
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$216	\$1,297	\$195	\$1,167

Camping Cabins, Yurts, and Travel Trailers (cabins, yurts, and travel trailers located in campgrounds and operated in conjunction with the campground)

	BASE RATE		VIRGINIA RESIDENTS	
	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE	PER-NIGHT RENTAL FEE	PER-WEEK RENTAL FEE
Camping Cabin rental rate: (2-night minimum rental required)	\$45	NA	\$40	NA
Yurt rental: Standard fee	\$81	\$485	\$73	\$436
Travel Trailers: 25-30' Standard fee	\$81	\$485	\$73	\$436

Additional Cabin Fees:

Additional Bed Rentals	\$3.00 per rental night
Additional linens	\$6.00 per bed set
Cabin Cancellation Fee	\$20 per cancellation period: See note 6 and 7 in the Cabin Transfer/Cancellation/Early Departure Policy Note.
Pet Fee	\$5.00 per night

Pocahontas Group Cabins

	DAY	WEEK
Dining Hall: When rented alone; 8 a.m. to 10 p.m.	\$200	NA
Dining Hall: When rented with a minimum of two cabins.	\$100	\$500

Cabin Units: per night – two units minimum in ecology camp.

One Unit – Capacity: 28	\$80	\$400
Two Units – Capacity: 56	\$130	\$650
Three Units – Capacity: 84	\$170	\$850
Four Units – Capacity: 112	\$200	\$1,000
Complete Camp (Ecology Camp)	\$300	\$1,500
Complete Camp (Group Camp #3)	\$230	\$1,150

Refundable security deposit charged for all reservations \$100 per reservation

Notes on Pocahontas Group Cabins:

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Pocahontas Group Cabins: Reservations of more than \$200 require a 25% prepayment, due within 14 days of making the reservation, to hold a reservation. Balance of fees is due 60 days prior to the reservation start date. Reservations of less than \$200 require payment in full to confirm the reservation.

Notes on cabins:

1. Seasonal cabin rates shall be in effect according to the following schedule, except for camping cabins, yurts, and travel trailers, which operate on the same schedule and season as the campground at that particular park. Any weekly rental that includes a day that falls within the prime season shall be charged at the prime season weekly rate. Any weekly rental that includes a day that falls within the mid-season shall be charged at the mid-season weekly rate.

<i>PARK</i>	<i>PRIME SEASON</i>	<i>MID-SEASON</i>	<i>OFF-SEASON</i>
<i>Belle Isle</i>	<i>Year-round</i>	<i>None</i>	<i>None</i>
<i>Chippokes Plantation</i>	<i>Friday night prior to Memorial Day through Sunday night prior to Labor Day</i>	<i>March 1 through the Thursday night prior to Memorial Day, and October 1 through December 31</i>	<i>January 1 through the last day of February, and Labor Day night through September 30</i>
<i>Claytor Lake, Fairy Stone, First Landing, Hungry Mother, Smith Mountain Lake, Westmoreland</i>	<i>Friday night prior to Memorial Day through the Sunday night prior to Labor Day</i>	<i>April 1 through the Thursday night prior to Memorial Day, and Labor Day through November 30</i>	<i>December 1 through March 31</i>
<i>Douthat</i>	<i>Friday night prior to Memorial Day through the Sunday night prior to Labor Day, and October 1 through October 31</i>	<i>April 1 through the Thursday night prior to Memorial Day, and Labor Day through September 30, and November 1 through December 31</i>	<i>January 1 through March 31</i>
<i>Staunton River</i>	<i>Friday night prior to Memorial Day through the Sunday night prior to Labor Day</i>	<i>April 1 through the Thursday night prior to Memorial Day, and October 1 through October 31</i>	<i>November 1 through March 31, and Labor Day night through September 30</i>
<i>Twin Lakes</i>	<i>Friday, Saturday, and Sunday nights of Memorial Day weekend, and Labor Day weekend</i>	<i>Memorial Day night through the Thursday night prior to Labor Day</i>	<i>Labor Day night through the Thursday night prior to Memorial Day</i>

2. All dates refer to the night of the stay; check-out time is 10 a.m. and check-in time is 3 p.m.

3. The following holiday periods are charged prime season weekend rates: the Wednesday, Thursday, Friday, and Saturday period that includes Thanksgiving Day; and Christmas Eve and Christmas Day; and New Year's Eve and New Year's Day.

4. Cabin guests are allowed two vehicles per cabin per day without charge of parking fee. Additional vehicles must pay the prevailing parking fee for each day that the vehicle is parked in the park. The number of vehicles allowed to park at the cabin varies according to site design and other factors. All vehicles must park in designated parking areas, either at the cabin or in the designated overflow parking area.

5. Lodge guests are allowed six vehicles per lodge per day without charge of parking fee. Additional vehicles must pay the prevailing vehicle parking fee for each day the vehicle is parked in the park. The number of vehicles allowed to park at the lodge varies according to site design and other factors. All vehicles must park in designated parking areas, either at the lodge or in the designated overflow parking area.

6. Damage to cabins, not considered normal wear and tear, may be billed to the person registered for the cabin on an itemized cost basis.

Notes on Cabin Transfer/Cancellation/Early Departure Policy:

1. Any fees to be refunded are calculated less the applicable cancellation fees listed below.

2. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.

3. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.

4. A customer may move a cabin reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to the official check-in time on the scheduled date of arrival.

5. If the reservation center will not be open again prior to the start of the reservation, transferring is not an option. If the transfer is not for the same number of nights, the cancellation policy may apply. Otherwise, there is no fee to transfer.

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6. Once the reservation is paid for, a customer may cancel in full with payment of the required \$20 cancellation fee if there are more than 30 days before the scheduled arrival date. As long as the reservation is not during the one-week minimum stay requirement period, the length of stay may be reduced without a fee as long as there are more than 30 days before the scheduled arrival. However, the length of stay cannot be less than two nights. During the 30 days prior to the scheduled arrival date, the \$20 cancellation fee is charged for each night cancelled or reduced from the stay. Once the official check-in time on the scheduled arrival date is reached, the cancellation policy is no longer in effect and the early departure policy applies.

7. Once the 3 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure. There is a two night minimum charge associated with all cabin stays. Reducing the total nights stayed will incur a \$20 per night fee. If the original reservation was for a week, the weekly discount will no longer be valid and the fee will be adjusted to the nightly rate before any refunds are calculated.

4 VAC 5-36-110. Picnic shelters fees.

PICNIC SHELTERS (TAXABLE)

Two reservation periods are available per day, per shelter.

	HALF-DAY	FULL-DAY
<i>Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake (including gazebo), Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.</i>	\$30	\$50
<i>Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Shenandoah, Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, Mason Neck (tent shelter), York River, and all other large park picnic shelters.</i>	\$45	\$80
<i>Shenandoah Large Group Shelter</i>	\$50	\$90
<i>York River: Plus Package: Fee for use of concession rental equipment when a picnic shelter is additionally rented. Add this fee to the standard shelter rental fees for York River noted above.</i>		
<i>Up to 25 people</i>	\$40	\$40
<i>26 to 40 people</i>	\$65	\$65
<i>Each additional person over 40 people</i>	\$3.00	\$3.00
<i>Leesylvania Shelter Rental</i>	\$50	\$95
<i>Leesylvania: Lee's Landing Picnic Area Rental</i>	\$30	\$55
<i>Mason Neck Picnic Area Reservation (Includes one double grill, one single grill, and 10 picnic tables seating 6 people each)</i>	\$45	\$85
<i>Chippokes Plantation Conference Shelter (with kitchen)</i>	\$100 per function	\$100 per function
<i>Chippokes Plantation Conference Shelter (without kitchen)</i>	\$60 per function	\$60 per function
<i>Event Tent Standard Fee: Tents approximately 800-1,000 sq. ft. (Includes set-up and take-down)</i>	NA	\$300
<i>Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.</i>	\$10	\$10

Notes on shelters:

1. Full-day shelter rental period shall be from park opening until park closing, for day use, unless otherwise specified.
2. Morning half-day shelter rental period shall be from park opening until 2 p.m., unless otherwise specified.
3. Afternoon half-day shelter rental period shall be from 3 p.m. until park closing unless otherwise specified.
4. Half-day shelter rentals may not be made more than 30 days prior to the date of reservation.

4 VAC 5-36-120. Amphitheater and gazebo fees.

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

<i>Amphitheater or Gazebo Rental Fee:</i>	<i>HALF-DAY</i>	<i>FULL-DAY</i>
<i>Leesylvania, Fairy Stone, Staunton River, and all other amphitheaters and gazebos unless noted below.</i>	\$15	\$30
<i>Claytor Lake (gazebo), Hungry Mother, Occoneechee, Westmoreland, New River Trail, York River.</i>	\$30	\$50
<i>Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge), James River, First Landing (gazebo at Chesapeake Bay Center), Douthat.</i>	\$40	\$70
<i>Natural Tunnel and First Landing Amphitheaters: Private group or company rate:</i>	\$150	\$300
<i>Natural Tunnel and First Landing Amphitheaters: Educational group.</i>	\$75	\$150
<i>First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.</i>	\$400	\$750
<i>First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.</i>	\$10 per hour	\$10 per hour
<i>First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.</i>	\$50 per hour	\$50 per hour
<i>Smith Mountain Lake: Fishing Tournament Headquarters.</i>	\$25	\$25
<i>Pocahontas Amphitheater Area: Does not include Heritage Center.</i>		
<i>Amphitheater, Exhibit Area, Restrooms (full area).</i>	NA	\$900
<i>Exhibit Area only.</i>	NA	\$200
<i>Use of Sound System: (4 hour minimum).</i>	NA	\$30 per hour
<i>Parking Attendant (per attendant).</i>	NA	\$10 per hour
<i>Law Enforcement Officer (per officer).</i>	NA	\$25 per hour
<i>Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within fourteen days prior to date.</i>	\$10	\$10
<i>All parks unless listed below.</i>	\$10	\$10
<i>Pocahontas Amphitheater or First Landing Courtyard</i>	\$100	\$100

4 VAC 5-36-130. Boat storage fees.

BOAT STORAGE (TAXABLE, Price here does not include tax)

<i>Boat Storage Fees</i>	<i>FEE</i>
<i>Standard Annual Boat Storage Fee: Bear Creek Lake, Douthat, Hungry Mother, and all other parks where available unless noted below.</i>	\$35
<i>Leesylvania Boat Storage Fees: Annual Fee (Dec. 1 – Nov. 30). Fee prorated for partial year on a months-remaining basis.</i>	
<i>Boat Length Up To 16'</i>	\$685
<i>Boat Length Up To 17'</i>	\$728
<i>Boat Length Up To 18'</i>	\$771
<i>Boat Length Up To 19'</i>	\$814
<i>Boat Length Up To 20'</i>	\$857
<i>Boat Length Up To 21'</i>	\$900
<i>Boat Length Up To 22'</i>	\$942
<i>Boat Length Up To 23'</i>	\$985
<i>Leesylvania Canoe/Kayak Storage: Renter must possess an annual park admission pass</i>	\$10 per month
<i>Staunton River Boat Shed Fees: Does not include parking or launching fee, if applicable</i>	

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Nightly Storage	\$4.00	
Monthly Storage	\$15	
Six-Month Storage	\$70	
One-year boat storage	\$120 without annual park/launch pass	
	\$150 with Buggs Island Special pass	
Claytor Lake: Boat Dock Slips:	FEE PER SEASON	FEE PER NIGHT
7' wide and under	\$294	\$8.00
9' wide and under	\$460	\$8.00
14' wide and under	\$588	\$8.00

4 VAC 5-36-140. Interpretive canoe, boat, and paddleboat fees.

INTERPRETIVE CANOE, BOAT, AND PADDLEBOAT PROGRAMS (NONTAXABLE)

<i>Interpretive Canoe, Boat, and Paddleboat Tours:</i>	FEE
<i>Environmental Education Group Canoe Tour: Available only to bona fide educational groups. Requires previous reservation and arrangements. Minimum 4 persons. Mason Neck and all other parks where available unless otherwise noted.</i>	\$3.00 per person
<i>Standard Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours. Child riding as third passenger, where allowed, is free.</i>	
<i>Individuals at all parks unless noted below.</i>	\$5.00 per person
<i>Individuals at Mason Neck, Leesylvania, York River.</i>	\$9.00 per person
<i>Individuals at False Cape: Back Bay Interpretive Tour.</i>	\$16 per person
<i>Family Groups at all parks unless noted below. Minimum 4 paying customers.</i>	\$4.00 per person
<i>Family Groups at Mason Neck, Leesylvania, and York River. Minimum 4 paying customers.</i>	\$6.00 per person
<i>Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours.</i>	
<i>All parks where offered unless noted below.</i>	\$6.00 per person
<i>Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: Mason Neck, Leesylvania, York River.</i>	\$11 per person
<i>Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Mason Neck, Leesylvania, York River.</i>	\$13 per person
<i>Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Applies to canoe, rowboat, or paddleboat tours. Minimum 4 paying customers.</i>	
<i>All parks where offered unless otherwise noted.</i>	\$5.00 per person
<i>Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Mason Neck, Leesylvania, and York River. Requires 4 or more paying customers.</i>	\$7.00 per person
<i>Moonlight/Night Canoe Interpretive Tour Fee for Family Groups: Mason Neck, Leesylvania, and York River. Requires 4 or more paying customers.</i>	\$8.00 per person
Bear Creek Lake: Willis River Interpretive Canoe Tour	
<i>Short Trip.</i>	\$8.00 per person
<i>Long Trip.</i>	\$10 per person
Natural Tunnel Clinch River:	
<i>Half-Day Trip Group Rate. Requires 8 or more paying customers.</i>	\$10 per person
<i>Full-Day Trip. Group Rate. Requires 8 or more paying customers.</i>	\$17 per person
<i>Half-Day Trip. Individuals.</i>	\$12 per person
<i>Full-Day Trip. Individuals.</i>	\$24 per person
<i>Overnight Trip. Individuals.</i>	\$45 per person
<i>Interpretive Kayak Tour, Solo Kayak: Westmoreland and other parks where available.</i>	\$16 per person

Interpretive Kayak Tour, Tandem Kayak: Westmoreland and other parks where available.

\$22 per kayak

Note on Cancellation Policy for Group Reservations:

1. Cancellation Policy for group reservations: Guest must cancel four days prior to the tour date in order to receive a refund. Any guest canceling less than four days before the start of the reservation will not be eligible for a refund. A one-time \$10 cancellation fee will apply per reservation regardless of number of boats reserved. In the event of inclement weather where the park must cancel, the guest will be offered either a complete refund or reservation transfer to another date.

4 VAC 5-36-150. Interpretive and educational tours and program fees.

INTERPRETIVE AND EDUCATIONAL TOURS AND PROGRAMS (NONTAXABLE)

Interpretive and Educational Tours and Programs

<i>PARK</i>	<i>PROGRAM</i>	<i>FEE</i>
<i>All parks:</i>	<i>Standard Interpretive Program: (Fee does not apply to informational programs such as campfire programs or roving interpretation).</i>	<i>\$2.00 per person \$6.00 per family</i>
	<i>Standard Night Hike or Evening Program</i>	<i>\$3.00 per person \$8.00 per family</i>
	<i>Standard Wagon Ride Program</i>	<i>\$3.00 per person \$8.00 per family \$25 exclusive group</i>
	<i>Extended or Special Event Wagon Ride Program</i>	<i>\$4.00 per person \$10 per family</i>
	<i>Park Outreach Program</i>	<i>\$10 for under 2 hours \$25 for 2 to 3 hours \$50 for 4 hours plus</i>
<i>Sky Meadows</i>	<i>Standard Junior Ranger Program: 4-day program. All parks unless noted below.</i>	<i>\$10 full program \$3.00 per day</i>
	<i>Music Program</i>	<i>\$5.00 per person</i>
<i>Caledon</i>	<i>A Day in Wildflower Woods</i>	<i>\$8.00 per person</i>
	<i>Caledon Eagle Tours</i>	<i>\$6.00 per person \$50 Flat Rate (minimum: 10; maximum: 20)</i>
	<i>Caledon Junior Ranger Program</i>	<i>\$15 per person</i>
<i>Natural Tunnel: Cove Ridge</i>	<i>Special Program Bus Fee: Programs involving transportation within the natural area.</i>	<i>\$3.00 per person</i>
	<i>Guided Programs</i>	<i>\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)</i>
	<i>Environmental Education (Children's Activities)</i>	<i>\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)</i>
	<i>3 or More Activities</i>	<i>\$15 per program \$25 facility fee (If applicable)</i>
	<i>Environmental Education (Adult Facilitation)</i>	<i>\$15 per person</i>
<i>Hungry Mother/Hemlock Haven</i>	<i>Field Trips</i>	<i>Per program charge with use of center; chairlift passes, if required for program, included in cost</i>
	<i>Junior Naturalist Program</i>	<i>\$4.00 per person per week \$12 unlimited participation in interpretive season</i>
<i>Kiptopeke</i>	<i>Birding Program (Hawk observatory/bird banding station)</i>	<i>\$4.00 per person</i>

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	<i>Birding Program (Group Rates)</i>	\$35 (Corporate) \$25 (Nonprofit)
York River	<i>Guided Adventure Programs</i>	\$4.00 per person \$40 per group (Minimum 12 persons)
	<i>York River Children's Programs</i>	\$2.00 per person, single program \$10 unlimited participation throughout Interpretive Season
Westmoreland	<i>Guided Program Fee</i>	\$25 per person
Mason Neck	<i>Junior Ranger Program (Includes T-Shirt)</i>	\$35 per person
	<i>Ranger Led Programs – Groups</i>	\$3.00 per person
Holiday Lake	<i>Field Archaeology Workshop</i>	\$25 per person
	<i>Junior Ranger Program (3 half-day workshop) (Ages 6 to 13)</i>	\$25 per child
Grayson Highlands	<i>Junior Ranger Program</i>	\$2.00 per person per day
False Cape	<i>Wildlife Watch Tour – Per Person</i>	\$5.00 per person
Staunton River	<i>Junior Ranger Program</i>	\$4.00 per session
	<i>Interpretive Craft</i>	\$2.00 per person
	<i>Down A Lazy River Guided Canoe Trip</i>	\$6.00 per child \$8.00 per adult
First Landing	<i>Fall Friends</i>	\$5.00 per person per class \$25 per person for all classes
	<i>Junior Ranger Program</i>	\$25 per person
	<i>Kritter Kids</i>	\$25 per person
Bear Creek Lake	<i>Interpretive bike tours</i>	\$3.00 per person
Leesylvania	<i>Junior Ranger Program</i>	\$25 per person
	<i>Halloween Haunted Hike</i>	\$2.00 per person
	<i>Interpretive Programs</i>	\$2.00 per person
	<i>Kids Fishing Tournament</i>	\$2.00 per child
Natural Tunnel	<i>Wild Cave Tours</i>	\$10 per person \$5.00 per person (Family-Group; 8-person minimum)
	<i>Bolling Cave Tours</i>	\$20 per person \$10 per person (Family-Group; 8-person minimum)
Westmoreland	<i>Orienteering Program</i>	\$3.00 per person \$25 per group (20 maximum)
New River Trail	<i>New River Trail Seniors Van Tour</i>	\$25 per person

4 VAC 5-36-160. Outdoor skill program fees.

OUTDOOR SKILL PROGRAMS (NONTAXABLE)

<i>Outdoor Skill Programs</i>		<i>FEE</i>
Grayson Highlands	<i>Outdoor Survival Skills and Backpacking</i>	\$95 per person
	<i>Basic Map and Compass</i>	\$25 per person

	<i>Beginning Rock Climbing and Backpacking</i>	<i>\$95 per person</i>
	<i>Advanced Map and Compass Skills</i>	<i>\$25 per person</i>
<i>Holliday Lake</i>	<i>Mountain Bike Workshop</i>	<i>\$10 per person (In advance) \$15 per person (Day of event)</i>
<i>Westmoreland, Douthat, Hungry Mother, False Cape</i>	<i>Photography Workshop, with meals and lodging</i>	<i>\$325 per person</i>
	<i>Photography Workshop, with meals, no lodging</i>	<i>\$295 per person</i>
	<i>Photography Workshop, no meals, no lodging</i>	<i>\$225 per person</i>
	<i>Nonparticipant Lodging and Food</i>	<i>\$235 per person</i>
	<i>Nonparticipant Meals only</i>	<i>\$125 per person</i>
<i>Sky Meadows</i>	<i>Getting Started in Nature Photography</i>	<i>\$60 per person</i>
<i>All District I Parks (Chippokes Plantation Farm and Forest Museum, First Landing, York River, Kiptopeke, False Cape)</i>	<i>VA State Parks Naturally Yours Tour</i>	<i>\$230 per person</i>
<i>Lake Anna</i>	<i>Prospecting for Gold Workshop</i>	<i>\$50 per person</i>
<i>Hungry Mother</i>	<i>Mountain Empire Fly Fishing School</i>	<i>\$225 per person</i>
<i>Grayson Highlands</i>	<i>Guided Fly Fishing Trip: Half-day</i>	<i>\$50 per person</i>
	<i>Guided Fly Fishing Trip: Full-day</i>	<i>\$75 per person</i>

4 VAC 5-36-170. Hunting fees.

HUNTING (NONTAXABLE)

<i>Hunting</i>	<i>FEE</i>
<i>All parks where available unless otherwise noted</i>	<i>Standard Daily Hunting Fee for Managed Hunts (Does not apply to open hunting areas at Fairy Stone, Hungry Mother, Grayson Highlands, Occoneechee, and Pocahontas)</i>
<i>Chippokes Plantation</i>	<i>Southern Heritage Deer Hunt</i>
	<i>\$15</i>
	<i>\$250 per adult, or youth 16 and older with a separate stand \$150 per child ages 12 through 17 if stand is shared with a paying adult \$50 per nonhunting companion</i>

4 VAC 5-36-180. State park performing arts events fees.

STATE PARK PERFORMING ARTS EVENTS (NONTAXABLE)

<i>State Parks Performing Arts Events:</i>	<i>FEE</i>
<i>Natural Tunnel Gospel Singing Festival</i>	<i>\$5.00 per vehicle</i>
<i>Douthat Shakespeare in the Park</i>	<i>\$3.00 (Age 12 and under)</i>
	<i>\$5.00 (Age 13 and over)</i>
<i>First Landing Arts in the Park Series (4 concerts) Does not include parking</i>	<i>\$5.00 per adult</i>
	<i>\$3.00 per child</i>
	<i>Under age 3 is free</i>
<i>First Landing: Arts in the Park Series Does not include parking Season Passes</i>	<i>\$16 per adult</i>
	<i>\$10 per child</i>
<i>First Landing: Music in the Park (9 concerts) Does not include parking</i>	<i>\$3.00 per person adults and children</i>
	<i>Under age 3 is free</i>
<i>First Landing: Music in the Park Does not include parking Season Passes</i>	<i>\$22.50 season pass</i>

Note on Cancellation Policy for Performing Arts Programs:

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1. *Cancellation Policy for Performing Arts Programs: In the event that inclement weather forces the cancellation of a performing arts program, a full refund will be provided to ticket holders. Since rescheduling may not be an option, if and when the program is rescheduled, those interested in attending must repurchase their tickets to the performance.*

4 VAC 5-36-190. Environmental education center fees.

ENVIRONMENTAL EDUCATION SERVICES AND FACILITIES FEES

(TAXABLE unless otherwise noted)

PARK	SERVICE OR FACILITY	FEE
First Landing, Caledon, Mason Neck	Rental of Environmental Education Center	\$60 per day
		\$40 per half-day
First Landing	Chesapeake Bay Center Exhibit Area. Fee required after 5 p.m. or after regular operating hours	\$25 per hour
False Cape State Park	Wash Woods Environmental Education Center - Use by educational group	\$200 per night \$60 day use
	Wash Woods Environmental Education Center Use by noneducational Group	\$300 per night \$100 day use
	Deposit to accompany reservation application	\$40
	Environmental Education Programs (Nontaxable)	\$75
	Transportation for educational group (Nontaxable)	\$36 round trip \$18 one way
	Transportation for noneducational group (Nontaxable)	\$48 round trip \$24 one way
	Additional Park Vehicle: Round trip (Nontaxable)	\$36
	Per Hour within the park (Nontaxable)	\$18
	Equipment Rental	\$20
	Mason Neck	Hartwell Environmental Education Center (Includes wet lab and equipment)
Environmental Education Equipment only: Excludes center and wet lab – outdoor activity only		\$25 per half-day \$40 per full-day
Leesylvania	Discovery Room	
	Teacher Led Programs Up to 4 hours (Nontaxable)	\$50
	Ranger Led Programs Up to 4 hours (Nontaxable)	\$85
	Menu Programs: Picked by instructor – led by ranger; 1-hour 15-minute minimum (Nontaxable)	\$30
	Equipment Rental: For use outside of Visitor Center; 4-hour maximum	\$20

Note on Environmental Education Center Cancellation Policy:

1. *Environmental Education Center Cancellation Policy: For day-use E.E.C. cancellation policy, Picnic Shelter cancellation policy shall apply. For overnight-use E.E.C. cancellation policy, cabin cancellation policy shall apply.*

4 VAC 5-36-200. Miscellaneous Rental Fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals	FEE
All parks unless noted below	\$3.00 per hour
	\$8.00 per half-day
	\$15 per full-day
Fairy Stone	\$5.00 per hour
	\$30 per full-day

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<i>Occoneechee: Includes Helmet</i>	<i>\$6.00 for one hour \$10 for two hours \$15 for half-day \$25 for full-day \$30 for 24-hours \$50 for 48-hours</i>
<i>Claytor Lake</i>	<i>\$4.00 per hour \$25 per day</i>
<i>New River Trail</i>	<i>\$5.00 per hour \$12 per half-day \$18 per day</i>
<i>Staunton River: Family Bicycle Package. Includes 4 bicycles.</i>	<i>\$9.00 per hour \$25 per half-day \$38 per full-day</i>
Boat Rentals	FEE
<i>Standard Paddle Boat Rental: All parks unless noted below</i>	<i>\$6.00 per hour</i>
<i>Occoneechee: Paddleboat</i>	<i>\$12 for one hour \$18 for two hours \$24 for half-day \$39 for full-day \$44 for 24 hours \$75 for 48 hours</i>
<i>Smith Mountain Lake: Paddleboat</i>	<i>\$10 per half-hour \$15 per one hour \$60 for 24 hours \$90 for 2 days \$120 for 3 days \$150 for 4 days \$170 for 5 days</i>
<i>Standard Canoe Rental: All parks where available unless noted below.</i>	<i>\$6.00 per hour \$12 per half-day \$22 per full-day</i>
<i>Occoneechee: Includes orange Personal Flotation Devices, paddles, and car-top carrier</i>	<i>\$8.00 per hour \$12 for two hours \$15 for half-day \$25 for full-day \$30 for 24 hours \$50 for 48 hours</i>
<i>Smith Mountain Lake</i>	<i>\$8.00 per half-hour \$12 per one hour \$60 for 24 hours \$90 for 2 days \$120 for 3 days \$150 for 4 days \$170 for 5 days</i>
<i>Claytor Lake</i>	<i>\$12 per hour \$35 per half-day \$50 per day</i>

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<i>Standard Rowboat Rental, without motor: All parks where available unless otherwise noted</i>	\$6.00 per hour \$12 per half-day \$22 per full-day \$80 per week
<i>Claytor Lake: Rowboat/Jon Boat rental without motor:</i>	\$4.00 per hour
<i>Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted</i>	\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week
<i>Standard Fishing Boat Rental with gasoline motor and one tank of fuel: All parks where available unless otherwise noted.</i>	\$10 per hour (2-hour minimum) \$50 per day
<i>Pedal Craft Rental: (Hydro-Bike, Surf-Bike, etc.) All parks where available unless otherwise noted.</i>	
<i>One person.</i>	\$5.00 per hour
<i>Two person.</i>	\$8.00 per hour
<i>Smith Mountain Lake: Hydro Bike</i>	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$90 two days with 1 night \$120 three days with 2 nights \$150 four days with 3 nights \$170 five days with 4 nights \$190 six days with 5 nights \$210 seven days with 6 nights
<i>Solo Kayak Rental:</i>	
<i>All parks unless noted below</i>	\$8.00 per hour
<i>Occoneechee: Includes orange PFD's, paddles, and car-top carrier.</i>	\$10 per hour \$15 for two hours \$20 for half-day \$35 for full-day \$40 for 24 hours \$70 for 48 hours
<i>Smith Mountain Lake</i>	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$90 two days with 1 night \$120 three days with 2 nights \$150 four days with 3 nights \$170 five days with 4 nights
<i>Claytor Lake</i>	\$10 per hour \$35 per half-day \$50 per day
<i>Tandem Kayak Rental:</i>	\$10 per hour
<i>All parks where available unless otherwise noted.</i>	
<i>Occoneechee: Includes PFD's, paddles, and car-top carrier.</i>	\$12 per hour \$18 for two hours \$24 for half-day \$39 for full-day \$44 for 24-hours \$75 for 48-hours

Claytor Lake	\$15 per hour \$45 per half-day \$60 per day
Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$50 for 3-hours \$75 for 6-hours \$110 for 24-hours \$160 for 2 days with 1 night \$210 for 3 days with 2 nights \$250 for 4 days with 3 nights \$290 for 5 days with 4 nights \$330 for 6 days with 5 nights \$360 for 7 days with 6 nights
Claytor Lake: 14-foot jon boat with 6 hp motor	\$12 per hour \$30 per half-day \$55 per day
Claytor Lake: 14-foot jon fishing boat with 8 hp motor	\$14 per hour \$38 per half-day \$60 per day
Claytor Lake: 14-foot v-hull boat with 15 hp motor	\$17 per hour \$50 per half-day \$85 per day
Claytor Lake: 16-foot v-hull with 15 hp motor	\$18 per hour \$55 per half-day \$90 per day
Lake Anna: 16-foot v-hull with 15 hp motor: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$200 damage deposit required.	\$69 per half-day \$99 per day
Lake Anna: Runabout with 50 hp motor (6-person): Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$200 damage deposit required.	\$149 per half-day \$199 per day
Occoneechee: Powerboats, 3-person	\$38 per hour \$12 each extra hour \$70 per half-day \$115 per day \$135 per 24 hours \$250 per 48 hours
Smith Mountain Lake: 17-foot runabout with 75 hp. (6-person capacity) Rental does not include fuel and oil. Damage deposit of \$200 required.	\$90 for 3 hours \$130 for 6 hours \$200 for 24 hours \$280 for 2 days with 1 night \$360 for 3 days with 2 nights \$510 for 5 days with 4 nights \$580 for 6 days with 5 nights \$650 for 7 days with 6 nights
Smith Mountain Lake: 20-foot Sea Ray with 133 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$110 for 3 hours \$170 for 6 hours \$250 for 24 hours \$350 for 2 days with 1 night \$440 for 3 days with 2 nights \$530 for 4 days with 3 nights \$620 for 5 days with 4 nights \$710 for 6 days with 5 nights \$795 for 7 days with 6 nights

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<i>Claytor Lake: 18-foot pontoon boat</i>	\$75 per half-day \$140 per day
<i>Claytor Lake: 22-foot pontoon boat</i>	\$150 per half-day \$250 per day
<i>Lake Anna: Pontoon boat, 6-person: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$300 damage deposit required.</i>	\$149 per half-day \$199 per day
<i>Lake Anna: Pontoon boat, 15 person: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$300 damage deposit required.</i>	\$189 per half-day \$249 per day
<i>Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity).</i>	\$80 for 3 hours \$120 for 6 hours \$165 for 24 hours \$235 for 2 days with 1 night \$315 for 3 days with 2 nights \$395 for 4 days with 3 nights \$465 for 5 days with 4 nights \$535 for 6 days with 5 nights \$595 for 7 days with 6 nights
<i>Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.</i>	\$110 for 3 hours \$170 for 6 hours \$250 for 24 hours \$350 for 2 days with 1 night \$440 for 3 days with 2 nights \$530 for 4 days with 3 nights \$620 for 5 days with 4 nights \$710 for 6 days with 5 nights \$795 for 7 days with 6 nights
<i>Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.</i>	
<i>Paddle</i>	\$20
<i>Anchor/Rope</i>	\$40
<i>Fuel Tank/Hose</i>	\$60
<i>Fire Extinguisher</i>	\$25
<i>Throw Cushion</i>	\$10
<i>Propeller</i>	\$60
<i>Other Rentals:</i>	
<i>Personal Flotation Device (PFD): When separate from boat rental.</i>	\$1.00 per day
<i>Smith Mountain Lake: Personal Flotation Device, type II.</i>	\$5.00 for first day \$1.00 addl. days
<i>Smith Mountain Lake: Personal Flotation Device, type III</i>	\$7.00 for first day \$2.00 addl. days
<i>Occoneechee: Ski Tubes; Wake-boards; Combo Skis</i>	\$8.00 per hour \$12 for two hours \$15 for half-day \$25 for full-day \$30 for 24 hours \$50 for 48 hours
<i>Occoneechee: Additional Ski Vest</i>	\$2.00 each
<i>Occoneechee: Ski Rope</i>	\$5.00 per day
<i>New River Trail: Float Tubes</i>	\$10 per day

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<i>Smith Mountain Lake: Tow tube; Water Skis; Knee Board</i>	\$15 per day with boat rental \$25 per day without boat rental
<i>Smith Mountain Lake: Wake Board</i>	\$25 per day with boat rental \$30 per day without boat rental
<i>Mobile Pig Cooker: All parks where available unless otherwise noted.</i>	\$40 per day
<i>Volleyball Net and Ball Rental: All parks where available.</i>	\$10
<i>Binocular Rentals (2 hours): All parks where available.</i>	\$2.00
<i>Beach Floats: All parks where available.</i>	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day
<i>Beach Umbrella: All parks where available.</i>	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day
<i>Beach Umbrella: Kiptopeke</i>	\$5.00 per 4 hours \$8.00 per 8 hours
<i>Fishing Rods: All parks where available.</i>	\$5.00 per half-day
<i>Coin-Operated Washing Machine: All parks where available.</i>	\$1.00 per load, tax included
<i>Coin Operated Dryer: All parks where available.</i>	\$0.75 per load, tax included
<i>6-Foot Table (Includes 6 chairs)</i>	\$10 per rental period \$2.50 each per period
<i>Additional chairs:</i>	

4 VAC 5-36-210. Conference Center Fees.

CONFERENCE CENTERS (TAXABLE)

Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.

	<i>FEE</i>
<i>Hemlock Haven Conference Center at Hungry Mother</i>	
<i>Main Hall (Capacity: 375)</i>	\$250 per day
<i>Upper Level (Capacity: 50)</i>	\$150 per day
<i>Redbud Room: (Capacity 35)</i>	\$50 per day
<i>Laurel Room (Capacity: 20)</i>	\$35 per day
<i>Entire Meeting Room Complex</i>	\$400 per day
<i>Exclusive Use (includes all cabins and meeting rooms)</i>	
<i>The Friday prior to Memorial Day through Labor Day of each year.</i>	
<i>Fridays and Saturdays</i>	\$1,200 per 12 hours
<i>Sundays through Thursdays</i>	\$600 per 12 hours
<i>Exclusive Use (includes all cabins and meeting rooms)</i>	
<i>The Tuesday following Labor Day through the Thursday prior to Memorial Day of each year.</i>	
<i>Fridays and Saturdays</i>	\$850 per 12 hours
<i>Sundays through Thursdays</i>	\$425 per 12 hours
<i>Lodging: Conference Cabins</i>	\$90 per night per cabin
<i>Lodging: Individual Cabins: ("Pines" cabins)</i>	\$90 per night per cabin
<i>Day Use Recreational Package (Includes all outside recreational facilities)</i>	
<i>0 – 250 Persons</i>	\$250 per half-day \$500 per full-day

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250 – 500 Persons	\$375 per half-day \$750 per full-day
500 + persons	\$500 per half-day \$1,000 per full-day
<i>Exclusive Use Recreational Package: Includes all recreational facilities, pool, and main floor of Ferrell Hall; does not include cabins.</i>	\$1,150 per full-day
<i>Pool Use: Full-Day rental only</i>	\$150 per full-day
Cedar Crest Conference Center at Twin Lakes	
<i>Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.</i>	\$175 per 4 hours \$350 per day \$50 each extra hour
<i>Doswell Meeting Room: Meeting Room Only; no kitchen or dining room.</i>	\$125 per room per 4 hours \$250 per room per day \$35 each extra hour
<i>Small break-out rooms with main room: Latham and Hurt.</i>	\$50 per room per 4 hours \$100 per room per day \$20 each extra hour
<i>Small break-out rooms without main room.</i>	\$75 per room per 4 hours \$150 per room per day \$35 each extra hour
<i>Picnic Shelter or Gazebo at Cedar Crest.</i>	\$65 per 4 hours \$125 per day \$10 each extra hour
<i>Kitchen rental Only available with complex rental.</i>	\$100 per event
<i>Kitchen Cleaning Fee: Deposit.</i>	\$150 per event
<i>Boat Package: 4 paddle boats and 2 row boats: Only available with facility rentals</i>	\$55 per 4 hours \$110 per day
<i>Hill Lodge: 8 persons maximum – 2-night minimum</i>	\$200 per night
<i>Cabins: 6-person maximum per 2 cabins – 2-night minimum</i>	\$80 per night
<i>Package Plans: Includes overnight rental for 24 hour period and complex rental for an 8-hour period between 8 a.m. and 11 p.m.</i>	
<i>6 Cabins and Complex: one-night minimum.</i>	\$670
<i>6 Cottages and Lodge: one-night minimum.</i>	\$840
<i>6 Cottages, Martin Cottage, and Lodge: one-night minimum.</i>	\$901
<i>30' x 42' Frame Tent: For use on pavilion deck or lawn.</i>	\$250 per event
Chippokes Plantation Meeting, Conference, and Special Use Facilities	
<i>Mansion Conference Room.</i>	\$25 per hour
<i>Mansion or Historic Area Grounds (Includes parking for party rental).</i>	\$300 per event
<i>Program Options: Wagon Tour (24 Maximum).</i>	\$48
<i>Program Options: Canoe Tour: Approx. 2 hours (12-person minimum; 22-person maximum).</i>	\$48

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<i>Chippokes Plantation Conference Shelter (Available on reservation basis only).</i>		
<i>With kitchen</i>	\$100 per function	
<i>Without kitchen</i>	\$60 per function	
<i>Southwest Virginia Museum – Victorian Parlor Room Rental (Based on 4-hour rental)</i>		
	DAY	EVENING
<i>Option #1: Victorian Parlor – Basic Room Package (Includes tables with linen and chairs)</i>		
<i>Up to 22 People (6 tables – 22 chairs)</i>	\$30	\$55
<i>23 to 30 People (8 tables – 30 chairs)</i>	\$40	\$65
<i>OR</i>		
<i>Up to 50 people (50 chairs & head table)</i>		
<i>Option #2: Victorian Parlor – Executive Room Package (Includes tables with linen and chairs, water pitcher with glasses, coffeepot with cups (coffee not included), AV equipment, and presentation aids)</i>		
<i>Up to 22 People (6 tables – 22 chairs)</i>	\$50	\$75
<i>23 to 30 People (8 tables – 30 chairs)</i>	\$65	\$90
<i>OR</i>		
<i>Up to 50 people (50 chairs & head table)</i>		
<i>Option #3: Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.</i>		
<i>Hallway (downstairs) (Includes two existing tables with linens)</i>	\$10	\$10
<i>Each Additional Table with Linens</i>	\$10	\$10
<i>Small Parlor: AV room or Big Stone Gap Photo room (Includes 1 table with linens and 6-8 chairs)</i>	\$30	\$30
<i>Big Stone Gap Development Room (Includes 1 table with linens and 6-8 chairs)</i>	\$40	\$40
<i>Wedding Portraits</i>	\$50 per 2 hours	\$75 per 2 hours
<i>Additional hours</i>	\$10	\$10
<i>Surcharge for exceeding Approved Hours</i>	\$20	\$20
<i>Sky Meadows</i>		
<i>“The Meeting House” at Sky Meadows: Accommodates 15 people maximum</i>	\$25 per half-day (Less than 4 hours)	
	\$40 per full-day (Greater than 4 hours)	
<i>Karlan/Wilderness Road (Mansion and Ground Rental)</i>		
<i>Mansion or Lawn: separately</i>	\$60 for 4 hours	
<i>Mansion and Lawn: combined</i>	\$100 for 4 hours	
<i>Additional hours beyond scheduled operating hours</i>	\$10 per hour	
<i>Exceeding Approved Hours</i>	\$20 per hour	
<i>Cove Ridge Center at Natural Tunnel: A deposit of 30% is required within 10 days of making the reservation. Deposit is refundable up to 14 days in advance of the reservation date.</i>		
	PRIVATE FEE	EDUCATIONAL FEE
<i>Exclusive Overnight Use of one dorm: Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorm, swimming (in-season), use of conference AV equipment, guest information and hospitality packet, parking passes.</i>	\$600 per night	\$400 per night

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<i>Exclusive Overnight Use of both dorms: Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorms, swimming (in-season), use of conference AV equipment, guest information and hospitality packet, parking passes.</i>	\$800 per night	\$600 per night
<i>Exclusive Day Use: Same as above excluding dorm(s)</i>	\$400 per day	\$200 per day
<i>Auditorium (half-day)</i>	\$110	\$80
<i>Classroom – Library (half-day)</i>	\$60	\$30
<i>Dorm (Only) nightly</i>	\$400	\$300
<i>Both Dorms (Only) Nightly</i>	\$500	\$400
<i>Per Person Student Rate for Overnight Dorm Use</i>	\$12.50 per person	\$12.50 per person
<i>Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.</i>	\$300 per 4 hours	
<i>Heritage Center at Pocahontas All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)</i>	<i>PRIVATE FEE</i>	<i>EDUCATIONAL FEE</i>
<i>Exclusive Use Package – Entire Complex (Capacity: 224; includes tables, chairs, deck area, and warming kitchen)</i>	\$200 per 4 hours \$350 per full-day \$40 each extra hour	\$120 per 4 hours \$210 per full-day \$30 each extra hour
<i>Large Room (Capacity: 150; includes tables and chairs)</i>	\$125 per 4 hours \$225 per full-day \$25 each extra hour	\$75 per 4 hours \$135 per full-day \$15 each extra hour
<i>Small Room (Capacity: 75; includes tables and chairs)</i>	\$75 per 4 hours \$100 per full-day \$25 each extra hour	\$40 per 4 hours \$80 per full-day \$15 each extra hour
<i>Board Room (Capacity: 30)</i>	\$50 per 4 hours \$100 per full-day \$20 each extra hour	\$30 per 4 hours \$55 per full-day \$15 each extra hour
<i>Refundable damage deposit in the form of a check made out to: Treasurer of Virginia prior to occupancy.</i>	\$100	\$100
<i>Westmoreland</i>		<i>FEE</i>
<i>Meeting and Events Facility</i>		\$125 (Up to 6 hours) \$225 (8 a.m. to 10 p.m.)
<i>Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception</i>		\$300
<i>Potomac River Retreat : Table and Chair Set-up</i>		\$40
<i>Fairy Stone</i>		
<i>Fayerdale Hall Meeting Facility</i>		\$125 (Up to 6 hours) \$225 (8 a.m. to 10 p.m.)
<i>Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception.</i>		\$300
<i>Douthat</i>		
<i>Allegheny Room: Up to 60 persons.</i>		\$150 per day
<i>Blue Ridge Room: Up to 20 persons.</i>		\$50 per day
<i>Both Rooms: Same day.</i>		\$175 per day
<i>Wedding Package: Both conference rooms and amphitheater (see “amphitheater section”) on day of wedding, plus an extra half-day amphitheater for rehearsal.</i>		\$300

First Landing

Trail Center Conference Room (Capacity: 45)

\$40 per half-day
\$60 per full-day

Smith Mountain Lake

Meeting room at Visitor Center

\$150 per day

Equipment and Services Associated with Meetings and Rentals:

Microphone/Podium Rental

15 per day

Linen Rentals:

Table cloth and napkins per table

\$5 per table

Place settings

\$2 each

Fax

First 2 pages free
\$2 each extra page

Copies

Single copy free
\$.15 each extra copy

Easels

\$5 per day

Overhead Projector

\$10 per day

TV with VCR

\$10

Second TV

\$10

Overhead Projector with Screen

\$10

Slide Projector with Screen

\$10

Flip Chart

\$10

Notes on standard cancellation policy for conference and meeting facilities:

Conference and meeting facilities require a 25% prepayment due 10 days prior to the first date of the reservation, and payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.

VA.R. Doc. No. R02-135; Filed March 5, 2002, 2:37 p.m.

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 § 2.2-2006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-270. **Pertaining to Crabbing (amending 4 VAC 20-270-30, 4 VAC 20-270-40, 4 VAC 20-270-55; adding 4 VAC 20-270-56).**

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

Effective Date: March 5, 2002.

Summary:

The amendments establish the lawful eight-hour time period for commercial crab potting and peeler potting and establish a three-inch minimum size limit on peeler crabs and a tolerance of 10 undersized crabs per U.S. standard bushel. The amendments also limit recreational harvesters of crabs to one bushel of hard crabs or two dozen peeler crabs for personal use.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-270-30. Daily time limits.

A. It shall be unlawful to take or catch crabs for commercial purposes between sunset and three hours before sunrise, provided; however, it shall be unlawful to take crabs by crab dredge, between sunset and sunrise for any person who is licensed to catch and sell crabs taken by crab pot or peeler pot to take and harvest crabs from any crab pot or peeler pot except during the lawful daily time periods described in this subsection. The lawful daily time periods for the commercial harvesting of crabs by crab pot or peeler pot shall be from 6 a.m. to 2 p.m. during the months of April, September, October, and November and from 5 a.m. to 1 p.m. during the months of May, June, July, and August. Crab pots or peeler pots already on board a boat at the end of the lawful daily time period may

be set during the period starting immediately following the lawful daily time period and ending one hour after the lawful daily time period.

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B. It shall be unlawful to take or harvest crabs by crab dredge between sunset and sunrise.

C. The lawful daily time periods for the commercial harvest of crabs by crab pot or peeler pot may be rescinded by the Commissioner of Marine Resources when he determines that a pending weather event is sufficient cause for the removal of crab pots from the tidal waters of the Commonwealth.

4 VAC 20-270-40. Season limits.

A. It shall be unlawful for any person to knowingly to place, set, fish or leave any hard crab pot or peeler crab pot in any tidal waters of Virginia from December 1 through March 31.

~~B. It shall be unlawful for any person using crab pot or peeler pot to engage in any commercial crabbing activities, including the placing, setting, moving, baiting or fishing of crab pots or peeler pots, during any Wednesday, from June 6 through August 22.~~

C. B. It shall be unlawful for any person to knowingly to place, set, fish or leave any fish pot in any tidal waters from March 27 through March 31, except as provided in subdivisions 1 and 2 of this subsection.

1. It shall be lawful for any person to place, set, or fish any fish pot in those waters located upriver of the following boundary lines:

a. In the James River the boundary shall be a line connecting Hog Point and the downstream point at the mouth of College Creek.

b. In the York River the boundary lines shall be the Route 33 bridges at West Point.

c. In the Rappahannock River the boundary line shall be the Route 360 bridge at Tappahannock.

2. This subsection shall not apply to lawful eel pots as described in 4 VAC 20-500-50.

4 VAC 20-270-55. Minimum size limits.

A. It shall be unlawful for any person to take, catch, harvest, possess, sell or offer for sale, or to destroy in any manner peeler crabs that measure less than three inches across the shell from tip to tip of the longest spikes with the following exceptions:

1. It shall not be unlawful for any person to possess 10 or less peeler crabs, per United States standard bushel, that have been taken, caught, or harvested and that measure less than three inches across the shell from tip to tip of the longest spikes.

2. It shall not be unlawful to sell or to offer for sale those peeler crabs less than three inches across the shell from tip to tip of the longest spikes as authorized in subdivision 1 of this subsection.

B. It shall be unlawful for any person to take, catch, ~~have in possession or harvest, possess, sell or offer for sale, or to destroy in any manner, any softshell blue soft crab which~~ that measures less than 3-1/2 inches across the shell from tip to tip of the longest spikes.

4 VAC 20-270-56. Recreational harvest limit.

It shall be unlawful to take by dip net, hand line, or crab pot, or to possess for personal use aboard any vessel, more than one bushel of hard crabs or two dozen peeler crabs.

VA.R. Doc. No. R02-137; Filed March 5, 2002, 4:27 p.m.

* * * * *

Title of Regulation: **4 VAC 20-620. Pertaining to Summer Flounder (amending 4 VAC 20-620-20, 4 VAC 20-620-50, 4 VAC 20-620-60 and 4 VAC 20-620-70).**

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

Effective Date: March 5, 2002.

Summary:

The amendments establish minimum size limits, possession limits, and closed fishing seasons for recreational Summer Flounder fishing in the Chesapeake Bay and its tributaries and the coastal area. The areas encompassing the Chesapeake Bay and its tributaries and the coastal area are defined.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-20. Definition.

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

"Chesapeake Bay and its tributaries" means all tidal waters of Virginia, including the Potomac River tributaries but excluding the coastal area as defined in this section.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea and all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County, including areas east of the causeway from Fisherman Island to the mainland and the City of Virginia Beach, including federal areas and state parks fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry.

"Land" or "landing" means to enter port with finfish, shellfish, crustaceans or other marine seafood on board any boat or vessel, to begin offloading finfish, shellfish, crustaceans or other marine seafood, or to offload finfish, shellfish, crustaceans, or other marine seafood.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond, thence upstream to the District of Columbia boundary.

4 VAC 20-620-50. Minimum size limits.

A. The minimum size for Summer Flounder harvested by commercial fishing gear shall be 14 inches, total length.

B. The minimum size of Summer Flounder harvested from the Chesapeake Bay and its tributaries by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be ~~45-1/2~~ 17-1/2 inches, total length. *The minimum size of Summer Flounder harvested from the coastal area by recreational fishing gear, including but not limited to hook and line, rod and reel, spear, and gig, shall be 15-1/2 inches, total length.*

C. Length shall be measured in a straight line from tip of nose to tip of tail.

D. It shall be unlawful for any person fishing recreationally in Virginia to possess aboard any vessel or to land or to bring to shore within the Chesapeake Bay and its tributaries or the coastal area any Summer Flounder smaller than the minimum size limit designated ~~minimum size limit~~ for each respective area as described in subsection B of this section.

E. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

4 VAC 20-620-60. Possession limit.

A. It shall be unlawful for any person fishing ~~with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess recreationally in Virginia to possess aboard any vessel or to land or to bring to shore within the Chesapeake Bay and its tributaries~~ more than eight Summer Flounder. ~~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 eight. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. It shall be unlawful for any person fishing recreationally in Virginia to possess aboard any vessel or to land or to bring to shore within the coastal area more than five Summer Flounder.~~ Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.

B. Possession of any quantity of Summer Flounder which exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

4 VAC 20-620-70. Recreational fishing season.

A. The recreational fishing season for the Chesapeake Bay and its tributaries shall be closed from January 1 through March 28, and from July 24 22 through ~~August 7~~ July 28. *The recreational fishing season for the coastal area shall be closed from January 1 through March 28 and from July 22 through August 5.*

B. It shall be unlawful for any person fishing recreationally to ~~take, catch, or possess aboard any vessel or to land or to bring to shore within the Chesapeake Bay and its tributaries or the coastal area~~ any Summer Flounder during any closed recreational fishing ~~season~~ seasons for the respective areas designated in subsection A of this section.

C. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia that were legally harvested in the Potomac River.

Title of Regulation: 4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-30, 4 VAC 20-950-40 and 4 VAC 20-950-45).

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

Effective Date: March 4, 2002.

Summary:

The amendments increase the commercial minimum size limit of black sea bass from 10 inches to 11 inches and increase the recreational minimum size limit from 11 inches to 11-1/2 inches; increase the escape vent in pots used for harvesting black sea bass; and delete any closed seasons of black sea bass to commercial or recreational fishing.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-950-30. Minimum size limit.

A. The minimum size for black sea bass harvested by commercial fishing gear shall be ~~40~~ 11 inches, total length.

B. The minimum size of black sea bass harvested by recreational gear, including but not limited to hook and line, rod and reel, spear and gig, shall be ~~44~~ 11-1/2 inches, total length.

C. It shall be unlawful for any person to possess any black sea bass smaller than the minimum size limit, as designated respectively, in subsections A and B of this section.

D. It shall be unlawful for any person to sell, trade, or barter, or offer to sell, trade, or barter any black sea bass less than ~~40~~ 11 inches, total length.

E. Total length shall be measured along the lateral midline from tip of nose to tip of tail excluding the caudal fin filament.

4 VAC 20-950-40. Gear restrictions.

It shall be unlawful for any person to place, set, or fish any fish pot in Virginia tidal waters for the purposes of harvesting black sea bass or to possess or to land in Virginia black sea bass harvested by fish pots which are not constructed as follows:

1. With an escape vent of ~~two~~ 2-3/8 inches diameter circular dimension, ~~4-5~~ 2 inches square dimension, or ~~4-4/8~~ 1-3/8 inches by 5-3/4 inches rectangular dimension.
2. With hinges and fasteners on one side panel or door made of the following materials:
 - a. Untreated hemp, jute, or cotton string of 3/16 inches or less diameter;
 - b. Magnesium alloy, timed float releases (pop-up devices), or similar magnesium alloy fasteners; or
 - c. Ungalvanized or uncoated iron wire of 0.094 inches or less in diameter.

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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 7,000 pounds of black sea bass.

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 1,500 pounds of black sea bass. When it is announced that 40% of the coastwide quota for this period is projected to have been taken, the provisions of subsection E of this section shall apply.

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 1,000 pounds of black sea bass. When it is announced that 40% of the coastwide quota for this period is projected to have been taken, the provisions of subsection E of this section shall apply.

D. During the period October 1 through December 31 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 2,000 pounds of black sea bass;
2. Land black sea bass in Virginia for commercial purposes more than four times within each consecutive seven-day period, with the first seven-day period beginning on October 1;
3. Land in Virginia more than a total of 2,000 pounds of black sea bass during each consecutive seven-day period, with the first seven-day period beginning on October 1;
4. Fail to contact within 24 hours of landing the Marine Resources Commission's Interactive Voice Recording system to report the name of the vessel and fisherman and the weight of each landing of black sea bass.

E. When it is announced that 40% of the coastwide quota for any of the periods designated in subsections B and C of this section has been taken, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 1,000 pounds of black sea bass.
2. Land black sea bass in Virginia, for commercial purposes, more than four times within each consecutive seven-day period, with the first seven-day period beginning upon the announcement that 40% of the coastwide quota for the period has been taken.
3. Land in Virginia more than a total of 1,000 pounds of black sea bass during each consecutive seven-day period, with the first seven-day period beginning upon the announcement that 40% of the coastwide quota for the period has been taken.
4. Fail to contact the Marine Resources Commission's Interactive Voice Recording system within 24 hours of landing to report the name of the vessel and fisherman and the weight of each landing of black sea bass.

F. 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.

G. 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.

~~H. It shall be unlawful for any person to possess or to land any black sea bass for recreational purposes from March 4 through March 31 and from July 15 through August 14 of each year.~~

~~H. 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 25 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 25. 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.~~

~~I. Possession of any quantity of black sea bass that exceeds the possession limit described in subsection I of this section shall be presumed to be for commercial purposes.~~

VA.R. Doc. No. R02-133; Filed March 4, 2002, 3:36 p.m.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors, and (ii) § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Virginia Soil and Water Conservation Board will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: 4 VAC 50-20. Impounding Structure Regulations (amending 4 VAC 50-20-30, 4 VAC 50-20-50, 4 VAC 50-20-70, 4 VAC 50-20-120, 4 VAC 50-20-220 and 4 VAC 50-20-320).

Statutory Authority: § 10.1-605 of the Code of Virginia.

Effective Date: July 1, 2002.

Summary:

The amendments to this regulation update the name of the agency to reflect current nomenclature; change the definition of impounding structure in accordance with Chapter 92 of the 2001 Virginia Acts of Assembly; rectify an error that had inadvertently changed the greater than or equal to symbol to a greater than symbol during former regulatory publication; update the name of the Department

of Emergency Services to the State Department of Emergency Management; remove all references to the discontinued U.S. Army Corps of Engineers Phase I and II reports in accordance with Chapter 14 of the 2000 Virginia Acts of Assembly; change an authority from director to board in accordance with § 10.1-607 of the Code of Virginia; and update the name of the Soil Conservation Service to the Natural Resources Conservation Service in accordance with Public Law 103-354.

Agency Contact: Leon E. App, Acting Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or e-mail leonapp@dcr.state.va.us.

4 VAC 50-20-30. Definitions.

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

"Acre-foot" means a unit of volume equal to 43,560 cubic feet or 325,853 gallons (one foot of depth over one acre of area).

"Agricultural purpose dams" means dams which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet and certified by the owner on official forms as constructed, maintained or operated primarily for agricultural purposes.

"Alteration permit" means a permit required for changes to an impounding structure that could alter or affect its structural integrity. Alterations requiring a permit include, but are not limited to: changing the height, increasing the normal pool or principal spillway elevation, changing the elevation or physical dimensions of the emergency spillway or removing the impounding structure.

"Board" means the Virginia Soil and Water Conservation Board.

"Conditional operation and maintenance certificate" means a certificate required for impounding structures with deficiencies.

"Construction permit" means a permit required for the construction of a new impounding structure.

"Design flood" means the calculated volume of runoff and the resulting peak discharge utilized in the evaluation, design, construction, operation and maintenance of the impounding structure.

"Design freeboard" means the vertical distance between the maximum elevation of the design flood and the top of the impounding structure.

"Director" means the Director of the Department of Conservation and ~~Historic Resources Recreation~~ or his designee.

"Height" means the structural height of an impounding structure. If the impounding structure spans a stream or watercourse, height means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the impounding structure to the top of the impounding structure. If the impounding structure does not

span a stream or watercourse, height means the vertical distance from the lowest elevation of the outside limit of the barrier to the top of the impounding structure.

"Impounding structure" means a man-made device, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials. The term ~~"impounding structure"~~ includes: (i) all dams ~~which that~~ are equal to or greater than 25 feet or greater in height and ~~which that~~ create a ~~maximum an~~ impoundment ~~equal to or greater than~~ capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet, ~~except (i) or greater.~~ The term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a dam safety inspection program; (ii) (b) dams owned or licensed by the United States government; (iii) (c) dams constructed, maintained or operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (iv) (d) water or silt retaining dams approved pursuant to § 45.1-222 or § 45.1-225.1 of the Code of Virginia; or (v) (e) obstructions in a canal used to raise or lower water levels.

"Impoundment" means a body of water or other materials the storage of which is caused by any impounding structure.

"Inundation zone" means an area that could be inundated as a result of impounding structure failure and that would not otherwise be inundated to that elevation.

"Life of the impounding structure" and **"life of the project"** mean that period of time for which the impounding structure is designed and planned to perform effectively, including the time required to remove the structure when it is no longer capable of functioning as planned and designed.

"Maximum impounding capacity" means the volume in acre-feet that is capable of being impounded at the top of the impounding structure.

"Normal impounding capacity" means the volume in acre-feet that is capable of being impounded at the elevation of the crest of the lowest ungated outlet from the impoundment.

"Operation and maintenance certificate" means a certificate required for the operation and maintenance of all impounding structures.

"Owner" means the owner of the land on which an impounding structure is situated, the holder of an easement permitting the construction of an impounding structure and any person or entity agreeing to maintain an impounding structure. The term "owner" includes the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities. Also included are any public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this Commonwealth or any other state or country, as well as any person or group of persons acting individually or as a group.

"Top of the impounding structure" means the lowest point of the nonoverflow section of the impounding structure.

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"Watercourse" means a natural channel having a well-defined bed and banks and in which water flows when it normally does flow.

4 VAC 50-20-50. Performance standards required for impounding structures.

Impounding structures shall be constructed, operated and maintained such that they perform in accordance with their

design and purpose throughout the life of the project. For new impounding structures, the spillway(s) capacity shall perform at a minimum to safely pass the appropriate spillway design flood as determined in Table 1.

TABLE I - Impounding Structure Regulations

Class of Dam	Hazard Potential If Impounding Structure Fails	SIZE CLASSIFICATION		Spillway Design Flood (SDF) ^b
		Maximum Capacity (Ac-Ft) ^a	Height(Ft) ^a	
I	Probable Loss of Life; Excessive Economic Loss	Large > 50,000 Medium > 1,000 & < 50,000 Small > 50 & < 1,000	> 100 > 40 & < 100 > 25 & < 40	PMF ^c PMF 1/2 PMF to PMF
II	Possible Loss of Life; Appreciable Economic Loss	Large > 50,000 Medium > 1,000 & < 50,000 Small > 50 & < 1,000	> 100 > 40 & < 100 > 25 & < 40	PMF 1/2 PMF to PMF 100-YR to 1/2 PMF
III	No Loss of Life Expected; Minimal Economic Loss	Large > 50,000 Medium > 1,000 & < 50,000 Small > 50 & < 1,000	> 100 > 40 & < 100 > 25 & < 40	1/2 PMF to PMF 100-YR to 1/2 PMF 50-YR ^d to 100-YR ^e
IV	No Loss of Life Expected; No Economic Loss to Others	> 50 (nonagricultural) > 100 (agricultural)	> 25 (both)	50-YR to 100-YR

a. The factor determining the largest size classification shall govern.

b. The spillway design flood (SDF) represents the largest flood that need be considered in the evaluation of the performance for a given project. The impounding structure shall perform so as to safely pass the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the involved risk should be selected. The establishment in this chapter of rigid design flood criteria or standards is not intended. Safety must be evaluated in the light of peculiarities and local conditions for each impounding structure and in recognition of the many factors involved, some of which may not be precisely known. Such can only be done by competent, experienced engineering judgment, which the values in Table 1 are intended to supplement, not supplant.

c. PMF: Probable maximum flood. This means the flood that might be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from the current probable maximum precipitation (PMP) available from the National Weather Service, NOAA. In some cases local topography or meteorological conditions will cause changes from the generalized PMP values; therefore, it is advisable to contact local, state or

federal agencies to obtain the prevailing practice in specific cases.

d. 50-Yr: 50-year flood. This means the flood magnitude expected to be equaled or exceeded on the average of once in 50 years. It may also be expressed as an exceedence probability with a 2.0% chance of being equaled or exceeded in any given year.

e. 100-Yr: 100-year flood. This means the flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1.0% chance of being equaled or exceeded in any given year.

4 VAC 50-20-70. Construction permits.

A. Prior to preparing the complete design report for a construction permit, applicants are encouraged to seek approval of the project concept from the director. For this purpose the applicant should submit a general description of ~~items subdivisions 1 through 4 of subsection B of this section~~ and ~~items subdivisions 1 and 2 below of this subsection~~:

1. Proposed design criteria and a description of the size, ground cover conditions, extent of development of the watershed and the geologic and the geotechnical engineering assumptions used to determine the foundations and materials to be used.

2. Preliminary drawings of a general nature, including cross sections, plans and profiles of the impounding structure, proposed pool levels and types of spillway(s).

B. An applicant for a construction permit shall submit a design report on official forms. The design report shall be prepared in accordance with 4 VAC 50-20-240 ~~of this chapter~~ and shall include the following information:

1. A description of the impounding structure and appurtenances and a proposed classification conforming with this chapter. The description shall include a statement of the purposes for which the impoundment and impounding structure are to be used.

2. A description of properties located in the inundation zone downstream from the site of the proposed impounding structure, including the location and number of residential structures, buildings, roads, utilities and other property that would be endangered should the impounding structure fail.

3. A statement from the governing body of the local political subdivision or other evidence confirming that body is aware of the proposal to build an impounding structure and of the land use classifications applicable to the inundation zone.

4. Maps showing the location of the proposed impounding structure that include: the county or city in which the proposed impounding structure would be located, the location of roads, access to the site and the outline of the impoundment. Existing aerial photographs or existing topographic maps may be used for this purpose.

5. A report of the geotechnical investigations of the foundation soils or bedrock and of the materials to be used to construct the impounding structure.

6. Design assumptions and analyses sufficient to indicate that the impounding structure will be stable during its construction and during the life of the impounding structure under all conditions of reservoir operations, including rapid filling and rapid drawdown of the impoundment.

7. Evaluation of the stability of the reservoir rim area in order to safeguard against reservoir rim slides of such magnitude as to create waves capable of overtopping the impounding structure and confirmation of rim stability during seismic activity.

8. Design assumptions and analyses sufficient to indicate that seepage in, around, through or under the impounding structure, foundation and abutments will be reasonably and practically controlled so that internal or external forces or results thereof will not endanger the stability of the impounding structure.

9. Calculations and assumptions relative to design of the spillway or spillways. Spillway capacity shall conform to the criteria of Table 1.

10. Provisions to ensure that the impounding structure and appurtenances will be protected against deterioration or erosion due to freezing and thawing, wind and rain or any combination thereof.

11. Other pertinent design data, assumptions and analyses commensurate with the nature of the particular impounding structure and specific site conditions, including when required by the director, a plan and profile of the inundation zones.

12. Erosion and sediment control plans to minimize soil erosion and sedimentation during all phases of construction, operation and maintenance. Projects shall be in compliance with local erosion and sediment control ordinances.

13. A description of the techniques to be used to divert stream flow during construction so as to prevent hazard to life, health and property.

14. A plan of quality control testing to confirm that construction materials and methods meet the design requirements set forth in the specifications.

15. A proposed schedule indicating construction sequence and time to completion.

16. Plans and specifications as required by 4 VAC 50-20-310 ~~of this chapter~~.

17. An emergency action plan on official forms and evidence that a copy of such plan has been filed with the local *organization for emergency management* and the State Department of Emergency *Services Management*. The plan shall include a method of providing notification and warning to persons downstream, other affected persons or property owners and local authorities in the event of a flood hazard or the impending failure of the impounding structure.

18. A proposed impoundment and impounding structure operation and maintenance plan on official forms certified by a professional engineer. This plan shall include a safety inspection schedule and shall place particular emphasis on operating and maintaining the impounding structure in keeping with the project design, so as to maintain its structural integrity and safety during both normal and abnormal conditions which may reasonably be expected to occur during its planned life.

C. The director or the applicant may request a conference to facilitate review of the applicant's proposal.

D. The owner shall certify in writing that the operation and maintenance plan as approved by the board will be adhered to during the life of the project except in cases of unanticipated emergency requiring departure therefrom in order to mitigate hazard to life and property. At such time, the owner's engineer and the director shall be notified.

E. If the submission is not acceptable, the director shall inform the applicant within 60 days and shall explain what changes are required for an acceptable submission.

F. Within 120 days of receipt of an acceptable design report the board shall act on the application.

G. Prior to and during construction the owner shall notify the director of any proposed changes from the approved design, plans, specifications, or operation and maintenance plan. Approval shall be obtained from the director prior to the

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construction or installation of any changes that will affect the stability of the impounding structure.

H. The construction permit shall be valid for the construction schedule specified in the approved design report. The construction schedule may be amended by the director for good cause at the request of the applicant.

I. Construction must commence within two years after the permit is issued. If construction does not commence within two years after the permit is issued, the permit shall expire, except that the applicant may petition the board for extension of the two-year period and the board may extend such period for good cause.

J. The director may revoke a construction permit if any of the permit terms are violated, or if construction is conducted in a manner hazardous to downstream life or property. The director may order the owner to eliminate such hazardous conditions within a period of time limited by the order. Such corrective measures shall be at the owner's expense. The applicant may petition the board to reissue the permit with such modifications as the board determines to be necessary.

K. The owner's professional engineer shall advise the director when the impounding structure may safely impound water. The director shall acknowledge this statement within 10 days after which the impoundment may be filled under the engineer's supervision. The director's acknowledgement shall act as a temporary operation and maintenance certificate until an operation and maintenance certificate has been applied for and issued in accordance with 4 VAC 50-20-110 ~~of this chapter~~.

4 VAC 50-20-120. Operation and maintenance certificates for existing impounding structures.

A. Any owner of an impounding structure other than a Class IV impounding structure which has already filed an inventory report that does not have an operation and maintenance certificate or any owner renewing an operation and maintenance certificate shall file an application with the board.

B. The application for an operation and maintenance certificate shall be on official forms and shall include:

1. A reinspection report for Class I and II impounding structures. The reinspection report shall include an update of conditions of the impounding structure based on a ~~Phase I or Phase II~~ *previous safety inspection as established by the U.S. Army Corps of Engineers required by the board*, a previous reinspection report or an as-built report.

2. An inventory report for Class III impounding structures. The inventory report shall include:

- a. The name and location of the impounding structure and the name of the owner.
- b. The description and dimensions of the impounding structure, the spillways, the reservoir and the drainage area.
- c. The history of the impounding structure which shall include the design, construction, repairs, inspections and whether the structure has been overtopped.

d. Observations of the condition of the impounding structure, reservoir, and upstream and downstream areas.

e. Any changes in the impounding structure, reservoir, and upstream and downstream areas.

f. Recommendations for remedial work.

3. An impoundment and impounding structure operation and maintenance plan certified by a professional engineer. This plan shall place particular emphasis on operating and maintaining the impounding structure in keeping with the project design in such manner as to maintain its structural integrity and safety during both normal and abnormal conditions which may reasonably be expected to occur during its planned life. ~~The Phase I Inspection Report~~ *safety inspection report required by the board* should be sufficient to serve as the basis for the operation and maintenance plan for a Class I and Class II impounding structure. For a Class III impounding structure, the operation and maintenance plan shall be based on the data provided in the inventory report.

4. An emergency action plan and evidence that a copy of such plan has been filed with the local *organization for emergency management* and the State Department of Emergency ~~Services Management~~. The plan shall include a method of providing notification and warning to persons downstream, other affected persons or property owners and local authorities in the event of a flood hazard or the impending failure of the impounding structure.

C. The owner shall certify in writing that the operation and maintenance plan approved by the board will be adhered to during the life of the project except in cases of emergency requiring departure therefrom in order to mitigate hazard to life and property, at which time the owner's engineer and the director shall be notified.

D. If the director finds that the operation and maintenance plan or emergency action plan is deficient, he shall return it to the owner within 60 days with suggestions for revision.

E. Within 60 days of receipt of an acceptable application if the board finds that adequate provision has been made for the safe operation and maintenance of the impounding structure, the board shall issue an operation and maintenance certificate.

4 VAC 50-20-220. Unsafe conditions.

A. No owner shall have the right to maintain an impounding structure which unreasonably threatens the life or property of another person. The owner of any impounding structure found to have deficiencies which could threaten life or property if uncorrected shall take the corrective actions needed to remove such deficiencies within a reasonable period of time.

B. Imminent danger. When the director finds that an impounding structure is unsafe and constitutes an imminent danger to life or property, he shall immediately notify the State Department of Emergency ~~Services Management~~ and confer with the owner. The owner of an impounding structure found to constitute an imminent danger to life or property shall take

immediate corrective action to remove the imminent danger as required by § 10.1-608 of the Code of Virginia.

C. Nonimminent danger. The owner of an impounding structure who has been issued a report by the ~~director~~ board containing findings and recommendations for the correction of deficiencies which threaten life or property if not corrected, shall undertake to implement the recommendations for correction of deficiencies according to a schedule of implementation contained in that report as required by § 10.1-609 of the Code of Virginia.

4 VAC 50-20-320. Acceptable design procedures and references.

The following are acceptable as design procedures and references:

1. The design procedures, manuals and criteria used by the United States Army Corps of Engineers.
2. The design procedures, manuals and criteria used by the United States Department of Agriculture, ~~Soil~~ *Natural Resources* Conservation Service.
3. The design procedures, manuals and criteria used by the United States Department ~~of~~ *of the* Interior, Bureau of Reclamation.
4. The design procedures, manuals and criteria used by the United States Department of Commerce, National Weather Service.
5. Other design procedures, manuals and criteria that are accepted as current, sound engineering practices, as approved by the director prior to the design of the impounding structure.

NOTICE: The forms used in administering 4 VAC 50-20, Impounding Structure Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Conservation and Recreation, 203 Governor Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

~~Dam Safety Program~~ Owner's Annual Inspection Form, *DCR 199-098 (rev. 12/01)*

~~Dam Safety Program~~ Operation and Maintenance Application Class I, II and III Impounding Structures, *DCR 199-099 (rev. 12/01)*

~~Dam Safety Program~~ As-Built Report for Class I, II and III Impounding Structures, *DCR 199-100 (rev. 12/01)*

~~Dam Safety Program~~ Design Report for the Construction/Alteration of Impounding Structures, *DCR 199-101 (rev. 12/01)*

~~Dam Safety Program~~ Emergency Action Plan for Class I, Class II and Class III Impounding Structures, *DCR 199-103 (rev. 12/01)*

~~Dam Safety Program~~ Inventory Report for Class III and Class IV Impounding Structures, *(DCR 199-104 (rev. 12/01))*

~~Dam Safety Program~~ Reinspection Report for Class I and II Impounding Structures, *DCR 199-105 (rev. 12/01)*

~~Dam Safety Program~~ Agricultural Certification for Impounding Structures, *DCR 199-106 (rev. 12/01)*

~~Dam Safety Program~~ Transfer Application for Impounding Structures, *DCR 199-107 (rev. 12/01)*

VA.R. Doc. No. R02-131; Filed February 25, 2002; 2:35 p.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Title of Regulations: **Regulations for the Control and Abatement of Air Pollution (Rev. G00).**

9 VAC 5-40. Existing Stationary Sources (repealing 9 VAC 5-40-160 through 9 VAC 5-40-230).

9 VAC 5-50. New and Modified Stationary Sources (repealing 9 VAC 5-50-160 through 9 VAC 5-50-230).

9 VAC 5-60. Hazardous Air Pollutant Sources (adding 9 VAC 5-60-200 through 9 VAC 5-60-270 and 9 VAC 5-60-300 through 9 VAC 5-60-370).

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

Effective Date: May 1, 2002.

Summary:

The rules establish emission standards consisting of control technology and other requirements that limit source emissions of toxic pollutants to a level that will not produce ambient air concentrations that may cause or contribute to the endangerment of human health. Unlike other rules, there are no definitive emission limits in the emission standard itself. However, the rules do provide significant ambient air concentration guidelines as a mechanism for the agency to require the owner, on a case-by-case basis, to reduce emissions after analysis and review by the department.

This regulatory action amends the current state toxic pollutant rules to (i) reduce the number of regulated pollutants to those regulated under the federal program and (ii) exempt from applicability those sources that are subject to a federal hazardous air pollutant standard. This action will integrate the state's program more logically with the federal Clean Air Act and transfers the standards from 9 VAC 5-40 and 9 VAC 5-50 into 9 VAC 5-60.

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

Agency Contact: Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

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Article 3.4.

Emission Standards for Toxic Pollutants from Existing Sources
(Rule 4-3 6-4).

~~9 VAC 5-40-160~~ 9 VAC 5-60-200. Applicability and designation of affected facility.

A. ~~Regardless of the provisions of 9 VAC 5-40-10 and, Except as provided in subsections C, D, and E of this section, the affected facility to which the provisions of this article apply is each facility or operation stationary source that emits or may emit any toxic pollutant and which is not subject to Article 3.5 (9 VAC 5-50-160 9 VAC 5-60-300 et seq.) of 9 VAC 5 Chapter 50 60. Implementation of this article shall occur upon notification to the owner by the board through means such as an information request from the board or an operating permit review under 9 VAC 5-80-40 Article 5 (9 VAC 5-80) of Part II of Chapter 80.~~

~~B. The board may establish the priorities for implementation of this article by either affected facility type or pollutant type. The priorities may be established in consideration of the following factors: potential public health impact, nature and amount of pollutants emitted on a statewide basis, degree of regulation by other governmental entities, and available resources. The board, at the request of an owner or owners, may defer implementation of this article for a facility or any group of facilities where technical issues necessitate further analysis and study in order to implement the article or the affected facility or facilities. The board may prescribe the procedures for the prioritization of implementation of this article and for the deferral of implementation of this article by policy.~~

~~C. B. The provisions of this article apply throughout the Commonwealth of Virginia.~~

~~D. Exemption determination. C. This article shall not apply to the following:~~

~~1. Exempted from the provisions of this article is any A stationary source or operation not part of a stationary source which that has a potential to emit a toxic pollutant with a TLV® at a level equal to or less than the exempt exemption emission rate calculated using the following exemption formulas set forth below for the applicable TLV®. If more than one exemption formula applies to a toxic pollutant emitted by a source, the potential to emit for that pollutant shall be equal to or less than both applicable exemption formulas in order for the source to be exempt exempted for that pollutant. The exemption formulas apply on an individual basis to each toxic pollutant for which a TLV® has been established.~~

~~a. For toxic pollutants with a TLV-C®, the following exemption formula applies, provided the potential to emit does not exceed 22.8 pounds per hour:~~

$$\text{Exempt Emission Rate (pounds per hour)} = \text{TLV-C®} (\text{mg/m}^3) \times 0.033$$

~~b. For toxic pollutants with both a TLV-STEL® and a TLV-TWA®, the following exemption formulas apply, provided the potential to emit does not exceed 22.8 pounds per hour or 100 tons per year:~~

$$\text{Exempt Emission Rate (pounds per hour)} = \text{TLV-STEL®} (\text{mg/m}^3) \times 0.033$$

$$\text{Exempt Emission Rate (tons per year)} = \text{TLV-TWA®} (\text{mg/m}^3) \times 0.145$$

~~c. For toxic pollutants with only a TLV-TWA®, the following exemption formulas apply, provided the potential to emit does not exceed 22.8 pounds per hour or 100 tons per year:~~

$$\text{Exempt Emission Rate (pounds per hour)} = \text{TLV-TWA®} (\text{mg/m}^3) \times 0.066$$

$$\text{Exempt Emission Rate (tons per year)} = \text{TLV-TWA®} (\text{mg/m}^3) \times 0.145$$

~~2. Exemption from the provisions of this article for any stationary source or operation not part of A stationary source which that has a potential to emit any a toxic pollutant without a TLV® shall be determined by the board if, upon the owner's request, the board determines to exempt that toxic pollutant from the provisions of this article using available health effects information.~~

~~3. The exemption determination shall be made by the board using information submitted by the owner at the request of the board as set out in 9 VAC 5-40-200 9 VAC 5-60-240.~~

~~E. Exemptions for toxic pollutants otherwise regulated.~~

~~1. Owners of sources emitting toxic pollutants regulated under any of the following may apply to the board for an exemption from this article:~~

~~a. Hazardous air pollutants regulated under § 112 of the Federal Clean Air Act, except to the extent such pollutants are emitted from facilities which are not subject to emission standards in Article 1 (9 VAC 5-60-60 et seq.) of 9 VAC 5 Chapter 60.~~

~~b. Designated pollutants regulated under § 111(d) of the federal Clean Air Act, except to the extent such pollutants are emitted from facilities which are not subject to other emission standards in this chapter.~~

~~c. Substances regulated under the Virginia Hazardous Waste Management (HWM) Regulations, 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.) which are disposed of in an incinerator as defined by those regulations that (i) meets the 99.99% destruction and removal efficiency standard required by 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.), and (ii) has received an HWM permit or qualified for interim status in accordance with 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.). The board shall be furnished with an acceptable certification that such incinerator is in compliance with the standards of its HWM permit or interim status and applicable provisions of 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.). Facilities which burn hazardous waste for energy recovery are not exempt from this article.~~

~~2. Exemptions for these pollutants shall be granted provided the regulation of the toxic pollutant listed is based on an assessment of health effects and not solely on control technology considerations.~~

3. A stationary source subject to an emission standard or other requirement set forth in Article 2 (9 VAC 5-60-10 et seq.) of this part. If less than all of the stationary source is regulated by such an emission standard or other requirement, then only that part of the stationary source regulated by the emission standard or other requirement is exempted.

4. A stationary source in a source category that is regulated by an emission standard or other requirement established pursuant to § 112 of the federal Clean Air Act and subject to the source category schedule for standards. If less than all of the stationary source is in a source category that is regulated by such an emission standard or other requirement, then only that part of the stationary source in the source category regulated by the emission standard or other requirement is exempted.

5. A stationary source in a source category for which the U.S. Environmental Protection Agency has made a formal determination that no regulations or other requirements need to be established pursuant to § 112 of the federal Clean Air Act and has published the determination in the source category schedule for standards.

6. A boiler, incinerator, or industrial furnace as defined in 9 VAC 20-60-10 and subject to 9 VAC 20-60, provided it (i) meets the 99.99% destruction and removal efficiency standard required by 9 VAC 20-60, and (ii) has received a permit or has qualified for interim status in accordance with 9 VAC 20-60. The board shall be furnished with an acceptable certification that such boiler, incinerator, or industrial furnace is in compliance with the standards of its permit or interim status and applicable [provision provisions] of 9 VAC 20-60. [Unless exempted under 9 VAC 5-60-200 C 4,] facilities that burn hazardous waste for energy recovery are [not exempted from subject to] this article.

7. A generator or boiler that burns only natural gas, #2 fuel oil, #4 fuel oil, #6 fuel oil, propane, or kerosene.

F. D. Provisions of this article do not apply to any consumer product used in the same manner as normal consumer use, provided the use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers. This may include, but not be limited to, personal use items, janitorial cleaning supplies, and facility grounds maintenance products, such as fertilizers, pesticides, and paints for structural components.

G. E. With regard to the application of pesticides, the provisions of this article shall apply only to the air quality impact from emissions from application inside the premises of the following affected facilities:

1. Industrial and manufacturing operations, including warehouse and storage operations related to the operation of these facilities.
2. Warehouse and storage operations at transportation terminals.

The provisions of this article shall not apply to the air quality impact from emissions from the application of any pesticide outside.

H. F. No provision of this article shall limit the power of the board to apply the provisions of this article to any affected facility in order to prevent or remedy a condition that may cause or contribute to the endangerment of human health.

~~9 VAC 5-40-170~~ 9 VAC 5-60-210. Definitions.

A. For the purpose of these the Regulations for the Control and Abatement of Air Pollution and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

~~"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each toxic pollutant which the board, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. If the board determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination of them may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.~~

~~"Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening [designed for eliminating emissions from the structure] .~~

"Pesticide" means the same as the definition given in § 3.1-249.27 of the Virginia Pesticide Control Act.

"Potential to emit" means an emission rate based on the maximum capacity of a stationary source to emit a toxic pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a toxic pollutant, including air pollution control equipment, and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or its effect on emissions is state or federally enforceable. *Fugitive emissions shall be included in determining a stationary source's potential to emit.*

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"Significant ambient air concentration" means the concentration of a toxic pollutant in the ambient air that if exceeded may have the potential to injure human health.

"Source category schedule for standards" means the schedule issued pursuant to § 112(e) [of the federal Clean Air Act] for promulgating MACT standards issued pursuant to § 112(d) of the federal Clean Air Act and published in the Federal Register at [~~66 FR 8220, January 30, 2001~~ 67 FR 6521, February 12, 2002] .

"Threshold limit value (TLV®)" means the maximum airborne concentration of a substance to which the [~~ACGIH American Conference of Governmental Industrial Hygienists (ACGIH)~~ ACGIH] believes that nearly all workers may be repeatedly exposed day after day without adverse effects and which is published in the [~~American Conference of Governmental Industrial Hygienists (ACGIH)~~ ACGIH] Handbook (see 9 VAC 5-20-21). The TLV® is divided into three categories: TLV-Time-Weighted Average® (TLV-TWA®), TLV-Short-Term Exposure Limit® (TLV-STEL®), and TLV-Ceiling® (TLV-C®).

"TLV-TWA®" means the time-weighted average concentration for a normal eight-hour workday and a 40-hour workweek, to which nearly all workers may be repeatedly exposed, day after day, without adverse effect (as defined in the ACGIH Handbook).

"TLV-STEL®" means the concentration to which workers may be exposed continuously for a short period of time without suffering from irritation, chronic or irreversible tissue damage, or narcosis of sufficient degree to increase the likelihood of accidental injury, impair self-rescue or materially reduce work efficiency. The TLV-STEL® supplements the TLV-TWA® where there are recognized acute effects from a substance whose toxic effects are primarily of a chronic nature.

"TLV-C®" means the concentration that should not be exceeded during any part of the working exposure.

"Toxic pollutant" means any air pollutant for which no ambient air quality standard has been established. ~~Particulate matter and volatile organic compounds are not toxic pollutants as generic classes of substances but individual substances within these classes may be toxic pollutants because of their toxic properties or because a TLV® has been established listed in § 112(b) of the [federal Clean Air] Act, as [amended revised] by 40 CFR 63.60, or any other air pollutant that the board determines, through adoption of regulation, to present a significant risk to public health. This term excludes asbestos, fine mineral fibers, radionuclides, and any glycol ether that does not have a TLV®.~~

~~9 VAC 5-40-180~~ 9 VAC 5-60-220. Standard for toxic pollutants.

If a stationary source or operation not part of a stationary source is not exempt under ~~9 VAC 5-40-160~~ 9 VAC 5-60-200 C or, D, or E, then the following standards shall be met:

1. Regardless of any other provision of these regulations any other regulation of the board, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions of toxic pollutants in such quantities as to cause, or contribute to, any significant

ambient air concentration that may cause, or contribute to, the endangerment of human health.

2. The owner of an affected facility shall employ control strategies as may be directed by the board for the control of toxic pollutants. The board may consider the potency and toxicity of each regulated toxic pollutant as well as the technical and economic feasibility of any available control strategies. Possible control strategies may include but are not limited to emission control equipment, process changes, substitution of less toxic or nontoxic materials, or operation and maintenance procedures which lower or eliminate emissions of toxic pollutants.

~~9 VAC 5-40-190~~ 9 VAC 5-60-230. Significant ambient air concentration guidelines.

For the purpose of case-by-case consideration between the board and the owner, significant ambient air concentrations are any of the following:

1. For pollutants with a TLV-C®, any one-hour concentration of a toxic pollutant in excess of 1/40 of the TLV-C®.
2. For pollutants with both a TLV-STEL® and a TLV-TWA®, any one-hour concentration of a toxic pollutant in excess of 1/40 of the TLV-STEL® and any annual concentration of a toxic pollutant in excess of 1/500 of the TLV-TWA®.
3. For pollutants with only a TLV-TWA®, any annual concentration of a toxic pollutant in excess of 1/500 of the TLV-TWA® and any one-hour concentration of a toxic pollutant in excess of 1/20 of the TLV-TWA®.
4. Any concentration resulting from the emissions of a toxic pollutant from an affected facility which the owner knows, or reasonably should be expected to know, may cause, or contribute to, the endangerment of human health.
5. Any concentration, other than those specified in subdivision 1, 2, 3, or 4 of this section, including those resulting from toxic pollutants not having a TLV®, which the board determines to cause, to have the potential to cause, or to contribute to, the endangerment of human health. This determination shall be made by considering information by recognized authorities on the specific health effects of such toxic pollutants.

~~9 VAC 5-40-200~~ 9 VAC 5-60-240. Submittal of information.

The owner of an affected facility shall upon the request of the board submit such information as may be needed to determine the applicability of, or compliance with, this article. The board may determine the manner and form for the submittal of the information. Such information shall be submitted within 60 days of the request. Reasonable extensions may be granted when deemed appropriate by the board for extensive information gathering, such as emissions testing or review of large and complex facilities, and only if the request is accompanied by a written schedule.

~~9 VAC 5-40-210~~ 9 VAC 5-60-250. Determination of ambient air concentrations.

A. The owner shall, upon the request of the board, provide an assessment as to whether his facility emits, or may emit, any toxic pollutant in such quantities as to cause, or contribute to, any concentration exceeding, or which may exceed, any significant ambient air concentration.

B. Ambient air concentrations shall be determined using air quality analysis techniques (modeling) based on emission rates equal to the potential to emit of the stationary source for the applicable averaging time or any other method acceptable to the board.

C. Ambient air concentrations shall include all emissions from the stationary source, including those from sources exempted under 9 VAC 5-60-200 C.

~~9 VAC 5-40-220~~ 9 VAC 5-60-260. Compliance.

A. If the board has reason to believe that the emissions from an affected facility are, or may be, discharged in such quantities so as to cause, or contribute to, any ambient air concentration that is (i) in excess of any significant ambient air concentration specified in ~~9 VAC 5-40-190~~ 9 VAC 5-60-230 or (ii) has the potential to cause or contribute to substantial and imminent endangerment of human health, the owner shall choose one or more of the following options and comply with the following: schedules contained in 9 VAC 9-60-260 B.

~~1. For emissions resulting in concentrations which exceed the significant ambient air concentration by a factor of 10 or more times or which the board determines exceed the significant ambient air concentration so as to have the potential to cause or contribute to substantial and imminent endangerment of human health, the owner shall within an approved timetable implement controls which reduce these emissions to a level specified by the board. For any emissions which remain in excess of the guidelines established under 9 VAC 5-40-190, the owner shall choose one or more of the options available under 9 VAC 5-40-220 A-2 and shall comply with the schedules contained in 9 VAC 5-40-220 B.~~

~~2. For emissions other than those specified in 9 VAC 5-40-220 A-1, the owner shall choose one or more of the following options and comply with the schedules contained in 9 VAC 5-40-220 B.~~

~~a- 1. Demonstrate that the emissions from the facility do not, and will not, cause, or contribute to, any of the significant ambient air [concentration concentrations] in 9 VAC 5-40-190 9 VAC 9-60-230 being exceeded.~~

~~b- 2. Demonstrate that the applicable significant ambient air concentration in 9 VAC 5-40-190 9 VAC 9-60-230 is inappropriate for the toxic air pollutant in question by showing that the emissions from the affected facility produce no endangerment of human health.~~

~~c- 3. Control the emissions from the affected facility to a level resulting in ambient air concentrations that are below the significant ambient air concentrations or resulting in such other ambient air concentrations acceptable to the board.~~

B. The owner shall notify the board of his choice under ~~subdivision subsection A 2~~ of this section within 45 days of notification by the department that his facility exceeds the significant ambient air concentration specified in ~~9 VAC 5-40-190~~ 9 VAC 9-60-230. Within 45 days of notifying the board of the option under ~~subdivision subsection A 2~~ of this section, the owner shall submit a plan and schedule to the board for approval. If the owner fails to submit either his choice of an option as set out in ~~subsection A~~ or a plan and schedule to implement that option, the board ~~may~~ shall require the owner, on a schedule set out by the board, to ~~install best available control technology to control the facility's emissions in a manner and by a schedule set out by the board comply with subdivision A 3 of this section. All options shall be completed within a reasonable time: 30 days for 9 VAC 5-40-220 A-2 a, 60 days for 9 VAC 5-40-220 A-2 b, and 18 months for 9 VAC 5-40-220 A-2 c.~~ None of the times specified in this subsection include time needed for board approval. Reasonable extensions may be granted when deemed appropriate by the board.

C. Failure of the owner to accomplish any of the alternatives set forth in subsection A of this section in a manner acceptable to the board shall constitute a violation of ~~9 VAC 5-40-180~~ 9 VAC 5-60-220.

~~9 VAC 5-40-230~~ 9 VAC 5-60-270. Public participation.

If the owner of an affected facility chooses the demonstration under ~~9 VAC 5-40-220~~ 9 VAC 5-60-260 A 2 b, the provisions of this section shall apply.

1. Prior to the decision of the board on the acceptability of the demonstration, the demonstration shall be subject to a public comment period of at least 30 days.

2. The board shall notify the public of the opportunity for public comment on the information available for public inspection under the provisions of ~~subsection C~~ *subdivision 3* of this section. The notification shall be made by advertisement in one newspaper of general circulation in the affected air quality control region and, if available, one newspaper that circulates in the area where the affected facility is located. A copy of the notice shall be sent to the governing body of the locality where the affected facility is located and to the governing bodies of the localities where ambient air quality impacts from the affected facility exceed the significant ambient air concentration guidelines in ~~9 VAC 5-40-190~~ 9 VAC 5-60-230. The notice shall include a brief description of the *pollutants of concern and their possible impacts*, the demonstration, a statement listing the requirements in ~~9 VAC 5-40-230~~ *subdivisions 4 and 5 of this section*, and the name and telephone number of a *department staff* person from whom detailed information on the demonstration *and the pollutants* may be obtained.

3. Information relevant to the demonstration, including (i) information produced by the owner showing that the emissions from the affected facility do not endanger human health and (ii) the preliminary review, analysis and tentative determination of the board, shall be available for public inspection during the entire comment period in at least one location in the affected air quality control region.

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4. Following the initial publication of notice of a public comment period, the board will receive written requests for a public hearing to consider the source's demonstration under ~~9 VAC 5-40-220~~ 9 VAC 5-60-260 A 2 b. The request shall be submitted within 30 days of the appearance of the notice in the newspaper. Request for a public hearing shall contain the following information:

- a. The name, mailing address and telephone number of the requester;
- b. The names and addresses of all persons for whom the requester is acting as a representative;
- c. The reason why a hearing is requested; and
- d. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including an explanation of how and to what extent such interest would be directly and adversely affected by the demonstration in question.

5. The board shall review all timely requests for public hearing filed during the 30 days following the appearance of the public comment notice in the newspaper. Within 30 calendar days following the expiration of the public comment period the board shall grant a public hearing if it finds that one or both of the following apply:

- a. There is significant public interest in the demonstration in question.
- b. There are substantial, disputed issues relevant to the demonstration in question.

6. The board shall notify by mail the owner making the demonstration and each requester, at his last known address, of the decision to convene or deny a public hearing. The notice shall contain a description of the procedures for the public hearing and for the final determination under this section.

7. If the board decides to hold a public hearing, the hearing shall be scheduled at a time between 30 and 60 days after mailing the notification required by ~~9 VAC 5-40-230 subdivision 6 of this section~~. The public hearing shall be held in the affected air quality control region.

8. The procedures for notification to the public and availability of information used for the public comment period and provided in ~~subsections B and C subdivisions 2 and 3 of this section~~ shall also be followed for the public hearing.

NOTE: In adopting amendments to this article to be effective ~~October 1, 1994~~ [~~effective date~~ May 1, 2002], the board replaced the term "noncriteria" with the term "toxic." ~~renumbered the sections~~. In the interest of economy and efficiency, the board did not make the corresponding change at each place the term "noncriteria" ~~occurs~~ *old section numbers occur* throughout the Regulations for the Control and Abatement of Air Pollution. However, it is the intent of the board to make that change in other parts of the regulations as the opportunity presents itself. Until such changes are made [,] the term "noncriteria" *old section numbers* (9 VAC 5-40-160

through 9 VAC 5-40-230) shall be construed to mean "toxic" *the new section numbers* (9 VAC 5-60-200 through 9 VAC 5-60-270) throughout ~~these chapters~~ *the regulations of the board*.

Article 3 5.

Emission Standards of Performance for Toxic Pollutants from New and Modified Sources (Rule 5-3 6-5).

~~9 VAC 5-50-160~~ 9 VAC 5-60-300. Applicability and designation of affected facility.

~~A. Regardless of the provisions of 9 VAC 5-50-10 and, Except as provided in subsections C, D, and E of this section, the affected facility to which the provisions of this article apply is each facility or operation, which stationary source that emits or may emit any toxic pollutant and that either (i) is subject to the new source review program or (ii) has a permit containing emission limits and other requirements pursuant to this article or which is subject to the new and modified source provisions of 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.), that emits or may emit any toxic pollutant.~~

~~B. The board may establish the priorities for implementation of this article by either affected facility type or pollutant type. The priorities may be established in consideration of the following factors: potential public health impact, nature and amount of pollutants emitted on a statewide basis, degree of regulation by other governmental entities, and available resources. The board, at the request of an owner or owners, may defer implementation of this article for a facility or any group of facilities where technical issues necessitate further analysis and study in order to implement the article for the affected facility or facilities. The board may prescribe the procedures for the prioritization of implementation of this article and for the deferral of implementation of this article by policy.~~

~~C. B.~~ The provisions of this article apply throughout the Commonwealth of Virginia.

~~D. Exemption determination~~ C. This article shall not apply to the following [:-]

~~1. Exempted from the provisions of this article is any A stationary source or operation not part of a stationary source which that has a potential to emit a toxic pollutant with a TLV[®] at a level equal to or less than the exempt exemption emission rate calculated using the following exemption formulas set forth below for the applicable TLV[®]. If more than one exemption formula applies to a toxic pollutant emitted by a source, the potential to emit for that pollutant shall be equal to or less than both applicable exemption formulas in order for the source to be exempt exempted for that pollutant. The exemption formulas apply on an individual basis to each toxic pollutant for which a TLV[®] has been established.~~

a. For toxic pollutants with a TLV-C[®], the following exemption formula applies, provided the potential to emit does not exceed 22.8 pounds per hour:

$$\text{Exempt Emission Rate (pounds per hour)} = \text{TLV-C}^{\text{®}}(\text{mg/m}^3) \times 0.033$$

b. For toxic pollutants with both a TLV-STEL[®] and a TLV-TWA[®], the following exemption formulas apply,

provided the potential to emit does not exceed 22.8 pounds per hour or 100 tons per year:

$$\text{Exempt Emission Rate (pounds per hour)} = \text{TLV-STEL} @ (\text{mg}/\text{m}^3) \times 0.033$$

$$\text{Exempt Emission Rate (tons per year)} = \text{TLV-TWA} @ (\text{mg}/\text{m}^3) \times 0.145$$

c. For toxic pollutants with only a TLV-TWA®, the following exemption formulas apply, provided the potential to emit does not exceed 22.8 pounds per hour or 100 tons per year:

$$\text{Exempt Emission Rate (pounds per hour)} = \text{TLV-TWA} @ (\text{mg}/\text{m}^3) \times 0.066$$

$$\text{Exempt Emission Rate (tons per year)} = \text{TLV-TWA} @ (\text{mg}/\text{m}^3) \times 0.145$$

~~2. Exemption from the provisions of this article for any A stationary source or operation not part of a stationary source which that has a potential to emit any toxic pollutant without a TLV® will be determined by the board if, upon the owner's request, the board determines to exempt that toxic pollutant from the provisions of this article using available health effects information.~~

~~3. The exemption determination shall be made by the board using information submitted by the owner at the request of the board as set out in 9 VAC 5-60-200 9 VAC 5-60-340.~~

~~E. Exemptions for toxic pollutants otherwise regulated.~~

~~1. Owners of sources emitting toxic pollutants regulated under any of the following may apply to the board for an exemption from this article:~~

~~a. Hazardous air pollutants regulated under § 112 of the Federal Clean Air Act, except to the extent such pollutants are emitted from facilities which are not subject to emission standards in Article 1 (9 VAC 5-60-60 et seq.) of 9 VAC Chapter 60.~~

~~b. Substances regulated under 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.) (the Virginia Hazardous Waste Management (HWM) Regulations) which are disposed of in an incinerator as defined by those regulations that (i) meets the 99.99% destruction and removal efficiency standard required by 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.) and (ii) has received an HWM permit or qualified for interim status in accordance with 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.). The board shall be furnished with an acceptable certification that such incinerator is in compliance with the standards of its HWM permit or interim status and applicable provisions of 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.). Facilities which burn hazardous waste for energy recovery are not exempt from this article.~~

~~2. Exemptions for these pollutants shall be granted provided the regulation of the toxic pollutant listed is based on an assessment of health effects and not solely on control technology considerations.~~

~~3. A stationary source subject to an emission standard or other requirement set forth in Article 2 (9 VAC 5-60-10 et~~

seq.) of this part. If less than all of the stationary source is regulated by such an emission standard or other requirement, then only that part of the stationary source regulated by the emission standard or other requirement is exempted.

4. A stationary source in a source category that is regulated by an emission standard or other requirement established pursuant to § 112 of the federal Clean Air Act and subject to the source category schedule for standards. If less than all of the stationary source is in a source category that is regulated by such an emission standard or other requirement, then only that part of the stationary source in the source category regulated by the emission standard or other requirement is exempted.

5. A stationary source in a source category for which the U.S. Environmental Protection Agency has made a formal determination that no regulations or other requirements need to be established pursuant to § 112 of the federal Clean Air Act and has published the determination in the source category schedule for standards.

6. A boiler, incinerator, or industrial furnace as defined in 9 VAC 20-60-10 and subject to 9 VAC 20-60, provided it (i) meets the 99.99% destruction and removal efficiency standard required by 9 VAC 20-60, and (ii) has received a permit or has qualified for interim status in accordance with 9 VAC 20-60. The board shall be furnished with an acceptable certification that such boiler, incinerator, or industrial furnace is in compliance with the standards of its permit or interim status and applicable [provision provisions] of 9 VAC 20-60. [Unless exempted under 9 VAC 5-60-300 C 4,] facilities that burn hazardous waste for energy recovery are [not exempted from subject to] this article.

7. A generator or boiler that burns only natural gas, #2 fuel oil, #4 fuel oil, #6 fuel oil, propane, or kerosene.

~~F. D. Provisions of this article do not apply to any consumer product used in the same manner as normal consumer use, provided the use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers. This may include, but not be limited to, personal use items, janitorial cleaning supplies, and facility grounds maintenance products, such as fertilizers, pesticides, and paints for structural components.~~

~~G. E. With regard to the application of pesticides, the provisions of this article shall apply only to the air quality impact from emissions from application inside the premises of the following affected facilities:~~

~~1. Industrial and manufacturing operations, including warehouse and storage operations related to the operation of these facilities; and.~~

~~2. Warehouse and storage operations at transportation terminals.~~

The provisions of this article shall not apply to the air quality impact from emissions from the application of any pesticide outside.

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~~H. F.~~ No provision of this article shall limit the power of the board to apply the provisions of this article to any affected facility in order to prevent or remedy a condition that may cause or contribute to the endangerment of human health.

~~9 VAC 5-50-170~~ 9 VAC 5-60-310. Definitions.

A. For the purpose of ~~these~~ *the Regulations for the Control and Abatement of Air Pollution* and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each toxic pollutant which the board, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. If the board determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination of them, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening ~~[designed for eliminating emissions from the structure]~~.

"Pesticide" means the same as the definition given in § 3.1-249.27 of the Virginia Pesticide Control Act.

"Potential to emit" means an emission rate based on the maximum capacity of a stationary source to emit a toxic pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a toxic pollutant, including air pollution control equipment, and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or its effect on emissions is state or federally enforceable. *Fugitive emissions shall be included in determining a stationary source's potential to emit.*

"Significant ambient air concentration" means the concentration of a toxic pollutant in the ambient air that if exceeded may have the potential to injure human health.

"Source category schedule for standards" means the schedule issued pursuant to § 112(e) ~~[of the federal Clean Air Act]~~ for

promulgating MACT standards issued pursuant to § 112(d) of the federal Clean Air Act and published in the Federal Register at [~~66 FR 8220, January 30, 2001~~ 67 FR 6521, February 12, 2002].

"Threshold limit value (TLV®)" means the maximum airborne concentration of a substance to which the ~~[ACGIH American Conference of Governmental Industrial Hygienists (ACGIH)]~~ believes that nearly all workers may be repeatedly exposed day after day without adverse effects and which is published in the ~~[American Conference of Governmental Industrial Hygienists (ACGIH)]~~ ACGIH Handbook (see 9 VAC 5-20-21). The TLV® is divided into three categories: TLV-Time-Weighted Average® (TLV-TWA®), TLV-Short-Term Exposure Limit® (TLV-STEL®), and TLV-Ceiling® (TLV-C®).

"TLV-TWA®" means the time-weighted average concentration for a normal eight-hour workday and a 40-hour workweek, to which nearly all workers may be repeatedly exposed, day after day, without adverse effect (as defined in the ACGIH Handbook).

"TLV-STEL®" means the concentration to which workers may be exposed continuously for a short period of time without suffering from irritation, chronic or irreversible tissue damage, or narcosis of sufficient degree to increase the likelihood of accidental injury, impair self-rescue or materially reduce work efficiency. The TLV-STEL supplements the TLV-TWA® where there are recognized acute effects from a substance whose toxic effects are primarily of a chronic nature.

"TLV-C®" means the concentration that should not be exceeded during any part of the working exposure.

"Toxic pollutant" means any air pollutant ~~for which no ambient air quality standard has been established. Particulate matter and volatile organic compounds are not toxic pollutants as generic classes of substances but individual substances within these classes may be toxic pollutants because of their toxic properties or because a TLV® has been established listed in § 112(b) of the [federal Clean Air] Act, as [amended revised] by 40 CFR 63.60, or any other air pollutant that the board determines, through adoption of regulation, to present a significant risk to public health. This term excludes asbestos, fine mineral fibers, radionuclides, and any glycol ether that does not have a TLV®.~~

~~9 VAC 5-50-180~~ 9 VAC 5-60-320. Standard for toxic pollutants.

If a stationary source ~~or operation not part of a stationary source~~ is not exempt under ~~9 VAC 5-50-160~~ 9 VAC 5-60-300 C or, D, or E, then the following standards shall be met:

1. Regardless of any ~~other~~ provision of ~~these~~ regulations *any other regulation of the board*, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions of toxic pollutants in such quantities as to cause, or contribute to, any significant ambient air concentration that may cause, or contribute to, the endangerment of human health.

2. The owner of new or modified sources shall employ best available control technology as may be approved by the board for the control of toxic pollutants.

~~9 VAC 5-50-190~~ **9 VAC 5-60-330. Significant ambient air concentration guidelines.**

For the purpose of case-by-case consideration between the board and the owner, significant ambient air concentrations are any of the following:

1. For pollutants with a TLV-C®, any one-hour concentration of a toxic pollutant in excess of 1/40 of the TLV-C®.
2. For pollutants with both a TLV-STEL® and a TLV-TWA®, any one-hour concentration of a toxic pollutant in excess of 1/40 of the TLV-STEL® and any annual concentration of a toxic pollutant in excess of 1/500 of the TLV-TWA®.
3. For pollutants with only a TLV-TWA®, any annual concentration of a toxic pollutant in excess of 1/500 of the TLV-TWA® and any one-hour concentration of a toxic pollutant in excess of 1/20 of the TLV-TWA®.
4. Any concentration resulting from the emissions of a toxic pollutant from an affected facility which the owner knows, or reasonably should be expected to know, may cause, or contribute to, the endangerment of human health.
5. Any concentration, other than those specified in subdivision 1, 2, 3, or 4 of this section, including those resulting from toxic pollutants not having a TLV®, which the board determines to cause, to have the potential to cause, or to contribute to, the endangerment of human health. This determination will be made by considering information by recognized authorities on the specific health effects of such toxic pollutants.

~~9 VAC 5-50-200~~ **9 VAC 5-60-340. Submittal of information.**

The owner of an affected facility shall upon the request of the board submit such information as may be needed to determine the applicability of, or compliance with, this article. The board may determine the schedule, manner and form for the submittal of the information.

~~9 VAC 5-50-210~~ **9 VAC 5-60-350. Determination of ambient air concentrations.**

- A. The owner shall, upon the request of the board, provide an assessment as to whether his facility emits, or may emit, any toxic pollutant in such quantities as to cause, or contribute to, any concentration exceeding, or which may exceed, any significant ambient air concentration.
- B. Ambient air concentrations shall be determined using air quality analysis techniques (modeling) based on emission rates equal to the facility's potential to emit for the applicable averaging time or any other method acceptable to the board.
- C. *Ambient air concentrations shall include all emissions from the stationary source, including those from sources exempted under 9 VAC 5-60-300 C.*

~~9 VAC 5-50-220~~ **9 VAC 5-60-360. Compliance.**

If the board has reason to believe that the emissions from an affected facility are, or may be, discharged in such quantities so as to cause, or contribute to, any ambient air concentration that is (i) in excess of any significant ambient air concentration

specified in ~~9 VAC 5-50-190~~ *9 VAC 5-60-330* or (ii) has the potential to cause or contribute to substantial and imminent endangerment of human health, a permit shall not be issued until the owner complies with one or more of the following:

1. Demonstrate that the emissions from the facility do not, and will not, cause, or contribute to, any of the significant ambient air concentrations in ~~9 VAC 5-50-190~~ *9 VAC 5-60-330* being exceeded;
2. Demonstrate that the applicable significant ambient air concentration in ~~9 VAC 5-50-190~~ *9 VAC 5-60-330* is inappropriate for the toxic air pollutant in question by showing that the emissions from the affected facility produce no endangerment of human health; or
3. Control the emissions from the affected facility to a level resulting in ambient air concentrations that are below the significant ambient air concentrations or resulting in such other ambient air concentrations acceptable to the board.

~~9 VAC 5-50-230~~ **9 VAC 5-60-370. Public participation.**

If the owner of an affected facility chooses the demonstration under ~~9 VAC 5-50-220~~ subdivision 2 of *9 VAC 5-60-360*, the provisions of this section shall apply.

1. Prior to the decision of the board on the acceptability of the demonstration, the demonstration shall be subject to a public comment period of at least 30 days.
2. The board shall notify the public of the opportunity for public comment on the information available for public inspection under the provisions of subdivision 3 of this section. The notification shall be made by advertisement in one newspaper of general circulation in the affected air quality control region and, if available, one newspaper that circulates in the area where the affected facility is located. A copy of the notice shall be sent to the governing body of the locality where the affected facility is located and to the governing bodies of the localities where ambient air quality impacts from the affected facility exceed the significant ambient air concentration guidelines in ~~9 VAC 5-50-190~~ *9 VAC 5-60-330*. The notice shall include a brief description of *the pollutants of concern and their possible health impacts*, the demonstration, a statement listing the requirements in subdivisions 4 and 5 of this section, and the name and telephone number of a *department staff* person from whom detailed information on the demonstration *and the pollutants* may be obtained.
3. Information relevant to the demonstration, including (i) information produced by the owner showing that the emissions from the affected facility do not endanger human health and (ii) the preliminary review, analysis and tentative determination of the board, shall be available for public inspection during the entire comment period in at least one location in the affected air quality control region.
4. Following the initial publication of notice of a public comment period, the board will receive written requests for a public hearing to consider the source's demonstration under ~~9 VAC 5-50-220~~ subdivision 2 of *9 VAC 5-60-360*. The request shall be submitted within 30 days of the

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appearance of the notice in the newspaper. Request for a public hearing shall contain the following information:

- a. The name, mailing address and telephone number of the requester;
- b. The names and addresses of all persons for whom the requester is acting as a representative;
- c. The reason why a hearing is requested; and
- d. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including an explanation of how and to what extent such interest would be directly and adversely affected by the demonstration in question.

5. The board shall review all timely requests for public hearing filed during the 30 days following the appearance of the public comment notice in the newspaper. Within 30 calendar days following the expiration of the public comment period the board shall grant a public hearing if it finds that one or both of the following apply:

- a. There is significant public interest in the demonstration in question.
- b. There are substantial, disputed issues relevant to the demonstration in question.

6. The board shall notify by mail the owner making the demonstration and each requester, at his last known address, of the decision to convene or deny a public hearing. The notice shall contain a description of the procedures for the public hearing and for the final determination under this section.

7. If the board determines to hold a public hearing, the hearing shall be scheduled at a time between 30 and 60 days after mailing the notification required by subdivision 6 of this section. The public hearing shall be held in the affected air quality control region.

8. The procedures for notification to the public and availability of information used for the public comment period and provided in subdivisions 2 and 3 of this section shall also be followed for the public hearing.

NOTE: In adopting amendments to this article to be effective ~~October 1, 1994~~ [~~effective date~~ May 1, 2002], the board ~~renumbered the sections~~. In the interest of economy and efficiency, the board did not make the corresponding change at each place the term "~~noncriteria~~" ~~occurs~~ *old section numbers occur* throughout the Regulations for the Control and Abatement of Air Pollution. However, it is the intent of the board to make that change in other parts of the regulations as the opportunity presents itself. Until such changes are made [,] the term "~~noncriteria~~" *old section numbers* (9 VAC 5-50-160 through 9 VAC 5-50-230) shall be construed to mean "~~toxic~~" *in these chapters* the new section numbers (9 VAC 5-60-300 through 9 VAC 5-60-370) *throughout the regulations of the board*.

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Rev. D00). 9 VAC 5-80. Permits for Stationary Sources (amending 9 VAC 5-80-2000 through 9 VAC 5-80-2090, 9 VAC 5-80-2110, 9 VAC 5-80-2120, 9 VAC 5-80-2150, 9 VAC 5-80-2180, and 9 VAC 5-80-2190; adding 9 VAC 5-80-2200, 9 VAC 5-80-2210, 9 VAC 5-80-2220, 9 VAC 5-80-2230, and 9 VAC 5-80-2240; repealing 9 VAC 5-80-2100 and 9 VAC 5-80-2160).**

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

Effective Date: May 1, 2002.

Summary:

The amendments (i) revise the emission reduction offset ratio; (ii) provide for state-only permit terms and conditions; (iii) clarify the regulation's applicability; and (iv) make the regulation consistent with the other new source review regulations.

Since the proposed amendments were published, the following substantive changes were made:

1. *The definition of "fugitive emissions" has been amended to remove the language that would leave the impression that a functionally equivalent opening must already exist (9 VAC 5-80-2010 C).*

2. *Provisions that would allow the designation of state-only conditions have been amended to limit the designated conditions to those relating to state toxics or odor control programs (9 VAC 5-80-2020 E 1 (ii) and E 2).*

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

Agency Contact: Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:3 VA.R. 282-300 October 22, 2001, with the changes identified below. Pursuant to § 2.2-4031 of the Code of Virginia, the adopted regulation is not published at length; however, the sections that have changed since publication of the proposed are set out.

9 VAC 5-80-2000. Applicability.

A. The provisions of this article apply to ~~the construction or reconstruction of any person seeking to construct or reconstruct any new~~ major stationary source or to make a major modification to a major stationary source, if the source or modification is or would be major for the pollutant for which the area is designated as nonattainment.

B. The provisions of this article apply in nonattainment areas [designated in 9 VAC 5-20-204].

C. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this article shall apply to the source or modification as though construction had not commenced on the source or modification.

D. Where a source is constructed or modified in contemporaneous increments which individually are not subject to approval under this article and which are not part of a program of construction or modification in planned incremental phases approved by the board, all such increments shall be added together for determining the applicability of this article. An incremental change is contemporaneous with the particular change only if it occurs between the date five years before construction on the particular change commences and the date that the increase from the particular change occurs.

E. Unless specified otherwise, the provisions of this article ~~are applicable to various sources~~ apply as follows:

1. Provisions referring to "sources," "new and/or modified sources" or "stationary sources" ~~are applicable~~ apply to the construction, reconstruction or modification of all major stationary sources and major modifications.

2. Any emissions units or pollutants not subject to the provisions of this article may be subject to the provisions of ~~9 VAC 5-80-10 Article 6~~ (9 VAC 5-80-1100 et seq.), Article 7 (9 VAC 5-80-1400 et seq.), or Article 8 (9 VAC 5-80-1700 et seq.) of this part.

3. Provisions referring to "state and federally enforceable" and "federally and state enforceable" or similar wording shall mean "state-only enforceable" for terms and conditions of a permit designated state-only enforceable under 9 VAC 5-80-2020 E.

F. Regardless of the exemptions provided in this article, no owner or other person shall circumvent the requirements of this article by causing or allowing a pattern of ownership or development over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit.

9 VAC 5-80-2010. Definitions.

A. As used in this article, all words or terms not defined here shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

B. For the purpose of this article, 9 VAC 5-50-270 and any related use, the words or terms shall have the meanings given them in subsection C of this section.

C. Terms defined.

"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with subdivisions a through c of this definition.

a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The board shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b. The board may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

c. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency (EPA) or his ~~an~~ authorized representative.

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally and state enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a. The applicable standards set forth in 40 CFR Parts 60 and 61;

b. Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

c. The emissions ~~rate limit~~ specified as a federally and state enforceable permit condition, including those with a future compliance date.

"Applicable federal requirement" means all of the following as they apply to emissions units in a source subject to this article (including requirements that have been promulgated or approved by the administrator through rulemaking at the time of permit issuance but have future-effective compliance dates):

a. Any standard or other requirement provided for in an implementation plan established pursuant to § 110 or § 111(d) of the federal Clean Air Act, including any source-specific provisions such as consent agreements or orders.

b. Any limit or condition in any construction permit issued under the new source review program or in any operating

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permit issued pursuant to the state operating permit program.

c. Any emission standard, alternative emission standard, alternative emission limitation, equivalent emission limitation or other requirement established pursuant to § 112 or § 129 of the federal Clean Air Act as amended in 1990.

d. Any new source performance standard or other requirement established pursuant to § 111 of the federal Clean Air Act, and any emission standard or other requirement established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.

e. Any limitations and conditions or other requirement in a Virginia regulation or program that has been approved by EPA under subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing § 112 of the federal Clean Air Act.

f. Any requirement concerning accident prevention under § 112(r)(7) of the federal Clean Air Act.

g. Any compliance monitoring requirements established pursuant to either § 504(b) or § 114(a)(3) of the federal Clean Air Act.

h. Any standard or other requirement for consumer and commercial products under § 183(e) of the federal Clean Air Act.

i. Any standard or other requirement for tank vessels under § 183(f) of the federal Clean Air Act.

j. Any standard or other requirement in 40 CFR Part 55 to control air pollution from outer continental shelf sources.

k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal Clean Air Act, unless the administrator has determined that such requirements need not be contained in a permit issued under this article.

l. With regard to temporary sources subject to 9 VAC 5-80-130, (i) any ambient air quality standard, except applicable state requirements, and (ii) requirements regarding increments or visibility as provided in Article 8 (9 VAC 5-80-1700 et seq.) of this part.

"Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be

considered as part of the same industrial grouping if they belong to the same "major group" (i.e., which have the same two-digit code) as described in the "Standard Industrial Classification Manual," as amended by the supplement (see 9 VAC 5-20-21).

"Commence," as applied to construction of a major stationary source or major modification, means that the owner has all necessary preconstruction approvals or permits and either has:

a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner, to undertake a program of actual construction of the source, to be completed within a reasonable time.

"Complete application" means that the application contains all the information necessary for processing the application and the provisions of § 10.1-1321.1 of the Virginia Air Pollution Control Law have been met. Designating an application complete for purposes of permit processing does not preclude the board from requesting or accepting additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

"Emissions cap" means any limitation on the rate of emissions of any regulated air pollutant from one or more emissions units established and identified as an emissions cap in any permit issued pursuant to the new source review program or operating permit program.

"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act.

"Enforceable as a practical matter" means that the permit contains emission limitations that are enforceable by the board or the department and meet the following criteria:

a. Are permanent;

b. Contain a legal obligation for the owner to adhere to the terms and conditions;

c. Do not allow a relaxation of a requirement of the Implementation Plan;

d. Are technically accurate and quantifiable;

e. Include averaging times or other provisions that allow at least monthly (or a shorter period if necessary to be consistent with the Implementation Plan) checks on compliance. This may include, but not be limited to, the following: compliance with annual limits in a rolling basis, monthly or shorter limits, and other provisions consistent with 9 VAC 5-80-2050 and other regulations of the board; and

f. Require a level of recordkeeping, reporting and monitoring sufficient to demonstrate compliance.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator, ~~including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or this chapter, including operating permits issued under an EPA approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under such program.~~ and citizens under the federal Clean Air Act or that are enforceable under other statutes administered by the administrator. Federally enforceable limitations and conditions include, but are not limited to the following:

a. Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to § 112 of the federal Clean Air Act as amended in 1990.

b. New source performance standards established pursuant to § 111 of the federal Clean Air Act, and emission standards established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.

c. All terms and conditions in a federal operating permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable.

d. Limitations and conditions that are part of an implementation plan established pursuant to § 110 or § 111(d) of the federal Clean Air Act.

e. Limitations and conditions that are part of a federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by EPA in accordance with 40 CFR Part 51.

f. Limitations and conditions that are part of an operating permit issued pursuant to a program approved by EPA into a SIP as meeting EPA's minimum criteria for federal enforceability, including adequate notice and opportunity for EPA and public comment prior to issuance of the final permit and practicable enforceability.

g. Limitations and conditions in a Virginia regulation or program that has been approved by EPA under subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing § 112 of the federal Clean Air Act.

h. Individual consent agreements that EPA has legal authority to create.

"Fixed capital cost" means the capital needed to provide all the depreciable components.

"Fugitive emissions" means those emissions ~~which that~~ could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening [~~designed for eliminating emissions from the structure~~].

"Lowest achievable emissions rate" means for any source, the more stringent rate of emissions based on the following:

a. The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner of the proposed stationary source demonstrates that such limitations are not achievable; or

b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

"Major modification"

a. Means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any *qualifying nonattainment* pollutant ~~subject to regulation under the federal Clean Air Act.~~

b. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

c. A physical change or change in the method of operation shall not include:

(1) Routine maintenance, repair and replacement;

(2) Use of an alternative fuel or raw material by a stationary source which:

(a) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally and state enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or this chapter; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21 or this chapter;

(3) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally and state enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or this chapter.

"Major new source review (major NSR)" means a program for the preconstruction review of changes that are subject to review as new major stationary sources or major modifications under Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of this part.

"Major stationary source"

a. Means:

(1) Any stationary source of air pollutants which emits, or has the potential to emit, (i) 100 tons per year or more of any *nonattainment* pollutant ~~subject to regulation under the federal Clean Air Act,~~ (ii) 50 tons

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per year or more of volatile organic compounds or nitrogen oxides in ozone nonattainment areas classified as serious in 9 VAC 5-20-204, or (iii) 25 tons per year or more of volatile organic compounds or nitrogen oxides in ozone nonattainment areas classified as severe in 9 VAC 5-20-204; or

(2) Any physical change that would occur at a stationary source not qualifying under subdivision a (1) of this definition as a major stationary source, if the change would constitute a major stationary source by itself.

b. A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

c. The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this article whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (1) Coal cleaning plants (with thermal dryers).
- (2) Kraft pulp mills.
- (3) Portland cement plants.
- (4) Primary zinc smelters.
- (5) Iron and steel mills.
- (6) Primary aluminum ore reduction plants.
- (7) Primary copper smelters.
- (8) Municipal incinerators (or combinations of them) capable of charging more than 250 tons of refuse per day.
- (9) Hydrofluoric acid plants.
- (10) Sulfuric acid plants.
- (11) Nitric acid plants.
- (12) Petroleum refineries.
- (13) Lime plants.
- (14) Phosphate rock processing plants.
- (15) Coke oven batteries.
- (16) Sulfur recovery plants.
- (17) Carbon black plants (furnace process).
- (18) Primary lead smelters.
- (19) Fuel conversion plants.
- (20) Sintering plants.
- (21) Secondary metal production plants.
- (22) Chemical process plants.
- (23) Fossil-fuel boilers (or combination of them) totaling more than 250 million British thermal units per hour heat input.

(24) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

(25) Taconite ore processing plants.

(26) Glass fiber manufacturing plants.

(27) Charcoal production plants.

(28) Fossil fuel steam electric plants of more than 250 million British thermal units per hour heat input.

(29) Any other stationary source category which, as of August 7, 1980, is being regulated under § 111 or § 112 of the federal Clean Air Act.

"Minor new source review (minor NSR)" means a program for the preconstruction review of changes that are subject to review as new or modified sources and that do not qualify as new major stationary sources or major modifications under Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of this part.

"Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations, and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

"Net emissions increase"

a. Means the amount by which the sum of the following exceeds zero:

(1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs. For sources located in ozone nonattainment areas classified as serious or severe in 9 VAC 5-20-204, an increase or decrease in actual emissions of volatile organic compounds or nitrogen oxides is contemporaneous with the increase from the particular change only if it occurs during a period of five consecutive calendar years which includes the calendar year in which the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if:

(1) It occurs between the date five years before construction on the change specified in subdivision a (1) of this definition commences and the date that the increase specified in subdivision a (1) of this definition occurs; and

(2) The board has not relied on it in issuing a permit for the source pursuant to this chapter which permit is in

effect when the increase in actual emissions from the particular change occurs.

d. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

e. A decrease in actual emissions is creditable only to the extent that:

(1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(2) It is federally and state enforceable at and after the time that actual construction on the particular change begins;

(3) The board has not relied on it in issuing any permit pursuant to this chapter or the board has not relied on it in demonstrating attainment or reasonable further progress in the ~~State~~ Implementation Plan; and

(4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

f. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New source review program" means a program for the preconstruction review and permitting of new stationary sources or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110 (a)(2)(C), 165 (relating to permits in prevention of significant deterioration areas), 173 (relating to permits in nonattainment areas), and 112 (relating to permits for hazardous air pollutants) of the federal Clean Air Act.

"Nonattainment pollutant" means, within [an a] nonattainment area, the pollutant for which such area is designated nonattainment. For ozone nonattainment areas, the nonattainment pollutants shall be volatile organic compounds (including hydrocarbons) and nitrogen oxides.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally and state enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Public comment period" means a time during which the public shall have the opportunity to comment on the new or modified source permit application information (exclusive of confidential information), the preliminary review and analysis of the effect of the source upon the ambient air

quality, and the preliminary decision of the board regarding the permit application.

"Qualifying pollutant" means, with regard to a major stationary source, any pollutant emitted in such quantities or at such rate as to qualify the source as a major stationary source.

"Reasonable further progress" means the annual incremental reductions in emissions of a given air pollutant (including substantial reductions in the early years following approval or promulgation of a ~~state~~ an implementation plan and regular reductions thereafter) which are sufficient in the judgment of the board to provide for attainment of the applicable ambient air quality standard within a specified nonattainment area by the attainment date prescribed in the ~~State~~ Implementation Plan for such area.

"Reconstruction" means when the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new stationary source. Any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of subdivisions a through c of this definition. A reconstructed stationary source will be treated as a new stationary source for purposes of this article.

a. The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility.

b. The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility.

c. The extent to which the components being replaced cause or contribute to the emissions from the facility.

"Regulated air pollutant" means any of the following:

a. Nitrogen oxides or any volatile organic compound;

b. Any pollutant for which an ambient air quality standard has been promulgated;

c. Any pollutant subject to any standard promulgated under § 111 of the federal Clean Air Act;

d. Any pollutant subject to a standard promulgated under or other requirements established under § 112 of the federal Clean Air Act concerning hazardous air pollutants and any pollutant regulated under 40 CFR Part 63; or

e. Any pollutant subject to a regulation adopted by the board.

"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this article, secondary emissions must be specific, well defined, quantifiable, and ~~impact~~ affect the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

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Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- a. Ozone nonattainment areas classified as serious or severe in 9 VAC 5-20-204.

Pollutant	Emissions Rate
Carbon Monoxide	100 tons per year (tpy)
Nitrogen Oxides	25 tpy
Sulfur Dioxide	40 tpy
Particulate Matter	25 tpy
Ozone	25 tpy of volatile organic compounds
Lead	0.6 tpy

- b. Other nonattainment areas.

Pollutant	Emissions Rate
Carbon Monoxide	100 tons per year (tpy)
Nitrogen Oxides	40 tpy
Sulfur Dioxide	40 tpy
Particulate Matter	25 tpy
Ozone	40 tpy of volatile organic compounds
Lead	0.6 tpy

"State enforceable" means all limitations and conditions that are enforceable as a practical matter, including any regulation of the board, those requirements developed pursuant to 9 VAC 5-170-160, requirements within any applicable order or variance, and any permit requirements established pursuant to this chapter.

"State operating permit program" means a program for issuing limitations and conditions for stationary sources in accordance with Article 5 (9 VAC 5-80-800 et seq.) of this part, promulgated to meet EPA's minimum criteria for federal enforceability, including adequate notice and opportunity for EPA and public comment prior to issuance of the final permit and practicable enforceability.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the federal Clean Air Act.

"Synthetic minor" means a stationary source whose potential to emit is constrained by state-enforceable and federally enforceable limits, so as to place that stationary source below the threshold at which it would be subject to permit or other requirements governing major stationary sources in regulations of the board or in the federal Clean Air Act.

9 VAC 5-80-2020. General.

A. No owner or other person shall begin actual construction, reconstruction or modification of any major stationary source or major modification without first obtaining from the board a permit to construct and operate such source.

B. No owner or other person shall relocate any emissions unit ~~subject to the provisions of 9 VAC 5-20-160 from one stationary source to another~~ without first obtaining from the board a permit to relocate the unit.

C. The board may combine the requirements of and the permits for emissions units within a stationary source subject to ~~9 VAC 5-80-10, Article 8 (9 VAC 5-80-1700 et seq.) of this part, and this article~~ the new source review program into one permit. Likewise the board may require that applications for permits for emissions units within a stationary source required by ~~9 VAC 5-80-10, Article 8 of this part, and this article~~ any provision of the new source review program be combined into one application.

D. The board may incorporate the terms and conditions of a state operating permit into a permit issued pursuant to this article. The permit issued pursuant to this article may supersede the state operating permit provided the public participation provisions of the state operating permit program are followed.

E. All terms and conditions of any permit issued under this article shall be federally enforceable except those that are designated state-only enforceable under subdivision 1 of this subsection. Any term or condition that is not federally enforceable shall be designated as state-only enforceable as provided in subdivision 2 of this subsection.

1. A term or condition of any permit issued under this article shall not be federally enforceable if [~~(i)~~] it is derived from or is designed to implement Article 2 (9 VAC 5-40-130 et seq.) or Article 3 (9 VAC 5-40-160 et seq.) of 9 VAC 5 Chapter 40 or Article 2 (9 VAC 5-50-130 et seq.) or Article 3 (9 VAC 5-50-160 et seq.) of 9 VAC 5 Chapter 50 [~~or (ii) it is designated in the proposed permit as provided in subdivision 2 of this subsection and public review of the designation takes place under 9 VAC 5-80-2070~~].

2. Any term or condition of any permit issued under this article that is not federally enforceable shall be marked in the permit as state-only enforceable and shall only be enforceable by the board. [~~Failure to mark a term or condition as state-only enforceable shall not render it federally enforceable.~~] Incorrectly designating a term or condition as state-only enforceable shall not provide a shield from federal enforcement of a term or condition that is legally federally enforceable.

F. Nothing in the regulations of the board shall be construed to prevent the board from granting permits for programs of construction or modification in planned incremental phases. In such cases, all net emissions increases from all emissions units covered by the program shall be added together for determining the applicability of this article.

9 VAC 5-80-2030. [No change from proposed.]

9 VAC 5-80-2040. [No change from proposed.]

9 VAC 5-80-2050. ~~Standards/conditions~~ Standards and conditions for granting permits.

A. No permit will be granted pursuant to this article unless it is shown to the satisfaction of the board that [~~the source will~~] be ~~designed, built and equipped to operate without causing a~~

violation of the applicable provisions of these regulations and that [~~comply with~~] the following standards [~~and conditions have been met~~]:

1. The source shall be designed, built and equipped to comply with standards of performance prescribed under 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) ~~and with emission standards prescribed under 9 VAC 5 Chapter 60 (9 VAC 5-60-10 et seq.)~~.

2. The source shall be designed, built and equipped to operate without ~~preventing or interfering with the attainment or maintenance of any applicable ambient air quality standard and without causing or exacerbating a violation of any~~ the applicable ambient air quality standard provisions of regulations of the board or the applicable control strategy portion of the implementation plan.

3. The board determines that the following occurs:

a. By the time the source is to commence operation, sufficient offsetting emissions reductions shall have been obtained in accordance with 9 VAC 5-80-2120 such that total allowable emissions of qualifying nonattainment pollutants from existing sources in the region, from new or modified sources which are not major emitting facilities, and from the proposed source will be sufficiently less than total emissions from existing sources, as determined in accordance with the requirements of this article, prior to the application for such permit to construct or modify so as to represent (when considered together with any applicable control measures in the State Implementation Plan) reasonable further progress; or

b. In the case of a new or modified major stationary source which is located in a zone, within the nonattainment area, identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, that emissions of such pollutant resulting from the proposed new or modified major stationary source shall not cause or contribute to emissions levels which exceed the allowance permitted for such pollutant for such area from new or modified major stationary sources in the State Implementation Plan [-; and

c.] Any emission reductions required as a precondition of the issuance of a permit under subdivision 3 a or 3 b of this ~~section~~ subsection shall be state and federally enforceable before such permit may be issued.

4. The applicant shall demonstrate that all major stationary sources owned or operated by such applicant (or by any entity controlling, controlled by, or under common control with such applicant) in the Commonwealth are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under these regulations.

5. The administrator has not determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of this article.

6. The applicant shall demonstrate, through an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source, that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

B. Permits may be granted to stationary sources or emissions units that contain emission caps provided the limits or caps are made enforceable as a practical matter using the elements set forth in subsection D of this section.

C. Permits granted pursuant to this article may contain emissions standards as necessary to implement the provisions of this article and 9 VAC 5-50-270. The following criteria shall be met in establishing emission standards to the extent necessary to assure that emissions levels are enforceable as a practical matter:

1. Standards may include the level, quantity, rate, or concentration or any combination of them for each affected pollutant.

2. In no case shall a standard result in emissions that would exceed the emissions rate based on the potential to emit of the emissions unit.

3. The standard may prescribe, as an alternative to or a supplement to an emission limitation, an equipment, work practice, fuels specification, process materials, maintenance, or operational standard, or any combination of them.

D. Permits issued under this article shall contain, but not be limited to, any of the following elements as necessary to ensure that the permits are enforceable as a practical matter:

1. Emission standards.

2. Conditions necessary to enforce emission standards. Conditions may include, but not be limited to, any of the following:

a. Limit on fuel sulfur content.

b. Limit on production rates with time frames as appropriate to support the emission standards.

c. Limit on raw material usage rate.

d. Limits on the minimum required capture, removal and overall control efficiency for any air pollution control equipment.

3. Specifications for permitted equipment, identified as thoroughly as possible. The identification shall include, but not be limited to, type, rated capacity, and size. Specifications included in the permit under this subdivision are for informational purposes only and do not form enforceable terms or conditions of the permit unless the specifications are needed to form the basis for one or more of the other terms or conditions in the permit.

4. Specifications for air pollution control equipment installed or to be installed. Specifications included in the permit under this subdivision are for informational purposes only and do not form enforceable terms or conditions of the

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permit unless the specifications are needed to form the basis for one or more of the other terms or conditions in the permit.

5. Specifications for air pollution control equipment operating parameters and the circumstances under which such equipment shall be operated, where necessary to ensure that the required overall control efficiency is achieved. The operating parameters may include, but not be limited to, any of the following:

- a. Pressure indicators and required pressure drop.
- b. Temperature indicators and required temperature.
- c. pH indicators and required pH.
- d. Flow indicators and required flow.

6. Requirements for proper operation and maintenance of any pollution control equipment, and appropriate spare parts inventory.

7. Stack test requirements.

8. Reporting or recordkeeping requirements, or both.

9. Continuous emission or air quality monitoring requirements, or both.

10. Other requirements as may be necessary to ensure compliance with the applicable regulations.

9 VAC 5-80-2060 through 9 VAC 5-80-2110. [No change from proposed.]

9 VAC 5-80-2120. Offsets.

A. Owners shall comply with the offset requirements of this article by obtaining emission reductions from the same source or other sources in the same nonattainment area, except that for ozone precursor pollutants the board may allow the owner to obtain such emission reductions in another nonattainment area if (i) the other area has an equal or higher nonattainment classification than the area in which the source is located and (ii) emissions from such other area contribute to a violation of the ambient air quality standard in the nonattainment area in which the source is located. By the time a new or modified source begins operation, such emission reductions shall (i) be in effect, (ii) be state and federally enforceable and (iii) assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the nonattainment area.

B. The (i) ratio of total emission reductions of volatile organic compounds to total increased emissions of volatile organic compounds or (ii) the ratio of total emission reductions of nitrogen oxides to total increased emissions of nitrogen oxides in ozone nonattainment areas designated in 9 VAC 5-20-204 shall be at least the following:

1. ~~Ozone~~ Nonattainment areas classified as marginal --1.1 to one.
2. ~~Ozone~~ Nonattainment areas classified as moderate --1.15 to one.

3. ~~Ozone~~ Nonattainment areas classified as serious --1.2 to one.

4. ~~Ozone~~ Nonattainment areas classified as severe --1.3 to one.

5. Nonattainment areas [~~not classified with any other classification or no classification~~] --1 to one.

The ratio of total emissions reductions of the nonattainment pollutant to total increased emissions of the nonattainment pollutant in nonattainment areas (other than ozone nonattainment areas) designated in 9 VAC 5-20-204 shall be at least 1 to one.

C. Emission reductions otherwise required by these regulations shall not be creditable as emissions reductions for purposes of any such offset requirement. Incidental emission reductions which are not otherwise required by these regulations shall be creditable as emission reductions for such purposes if such emission reductions meet the requirements of subsection A of this section.

D. The board shall allow an owner to offset by alternative or innovative means emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or motors under the following conditions:

1. Any modification proposed is solely for the purpose of expanding the testing of rocket engines or motors at an existing source that is permitted to test such engines on November 15, 1990.

2. The source demonstrates to the satisfaction of the board that it has used all reasonable means to obtain and utilize offsets, as determined on an annual basis, for the emissions increases beyond allowable levels, that all available offsets are being used, and that sufficient offsets are not available to the source.

3. The source has obtained a written finding from the U.S. Department of Defense, U.S. Department of Transportation, National Aeronautics and Space Administration or other appropriate federal agency, that the testing of rocket motors or engines at the facility is required for a program essential to the national security.

4. The owner will comply with an alternative measure, imposed by the board, designed to offset any emission increases beyond permitted levels not directly offset by the source. In lieu of imposing any alternative offset measures, the board may impose an emissions fee to be paid to the board which shall be an amount no greater than 1.5 times the average cost of stationary source control measures adopted in that nonattainment area during the previous three years. The board shall utilize the fees in a manner that maximizes the emissions reductions in that nonattainment area.

E. For sources subject to the provisions of this article, the baseline for determining credit for emissions reduction is the emissions limit under the applicable State Implementation Plan in effect at the time the application to construct is filed, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where:

1. The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area; or

2. The applicable State Implementation Plan does not contain an emissions limitation for that source or source category.

F. Where the emissions limit under the applicable State Implementation Plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.

G. For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel being burned at the time the application to construct is filed. If the owner of the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The board will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.

H. Emissions reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels may be generally credited if such reductions are permanent, quantifiable, and federally and state enforceable. In addition, the shutdown or curtailment is creditable only if it occurred on or after January 1, 1991.

I. No emissions credit may be allowed for replacing one hydrocarbon volatile organic compound with another of lesser reactivity, ~~except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds" (42 FR 35314, July 8, 1977).~~

J. Where ~~these regulations do~~ *this article does* not adequately address a particular issue, the provisions of Appendix S to 40 CFR Part 51 shall be followed to the extent that they do not conflict with this ~~section~~ *article*.

K. Credit for an emissions reduction can be claimed to the extent that the board has not relied on it in issuing any permit under this chapter or has not relied on it in demonstrating attainment or reasonable further progress.

9 VAC 5-80-2150 through 9 VAC 5-80-2200. [No change from proposed.]

9 VAC 5-80-2210. Administrative permit amendments.

A. Administrative permit amendments shall be required for and limited to the following:

1. Correction of typographical or any other error, defect or irregularity that does not substantially affect the permit.
2. Identification of a change in the name, address, or phone number of any person identified in the permit, or of a similar minor administrative change at the source.

3. Change in ownership or operational control of a source where the board determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the board and the requirements of [~~9 VAC 5-80-2180~~ 9 VAC 5-80-2170] have been fulfilled.

4. The combining of permits under the new source review program as provided in 9 VAC 5-80-2020 C.

B. The administrative permit amendment procedures are as follows:

1. The board will normally take final action on a request for an administrative permit amendment no more than 60 days from receipt of the request.
2. The board shall incorporate the changes without providing notice to the public under 9 VAC 5-80-2070. However, any such permit revisions shall be designated in the permit amendment as having been made pursuant to this section.
3. The owner may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

9 VAC 5-80-2220, 9 VAC 5-80-2230 and 9 VAC 5-80-2240. [No change from proposed.]

VA.R. Doc. No. R01-14; Filed March 5, 2002, 2:34 p.m.

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REGISTRAR'S NOTICE: Pursuant to § 2.2-4007 J of the Code of Virginia, the State Air Pollution Control Board is suspending the regulatory process on 9 VAC 5-140, Regulation for Emissions Trading (Rev. D98). The regulatory process is suspended in order to solicit additional comments on the changes made to the proposed regulation. These changes are printed below.

A detailed notice regarding the additional public comment period for this regulation is published following the regulation.

Title of Regulation: 9 VAC 5-140. Regulation for Emissions Trading (Rev. D98).

Statutory Authority: §§ 10.1-1308 and 10.1-1322.3 of the Code of Virginia.

Effective Date: Suspended.
(See suspension notice following the regulation)

Summary:

The regulation establishes a NO_x Budget Trading Program as a means of mitigating the interstate transport of ozone and nitrogen oxides including the following provisions: permitting allowance methodology, monitoring, banking, compliance supplement pool, compliance determination and opt-in provisions for sources not covered by the regulation.

Beginning May 31, 2004, electric generating units with a nameplate capacity greater than 25 MWe and nonelectric

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generating units above 250 mmBtu will be subject to the provisions of the regulation. NO_x emissions from subject units shall be subject to a specific limited budget (measured in tons) during the summer months of May 1 through September 30, otherwise known as the control period. The NO_x budget shall be determined through a methodology based upon emission rates multiplied by heat input. If a unit does not use all of its allowances for a specific control period, those extra tons may be banked for future use or sold. If a unit exceeds the budget limit, additional allowances may be purchased or the source may use banked allowances to offset the amount of NO_x generated above the budget limit.

An allocation set-aside budget is available to accommodate new sources that receive permits and commence operation after the distribution to the qualifying units (those in operation at least two years before the distribution date).

Emissions will need to be monitored according to 40 CFR Part 75 for all sources subject to the regulation and for any sources wishing to opt-in to the program.

A compliance supplement pool is provided for sources that generate early reduction credits or demonstrate "undue risk." The allowances from the pool are good for only two years and cannot be banked after that two-year period.

Substantial Changes Made Since the Proposed Stage

1. The 25 ton exemption has been changed to limit its use to only those units that burn gas or oil and to use the allocation methodology in 40 CFR Part 97 to allocate allowances. [9 VAC 5-140-40 B]

2. The applicability definitions and criteria have been changed to use the provisions from 40 CFR Part 97 for non-EGUs, as opposed to those found in 40 CFR Part 96. [9 VAC 5-140-20 and 9 VAC 5-140-40 A]

3. The values of the emissions budgets for both EGUs and non-EGUs and the compliance supplement pool have been changed to use the EPA numbers from 40 CFR Part 97. [9 VAC 5-140-910, 9 VAC 5-140-920 and 9 VAC 5-140-930]

4. The method for promulgating the emissions budget for EGUs and the compliance supplement pool has been changed to incorporate the EPA numbers (from 40 CFR Part 97) by reference, as opposed to including the budget numbers in the regulation. [9 VAC 5-140-910 and 9 VAC 5-140-920]

5. The initial allocations for the individual units are not included in the regulation. The initial and subsequent allocations will be accomplished outside the regulatory process. [9 VAC 5-140-940 and 9 VAC 5-140-950]

6. The allocation periods have been changed to use the periods in 40 CFR Part 97, as opposed to the initial allocation period of ten years and subsequent period of one year. 40 CFR Part 97 provides the same initial and subsequent allocation periods (five years) for both EGUs and non-EGUs. [9 VAC 5-140-410 A through C and 9 VAC 5-140-420 A through C]

7. The basis for the allocations for new sources (those commencing operation after May 1, 1998) has been changed to provide that the allocation be based on the lesser of the most stringent state or federal emission limitation or the core emission rate, as opposed to the lesser of the permit limit or core emission rate. In cases where a unit is subject to a permit which provides for the use of multiple fuels, the primary fuel shall be used as the basis to determine the most stringent state or federal NO_x emissions limitation. [9 VAC 5-140-20 and 9 VAC 5-140-420 B, C and D]

8. Provisions for a new source allocation set-aside have been added to the regulation. The set-aside is formed by withholding allowances from both (EGU and non-EGU) source categories. The set aside from the EGU budget is five percent for the years 2004 through 2008 and two percent for the years 2009 and later. The set-aside from the non-EGU budget is the difference between the sum of the initial allocations for the individual units and the non-EGU emissions budget in 40 CFR Part 97. [9 VAC 5-140-20 and 9 VAC 5-140-420 D and E]

9. The methodology in 40 CFR Part 97 is used for distribution of the new source set-asides for both EGUs and non-EGUs. Although the set-aside comes from the emissions budget for each of the two source categories, there is only one set-aside that may be distributed to any unit regardless of source category. The set-aside is distributed pro-rata to all requesting a portion of the set-aside. This provides a system whereby any unit is eligible for the set-aside if it did not receive an initial allocation and was issued a first time permit prior to January 1 of the year of distribution of the set-asides. EPA will confiscate the allocations for any control period, or portion thereof, during which the unit does not operate. [9 VAC 5-140-420 D, E and F]

10. The regulation (which is based on 40 CFR Part 96) has been changed to be consistent with some of the more flexible provisions of 40 CFR Part 97. [throughout]

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

Agency Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll free 1-800-5925482 or (804) 698-4021 TTY.

CHAPTER 140. REGULATION FOR EMISSIONS TRADING.

PART I. NO_x BUDGET TRADING PROGRAM.

Article 1. NO_x Budget Trading Program General Provisions.

9 VAC 5-140-10. Purpose.

This [chapter part] establishes general provisions and the applicability, permitting, allowance, excess emissions,

monitoring, and opt-in provisions for the NO_x Budget Trading Program as a means of mitigating the interstate transport of ozone and nitrogen oxides. The board authorizes the administrator to assist the board in implementing the NO_x Budget Trading Program by carrying out the functions set forth for the administrator in this [~~chapter~~ part] .

9 VAC 5-140-20. Definitions.

A. As used in this [~~chapter~~ part], all words or terms not defined here shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10 [~~10 et seq.~~]), unless otherwise required by context.

B. For the purpose of this [~~chapter~~ part] and any related use, the following words or terms shall have the following meanings unless the context clearly indicates otherwise:

"Account certificate of representation" means the completed and signed submission required by Article 2 (9 VAC 5-140-100 et seq.) of this part for certifying the designation of a NO_x authorized account representative for a NO_x Budget source or a group of identified NO_x Budget sources who is authorized to represent the owners and operators of such source or sources and of the NO_x Budget units at such source or sources with regard to matters under the NO_x Budget Trading Program.

"Account number" means the identification number given by the administrator to each NO_x Allowance Tracking System account.

"Acid rain emissions limitation" means, as defined in 40 CFR 72.2, a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program under Title IV of the CAA.

["Adjusted trading program budget" means the total number of NO_x allowances equal to the state trading program budget set forth in 9 VAC 5-140-900, less the sum of the NO_x emission limitations (in tons) for each unit exempt under 9 VAC 5-140-40 B that is not allocated any NO_x allowances under 9 VAC 5-140-420 B or C for the control period and whose NO_x emission limitation (in tons of NO_x) is not included in the amount calculated under 9 VAC 5-140-420 D 5 b (2) for the control period.]

"Administrator" means the Administrator of the United States Environmental Protection Agency or the administrator's duly authorized representative.

"Allocate" or "allocation" means the determination by the permitting authority of the number of NO_x allowances to be initially credited to a NO_x Budget unit.

["Allocation set-aside budget" means the sum of:

1. For NO_x Budget units under 9 VAC 5-140-40 A 1, the adjusted trading program budget for the control period to which the allocation set-aside applies multiplied by the set-aside percentage, rounded to the nearest whole number of NO_x allowances as appropriate.

2. For NO_x Budget units under 9 VAC 5-140-40 A 2, 1,177 tons per control period.]

"Automated data acquisition and handling system or DAHS" means that component of the CEMS, or other emissions

monitoring system approved for use under Article 8 (9 VAC 5-140-700 et seq.) of this part, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by Article 8 (9 VAC 5-140-700 et seq.) of this part.

"Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

"CAA" means the CAA, 42 USC 7401 et seq., as amended by Pub.L. No. 101-549 (November 15, 1990).

"Combined cycle system" means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

"Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

"Commence commercial operation" means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in 9 VAC 5-140-50, for a unit that is a NO_x Budget unit under 9 VAC 5-140-40 on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in 9 VAC 5-140-50 or Article 9 (9 VAC 5-140-800 et seq.) of this part, for a unit that is not a NO_x Budget unit under 9 VAC 5-140-40 on the date the unit commences commercial operation, the date the unit becomes a NO_x Budget unit under 9 VAC 5-140-40 shall be the unit's date of commencement of commercial operation.

"Commence operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber. Except as provided in 9 VAC 5-140-50, for a unit that is a NO_x Budget unit under 9 VAC 5-140-40 on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in 9 VAC 5-140-50 or Article 9 (9 VAC 5-140-800 et seq.) of this part, for a unit that is not a NO_x Budget unit under 9 VAC 5-140-40 on the date of commencement of operation, the date the unit becomes a NO_x Budget unit under 9 VAC 5-140-40 shall be the unit's date of commencement of operation.

"Common stack" means a single flue through which emissions from two or more units are exhausted.

"Compliance account" means a NO_x Allowance Tracking System account, established by the administrator for a NO_x Budget unit under Article 6 (9 VAC 5-140-500 et seq.) of this part, in which the NO_x allowance allocations for the unit are initially recorded and in which are held NO_x allowances available for use by the unit for a control period for the

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purpose of meeting the unit's NO_x Budget emissions limitation.

"Compliance certification" means a submission to the permitting authority or the administrator, as appropriate, that is required under Article 4 (9 VAC 5-140-300 et seq.) of this part to report a NO_x Budget source's or a NO_x Budget unit's compliance or noncompliance with this [chapter part] and that is signed by the NO_x authorized account representative in accordance with Article 2 (9 VAC 5-140-100 et seq.) of this part.

"Continuous emission monitoring system or CEMS" means the equipment required under Article 8 (9 VAC 5-140-700 et seq.) of this part to sample, analyze, measure, and provide, by readings taken at least once every 15 minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with 40 CFR Part 75, in a continuous emission monitoring system:

- 1. Flow monitor;*
- 2. Nitrogen oxides pollutant concentration monitors;*
- 3. Diluent gas monitor (oxygen or carbon dioxide) when such monitoring is required by Article 8 (9 VAC 5-140-700 et seq.) of this part;*
- 4. A continuous moisture monitor when such monitoring is required by Article 8 (9 VAC 5-140-700 et seq.) of this part; and*
- 5. An automated data acquisition and handling system.*

"Control period" means the period beginning May 1 of a year and ending on September 30 of the same year, inclusive, except for the calendar year 2004, the period shall begin May 31.

["Core trading program budget" means the adjusted trading program budget for the control period to which the allocation set-aside applies minus the allocation set-aside budget.

"Electricity for sale under firm contract to the grid" means electricity for sale where the capacity involved is intended to be available at all times during the period covered by a guaranteed commitment to deliver, even under adverse conditions.]

"Emissions" means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the NO_x authorized account representative and as determined by the administrator in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part.

"Energy Information Administration" means the Energy Information Administration of the United States Department of Energy.

"Excess emissions" means any tonnage of nitrogen oxides emitted by a NO_x Budget unit during a control period that exceeds the NO_x Budget emissions limitation for the unit.

"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

"Fossil fuel-fired" means, with regard to a unit:

- 1. [For units that commenced operation before January 1, 1996,] the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50% of the annual heat input on a Btu basis during [~~any year starting in~~] 1995 or, if a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995; [~~or~~]*
- 2. [For units that commenced operation on or after January 1, 1996, and before January 1, 1997,] the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel [~~is projected to comprise actually combusted comprises~~] more than 50% of the annual heat input on a Btu basis during [~~any year~~ 1996] ; [or*
- 3. For units that commence operation on or after January 1, 1997, (i) the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50% of the annual heat input on a Btu basis during any year or (ii) the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis during any year,] provided that the unit shall be "fossil fuel-fired" as of the date, during such year, on which the unit begins combusting fossil fuel.*

"General account" means a NO_x Allowance Tracking System account, established under Article 6 (9 VAC 5-140-500 et seq.) of this part, that is not a compliance account or an overdraft account.

"Generator" means a device that produces electricity.

"Heat input" means the product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a combustion device (in mass of fuel/time), as measured, recorded, and reported to the administrator by the NO_x authorized account representative and as determined by the administrator in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

"Implementation plan" means the portion or portions of the state implementation plan, or the most recent revision thereof, that has been approved in Subpart VV of 40 CFR Part 52 by the administrator under § 110 of the [~~federal Clean Air Act~~ CAA] , or promulgated under § 110(c) of the [~~federal Clean Air Act~~ CAA] , or promulgated or approved pursuant to regulations promulgated under § 301(d) of the [~~federal Clean Air Act~~ CAA] and that implements the relevant requirements of the [~~federal Clean Air Act~~ CAA] .

"Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its

proportional amount of such unit's total costs, pursuant to a contract:

1. For the life of the unit;
2. For a cumulative term of no less than 30 years, including contracts that permit an election for early termination; or
3. For a period equal to or greater than 25 years or 70% of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

"Maximum design heat input" means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

"Maximum potential hourly heat input" means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use Appendix D of 40 CFR Part 75 to report heat input, this value should be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported, in accordance with 40 CFR Part 75, using the maximum potential flowrate and either the maximum carbon dioxide concentration (in percent CO₂) or the minimum oxygen concentration (in percent O₂).

"Maximum potential NO_x emission rate" means the emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of Appendix F of 40 CFR Part 75, using the maximum potential nitrogen oxides concentration as defined in section 2 of Appendix A of 40 CFR Part 75, and either the maximum oxygen concentration (in percent O₂) or the minimum carbon dioxide concentration (in percent CO₂), under all operating conditions of the unit except for unit start up, shutdown, and upsets.

"Maximum rated hourly heat input" means a unit-specific maximum hourly heat input (mmBtu) that is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

"Monitoring system" means any monitoring system that meets the requirements of Article 8 (9 VAC 5-140-700 et seq.) of this part, including a continuous emissions monitoring system, an excepted monitoring system, or an alternative monitoring system.

"Most stringent state or federal NO_x emissions limitation" means [~~with regard to a NO_x Budget opt-in source,~~] the lowest NO_x emissions limitation (in [~~terms of~~] lb/mmBtu) that is applicable to the unit under the Virginia Air Pollution Control Law or federal law, regardless of the averaging period to which the emissions limitation applies. [In cases where a unit is subject to a permit that provides for the use of multiple fuels, the primary fuel shall be used as the basis to determine the most stringent state or federal NO_x emissions limitation. The primary fuel shall be the fuel designated in the permit as such or as having the greatest throughput.]

"Nameplate capacity" means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

["New source review program" means a program for the preconstruction review and permitting of new stationary sources or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110(a)(2)(C), 112 (relating to permits for hazardous air pollutants), 165 (relating to permits in prevention of significant deterioration areas), and 173 (relating to permits in nonattainment areas) of the CAA.]

"NO_x allowance" means [~~a~~ a limited] authorization by the permitting authority [or the administrator] under the NO_x Budget Trading Program to emit up to one ton of nitrogen oxides during the control period of the specified year or of any year thereafter [, except as provided under 9 VAC 5-140-550 B. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-40 B or 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the state to terminate or limit such authorization, which does not constitute a property right] .

"NO_x allowance deduction" or "deduct NO_x allowances" means the permanent withdrawal of NO_x allowances by the administrator from a NO_x Allowance Tracking System compliance account or overdraft account to account for the number of tons of NO_x emissions from a NO_x Budget unit for a control period, determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, or for any other allowance surrender obligation under this [~~chapter~~ part] .

"NO_x Allowance Tracking System" means the system by which the administrator records allocations, deductions, and transfers of NO_x allowances under the NO_x Budget Trading Program.

"NO_x Allowance Tracking System account" means an account in the NO_x Allowance Tracking System established by the administrator for purposes of recording the allocation, holding, transferring, or deducting of NO_x allowances.

"NO_x allowance transfer deadline" means midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recordation in a NO_x Budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO_x Budget emissions limitation for the control period immediately preceding such deadline.

"NO_x allowances held" or "hold NO_x allowances" means the NO_x allowances recorded by the administrator, or submitted to the administrator for recordation, in accordance with Article 6 (9 VAC 5-140-500 et seq.) and Article 7 (9 VAC 5-140-600 et seq.) of this part, in a NO_x Allowance Tracking System account.

"NO_x authorized account representative" means, for a NO_x Budget source or NO_x Budget unit at the source, the natural person who is authorized by the owners and operators of the

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source and all NO_x Budget units at the source, in accordance with Article 2 (9 VAC 5-140-100 et seq.) of this part, to represent and legally bind each owner and operator in matters pertaining to the NO_x Budget Trading Program or, for a general account, the natural person who is authorized, in accordance with Article 6 (9 VAC 5-140-500 et seq.) of this part, to transfer or otherwise dispose of NO_x allowances held in the general account.

"NO_x Budget emissions limitation" means, for a NO_x Budget unit, the tonnage equivalent of the NO_x allowances available for compliance deduction for the unit [~~and for a control period~~] under 9 VAC 5-140-540 A [~~and~~,] B, [E, and F in a control period,] adjusted by any deductions of such NO_x allowances [to account for actual utilization under 9 VAC 5-140-420 E for the control period or] to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget [Trading] Program, or for a change in regulatory status, [~~for~~ of] a NO_x Budget opt-in source under 9 VAC 5-140-860 or 9 VAC 5-140-870.

"NO_x Budget opt-in permit" means a NO_x Budget permit covering a NO_x Budget opt-in source.

"NO_x Budget opt-in source" means a unit that has [~~been~~ elected applied] to become a NO_x Budget unit under the NO_x Budget Trading Program and whose NO_x Budget opt-in permit has been issued and is in effect under Article 9 (9 VAC 5-140-800 et seq.) of this part.

"NO_x Budget permit" means the legally binding and federally enforceable written document, or portion of such document, issued by the permitting authority under this chapter, including any permit revisions, specifying the NO_x Budget Trading Program requirements applicable to a NO_x Budget source, to each NO_x Budget unit at the NO_x Budget source, and to the owners and operators and the NO_x authorized account representative of the NO_x Budget source and each NO_x Budget unit.

"NO_x Budget source" means a source that includes one or more NO_x Budget units.

"NO_x Budget Trading Program" means a multi-state nitrogen oxides air pollution control and emission reduction program established in accordance with this [~~chapter~~ part and approved and administered by the administrator pursuant to 40 CFR 51.121 or established by the administrator pursuant to 40 CFR 52.34] as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

"NO_x Budget unit" means a unit that is subject to the NO_x Budget [~~Trading Program~~] emissions limitation under 9 VAC 5-140-40 or [~~9 VAC 5-140-80~~ 9 VAC 5-140-800] .

"Operating" means, with regard to a unit under subdivision 4 b of 9 VAC 5-140-220 and 9 VAC 5-140-800, having documented heat input for more than 876 hours in the [6 six] months immediately preceding the submission of an application for an initial NO_x Budget permit under 9 VAC 5-140-830 A.

"Operator" means any person who operates, controls, or supervises a NO_x Budget unit, a NO_x Budget source, or unit

for which an application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 is submitted and not denied or withdrawn and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.

"Opt-in" means to be [~~elected~~ approved] to become a NO_x Budget unit under the NO_x Budget Trading Program through a final, effective NO_x Budget opt-in permit under Article 9 (9 VAC 5-140-800 et seq.) of this part.

"Overdraft account" means the NO_x Allowance Tracking System account, established by the administrator under Article 6 (9 VAC 5-140-500 et seq.) of this part, for each NO_x Budget source where there are two or more NO_x Budget units.

"Owner" means any of the following persons:

1. Any holder of any portion of the legal or equitable title in a NO_x Budget unit or in a unit for which an application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 is submitted and not denied or withdrawn; or
2. Any holder of a leasehold interest in a NO_x Budget unit or in a unit for which an application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 is submitted and not denied or withdrawn; or
3. Any purchaser of power from a NO_x Budget unit or from a unit for which an application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO_x Budget unit or the unit for which an application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 is submitted and not denied or withdrawn; or
4. With respect to any general account, any person who has an ownership interest with respect to the NO_x allowances held in the general account and who is subject to the binding agreement for the NO_x authorized account representative to represent that person's ownership interest with respect to NO_x allowances.

"Permitting authority" means the State Air Pollution Control Board.

"Receive" or "receipt of" means, when referring to the permitting authority or the administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the permitting authority or the administrator in the regular course of business.

"Recordation," "record," or "recorded" means, with regard to NO_x allowances, the movement of NO_x allowances by the administrator from one NO_x Allowance Tracking System account to another, for purposes of allocation, transfer, or deduction.

"Reference method" means any direct test method of sampling and analyzing for an air pollutant as specified in Appendix A of 40 CFR Part 60.

"Serial number" means, when referring to NO_x allowances, the unique identification number assigned to each NO_x allowance by the administrator under 9 VAC 5-140-530 [G F] .

["Set-aside percentage" means 5.0% for each of the years 2004 through 2008 or 2.0% for the year 2009 and each year thereafter.]

"Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of § 502(c) of the CAA, a "source," including a "source" with multiple units, shall be considered a single "facility."

"State" means the Commonwealth of Virginia. The term "state" shall have its conventional meaning where such meaning is clear from the context.

"State operating permit" means a permit issued under [~~Article 4 (9 VAC 5-80-50 et seq.)~~ Article 5 (9 VAC 5-80-800 et seq.)] of Part II of 9 VAC 5 Chapter 80.

["State operating permit regulations" means the regulations codified in Article 5 (9 VAC 5-80-800 et seq.) of Part II of 9 VAC 5 Chapter 80.]

"State trading program budget" means the total number of NO_x tons set forth in 9 VAC 5-140-900 and apportioned to all NO_x Budget units in accordance with the NO_x Budget Trading Program for use in a given control period.

"Submit or serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

1. In person;
2. By United States Postal Service; or
3. By other means of dispatch or transmission and delivery. Compliance with any "submission," "service," or "mailing" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

"Title V operating permit" means a permit issued under Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80.

"Title V operating permit regulations" means the regulations codified in Article 1 (9 VAC 5-80-50 et seq.), Article 2 (9 VAC 5-80-310 et seq.), Article 3 (9 VAC 5-80-360 et seq.), and Article 4 (9 VAC 5-80-710 et seq.) of Part II of 9 VAC 5 Chapter 80.

"Ton" or "tonnage" means any "short ton" (i.e., 2,000 pounds). For the purpose of determining compliance with the NO_x Budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and

any fraction of a ton less than 0.50 ton deemed to equal zero tons.

"Unit" means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

"Unit load" means the total (i.e., gross) output of a unit in any control period (or other specified time period) produced by combusting a given heat input of fuel, expressed in terms of:

1. The total electrical generation (MWe) produced by the unit, including generation for use within the plant; or
2. In the case of a unit that uses heat input for purposes other than electrical generation, the total steam pressure (psia) produced by the unit, including steam for use by the unit.

"Unit operating day" means a calendar day in which a unit combusts any fuel.

"Unit operating hour" or "hour of unit operation" means any hour (or fraction of an hour) during which a unit combusts any fuel.

"Utilization" means the heat input (expressed in mmBtu/time) for a unit. The unit's total heat input for the control period in each year shall be determined in accordance with 40 CFR Part 75 if the NO_x Budget unit was otherwise subject to the requirements of 40 CFR Part 75 for the year, or shall be based on the best available data reported to the administrator for the unit if the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.

9 VAC 5-140-30. Measurements, abbreviations, and acronyms.

Measurements, abbreviations, and acronyms used in this [~~chapter~~ part] are defined as follows:

- Btu--British thermal unit.
- hr--hour.
- Kwh--kilowatt hour.
- lb--pounds.
- mmBtu--million Btu.
- MWe--megawatt electrical.
- [psia--pounds per square inch absolute.]
- ton--2000 pounds.
- CO₂--carbon dioxide.
- NO_x--nitrogen oxides.
- O₂--oxygen.

[9 VAC 5-140-35. Federal regulations incorporated by reference.

A. The U.S. Environmental Protection Agency regulations cited in this part are, unless indicated otherwise, incorporated by reference into this part as amended by the word or phrase substitutions given in subsection B of this section. The complete text of the federal regulations incorporated herein by reference is contained in 40 CFR Part 75 and 40 CFR Part 97. The 40 CFR part and section numbers appearing throughout this part identify the specific provisions of the federal regulations incorporated by reference. The specific version of the federal regulations adopted by reference shall be that contained in the CFR (2001) in effect July 1, 2001. Reference

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to the various provisions of the Code of Federal Regulations are structured as in the following example: 40 CFR Part 75 means Part 75 of Title 40 of the Code of Federal Regulations; 40 CFR 75.1 means Section 75.1 in Part 75 of Title 40 of the Code of Federal Regulations.

B. In all of the federal regulations incorporated by reference substitute:

1. "Board" for "administrator."
2. "Board" for "U.S. Environmental Protection Agency" (except in references).]

9 VAC 5-140-40. Applicability.

A. The following units shall be NO_x Budget units, and any source that includes one or more such units shall be a NO_x Budget source, subject to the requirements of this [chapter part] :

1. [~~Any unit that, any time on or after January 1, 1995, serves a generator with a nameplate capacity greater than 25 MWe and sells any amount of electricity; or a. For units that commenced operation before January 1, 1997, a unit serving during 1995 or 1996 a generator that had a nameplate capacity greater than 25 MWe and produced electricity for sale under a firm contract to the electric grid.~~

b. For units that commenced operation on or after January 1, 1997, and before January 1, 1999, a unit serving during 1997 or 1998 a generator that had a nameplate capacity greater than 25 MWe and produced electricity for sale under a firm contract to the electric grid.

c. For units that commence operation on or after January 1, 1999, a unit serving at any time a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.]

2. [~~Any unit that is not a unit under this subsection and that has a maximum design heat input greater than 250 mmBtu/hr. a. For units that commenced operation before January 1, 1997, a unit that has a maximum design heat input greater than 250 mmBtu/hr and that did not serve during 1995 or 1996 a generator producing electricity for sale under a firm contract to the electric grid.~~

b. For units that commenced operation on or after January 1, 1997, and before January 1, 1999, a unit that has a maximum design heat input greater than 250 mmBtu/hr and that did not serve during 1997 or 1998 a generator producing electricity for sale under a firm contract to the electric grid.

c. For units that commence operation on or after January 1, 1999, a unit with a maximum design heat input greater than 250 mmBtu/hr that:

- (1) At no time serves a generator producing electricity for sale; or
- (2) At any time serves a generator producing electricity for sale, if any such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than 50% of the potential electrical output capacity of the unit.]

[~~B. Notwithstanding subsection A of this section, a unit under subsection A of this section shall be subject only to the requirements of this subsection if the unit has a federally enforceable permit that meets the requirements of subdivision 1 of this subsection and restricts the unit's operating hours during each such control period to the number of hours (determined in accordance with subdivisions 1 a and b of this subsection) that limits the unit's potential NO_x mass emissions for the control period to 25 tons or less. Notwithstanding subsection A of this section, starting with the effective date of such federally enforceable permit, the unit shall not be a NO_x Budget unit.~~

~~1. For each control period under this subsection, the federally enforceable permit shall contain the following provisions:~~

~~a. Restrict the unit's operating hours to the number calculated by dividing 25 tons of potential NO_x mass emissions by the unit's maximum potential hourly NO_x mass emissions.~~

~~b. Require that the unit's potential NO_x mass emissions shall be calculated as follows:~~

~~(1) Select the default NO_x emission rate in Table 2 of 40 CFR 75.19 that would otherwise be applicable assuming that the unit burns only the type of fuel that has the highest default NO_x emission factor of any type of fuel that the unit is allowed to burn; and~~

~~(2) Multiply the default NO_x emission rate under subdivision 1 b (1) of this subsection by the unit's maximum rated hourly heat input. The owner or operator of the unit may petition the permitting authority to use a lower value for the unit's maximum rated hourly heat input than the value as defined under 9 VAC 5-140-20. The permitting authority may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative, and that such lower value is representative, of the unit's current capabilities because modifications have been made to the unit, limiting its capacity permanently.~~

~~c. Require that the owner or operator of the unit shall retain at the source that includes the unit, for five years, records demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of the permit related to these restrictions were met.~~

~~d. Require that the owner or operator of the unit shall report the unit's hours of operation (treating any partial hour of operation as a whole hour of operation) during each control period to the permitting authority by November 1 of each year for which the unit is subject to the federally enforceable permit.~~

~~2. The permitting authority that issues the federally enforceable permit with the operating hours restriction under subdivisions 1 a and b of this subsection shall notify the administrator in writing of each unit under subsection A of this section whose federally enforceable permit issued by~~

~~the permitting authority includes such restrictions. The permitting authority shall also notify the administrator in writing of each unit under subsection A of this section whose federally enforceable permit issued by the permitting authority is revised to remove any such restriction, whose federally enforceable permit issued by the permitting authority includes any such restriction that is no longer applicable, or that does not comply with any such restriction.~~

~~3. If, for any control period under this subsection, the operating hours restriction under subdivisions 1 a and b of this subsection is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable or if, for any such control period, the unit does not comply with the operating hours restriction under subdivisions 1 a and b of this subsection, the unit shall be a NO_x Budget unit, subject to the requirements of this chapter. Such unit shall be treated as commencing operation and, for a unit under subdivision A 1 of this section, commencing commercial operation on September 30 of the control period for which the operating hours restriction is no longer applicable or during which the unit does not comply with the operating hours restriction.~~

B. 1. Notwithstanding subsection A of this section, a unit under subdivision A 1 or A 2 of this section that has a federally enforceable permit that restricts the unit to combusting only natural gas or fuel oil (as defined in 40 CFR 75.2) during a control period and includes a NO_x emission limitation restricting NO_x emissions during a control period to 25 tons or less and that includes the provisions in subdivision B 4 of this section shall be exempt from the requirements of the NO_x Budget Trading Program, except for the provisions of this subsection, 9 VAC 5-140-20, 9 VAC 5-140-30, 9 VAC 5-140-40 A, 9 VAC 5-140-70, and Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), and Article 7 (9 VAC 5-140-600 et seq.) of this part. The NO_x emission limitation under this subdivision shall restrict NO_x emissions during the control period by limiting unit operating hours. The restriction on unit operating hours shall be calculated by dividing 25 tons by the unit's maximum potential hourly NO_x mass emissions, which shall equal the unit's maximum rated hourly heat input multiplied by the highest default NO_x emission rate otherwise applicable to the unit under 40 CFR 75.19.

2. The exemption under subdivision 1 of this subsection shall become effective as follows:

a. The exemption shall become effective on the date on which the NO_x emission limitation and the special provisions in the permit under subdivision 1 of this subsection become final; or

b. If the NO_x emission limitation and the special provisions in the permit under subdivision 1 of this subsection become final during a control period and after the first date on which the unit operates during such control period, then the exemption shall become effective on May 1 of such control period, provided that such NO_x emission limitation and the special provisions apply to the

unit as of such first date of operation. If such NO_x emission limitation and special provisions do not apply to the unit as of such first date of operation, then the exemption under subdivision 1 of this subsection shall become effective on October 1 of the year during which such NO_x emission limitation and the special provisions become final.

3. The permitting authority that issues a federally enforceable permit under subdivision 1 of this subsection for a unit under subdivision A 1 or A 2 of this section will provide the administrator written notice of the issuance of such permit and, upon request, a copy of the permit.

4. a. A unit exempt under subdivision 1 of this subsection shall comply with the restriction on fuel use and unit operating hours described in subdivision 1 of this subsection during the control period in each year.

b. The permitting authority will allocate NO_x allowances to the unit under 9 VAC 5-140-410 A through C and 9 VAC 5-140-420 A through C. For each control period for which the unit is allocated NO_x allowances under 9 VAC 5-140-410 A through C and 9 VAC 5-140-420 A through C,

(1) The owners and operators of the unit shall specify a general account, in which the administrator will record the NO_x allowances; and

(2) After the administrator records NO_x allowance allocations under 9 VAC 5-140-410 A through C and 9 VAC 5-140-420 A through C, the administrator will deduct, from the general account under subdivision 4 b (1) of this subsection, NO_x allowances that are allocated for the same or a prior control period as the NO_x allowances allocated to the unit under 9 VAC 5-140-410 A through C and 9 VAC 5-140-420 A through C and that equal the NO_x emission limitation (in tons of NO_x) on which the unit's exemption under subdivision 1 of this subsection is based. The NO_x authorized account representative shall ensure that such general account contains the NO_x allowances necessary for completion of such deduction.

c. A unit exempt under this subsection shall report hours of unit operation during the control period in each year to the permitting authority by November 1 of that year.

d. For a period of five years from the date the records are created, the owners and operators of a unit exempt under subdivision 1 of this subsection shall retain, at the source that includes the unit, records demonstrating that the conditions of the federally enforceable permit under subdivision 1 of this subsection were met, including the restriction on fuel use and unit operating hours. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the permitting authority or the administrator. The owners and operators bear the burden of proof that the unit met the restriction on fuel use and unit operating hours.

e. The owners and operators and, to the extent applicable, the NO_x authorized account representative of a unit exempt under subdivision 1 of this subsection shall

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comply with the requirements of the NO_x Budget Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

f. On the earlier of the following dates, a unit exempt under subdivision 1 of this subsection shall lose its exemption:

(1) The date on which the restriction on unit operating hours described in subdivision 1 of this subsection is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable to any control period starting in 2004; or

(2) The first date on which the unit fails to comply, or with regard to which the owners and operators fail to meet their burden of proving that the unit is complying, with the restriction on fuel use or unit operating hours described in subdivision 1 of this subsection during any control period starting in 2004.

g. A unit that loses its exemption in accordance with subdivision 4 f of this subsection shall be subject to the requirements of this part. For the purpose of applying permitting requirements under Article 3 (9 VAC 5-140-200 et seq.) of this part, allocating allowances under Article 5 (9 VAC 5-140-400 et seq.) of this part, and applying monitoring requirements under Article 8 (9 VAC 5-140-700 et seq.) of this part, the unit shall be treated as commencing operation and, if the unit is covered by subdivision A 1 of this section, commencing commercial operation on the date the unit loses its exemption.

h. A unit that is exempt under subdivision 1 of this subsection shall not be eligible to be a NO_x Budget opt-in unit under Article 9 (9 VAC 5-140-800 et seq.) of this part.]

9 VAC 5-140-50. Retired unit exemption.

A. This section applies to any NO_x Budget unit, other than a NO_x Budget opt-in source, that is permanently retired.

B. 1. Any NO_x Budget unit, other than a NO_x Budget opt-in source, that is permanently retired shall be exempt from the NO_x Budget Trading Program, except for the provisions of this section, 9 VAC 5-140-20, 9 VAC 5-140-30, 9 VAC 5-140-40, 9 VAC 5-140-70 and Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), and Article 7 (9 VAC 5-140-600 et seq.) of this part.

2. The exemption under subdivision 1 of this subsection shall become effective the day on which the unit is permanently retired. Within 30 days of permanent retirement, the NO_x authorized account representative (authorized in accordance with Article 2 (9 VAC 5-140-100 et seq.) of this part) shall submit a statement to the permitting authority otherwise responsible for administering any NO_x Budget permit for the unit. A copy of the statement shall be submitted to the administrator. The statement shall state (in a format prescribed by the permitting authority) that the unit is permanently retired and will comply with the requirements of subsection C of this section.

3. After receipt of the notice under subdivision 2 of this subsection, the permitting authority [~~shall~~ will] amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under subdivision 1 of this subsection and subsection C of this section.

C. 1. A unit exempt under this section shall not emit any nitrogen oxides, starting on the date that the exemption takes effect. The owners and operators of the unit shall be allocated allowances in accordance with Article 5 (9 VAC 5-140-400 et seq.) of this part. [For each control period for which the unit is allocated one or more NO_x allowances, the owners and operators of the unit shall specify a general account, in which the administrator will record such NO_x allowances.]

2. a. A unit exempt under this section and located at a source that is required, or but for this exemption would be required, to have a Title V operating permit shall not resume operation unless the NO_x authorized account representative of the source submits a complete NO_x Budget permit application under 9 VAC 5-140-220 for the unit not less than 18 months (or such lesser time provided [~~under by~~] the permitting [~~authority's Title V operating permits regulations for final action on a permit application authority~~]) prior to the later of May 31, 2004, or the date on which the unit is to first resume operation.

b. A unit exempt under this section and located at a source that is required, or but for this exemption would be required, to have a state operating permit shall not resume operation unless the NO_x authorized account representative of the source submits a complete NO_x Budget permit application under 9 VAC 5-140-220 for the unit not less than 18 months (or such lesser time provided [~~under by~~] the permitting [~~authority's state operating permits regulations for final action on a permit application authority~~]) prior to the later of May 31, 2004, or the date on which the unit is to first resume operation.

3. The owners and operators and, to the extent applicable, the NO_x authorized account representative of a unit exempt under this section shall comply with the requirements of the NO_x Budget Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

4. A unit that is exempt under this section is not eligible to be a NO_x Budget opt-in source under Article 9 (9 VAC 5-140-800 et seq.) of this part.

5. For a period of five years from the date the records are created, the owners and operators of a unit exempt under this section shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The five-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the permitting authority or the administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

6. a. On the earlier of the following dates, a unit exempt under subsection B of this section shall lose its exemption:

(1) The date on which the NO_x authorized account representative submits a NO_x Budget permit application under subdivision 2 of this subsection; [or]

(2) The date on which the NO_x authorized account representative is required under subdivision 2 of this subsection to submit a NO_x Budget permit application [; or]

(3) The date on which the unit resumes operation, if the unit is not required to submit a NO_x Budget permit application] .

b. For the purpose of applying monitoring requirements under Article 8 (9 VAC 5-140-700 et seq.) of this part, a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

9 VAC 5-140-60. Standard requirements.

A. The following requirements concerning permits shall apply:

1. The NO_x authorized account representative of each NO_x Budget source required to have a federally enforceable permit and each NO_x Budget unit required to have a federally enforceable permit at the source shall:

a. Submit to the permitting authority a complete NO_x Budget permit application under 9 VAC 5-140-220 in accordance with the deadlines specified in 9 VAC 5-140-210 B and C;

b. Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a NO_x Budget permit application and issue or deny a NO_x Budget permit.

2. The owners and operators of each NO_x Budget source required to have a federally enforceable permit and each NO_x Budget unit required to have a federally enforceable permit at the source shall have a NO_x Budget permit issued by the permitting authority and operate the unit in compliance with such NO_x Budget permit.

3. The owners and operators of a NO_x Budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NO_x Budget permit application, and to have a NO_x Budget permit, under Article 3 (9 VAC 5-140-200 et seq.) of this part for such NO_x Budget source.

B. The following requirements concerning monitoring shall apply:

1. The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source, shall comply with the monitoring requirements of Article 8 (9 VAC 5-140-700 et seq.) of this part.

2. The emissions measurements recorded and reported in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under subsection C of this section.

C. The following requirements concerning nitrogen oxides shall apply:

1. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 [A, B, E, or F] , as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part [, plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870] .

2. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of this chapter, the CAA, and the Virginia Air Pollution Control Law.

3. A NO_x Budget unit shall be subject to the requirements under subdivision 1 of this subsection starting on the later of May 31, 2004, or the date on which the unit commences operation.

4. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.) of this part.

5. A NO_x allowance shall not be deducted, in order to comply with the requirements under subdivision 1 of this subsection, for a control period in a year prior to the year for which the NO_x allowance was allocated.

6. A NO_x allowance allocated by the permitting authority [or the administrator] under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the state to terminate or limit such authorization.

7. A NO_x allowance allocated by the permitting authority [or the administrator] under the NO_x Budget Trading Program does not constitute a property right.

8. Upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of this part, every allocation, transfer, or deduction of a NO_x allowance

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to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.

D. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:

1. Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D 1; and
2. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.

E. The following requirements concerning recordkeeping and reporting shall apply:

1. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.

a. The account certificate of representation for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.

b. All emissions monitoring information, in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part; provided that to the extent that Article 8 (9 VAC 5-140-700 et seq.) of this part provides for a three-year period for recordkeeping, the three-year period shall apply.

c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.

d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.

2. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of this part.

F. The following requirements concerning liability shall apply:

1. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x

Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to the Air Pollution Control Law of Virginia [or applicable federal law] .

2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the Air Pollution Control Law of Virginia [or applicable federal law] .

3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.

4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.

5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source (including a provision applicable to the NO_x authorized account representative of a NO_x Budget source) shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.

6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit (including a provision applicable to the NO_x authorized account representative of a NO_x budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.) of this part, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

G. No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable implementation plan, a federally enforceable permit, or the CAA.

9 VAC 5-140-70. Computation of time.

A. Unless otherwise stated, any time period scheduled under the NO_x Budget Trading Program to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

B. Unless otherwise stated, any time period scheduled under the NO_x Budget Trading Program to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

C. Unless otherwise stated, if the final day of any time period under the NO_x Budget Trading Program falls on a weekend or a state or federal holiday, the time period shall be extended to the next business day.

9 VAC 5-140-80. (Reserved.)

9 VAC 5-140-90. (Reserved.)

Article 2.

NO_x Authorized Account Representative for NO_x Budget Sources.

9 VAC 5-140-100. Authorization and responsibilities of the NO_x authorized account representative.

A. Except as provided under 9 VAC 5-140-110, each NO_x Budget source, including all NO_x Budget units at the source, shall have one and only one NO_x authorized account representative with regard to all matters under the NO_x Budget Trading Program concerning the source or any NO_x Budget unit at the source.

B. The NO_x authorized account representative of the NO_x Budget source shall be selected by an agreement binding on the owners and operators of the source and all NO_x Budget units at the source.

C. Upon receipt by the administrator of a complete account certificate of representation under 9 VAC 5-140-130, the NO_x authorized account representative of the source shall represent and, by his representations, actions, inactions, or submissions, legally bind each owner and operator of the NO_x Budget source represented and each NO_x Budget unit at the source in all matters pertaining to the NO_x Budget Trading Program, notwithstanding any agreement between the NO_x authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NO_x authorized account representative by the permitting authority, the administrator, or a court regarding the source or unit.

D. No NO_x Budget permit shall be issued, and no NO_x Allowance Tracking System account shall be established for a NO_x Budget unit at a source, until the administrator has received a complete account certificate of representation under 9 VAC 5-140-130 for a NO_x authorized account representative of the source and the NO_x Budget units at the source.

E. 1. Each submission under the NO_x Budget Trading Program shall be submitted, signed, and certified by the NO_x authorized account representative for each NO_x Budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NO_x authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO_x Budget sources or NO_x Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

2. The permitting authority and the administrator [~~shall~~ will] accept or act on a submission made on behalf of owner or operators of a NO_x Budget source or a NO_x Budget unit only if the submission has been made, signed, and certified in accordance with subdivision 1 of this subsection.

9 VAC 5-140-110. Alternate NO_x authorized account representative.

A. An account certificate of representation may designate one and only one alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative. The agreement by which the alternate NO_x authorized account representative is selected shall include a procedure for authorizing the alternate NO_x authorized account representative to act in lieu of the NO_x authorized account representative.

B. Upon receipt by the administrator of a complete account certificate of representation under 9 VAC 5-140-130, any representation, action, inaction, or submission by the alternate NO_x authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_x authorized account representative.

C. Except in this section and 9 VAC 5-140-100 A, 9 VAC 5-140-120, 9 VAC 5-140-130, and 9 VAC 5-140-510, whenever the term "NO_x authorized account representative" is used in this [~~chapter~~ part] , the term shall be construed to include the alternate NO_x authorized account representative.

9 VAC 5-140-120. Changing the NO_x authorized account representative and the alternate NO_x authorized account representative; changes in the owners and operators.

A. The NO_x authorized account representative may be changed at any time upon receipt by the administrator of a superseding complete account certificate of representation under 9 VAC 5-140-130. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_x authorized account representative prior to the time and date when the administrator receives the superseding account certificate of representation shall be binding on the new NO_x authorized account representative and the owners and operators of the NO_x Budget source and the NO_x Budget units at the source.

B. The alternate NO_x authorized account representative may be changed at any time upon receipt by the administrator of a superseding complete account certificate of representation under 9 VAC 5-140-130. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_x authorized account representative prior to the time and date when the administrator receives the superseding account certificate of representation shall be binding on the new alternate NO_x authorized account representative and the owners and operators of the NO_x Budget source and the NO_x Budget units at the source.

C. 1. In the event a new owner or operator of a NO_x Budget source or a NO_x Budget unit is not included in the list of owners and operators submitted in the account certificate of representation, such new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions,

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inactions, and submissions of the NO_x authorized account representative and any alternate NO_x authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the permitting authority or the administrator, as if the new owner or operator were included in such list.

2. Within 30 days following any change in the owners and operators of a NO_x Budget source or a NO_x Budget unit, including the addition of a new owner or operator, the NO_x authorized account representative or alternate NO_x authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

9 VAC 5-140-130. Account certificate of representation.

A. A complete account certificate of representation for a NO_x authorized account representative or an alternate NO_x authorized account representative shall include the following elements in a format prescribed by the administrator:

1. Identification of the NO_x Budget source and each NO_x Budget unit at the source for which the account certificate of representation is submitted.

2. The name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_x authorized account representative and any alternate NO_x authorized account representative.

3. A list of the owners and operators of the NO_x Budget source and of each NO_x Budget unit at the source.

4. The following certification statement by the NO_x authorized account representative and any alternate NO_x authorized account representative: "I certify that I was selected as the NO_x authorized account representative or alternate NO_x authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_x Budget Trading Program on behalf of the owners and operators of the NO_x Budget source and of each NO_x Budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the permitting authority, the administrator, or a court regarding the source or unit."

5. The signature of the NO_x authorized account representative and any alternate NO_x authorized account representative and the dates signed.

B. Unless otherwise required by the permitting authority or the administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the administrator. Neither the permitting authority nor the administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

9 VAC 5-140-140. Objections concerning the NO_x authorized account representative.

A. Once a complete account certificate of representation under 9 VAC 5-140-130 has been submitted and received, the permitting authority and the administrator shall rely on the account certificate of representation unless and until a superseding complete account certificate of representation under 9 VAC 5-140-130 is received by the administrator.

B. Except as provided in 9 VAC 5-140-120 A or B, no objection or other communication submitted to the permitting authority or the administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_x authorized account representative shall affect any representation, action, inaction, or submission of the NO_x authorized account representative or the finality of any decision or order by the permitting authority or the administrator under the NO_x Budget Trading Program.

C. Neither the permitting authority nor the administrator shall adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NO_x authorized account representative, including private legal disputes concerning the proceeds of NO_x allowance transfers.

9 VAC 5-140-150 through 9 VAC 5-140-190. (Reserved.)

Article 3.
Permits.

9 VAC 5-140-200. General NO_x Budget trading program permit requirements.

A. For each NO_x Budget source required to have a federally enforceable permit, such permit shall include a NO_x Budget permit administered by the permitting authority.

1. For NO_x Budget sources required to have a Title V operating permit, the NO_x Budget portion of the Title V permit shall be administered in accordance with the permitting authority's Title V operating permits regulations, except as provided otherwise by this article or Article 9 (9 VAC 5-140-800 et seq.) of this part.

2. For NO_x Budget sources required to have a state operating permit, the NO_x Budget portion of the state operating permit shall be administered in accordance with the permitting authority's regulations promulgated to administer state operating permits, except as provided otherwise by this article or Article 9 (9 VAC 5-140-800 et seq.) of this part.

B. Each NO_x Budget permit (including a draft or proposed NO_x Budget permit, if applicable) shall contain all applicable NO_x Budget Trading Program requirements and shall be a complete and segregable portion of the permit under subsection A of this section.

9 VAC 5-140-210. Submission of NO_x Budget permit applications.

A. The NO_x authorized account representative of any NO_x Budget source required to have a federally enforceable permit shall submit to the permitting authority a complete NO_x

Budget permit application under 9 VAC 5-140-220 by the applicable deadline in subsection B of this section.

B. 1. The following requirements shall apply to NO_x Budget sources required to have a Title V operating permit:

a. For any source with one or more NO_x Budget units under 9 VAC 5-140-40 that commence operation before January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under 9 VAC 5-140-220 covering such NO_x Budget units to the permitting authority at least 18 months (or such lesser time provided [~~under by~~] the permitting [~~authority's Title V operating permits regulations for final action on a permit application~~] authority) before May 31, 2004.

b. For any source with any NO_x Budget unit under 9 VAC 5-140-40 that commences operation on or after January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under 9 VAC 5-140-220 covering such NO_x Budget unit to the permitting authority at least 18 months (or such lesser time provided [~~under by~~] the permitting [~~authority's Title V operating permits regulations for final action on a permit application~~] authority) before the later of May 31, 2004, or the date on which the NO_x Budget unit commences operation.

2. The following requirements shall apply to NO_x Budget sources required to have a state operating permit:

a. For any source with one or more NO_x Budget units under 9 VAC 5-140-40 that commence operation before January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under 9 VAC 5-140-220 covering such NO_x Budget units to the permitting authority at least 18 months (or such lesser time provided [~~under by~~] the permitting [~~authority's state operating permits regulations for final action on a permit application~~] authority) before May 31, 2004.

b. For any source with any NO_x Budget unit under 9 VAC 5-140-40 that commences operation on or after January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under 9 VAC 5-140-220 covering such NO_x Budget unit to the permitting authority at least 18 months (or such lesser time provided [~~under by~~] the permitting [~~authority's state operating permits regulations for final action on a permit application~~] authority) before the later of May 31, 2004, or the date on which the NO_x Budget unit commences operation.

C. For a NO_x Budget source required to have a Title V operating permit, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under 9 VAC 5-140-220 for the NO_x Budget source covering the NO_x Budget units at the source in accordance with the permitting authority's Title V operating permits regulations addressing operating permit renewal.

9 VAC 5-140-220. Information requirements for NO_x Budget permit applications.

A complete NO_x Budget permit application shall include the following elements concerning the NO_x Budget source for which the application is submitted, in a format [~~acceptable to~~ prescribed by] the permitting authority:

1. Identification of the NO_x Budget source, including plant name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable;

2. Identification of each NO_x Budget unit at the NO_x Budget source and whether it is a NO_x Budget unit under 9 VAC 5-140-40 or under Article 9 (9 VAC 5-140-800 et seq.) of this part;

3. The standard requirements under 9 VAC 5-140-60; and

4. For each NO_x Budget opt-in unit at the NO_x Budget source, the following certification statements by the NO_x authorized account representative:

a. "I certify that each unit for which this permit application is submitted under Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140 is not a NO_x Budget unit under 9 VAC 5-140-40 and is not covered by [~~a retired unit an~~] exemption under [9 VAC 5-140-40 B or] 9 VAC 5-140-50 that is in effect."

b. If the application is for an initial NO_x Budget opt-in permit, "I certify that each unit for which this permit application is submitted under Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140 is currently operating, as that term is defined under 9 VAC 5-140-20."

9 VAC 5-140-230. NO_x Budget permit contents.

A. Each NO_x Budget permit (including any draft or proposed NO_x Budget permit, if applicable) [~~shall will~~] contain [~~, in a format acceptable to the permitting authority,~~] all elements required for a complete NO_x Budget permit application under 9 VAC 5-140-220 [~~as approved or adjusted by the permitting authority~~] .

B. Each NO_x Budget permit is deemed to incorporate automatically the definitions of terms under 9 VAC 5-140-20 and, upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of this part, every allocation, transfer, or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or the overdraft account of the NO_x Budget source covered by the permit.

9 VAC 5-140-240. Effective date of initial NO_x Budget permit.

The initial NO_x Budget permit covering a NO_x Budget unit for which a complete NO_x Budget permit application is timely submitted under 9 VAC 5-140-210 B shall become effective by the later of:

1. May 31, 2004;

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2. May 1 of the year in which the NO_x Budget unit commences operation, if the unit commences operation on or before May 1 of that year;

3. The date on which the NO_x Budget unit commences operation, if the unit commences operation during a control period; or

4. May 1 of the year following the year in which the NO_x Budget unit commences operation, if the unit commences operation on or after October 1 of the year.

9 VAC 5-140-250. NO_x Budget permit revisions.

A. For a NO_x Budget source with a Title V operating permit, except as provided in 9 VAC 5-140-230 B, the permitting authority [~~shall~~ will] revise the NO_x Budget permit, as necessary, in accordance with the permitting authority's Title V operating permit regulations addressing permit revisions.

B. For a NO_x Budget source with a state operating permit, except as provided in 9 VAC 5-140-230 B, the permitting authority [~~shall~~ will] revise the NO_x Budget permit, as necessary, in accordance with the permitting authority's state operating permit regulations addressing permit revisions.

9 VAC 5-140-260 through 9 VAC 5-140-190. (Reserved.)

Article 4. Compliance Certification.

9 VAC 5-140-300. Compliance certification report.

A. For each control period in which one or more NO_x Budget units at a source are subject to the NO_x Budget emissions limitation, the NO_x authorized account representative of the source shall submit to the permitting authority and the administrator by November 30 of that year a compliance certification report for each source covering all such units.

B. The NO_x authorized account representative shall include in the compliance certification report under subsection A of this section the following elements, in a format prescribed by the administrator, concerning each unit at the source and subject to the NO_x Budget emissions limitation for the control period covered by the report:

1. Identification of each NO_x Budget unit;
2. [At the NO_x authorized account representative's option,] the serial numbers of the NO_x allowances that are to be deducted from each unit's compliance account under 9 VAC 5-140-540 for the control period;
3. [At the NO_x authorized account representative's option,] For units sharing a common stack and having NO_x emissions that are not monitored separately or apportioned in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, the percentage of allowances that is to be deducted from each unit's compliance account under 9 VAC 5-140-540 E; and
4. The compliance certification under subsection C of this section.

C. In the compliance certification report under subsection A of this section, the NO_x authorized account representative shall certify, based on reasonable inquiry of those persons with

primary responsibility for operating the source and the NO_x Budget units at the source in compliance with the NO_x Budget Trading Program, whether each NO_x Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO_x Budget Trading Program applicable to the unit, including:

1. Whether the unit was operated in compliance with the NO_x Budget emissions limitation;
2. Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO_x emissions to the unit, in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part;
3. Whether all the NO_x emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;
4. Whether the facts that form the basis for certification under Article 8 (9 VAC 5-140-700 et seq.) of this part of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Article 8 (9 VAC 5-140-700 et seq.) of this part, if any, has changed; and
5. If a change is required to be reported under subdivision 4 of this subsection, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

9 VAC 5-140-310. Permitting authority's and administrator's action on compliance certifications.

A. The permitting authority or the administrator may review and conduct independent audits concerning any compliance certification or any other submission under the NO_x Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions.

B. The administrator may deduct NO_x allowances from or transfer NO_x allowances to a unit's compliance account or a source's overdraft account based on the information in the compliance certifications or other submissions, as adjusted under subsection A of this section.

9 VAC 5-140-320 through 9 VAC 5-140-390. (Reserved.)

Article 5.

NO_x Allowance Allocations.**9 VAC 5-140-400. State trading program budget.**

In accordance with 9 VAC 5-140-410 and 9 VAC 5-140-420, the [~~board shall permitting authority will~~] allocate to the NO_x Budget units under 9 VAC 5-140-40 A, for each control period specified in 9 VAC 5-140-410, a total number of NO_x allowances equal to the trading program budget [~~set forth in 9 VAC 5-140-900 covering such units~~] .

9 VAC 5-140-410. Timing requirements for NO_x allowance allocations.

[~~A. The NO_x allowance allocations for the control periods in 2004 through 2013 shall be as set forth in 9 VAC 5-140-940 and 9 VAC 5-140-950. Owners of NO_x Budget units that operate in Virginia for which the NO_x allowance allocations are not set forth in 9 VAC 5-140-940 and 9 VAC 5-140-950 will need to purchase NO_x allowances from the market.~~

~~B. By April 1, 2004, and April 1 of each year thereafter, the permitting authority shall submit to the administrator the NO_x allowance allocations, in accordance with 9 VAC 5-140-420, for the control period in the year that is 10 years after the year of the applicable April 1 deadline for submission. If the permitting authority fails to submit to the administrator the NO_x allowance allocations in accordance with this subsection, the administrator shall allocate, for the applicable control period, the same number of NO_x allowances as were allocated for the preceding control period.~~

A. By July 1, 2002, the permitting authority will submit to the administrator the NO_x allowance allocations, determined in accordance with 9 VAC 5-140-420 A through C, for the control periods in 2004 through 2008.

B. By April 1, 2006, the permitting authority will submit to the administrator the NO_x allowance allocations, determined in accordance with 9 VAC 5-140-420 A through C, for the control periods in 2009 through 2013. If the permitting authority fails to submit to the administrator the NO_x allowance allocations in accordance with this subsection, the administrator will allocate, for the applicable control period, the same number of NO_x allowances as were allocated for the preceding control period.

C. By April 1, 2011, by April 1, 2016, and thereafter by April 1 of the year that is five years after the last year for which NO_x allowances allocations are determined, the permitting authority will submit to the administrator the NO_x allowance allocations, determined in accordance with 9 VAC 5-140-420 A through C, for the control periods in the years that are three, four, five, six, and seven years after the applicable deadline under this subsection. If the permitting authority fails to submit to the administrator the NO_x allowance allocations in accordance with this subsection, the administrator will allocate, for the applicable control period, the same number of NO_x allowances as were allocated for the preceding control period.

D. By April 1, 2004, and April 1 of each year thereafter, the permitting authority will submit to the administrator the NO_x

allowance allocations, in accordance with 9 VAC 5-140-420 D, for the control period in the year of the applicable deadline under this subsection.]

9 VAC 5-140-420. NO_x allowance allocations.

[~~A. 1. For a NO_x allowance allocation under 9 VAC 5-140-410 B, the heat input (in mmBtu) used for calculating NO_x allowance allocations for each NO_x Budget unit under 9 VAC 5-140-40 shall be the average of the two highest heat inputs for the control periods in the five years immediately preceding the year during which the NO_x allocation is calculated.~~

~~2. If the unit is under 9 VAC 5-140-40 A 1 and has less than two control periods of heat input, the owner shall not be required to average a zero balance to determine the average under subdivision 1 of this subsection.~~

~~3. The unit's total heat input for the control period in each year specified under subdivision 1 of this subsection shall be determined in accordance with 40 CFR Part 75 if the NO_x Budget unit was otherwise subject to the requirements of 40 CFR Part 75 for the year, or shall be based on the best available data reported to the permitting authority for the unit if the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.~~

~~B. For each control period under 9 VAC 5-140-410, the permitting authority shall allocate to all NO_x Budget units under 9 VAC 5-140-40 A 1 that commenced operation before May 1 of the control period immediately preceding the year during which the NO_x allocation is calculated under subdivision A 1 of this section, a total number of NO_x allowances equal to 100% of the tons of NO_x emissions in the state trading program budget apportioned to electric generating units under 9 VAC 5-140-40 in accordance with the following procedures:~~

~~1. The permitting authority shall allocate NO_x allowances to each NO_x Budget unit under 9 VAC 5-140-40 A 1 in an amount equaling 0.15 lb/mmBtu or the unit's permitted NO_x limit (expressed as lb/mmBtu), whichever is less, multiplied by the heat input determined under subsection A of this section, rounded to the nearest whole NO_x allowance as appropriate.~~

~~2. If the initial total number of NO_x allowances allocated to all NO_x Budget units under 9 VAC 5-140-40 A 1 for a control period under subdivision 1 of this subsection does not equal 100% of the number of tons of NO_x emissions in the state trading program budget apportioned to electric generating units, the permitting authority shall adjust the total number of NO_x allowances allocated to all such NO_x Budget units for the control period under subdivision 1 of this subsection so that the total number of NO_x allowances allocated equals 100% of the number of tons of NO_x emissions in the state trading program budget apportioned to electric generating units. This adjustment shall be made by: multiplying each unit's allocation by the number of tons of NO_x emissions in the state trading program budget apportioned to electric generating units in 9 VAC 5-140-920 divided by the total number of NO_x allowances allocated~~

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~~under subdivision 1 of this subsection, and rounding to the nearest whole NO_x allowance as appropriate.~~

~~C. For each control period under 9 VAC 5-140-410, the permitting authority shall allocate to all NO_x Budget units under 9 VAC 5-140-40 A 2 that commenced operation before May 1 of the control period immediately preceding the year during which the NO_x allocation is calculated under subdivision A 1 of this section, a total number of NO_x allowances equal to 100% of the tons of NO_x emissions in the state trading program budget apportioned to nonelectric generating units under 9 VAC 5-140-40 in accordance with the following procedures:~~

~~1. The permitting authority shall allocate NO_x allowances to each NO_x Budget unit under 9 VAC 5-140-40 A 2 in an amount equaling 0.17 lb/mmBtu or the unit's permitted NO_x limit (expressed as lb/mmBtu), whichever is less, multiplied by the heat input determined under subsection A of this section, rounded to the nearest whole NO_x allowance as appropriate.~~

~~2. If the initial total number of NO_x allowances allocated to all NO_x Budget units under 9 VAC 5-140-40 A 2 for a control period under subdivision 1 of this subsection does not equal 100% of the number of tons of NO_x emissions in the state trading program budget apportioned to nonelectric generating units, the permitting authority shall adjust the total number of NO_x allowances allocated to all such NO_x Budget units for the control period under subdivision 1 of this subsection so that the total number of NO_x allowances allocated equals 100% of the number of tons of NO_x emissions in the state trading program budget apportioned to nonelectric generating units. This adjustment shall be made by: multiplying each unit's allocation by the number of tons of NO_x emissions in the state trading program budget apportioned to nonelectric generating units in 9 VAC 5-140-930 divided by the total number of NO_x allowances allocated under subdivision 1 of this subsection, and rounding to the nearest whole NO_x allowance as appropriate.~~

A. 1. The heat input (in mmBtu) used for calculating NO_x allowance allocations for each NO_x Budget unit under 9 VAC 5-140-40 A shall be:

a. For a NO_x allowance allocation under 9 VAC 5-140-410 A:

(1) For a unit under 9 VAC 5-140-40 A 1, the average of the two highest amounts of the unit's heat input for the control periods in 1995 through 1999; or

(2) For a unit under 9 VAC 5-140-40 A 2, the control period in 1995 or, if the permitting authority determines that reasonably reliable data are available for control periods in 1996 through 1999, the average of the two highest amounts of the unit's heat input for the control periods in 1995 through 1999.

b. For a NO_x allowance allocation under 9 VAC 5-140-410 B, the average of the two highest amounts of the unit's heat input for the control periods in 2001 through 2005. If the unit is under 9 VAC 5-140-40 A and has less than two control periods of heat input, it shall not be

required to average a zero balance to determine the average under this subdivision.

c. For a NO_x allowance allocation under 9 VAC 5-140-410 C, the average of the two highest amounts of the unit's heat input for the control period in the years that are four, five, six, seven, and eight years before the first year for which the allocation is being calculated. If the unit is under 9 VAC 5-140-40 A and has less than two control periods of heat input, it shall not be required to average a zero balance to determine the average under this subdivision.

2. The unit's heat input for the control period in each year specified under subdivision A 1 of this section shall be determined in accordance with 40 CFR Part 75. Notwithstanding the first sentence of this subdivision:

a. For a NO_x allowance allocation under 9 VAC 5-140-410 A, such heat input shall be determined using the best available data reported to the permitting authority for the unit if the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the control period.

b. For a NO_x allowance allocation under 9 VAC 5-140-410 B or C for a unit exempt under 9 VAC 5-140-40 B, such heat input shall be treated as zero if the unit is exempt under 9 VAC 5-140-40 B during the control period.

B. For each group of five control periods specified in 9 VAC 5-140-410 A through C, the permitting authority will allocate to all NO_x Budget units under 9 VAC 5-140-40 A 1 that commenced operation before May 1, 1998, for allocations under 9 VAC 5-140-410 A; May 1, 2004, for allocations under 9 VAC 5-140-410 B; and May 1 of the year five years before the first year for which the allocation under 9 VAC 5-140-410 C is being calculated, a total number of NO_x allowances equal to the core trading program budget covering such units. The permitting authority will allocate in accordance with the following procedures:

1. The permitting authority will allocate NO_x allowances to each NO_x Budget unit under 9 VAC 5-140-40 A 1 for each control period in the following amounts:

a. For NO_x Budget units that commenced operation before May 1, 1998, an amount equaling 0.15 lb/mmBtu multiplied by the heat input determined under subsection A of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

b. For NO_x Budget units that commenced operation on or after May 1, 1998, an amount equaling the lesser of:

(1) 0.15 lb/mmBtu multiplied by the heat input determined under subsection A of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate; or

(2) The unit's most stringent state or federal NO_x emission limitation multiplied by the heat input determined under subsection A of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

2. If the initial total number of NO_x allowances allocated to all NO_x Budget units under 9 VAC 5-140-40 A 1 for a control period under subdivision 1 of this subsection does not equal the core trading program budget covering such units, the permitting authority will adjust the total number of NO_x allowances allocated to all such NO_x Budget units for the control period under subdivision 1 of this subsection so that the total number of NO_x allowances allocated equals the core trading program budget. This adjustment shall be made by: multiplying each unit's allocation by the core trading program budget covering such units; dividing by the total number of NO_x allowances allocated under subdivision 1 of this subsection for the control period; and rounding to the nearest whole number of NO_x allowances as appropriate.

C. For each group of five control periods specified in 9 VAC 5-140-410 A through C, the permitting authority will allocate to all NO_x Budget units under 9 VAC 5-140-40 A 2 that commenced operation before May 1, 1998, for allocations under 9 VAC 5-140-410 A; May 1, 2004, for allocations under 9 VAC 5-140-410 B; and May 1 of the year five years before the first year for which the allocation under 9 VAC 5-140-410 C is being calculated, a total number of NO_x allowances equal to the core trading program budget covering such units. The permitting authority will allocate in accordance with the following procedures:

1. The permitting authority will allocate NO_x allowances to each NO_x Budget unit under 9 VAC 5-140-40 A 2 for each control period in the following amounts:

a. For NO_x Budget units that commenced operation before May 1, 1998, an amount equaling 0.17 lb/mmBtu multiplied by the heat input determined under subsection A of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

b. For NO_x Budget units that commenced operation on or after May 1, 1998, an amount equaling the lesser of:

(1) 0.17 lb/mmBtu multiplied by the heat input determined under subsection A of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate; or

(2) The unit's most stringent state or federal NO_x emission limitation multiplied by the heat input determined under subsection A of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

2. If the initial total number of NO_x allowances allocated to all NO_x Budget units under 9 VAC 5-140-40 A 2 for a control period under subdivision 1 of this subsection does not equal the core trading program budget covering such units, the permitting authority will adjust the total number of NO_x allowances allocated to all such NO_x Budget units for the control period under subdivision 1 of this subsection so that the total number of NO_x allowances allocated equals the core trading program budget covering such units. This adjustment shall be made by: multiplying each unit's allocation by the core trading program budget covering such

units; dividing by the total number of NO_x allowances allocated under subdivision 1 of this subsection for the control period; and rounding to the nearest whole number of NO_x allowances as appropriate.

D. For each control period specified in 9 VAC 5-140-410 D, the permitting authority will allocate NO_x allowances to NO_x Budget units under 9 VAC 5-140-40 A (except for units exempt under 9 VAC 5-140-40 B) that commence operation, or are projected to commence operation, on or after: May 1, 1998 (for control periods under 9 VAC 5-140-410 A); May 1, 2004, (for control periods under 9 VAC 5-140-410 B); and May 1 of the year five years before the beginning of the group of five years that includes the control period (for control periods under 9 VAC 5-140-410 C). The permitting authority will make the allocations under this subsection in accordance with the following procedures:

1. The permitting authority will establish one allocation set-aside for each control period. Each allocation set-aside shall be allocated NO_x allowances equal to the allocation set-aside budget.

2. The NO_x authorized account representative of a NO_x Budget unit specified in this subsection may submit to the permitting authority a request, in a format specified by the permitting authority, to be allocated NO_x allowances for the control period. The NO_x allowance allocation request must be received by the permitting authority on or after the date on which the permitting authority issues a new source review program permit for the unit and by January 1 before the control period for which NO_x allowances are requested.

3. In a NO_x allowance allocation request under subdivision 2 of this subsection, the NO_x authorized account representative for a NO_x Budget unit under 9 VAC 5-140-40 A 1 may request for the control period NO_x allowances in an amount that does not exceed the lesser of:

a. 0.15 lb/mmBtu multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate; or

b. The unit's most stringent state or federal NO_x emission limitation multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

4. In a NO_x allowance allocation request under subdivision 2 of this subsection, the NO_x authorized account representative for a NO_x Budget unit under 9 VAC 5-140-40 A 2 may request for the control period NO_x allowances in an amount that does not exceed the lesser of:

a. 0.17 lb/mmBtu multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the

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number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate; or

b. The unit's most stringent State or Federal NO_x emission limitation multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

5. The permitting authority will review each NO_x allowance allocation request submitted in accordance with subdivision 2 of this subsection and will allocate NO_x allowances pursuant to such request as follows:

a. Upon receipt of the NO_x allowance allocation request, the permitting authority will make any necessary adjustments to the request to ensure that the requirements of this section and subdivisions 2, 3, and 4 of this subsection are met.

b. The permitting authority will determine the following amounts:

(1) The sum of the NO_x allowances requested (as adjusted under subdivision 5 a of this subsection) in all NO_x allowance allocation requests under subdivision 2 of this section for the control period; and

(2) For units exempt under 9 VAC 5-140-40 B that commenced operation, or are projected to commence operation, on or after May 1, 1998 (for control periods under 9 VAC 5-140-410 A); May 1, 2004, (for control periods under 9 VAC 5-140-410 B); and May 1 of the year five years before beginning of the group of five years that includes the control period (for control periods under 9 VAC 5-140-410 C), the sum of the NO_x emission limitations (in tons of NO_x) on which each unit's exemption under 9 VAC 5-140-40 B is based.

c. If the number of NO_x allowances in the allocation set-aside for the control period less the amount under subdivision 5 b (2) of this subsection is not less than the amount determined under subdivision 5 b (1) of this subsection, the permitting authority will allocate the amount of the NO_x allowances requested (as adjusted under subdivision 5 a of this subsection) to the NO_x Budget unit for which the allocation request was submitted.

d. If the number of NO_x allowances in the allocation set-aside for the control period less the amount under subdivision 5 b (2) of this subsection is less than the amount determined under subdivision 5 b (1) of this subsection, the permitting authority will allocate, to the NO_x Budget unit for which the allocation request was submitted, the amount of NO_x allowances requested (as adjusted under subdivision 5 a of this subsection) multiplied by the number of NO_x allowances in the

allocation set-aside for the control period less the amount determined under subdivision 5 b (2) of this subsection, divided by the amount determined under subdivision 5 b (1) of this subsection, and rounded to the nearest whole number of NO_x allowances as appropriate.

E. 1. For a NO_x Budget unit that is allocated NO_x allowances under subsection D of this section for a control period, the administrator will deduct NO_x allowances under 9 VAC 5-140-540 B, E, or F to account for the actual utilization of the unit during the control period. The administrator will calculate the number of NO_x allowances to be deducted to account for the unit's actual utilization using the following formulas and rounding to the nearest whole number of NO_x allowance as appropriate, provided that the number of NO_x allowances to be deducted shall be zero if the number calculated is less than zero:

NO_x allowances deducted for actual utilization for a unit under 9 VAC 5-140-40 A 1 = Unit's NO_x allowances allocated for control period - (Unit's actual control period utilization x the lesser of 0.15 lb/mmBtu or the unit's most stringent state or federal NO_x emission limitation x 2,000 lb/ton); and

NO_x allowances deducted for actual utilization for a unit under 9 VAC 5-140-40 A 2 = Unit's NO_x allowances allocated for control period - (Unit's actual control period utilization x the lesser of 0.17 lb/mmBtu or the unit's most stringent state or federal NO_x emission limitation x 2,000 lb/ton)

Where:

"Unit's NO_x allowances allocated for control period" is the number of NO_x allowances allocated to the unit for the control period under subdivision D of this section; and,

"Unit's actual control period utilization" is the utilization (in mmBtu) of the unit during the control period.

2. The administrator will transfer any NO_x allowances deducted under subdivision E 1 of this section to the allocation set-aside for the control period for which they were allocated.

F. After making the deductions for compliance under 9 VAC 5-140-540 B, E, or F for a control period, the administrator will notify the permitting authority whether any NO_x allowances remain in the allocation set-aside for the control period. The permitting authority will allocate any such NO_x allowances to the NO_x Budget units using the following formula and rounding to the nearest whole number of NO_x allowances as appropriate:

Unit's share of NO_x allowances remaining in allocation set-aside = Total NO_x allowances remaining in allocation set-aside x (Unit's NO_x allowance allocation) / (core trading program budget)

Where:

"Total NO_x allowances remaining in allocation set-aside" is the total number of NO_x allowances remaining in the allocation set-aside for the control period;

"Unit's NO_x allowance allocation" is the number of NO_x allowances allocated under subsection B or C of this section to the unit for the control period to which the allocation set-aside applies; and

"Core trading program budget" is the adjusted trading program budget for the control period to which the allocation set-aside applies minus the allocation set-aside budget.

G. If the administrator determines that NO_x allowances were allocated under subsection B, C, or D of this section for a control period and the recipient of the allocation is not actually a NO_x Budget unit under 9 VAC 5-140-40 A, the administrator will notify the permitting authority and NO_x authorized account representative and then will act in accordance with the following procedures:

1. a. The administrator will not record such NO_x allowances for the control period in an account under 9 VAC 5-140-530;
- b. If the administrator already recorded such NO_x allowances for the control period in an account under 9 VAC 5-140-530 and if the administrator makes such determination before making all deductions pursuant to 9 VAC 5-140-540 (except deductions pursuant to 9 VAC 5-140-540 D 2) for the control period, then the administrator will deduct from the account NO_x allowances equal in number to and allocated for the same or a prior control period as the NO_x allowances allocated to such recipient for the control period. The NO_x authorized account representative shall ensure that the account contains the NO_x allowances necessary for completion of such deduction. If account does not contain the necessary NO_x allowances, the administrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in the account; or
- c. If the administrator already recorded such NO_x allowances for the control period in an account under 9 VAC 5-140-530 and if the administrator makes such determination after making all deductions pursuant to 9 VAC 5-140-540 (except deductions pursuant to 9 VAC 5-140-540 D 2) for the control period, then the administrator will apply subdivision 1 b of this subsection to any subsequent control period for which NO_x allowances were allocated to such recipient.
2. The administrator will transfer the NO_x allowances that are not recorded, or that are deducted, pursuant to subdivision 1 of this subsection to an allocation set-aside.]

9 VAC 5-140-430. Compliance supplement pool.

A. Sources required to implement NO_x emission control measures by May 31, 2004, to demonstrate compliance with this chapter in the 2004 and 2005 ozone seasons may use NO_x allowances from the compliance supplement pool, as set forth in 9 VAC 5-140-910, issued in accordance with this section.

B. A source may not use NO_x allowances from the compliance supplement pool to demonstrate compliance after the 2005 control period.

C. For any NO_x Budget unit that intends to reduce its NO_x emission rate in the 2002 or 2003 control period, the owners and operators may request that early reduction credits (ERCs) be reserved in accordance with the following requirements:

1. Each NO_x Budget unit for which the owners and operators intend to request, or request, any ERCs in accordance with subdivision 4 of this subsection shall monitor and report NO_x emissions in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part starting in the 2001 control period and for each control period for which the ERCs are requested. The unit's percent monitor data availability shall not be less than 90% during the 2001 control period, and the unit shall be in full compliance with any applicable state or federal NO_x emission control requirements during 2001 through 2003.

2. NO_x emission rate and heat input under subdivision 3 of this subsection shall be determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part.

3. Each NO_x Budget unit for which the owners and operators request any ERCs under subdivision 4 of this subsection shall reduce its NO_x emission rate, for each control period for which ERCs are requested, to less than both 0.35 lb/mmBtu and 80% of the unit's NO_x emission rate in the 2001 control period. [ERCs shall not be earned for reductions made to satisfy any requirement of the CAA.]

4. The NO_x authorized account representative of a NO_x Budget unit that intends to meet the requirements of subdivisions 1 and 3 of this subsection may submit to the permitting authority a request to reserve ERCs for the unit based on NO_x emission rate reductions anticipated to be made by the unit in the control period for 2002 or 2003.

- a. The NO_x authorized account representative may request that ERCs be reserved for the control period in an amount equal to the unit's anticipated heat input for the control period multiplied by the difference between 0.35 lb/mmBtu and the unit's anticipated NO_x emission rate for the control period, divided by 2000 lb/ton, and rounded to the nearest whole number of tons.

- b. The NO_x authorized account representative shall submit the ERC reserve request, in a format acceptable to the permitting authority, by [~~October 1, 2004~~ July 1, 2002] .

D. The permitting authority [~~shall~~ will] review each ERC reserve request submitted in accordance with subsection C of this section and [~~shall~~ will] reserve NO_x allowances for the NO_x Budget units covered by the request as follows:

1. Upon receipt of each ERC reserve request, the permitting authority [~~shall~~ will] make any necessary adjustments to the request to ensure that the amount of the ERCs requested meets the requirements of subsection C of this section.

2. If 80% of the compliance supplement pool set forth in 9 VAC 5-140-910 has a number of NO_x allowances equal to

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or greater than the amount of ERCs in all ERC reserve requests under subsection C of this section for 2002 and 2003 (as adjusted under subdivision 1 of this subsection), the permitting authority [~~shall~~ will] reserve for each NO_x Budget unit covered by the requests one NO_x allowance for each ERC requested (as adjusted under subdivision 1 of this subsection).

3. If 80% of the compliance supplement pool set forth in 9 VAC 5-140-910 has a number of NO_x allowances less than the amount of ERCs in all ERC reserve requests under subsection C of this section for 2002 and 2003 (as adjusted under subdivision 1 of this subsection), the permitting authority shall reserve NO_x allowances for each NO_x Budget unit covered by the requests according to the following formula and rounding to the nearest whole number of NO_x allowances as appropriate:

Unit's allocation for ERCs = Unit's adjusted ERCs x [(Compliance supplement pool) / (Total adjusted ERCs for all units)]

Where:

"Unit's allocation for ERCs" is the number of NO_x allowances reserved for the unit for ERCs.

"Unit's adjusted ERCs" is the amount of ERCs requested for the unit for 2002 and 2003 in ERC reserve requests under subsection C of this section, as adjusted under subdivision 1 of this subsection.

"Compliance supplement pool" is 80% of the number of NO_x allowances in the compliance supplement pool set forth in 9 VAC 5-140-910.

"Total adjusted ERCs for all units" is the amount of ERCs requested for all units for 2002 and 2003 in ERC reserve requests under subsection C of this section, as adjusted under subdivision 1 of this subsection.

4. The permitting authority [~~shall~~ will] complete the ERC reserve issuance process by no later than [~~December 4, 2004~~ September 1, 2002] .

5. The NO_x authorized account representative shall submit verification that the NO_x Budget unit has met the requirements of subdivisions C 1 and 3 of this section, in a format acceptable to the permitting authority, by [~~November 4, 2003~~ February 1, 2004] .

6. If the permitting authority finds that the NO_x Budget unit has met the requirements of subdivisions C 1 and 3 of this section, it [~~shall~~ will] allocate the ERCs to the unit no later than [~~February~~ April] 1, 2004.

7. If the number of ERCs allocated under subdivision 6 of this subsection is less than the number of ERCs reserved, the excess ERCs [~~shall~~ will] be returned to the compliance supplement pool for distribution under subsection F of this section.

E. For any NO_x Budget unit that reduces its NO_x emission rate in the 2002 or 2003 control period, the owners and operators may request early reduction credits (ERCs) in accordance with the following requirements:

1. Each NO_x Budget unit for which the owners and operators intend to request, or request, any ERCs in accordance with subdivision 4 of this subsection shall monitor and report NO_x emissions in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part starting in the 2001 control period and for each control period for which the ERCs are requested. The unit's percent monitor data availability shall not be less than 90% during the 2001 control period, and the unit shall be in full compliance with any applicable state or federal NO_x emission control requirements during 2001 through 2003.

2. NO_x emission rate and heat input under subdivisions 3 and 4 of this subsection shall be determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part.

3. Each NO_x Budget unit for which the owners and operators request any ERCs under subdivision 4 of this subsection shall reduce its NO_x emission rate, for each control period for which ERCs are requested, to less than both 0.35 lb/mmBtu and 80% of the unit's NO_x emission rate in the 2001 control period.

4. The NO_x authorized account representative of a NO_x Budget unit that meets the requirements of subdivisions 1 and 3 of this subsection may submit to the permitting authority a request for ERCs for the unit based on NO_x emission rate reductions made by the unit in the control period for 2002 or 2003.

a. The NO_x authorized account representative may request ERCs for the control period in an amount equal to the unit's heat input for the control period multiplied by the difference between 0.35 lb/mmBtu and the unit's NO_x emission rate for the control period, divided by 2000 lb/ton, and rounded to the nearest whole number of tons.

b. The NO_x authorized account representative shall submit the ERC request, in a format acceptable to the permitting authority, by [~~November 4, 2003~~ February 1, 2004] .

F. The permitting authority [~~shall~~ will] review each ERC request submitted in accordance with subsection E of this section and [~~shall~~ will] allocate NO_x allowances to NO_x Budget units covered by the request as follows:

1. Upon receipt of each ERC request, the permitting authority [~~shall~~ will] make any necessary adjustments to the request to ensure that the amount of the ERCs requested meets the requirements of subsection E of this section.

2. If the compliance supplement pool set forth in 9 VAC 5-140-910 has a number of NO_x allowances equal to or greater than the amount of ERCs in all ERC requests under subsection E of this section for 2002 and 2003 (as adjusted under subdivision 1 of this subsection), the permitting authority [~~shall~~ will] allocate to each NO_x Budget unit covered by the requests one NO_x allowance for each ERC requested (as adjusted under subdivision 1 of this subsection).

3. If the compliance supplement pool set forth in 9 VAC 5-140-910 has a number of NO_x allowances less than the

amount of ERCs in all ERC requests under subsection E of this section for 2002 and 2003 (as adjusted under subdivision 1 of this subsection), the permitting authority [~~shall will~~] allocate NO_x allowances to each NO_x Budget unit covered by the requests according to the following formula and rounding to the nearest whole number of NO_x allowances as appropriate:

$$\text{Unit's allocation for ERCs} = \frac{\text{Unit's adjusted ERCs} \times [(\text{Compliance supplement pool}) / (\text{Total adjusted ERCs for all units})]}{1}$$

Where:

"Unit's allocation for ERCs" is the number of NO_x allowances allocated to the unit for ERCs.

"Unit's adjusted ERCs" is the amount of ERCs requested for the unit for 2002 and 2003 in ERC requests under subsection E of this section, as adjusted under subdivision 1 of this subsection.

"Compliance supplement pool" is the number of NO_x allowances in the compliance supplement pool set forth in 9 VAC 5-140-910 minus any allowances issued under subsection D of this section.

"Total adjusted ERCs for all units" is the amount of ERCs requested for all units for 2002 and 2003 in ERC requests under subsection E of this section, as adjusted under subdivision 1 of this subsection.

4. [If] the permitting authority [~~shall complete the ERC issuance process by no later than February 1, 2004~~] finds that the NO_x Budget unit has met the requirements of subdivisions E 1 and 3 of this section, it will allocate the ERCs to the unit no later than April 1, 2004] .

G. For any NO_x Budget unit that [~~demonstrate~~ demonstrates] a need for an extension of the May 31, 2004, compliance deadline, the owners and operators may request direct distribution credits (DDCs) in accordance with the following requirements:

1. The NO_x authorized account representative of a NO_x Budget unit may submit to the permitting authority a request for DDCs for the unit that contains a demonstration of the following:

a. For a source used to generate electricity, compliance with this chapter by May 31, 2004, would create undue risk for the reliability of the electricity supply. This demonstration shall include a showing that it would not be feasible to import electricity from other electricity generation systems during the installation of control technologies necessary to comply with this [~~chapter~~ part] .

b. For a source not used to generate electricity, compliance with this [~~chapter~~ part] by May 31, 2004, would create undue risk for the source or its associated industry. This demonstration shall include a showing that operation of the unit would be disrupted resulting in loss of services to the public or severely hampering operation of the facility and endangering future potential operation.

c. For a source subject to this [~~chapter~~ part] , it was not possible for the source to comply with this chapter by generating ERCs or acquiring ERCs from other sources.

d. For a source subject to this [~~chapter~~ part] , it was not possible to comply with this chapter by acquiring sufficient NO_x allowances from other sources or persons subject to the emissions trading program.

2. The NO_x authorized account representative shall submit the DDC request, in a format acceptable to the permitting authority, by February 1, 2004.

H. The permitting authority [~~shall will~~] review each DDC request submitted in accordance with subsection G of this section and [~~shall will~~] allocate NO_x allowances to NO_x Budget units covered by the request as follows:

1. Upon receipt of each DDC request, the permitting authority [~~shall will~~] make any necessary adjustments to the request to ensure that the amount of the DDCs requested meets the requirements of subsection G of this section.

2. If the compliance supplement pool set forth in 9 VAC 5-140-910 [(minus any allowances issued under subsections D and F of this section)] has a number of NO_x allowances equal to or greater than the amount of DDCs in all DDC requests under subsection G of this section [~~for 2002 and 2003~~] (as adjusted under subdivision 1 of this subsection), the permitting authority [~~shall will~~] allocate to each NO_x Budget unit covered by the requests one NO_x allowance for each DDC requested (as adjusted under subdivision 1 of this subsection).

3. If the compliance supplement pool set forth in 9 VAC 5-140-910 has a number of NO_x allowances less than the amount of DDCs in all DDC requests under subsection G of this section [~~for 2002 and 2003~~] (as adjusted under subdivision 1 of this subsection), the permitting authority [~~shall will~~] allocate NO_x allowances to each NO_x Budget unit covered by the requests according to the following formula and rounding to the nearest whole number of NO_x allowances as appropriate:

$$\text{Unit's allocation for DDCs} = \frac{\text{Unit's adjusted DDCs} \times [(\text{Compliance supplement pool}) / (\text{Total adjusted DDCs for all units})]}{1}$$

Where:

"Unit's allocation for DDCs" is the number of NO_x allowances allocated to the unit for DDCs.

"Unit's adjusted DDCs" is the amount of DDCs requested for the unit [~~for 2002 and 2003~~] in DDC requests under subsection G of this section, as adjusted under subdivision 1 of this subsection.

"Compliance supplement pool" is the number of NO_x allowances in the compliance supplement pool set forth in 9 VAC 5-140-910 minus any allowances issued under subsections D and F of this section.

"Total adjusted DDCs for all units" is the amount of DDCs requested for all units [~~for 2002 and 2003~~] in DDC

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requests under subsection G of this section, as adjusted under subdivision 1 of this subsection.

4. For a DDC request made under subsection G of this section, the permitting authority shall conduct a public comment period of at least 30 days to receive comment on the appropriateness of allocating DDCs to a source under subsection G of this section. At the end of the public comment period, a public hearing shall be held. The permitting authority [shall will] notify the public, by advertisement in at least one newspaper of general circulation in the affected air quality control region, of the opportunity for the public comment and the public hearing on the information available for public inspection under the provisions of subdivision 4 a of this subsection. The notification [shall will] be published at least 30 days prior to the day of the public hearing.

a. Information on the [early reduction DDC] request, as well as the preliminary review and analysis and preliminary decision of the permitting authority, [shall will] be available for public inspection during the entire public comment period in at least one location in the affected air quality control region.

b. A copy of the notice [shall will] be sent to all local air pollution control agencies having implementation plan responsibilities in the affected air quality control region, all states sharing the affected air quality control region, and to the regional administrator, U.S. Environmental Protection Agency.

5. [If] the permitting authority [shall complete the DDC issuance process by finds that the NO_x Budget unit has met the requirements of subsection G of this section, it will allocate the DDCs to the unit] no later than May 31, 2004.

I. By May 31, 2004, the permitting authority [shall will] submit to the administrator the allocations of NO_x allowances determined under subsections D, F and H of this section. The administrator [shall will] record the allocations to the extent that they are consistent with the requirements of subsections C through H of this section.

J. NO_x allowances recorded under subsection I of this section may be deducted for compliance under 9 VAC 5-140-540 for the control periods in 2004 or 2005. Notwithstanding 9 VAC 5-140-550 A, the administrator [shall will] deduct as retired any NO_x allowance that is recorded under subsection I of this section and is not deducted for compliance in accordance with 9 VAC 5-140-540 for the control period in 2004 or 2005.

K. NO_x allowances recorded under subsection I of this section are treated as banked NO_x allowances in 2005 for the purposes of 9 VAC 5-140-550 A and B.

9 VAC 5-140-440 through 9 VAC 5-140-490. (Reserved.)

Article 6.

NO_x Allowance Tracking System.

9 VAC 5-140-500. NO_x Allowance Tracking System accounts.

A. Consistent with 9 VAC 5-140-510 A, the administrator [shall will] establish one compliance account for each NO_x

Budget unit and one overdraft account for each source with [one two] or more NO_x Budget units. Allocations of NO_x allowances pursuant to Article 5 (9 VAC 5-140-400 et seq.) of this part or 9 VAC 5-140-880 and deductions or transfers of NO_x allowances pursuant to 9 VAC 5-140-310, 9 VAC 5-140-540, 9 VAC 5-140-560, Article 7 (9 VAC 5-140-600 et seq.) of this part, or Article 9 (9 VAC 5-140-800 et seq.) of this part [shall will] be recorded in the compliance accounts or overdraft accounts in accordance with this article.

B. Consistent with 9 VAC 5-140-510 B, the administrator [shall will] establish, upon request, a general account for any person. Transfers of allowances pursuant to Article 7 (9 VAC 5-140-600 et seq.) of this part [shall will] be recorded in the general account in accordance with this article.

9 VAC 5-140-510. Establishment of accounts.

A. Upon receipt of a complete account certificate of representation under 9 VAC 5-140-130, the administrator [shall will] establish:

1. A compliance account for each NO_x Budget unit for which the account certificate of representation was submitted; and
2. An overdraft account for each source for which the account certificate of representation was submitted and that has two or more NO_x Budget units.

B. 1. Any person may apply to open a general account for the purpose of holding and transferring allowances. A complete application for a general account shall be submitted to the administrator and shall include the following elements in a format prescribed by the administrator:

a. Name, mailing address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_x authorized account representative and any alternate NO_x authorized account representative;

b. Organization name and type of organization;

c. A list of all persons subject to a binding agreement for the NO_x authorized account representative or any alternate NO_x authorized account representative to represent their ownership interest with respect to the [NO_x] allowances held in the general account;

d. The following certification statement by the NO_x authorized account representative and any alternate NO_x authorized account representative: "I certify that I was selected as the NO_x authorized account representative or the NO_x alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to [NO_x] allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_x Budget Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the administrator or a court regarding the general account."

- e. The signature of the NO_x authorized account representative and any alternate NO_x authorized account representative and the dates signed.
- f. Unless otherwise required by the permitting authority or the administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the administrator. Neither the permitting authority nor the administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.
2. Upon receipt by the administrator of a complete application for a general account under subdivision 1 of this subsection:
- a. The administrator [~~shall~~ will] establish a general account for the person or persons for whom the application is submitted.
- b. The NO_x authorized account representative and any alternate NO_x authorized account representative for the general account shall represent and, by his representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO_x allowances held in the general account in all matters pertaining to the NO_x Budget Trading Program, notwithstanding any agreement between the NO_x authorized account representative or any alternate NO_x authorized account representative and such person. Any such person shall be bound by any order or decision issued to the NO_x authorized account representative or any alternate NO_x authorized account representative by the administrator or a court regarding the general account.
- c. Each submission concerning the general account shall be submitted, signed, and certified by the NO_x authorized account representative or any alternate NO_x authorized account representative for the persons having an ownership interest with respect to NO_x allowances held in the general account. Each such submission shall include the following certification statement by the NO_x authorized account representative or any alternate NO_x authorized account representative any: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO_x allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- d. The administrator [~~shall~~ will] accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with subdivision 2 c of this subsection.
3. a. An application for a general account may designate one and only one NO_x authorized account representative and one and only one alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative. The agreement by which the alternate NO_x authorized account representative is selected shall include a procedure for authorizing the alternate NO_x authorized account representative to act in lieu of the NO_x authorized account representative.
- b. Upon receipt by the administrator of a complete application for a general account under subdivision 1 of this subsection, any representation, action, inaction, or submission by any alternate NO_x authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_x authorized account representative.
4. a. The NO_x authorized account representative for a general account may be changed at any time upon receipt by the administrator of a superseding complete application for a general account under subdivision 1 of this subsection. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_x authorized account representative prior to the time and date when the administrator receives the superseding application for a general account shall be binding on the new NO_x authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.
- b. The alternate NO_x authorized account representative for a general account may be changed at any time upon receipt by the administrator of a superseding complete application for a general account under subdivision 1 of this subsection. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_x authorized account representative prior to the time and date when the administrator receives the superseding application for a general account shall be binding on the new alternate NO_x authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.
- c. (1) In the event a new person having an ownership interest with respect to NO_x allowances in the general account is not included in the list of such persons in the account certificate of representation, such new person shall be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions, and submissions of the NO_x authorized account representative and any alternate NO_x authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the administrator, as if the new person were included in such list.
- (2) Within 30 days following any change in the persons having an ownership interest with respect to NO_x allowances in the general account, including the addition of persons, the NO_x authorized account

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representative or any alternate NO_x authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO_x allowances in the general account to include the change.

5. a. Once a complete application for a general account under subdivision 1 of this subsection has been submitted and received, the administrator [~~shall~~ will] rely on the application unless and until a superseding complete application for a general account under subdivision 1 of this subsection is received by the administrator.

b. Except as provided in subdivision 4 of this subsection, no objection or other communication submitted to the administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_x authorized account representative or any alternate NO_x authorized account representative for a general account shall affect any representation, action, inaction, or submission of the NO_x authorized account representative or any alternate NO_x authorized account representative or the finality of any decision or order by the administrator under the NO_x Budget Trading Program.

c. The administrator [~~shall~~ will] not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the NO_x authorized account representative or any alternate NO_x authorized account representative for a general account, including private legal disputes concerning the proceeds of NO_x allowance transfers.

C. The administrator [~~shall~~ will] assign a unique identifying number to each account established under subsection A or B of this section.

9 VAC 5-140-520. NO_x Allowance Tracking System responsibilities of NO_x authorized account representative.

A. Following the establishment of a NO_x Allowance Tracking System account, all submissions to the administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO_x allowances in the account, shall be made only by the NO_x authorized account representative for the account.

B. The administrator [~~shall~~ will] assign a unique identifying number to each NO_x authorized account representative.

9 VAC 5-140-530. Recordation of NO_x allowance allocations.

A. The administrator [~~shall~~ will] record the NO_x allowances for 2004 [for a NO_x Budget unit allocated under Article 5 (9 VAC 5-140-400 et seq.) of this part] in the [~~NO_x Budget units' compliance accounts as allocated under Article 5 (9 VAC 5-140-400 et seq.) of this part~~] unit's compliance account, except for NO_x allowances under 9 VAC 5-140-40 B 4 b or 9 VAC 5-140-50 C 1, which will be recorded in the general account specified by the owners and operators of the unit]. The administrator [~~shall~~ will] also record the NO_x allowances allocated under 9 VAC 5-140-880 A 1 for each NO_x Budget opt-in source in its compliance account.

[~~B. Each year, after the administrator has made all deductions from a NO_x Budget unit's compliance account and the overdraft account pursuant to 9 VAC 5-140-540, the administrator shall record NO_x allowances, as allocated to the unit under Article 5 (9 VAC 5-140-400 et seq.) of this part or under 9 VAC 5-140-880 A 2, in the compliance account for the year after the last year for which allowances were previously allocated to the compliance account.~~

B. By August 1, 2002, the administrator will record the NO_x allowances for 2005 for a NO_x Budget unit allocated under Article 5 (9 VAC 5-140-400 et seq.) of this part in the unit's compliance account, except for NO_x allowances under 9 VAC 5-140-40 B 4 b or 9 VAC 5-140-50 C 1, which will be recorded in the general account specified by the owners and operators of the unit. The administrator will record NO_x allowances for 2005 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under 9 VAC 5-140-880 A.

C. By May 1, 2003, the administrator will record the NO_x allowances for 2006 for a NO_x Budget unit allocated under Article 5 (9 VAC 5-140-400 et seq.) of this part in the unit's compliance account, except for NO_x allowances under 9 VAC 5-140-40 B 4 b or 9 VAC 5-140-50 C 1, which will be recorded in the general account specified by the owners and operators of the unit. The administrator will record NO_x allowances for 2006 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under 9 VAC 5-140-880 A.

D. By May 1, 2004, the administrator will record the NO_x allowances for 2007 for a NO_x Budget unit allocated under Article 5 (9 VAC 5-140-400 et seq.) of this part in the unit's compliance account, except for NO_x allowances under 9 VAC 5-140-40 B 4 b or 9 VAC 5-140-50 C 1, which will be recorded in the general account specified by the owners and operators of the unit. The administrator will record NO_x allowances for 2007 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under 9 VAC 5-140-880 A.

E. Each year starting with 2005, after the administrator has made all deductions from a NO_x Budget unit's compliance account and the overdraft account pursuant to 9 VAC 5-140-540 (except deductions pursuant to 9 VAC 5-140-540 D 2), the administrator will record:

1. NO_x allowances, in the compliance account, as allocated to the unit under Article 5 (9 VAC 5-140-400 et seq.) of this part for the third year after the year of the control period for which such deductions were or could have been made;
2. NO_x allowances, in the general account specified by the owners and operators of the unit, as allocated under 9 VAC 5-140-40 B 4 b or 9 VAC 5-140-50 C 1 for the third year after the year of the control period for which such deductions are or could have been made; and
3. NO_x allowances, in the compliance account, as allocated to the unit under 9 VAC 5-140-880 A.]

[~~G. F.~~] When allocating NO_x allowances to and recording them in an account, the administrator [~~shall~~ will] assign each NO_x allowance a unique identification number that [~~shall~~ will] include digits identifying the year for which the NO_x allowance is allocated.

9 VAC 5-140-540. Compliance.

A. The NO_x allowances are available to be deducted for compliance with a unit's NO_x Budget emissions limitation for a control period in a given year only if the NO_x allowances:

1. Were allocated for a control period in a prior year or the same year; and
2. Are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO_x allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NO_x allowance transfer correctly submitted for recordation under 9 VAC 5-140-600 by the NO_x allowance transfer deadline for that control period.

B. 1. Following the recordation, in accordance with 9 VAC 5-140-610, of NO_x allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO_x allowance transfer deadline for a control period, the administrator [~~shall~~ will] deduct NO_x allowances available under subsection A of this section to cover the unit's NO_x emissions (as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part) [or to account for actual utilization under 9 VAC 5-140-420 E] for the control period:

- a. From the compliance account; and
- b. Only if no more NO_x allowances available under subsection A of this section remain in the compliance account, from the overdraft account. In deducting allowances for units at the source from the overdraft account, the administrator [~~shall~~ will] begin with the unit having the compliance account with the lowest NO_x Allowance Tracking System account number and end with the unit having the compliance account with the highest NO_x Allowance Tracking System account number (with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters).

2. The administrator [~~shall~~ will] deduct NO_x allowances first under subdivision 1 a of this subsection and then under subdivision 1 b of this subsection:

- a. Until the number of NO_x allowances deducted for the control period equals the number of tons of NO_x emissions, determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, from the unit for the control period for which compliance is being determined [, plus the number of NO_x allowances required for deduction to account for actual utilization under 9 VAC 5-140-420 E] for the control period; or
- b. Until no more NO_x allowances available under subsection A of this section remain in the respective account.

C. 1. The NO_x authorized account representative for each compliance account may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under subsection B, D, or E of this section. Such

identification shall be made in the compliance certification report submitted in accordance with 9 VAC 5-140-300.

2. The administrator [~~shall~~ will] deduct NO_x allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_x allowances by serial number under subdivision 1 of this subsection, or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

- a. Those NO_x allowances that were allocated for the control period to the unit under Article 5 (9 VAC 5-140-400 et seq.) or Article 9 (9 VAC 5-140-800 et seq.) of this part;
- b. Those NO_x allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to Article 7 (9 VAC 5-140-600 et seq.) of this part, in order of their date of recordation;
- c. Those NO_x allowances that were allocated for a prior control period to the unit under Article 5 (9 VAC 5-140-400 et seq.) or Article 9 (9 VAC 5-140-800 et seq.) of this part; and
- d. Those NO_x allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to Article 7 (9 VAC 5-140-600 et seq.) of this part, in order of their date of recordation.

D. 1. After making the deductions for compliance under subsection B of this section, the administrator shall deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO_x allowances, allocated for a control period after the control period in which the unit has excess emissions, equal to three times the number of the unit's excess emissions.

2. If the compliance account or overdraft account does not contain sufficient NO_x allowances, the administrator [~~shall~~ will] deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

3. Any allowance deduction required under this subsection shall not affect the liability of the owners and operators of the NO_x Budget unit for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the CAA or the Virginia Air Pollution Control Law. The following guidelines shall be followed in assessing fines, penalties or other obligations:

- a. For purposes of determining the number of days of violation, if a NO_x Budget unit has excess emissions for a control period, each day in the control period (153 days) constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered.
- b. Each ton of excess emissions is a separate violation.

E. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in

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accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part:

1. The NO_x authorized account representative of the units may identify the percentage of NO_x allowances to be deducted from each such unit's compliance account to cover the unit's share of NO_x emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with 9 VAC 5-140-300.

2. Notwithstanding subdivision B 2 a of this section, the administrator [~~shall~~ will] deduct NO_x allowances for each such unit until the number of NO_x allowances deducted equals the unit's identified percentage (under subdivision 1 of this subsection) of the number of tons of NO_x emissions, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each such unit [, plus the number of allowances required for deduction to account for actual utilization under 9 VAC 5-140-420 E for the control period] .

F. The administrator [~~shall~~ will] record in the appropriate compliance account or overdraft account all deductions from such an account pursuant to subsection B, D, or E of this section.

9 VAC 5-140-550. Banking.

A. NO_x allowances may be banked for future use or transfer in a compliance account, an overdraft account, or a general account, as follows:

1. Any NO_x allowance that is held in a compliance account, an overdraft account, or a general account [~~shall~~ will] remain in such account unless and until the NO_x allowance is deducted or transferred under 9 VAC 5-140-310, 9 VAC 5-140-540, 9 VAC 5-140-560, Article 7 (9 VAC 5-140-600 et seq.) of this part, or Article 9 (9 VAC 5-140-800 et seq.) of this part.

2. The administrator [~~shall~~ will] designate, as a "banked" NO_x allowance, any NO_x allowance that remains in a compliance account, an overdraft account, or a general account after the administrator has made all deductions for a given control period from the compliance account or overdraft account pursuant to 9 VAC 5-140-540 [(except deductions pursuant to 9 VAC 5-140-540 D 2), and that was allocated for that control period or a control period in a prior year] .

B. Each year starting in 2005, after the administrator has completed the designation of banked NO_x allowances under subdivision A 2 of this section and before May 1 of the year, the administrator [~~shall~~ will] determine the extent to which banked NO_x allowances may be used for compliance in the control period for the current year, as follows:

1. The administrator [~~shall~~ will] determine the total number of banked NO_x allowances held in compliance accounts, overdraft accounts, or general accounts.

2. If the total number of banked NO_x allowances determined, under subdivision 1 of this subsection, to be

held in compliance accounts, overdraft accounts, or general accounts is less than or equal to 10% of the sum of the state trading program budgets for the control period for the states in which NO_x Budget units are located, any banked NO_x allowance may be deducted for compliance in accordance with 9 VAC 5-140-540.

3. If the total number of banked NO_x allowances determined, under subdivision 1 of this subsection, to be held in compliance accounts, overdraft accounts, or general accounts exceeds 10% of the sum of the state trading program budgets for the control period for the states in which NO_x Budget units are located, any banked allowance may be deducted for compliance in accordance with 9 VAC 5-140-540, except as follows:

a. The administrator [~~shall~~ will] determine the following ratio: 0.10 multiplied by the sum of the state trading program budgets for the control period for the states in which NO_x Budget units are located and divided by the total number of banked NO_x allowances determined, under subdivision 1 of this subsection, to be held in compliance accounts, overdraft accounts, or general accounts.

b. The administrator [~~shall~~ will] multiply the number of banked NO_x allowances in each compliance account or overdraft account by the ratio determined in subdivision 3 a of this subsection. The resulting product is the number of banked NO_x allowances in the account that may be deducted for compliance in accordance with 9 VAC 5-140-540. Any banked NO_x allowances in excess of the resulting product may be deducted for compliance in accordance with 9 VAC 5-140-540, except that, if such NO_x allowances are used to make a deduction, two such NO_x allowances shall be deducted for each deduction of one NO_x allowance required under 9 VAC 5-140-540.

9 VAC 5-140-560. Account error.

The administrator may, at his sole discretion and on his own motion, correct any error in any NO_x Allowance Tracking System account. Within 10 business days of making such correction, the administrator shall notify the NO_x authorized account representative for the account.

9 VAC 5-140-570. Closing of general accounts.

A. The NO_x authorized account representative of a general account may instruct the administrator to close the account by submitting a statement requesting deletion of the account from the NO_x Allowance Tracking System and by correctly submitting for recordation under 9 VAC 5-140-600 an allowance transfer of all NO_x allowances in the account to one or more other NO_x Allowance Tracking System accounts.

B. If a general account shows no activity for a period of a year or more and does not contain any NO_x allowances, the administrator may notify the NO_x authorized account representative for the account that the account [~~shall~~ will] be closed and deleted from the NO_x Allowance Tracking System following 20 business days after the notice is sent. The account [~~shall~~ will] be closed after the 20-day period unless before the end of the 20-day period the administrator receives a correctly submitted transfer of NO_x allowances into the

account under 9 VAC 5-140-600 or a statement submitted by the NO_x authorized account representative demonstrating to the satisfaction of the administrator good cause as to why the account should not be closed.

9 VAC 5-140-580. (Reserved.)

9 VAC 5-140-590. (Reserved.)

Article 7.
NO_x Allowance Transfers.

9 VAC 5-140-600. Submission of NO_x allowance transfers.

The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the administrator:

1. The numbers identifying both the transferor and transferee accounts;
2. A specification by serial number of each NO_x allowance to be transferred; and
3. The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.

9 VAC 5-140-610. EPA recordation.

A. Within five business days of receiving a NO_x allowance transfer, except as provided in subsection B of this section, the administrator [~~shall~~ will] record a NO_x allowance transfer by moving each NO_x allowance from the transferor account to the transferee account as specified by the request, provided that:

1. The transfer is correctly submitted under 9 VAC 5-140-600;
2. The transferor account includes each NO_x allowance identified by serial number in the transfer; and
3. The transfer meets all other requirements of this [~~chapter~~ part] .

B. A NO_x allowance transfer that is submitted for recordation following the NO_x allowance transfer deadline and that includes any NO_x allowances allocated for a control period prior to or the same as the control period to which the NO_x allowance transfer deadline applies [~~shall~~ will] not be recorded until after completion of the process of recordation of NO_x allowance allocations in 9 VAC 5-140-530 B.

C. Where a NO_x allowance transfer submitted for recordation fails to meet the requirements of subsection A of this section, the administrator [~~shall~~ will] not record such transfer.

9 VAC 5-140-620. Notification.

A. Within five business days of recordation of a NO_x allowance transfer under 9 VAC 5-140-610, the administrator [~~shall~~ will] notify each party to the transfer. Notice [~~shall~~ will] be given to the NO_x authorized account representatives of both the transferor and transferee accounts.

B. Within 10 business days of receipt of a NO_x allowance transfer that fails to meet the requirements of 9 VAC 5-140-610 A, the administrator [~~shall~~ will] notify the NO_x authorized account representatives of both accounts subject to the transfer of:

1. A decision not to record the transfer; and
2. The reasons for such nonrecordation.

C. Nothing in this section shall preclude the submission of a NO_x allowance transfer for recordation following notification of nonrecordation.

9 VAC 5-140-630 through 9 VAC 5-140-690. (Reserved.)

Article 8.
Monitoring and Reporting.

9 VAC 5-140-700. General requirements.

A. The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x Budget unit shall comply with the monitoring and reporting requirements as provided in this article and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in 9 VAC 5-140-20 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NO_x Budget unit," "NO_x authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in 9 VAC 5-140-20.

B. The owner or operator of each NO_x Budget unit shall meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in Article 9 (9 VAC 5-140-800 et seq.) of this part:

1. Install all monitoring systems required under this article for monitoring NO_x mass. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input, and flow, in accordance with [40 CFR 75.71 and] 40 CFR 75.72 [~~and 40 CFR 75.76~~] .
2. Install all monitoring systems for monitoring heat input, if required under 9 VAC 5-140-760 for developing NO_x allowance allocations.
3. Successfully complete all certification tests required under 9 VAC 5-140-710 and meet all other provisions of this article and 40 CFR Part 75 applicable to the monitoring systems under subdivisions 1 and 2 of this subsection.
4. Record, and report data from the monitoring systems under subdivisions 1 and 2 of this subsection.

C. The owner or operator shall meet the requirements of subdivisions B 1 through B 3 of this section on or before the following dates and shall record and report data on and after the following dates:

1. NO_x Budget units for which the owner or operator intends to apply for early reduction credits under 9 VAC 5-140-430 shall [~~comply~~ have complied] with the requirements of this article by May 1, 2001.

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2. Except for NO_x Budget units under subdivision 1 of this subsection, NO_x Budget units under 9 VAC 5-140-40 that commence operation before January 1, 2002, shall comply with the requirements of this article by May 1, 2003.
3. NO_x Budget units under 9 VAC 5-140-40 that commence operation on or after January 1, 2002, and that report on an annual basis under 9 VAC 5-140-740 D shall comply with the requirements of this article by the later of the following dates:
- May 1, 2003; or
 - The earlier of:
 - 180 days after the date on which the unit commences operation; or
 - For units under 9 VAC 5-140-40 A 1, 90 days after the date on which the unit commences commercial operation.
4. NO_x Budget units under 9 VAC 5-140-40 that commence operation on or after January 1, 2002, and that report on a control season basis under 9 VAC 5-140-740 D shall comply with the requirements of this article by the later of the following dates:
- The earlier of:
 - 180 days after the date on which the unit commences operation; or
 - For units under 9 VAC 5-140-40 A 1, 90 days after the date on which the unit commences commercial operation.
 - However, if the applicable deadline under subdivision 4 a of this subsection does not occur during a control period, May 1; immediately following the date determined in accordance with subdivision 4 a of this subsection.
5. For a NO_x Budget unit with a new stack or flue for which construction is completed after the applicable deadline under subdivision 1, 2, or 3 of this subsection or Article 9 (9 VAC 5-140-800 et seq.) of this part:
- 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue;
 - However, if the unit reports on a control season basis under 9 VAC 5-140-740 D and the applicable deadline under subdivision 5 a of this subsection does not occur during the control period, May 1 immediately following the applicable deadline in subdivision 5 a of this subsection.
6. For a unit for which an application for a NO_x Budget opt in permit is submitted and not denied or withdrawn, the compliance dates specified under Article 9 (9 VAC 5-140-800 et seq.) of this part.
- ~~D. [1. The owner or operator of a NO_x Budget unit that misses the certification deadline under subdivision C 1 of this section is not eligible to apply for early reduction credits. The owner or operator of the unit becomes subject to the certification deadline under subdivision C 2 of this section. The owner or operator of a NO_x Budget unit under subdivision C 3, C 4, C 5, or C 6 of this section shall determine, record and~~
- report NO_x mass emissions, heat input rate, and any other values required to determine NO_x mass emissions (e.g., NO_x emission rate and heat input rate, or NO_x concentration and stack flow rate) in accordance with 40 CFR 75.70(g), from the date and hour that the unit starts operating until the date and hour on which the continuous emission monitoring system, excepted monitoring system under Appendix D or E of 40 CFR Part 75, or excepted monitoring methodology under 40 CFR 75.19 is provisionally certified.
- ~~2. The owner or operator of a NO_x Budget under subdivisions C 3 or C 4 of this section shall determine, record and report NO_x mass, heat input (if required for purposes of allocations) and any other values required to determine NO_x mass (e.g., NO_x emission rate and heat input or NO_x concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.]~~
- E. 1. No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with 9 VAC 5-140-750.
2. No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this article and 40 CFR Part 75 except as provided for in 40 CFR 75.74.
3. No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this article and 40 CFR Part 75 except as provided for in 40 CFR 75.74.
4. No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this article, except under any one of the following circumstances:
- During the period that the unit is covered by a retired unit exemption under 9 VAC 5-140-50 that is in effect;
 - The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this article and 40 CFR Part 75, by the permitting authority for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

c. The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with 9 VAC 5-140-710 B 2.

9 VAC 5-140-710. Initial certification and recertification procedures.

A. The owner or operator of a NO_x Budget unit that is subject to an acid rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR Part 75, except that:

1. If, prior to January 1, 1998, the administrator approved a petition under 40 CFR 75.17(a) or (b) for apportioning the NO_x emission rate measured in a common stack or a petition under 40 CFR 75.66 for an alternative to a requirement in 40 CFR 75.17, the NO_x authorized account representative shall resubmit the petition to the administrator under 9 VAC 5-140-750 A to determine if the approval applies under the NO_x Budget Trading Program.

2. For any additional CEMS required under the common stack provisions in 40 CFR 75.72, or for any NO_x concentration CEMS used under the provisions of 40 CFR 75.71(a)(2), the owner or operator shall meet the requirements of subsection B of this section.

B. The owner or operator of a NO_x Budget unit that is not subject to an acid rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 shall also meet the requirements of subsection C of this section and the owner or operator of a unit that qualifies to use an alternative monitoring system under Subpart E of 40 CFR Part 75 shall also meet the requirements of subsection D of this section. The owner or operator of a NO_x Budget unit that is subject to an acid rain emissions limitation, but requires additional CEMS under the common stack provisions in 40 CFR 75.72, or that uses a NO_x concentration CEMS under 40 CFR 75.71(a)(2) also shall comply with the following initial certification and recertification procedures.

1. The owner or operator shall ensure that each [emission] monitoring system required by Subpart H of 40 CFR Part 75 (that includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20. The owner or operator shall ensure that all applicable certification tests are successfully completed by the deadlines specified in 9 VAC 5-140-700 C. In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this [chapter part] in a location where no such [emission] monitoring system was previously installed, initial certification according to 40 CFR 75.20 is required.

2. Whenever the owner or operator makes a replacement, modification, or change in a certified [emission] monitoring system that [~~the administrator or the permitting authority determines~~ may] significantly [~~affects~~ affect] the ability of the system to accurately measure or record NO_x mass

emissions or heat input [rate] or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the [emission] monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that [~~the administrator or the permitting authority determines to~~ may] significantly change the [stack] flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes that require recertification include: replacement of the analyzer, [complete replacement of an existing continuous emission monitoring system, or] change in location or orientation of the sampling probe or site [~~, or changing of flow rate monitor polynomial coefficients~~].

3. a. The NO_x authorized account representative shall submit to the permitting authority, the [appropriate] EPA [Regional Region III] Office and the [~~permitting authority administrator~~] a written notice of the dates of certification in accordance with 9 VAC 5-140-730.

b. The NO_x authorized account representative shall submit to the permitting authority a certification application for each [emission] monitoring system required under Subpart H of 40 CFR Part 75. A complete certification application shall include the information specified in Subpart H of 40 CFR Part 75.

c. Except for units using the low mass emission excepted methodology under 40 CFR 75.19, the provisional certification date for a monitor shall be determined using the procedures set forth in 40 CFR 75.20(a)(3). A provisionally certified monitor may be used under the NO_x Budget Trading Program for a period not to exceed 120 days after receipt by the permitting authority of the complete certification application for the monitoring system [~~or component thereof~~] under subdivision 3 b of this subsection. Data measured and recorded by the provisionally certified monitoring system [~~or component thereof~~], in accordance with the requirements of 40 CFR Part 75, shall be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the permitting authority does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application by the permitting authority.

d. The permitting authority shall issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under subdivision 3 b of this subsection. In the event the permitting authority does not issue such a notice within such 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR Part 75 and is included in the certification application [~~shall~~ will] be deemed certified for use under the NO_x Budget Trading Program.

(1) If the certification application is complete and shows that each monitoring system meets the applicable

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performance requirements of 40 CFR Part 75, then the permitting authority ~~shall~~ will issue a written notice of approval of the certification application within 120 days of receipt.

(2) A certification application ~~shall~~ will be considered complete when all of the applicable information required to be submitted under subdivision 3 b of this subsection has been received by the permitting authority. If the certification application is not complete, then the permitting authority ~~shall~~ will issue a written notice of incompleteness that sets a reasonable date by which the NO_x authorized account representative shall submit the additional information required to complete the certification application. If the NO_x authorized account representative does not comply with the notice of incompleteness by the specified date, then the permitting authority may issue a notice of disapproval under subdivision 3 d (3) of this subsection.

(3) If the certification application shows that any monitoring system ~~or component thereof~~ does not meet the performance requirements of this ~~chapter part~~, or if the certification application is incomplete and the requirement for disapproval under subdivision 3 d (2) of this subsection has been met, the permitting authority ~~shall~~ will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the permitting authority and the data measured and recorded by each uncertified monitoring system ~~or component thereof~~ shall not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in subdivision 3 e of this subsection for each monitoring system ~~or component thereof~~ that is disapproved for initial certification.

(4) The permitting authority may issue a notice of disapproval of the certification status of a monitor in accordance with 9 VAC 5-140-720 B.

e. If the permitting authority issues a notice of disapproval of a certification application under subdivision 3 d (3) of this subsection or a notice of disapproval of certification status under subdivision 3 d (4) of this subsection, then:

(1) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data ~~beginning with the date and hour of provisional certification~~ specified under 40 CFR 75.20(a)(4)(iii), 40 CFR 75.20(b)(5), 40 CFR 75.20(h)(4), or 40 CFR 75.21(e) and continuing until the ~~time,~~ date ~~and hour~~ specified under 40 CFR 75.20(a)(5)(i):

(a) For units using or intending to monitor for NO_x emission rate and heat input or for units using the low mass emission excepted methodology under 40 CFR 75.19, the maximum potential NO_x emission rate and the maximum potential hourly heat input of the unit.

(b) For units intending to monitor for NO_x mass emissions using a NO_x pollutant concentration monitor and a flow monitor, the maximum potential concentration of NO_x and the maximum potential flow rate of the unit under section 2.1 of Appendix A of 40 CFR Part 75;

(2) The NO_x authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with subdivisions 3 a and b of this subsection; and

(3) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the permitting authority's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.

C. The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under 40 CFR 75.19 shall meet the applicable general operating requirements of 40 CFR 75.10 ~~and~~ the applicable requirements of 40 CFR 75.19 ~~and the applicable certification requirements of this section, except that the excepted methodology shall be deemed provisionally certified for use under the NO_x Budget Trading Program, as of the following dates:~~. The owner or operator of such a unit shall also meet the applicable certification and recertification procedures of subsection B of this section, except that the excepted methodology shall be deemed provisionally certified for use under the NO_x Budget Trading Program as of the date on which the certification application is received by the administrator. The methodology shall be considered to be certified either upon receipt of a written notice of approval from the administrator or, if such notice is not provided, at the end of the administrator's 120-day review period. However, a provisionally certified or certified low mass emissions excepted methodology shall not be used to report data under the NO_x Budget Trading Program prior to the applicable commencement date specified in 40 CFR 75.19(a)(1)(ii).

~~1. The following requirements shall apply to units that are reporting on an annual basis under 9 VAC 5-140-740 D;~~

~~a. For a unit that has commences operation before its compliance deadline under subsection B of this section, from January 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the permitting authority review; or~~

~~b. For a unit that commences operation after its compliance deadline under subsection B of this section, the date of submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for permitting authority review; or~~

~~2. The following requirements shall apply to units that are reporting on a control period basis under 9 VAC 5-140-740 D:~~

~~a. For a unit that commenced operation before its compliance deadline under subsection B of this section, where the certification application is submitted before May 1, from May 1 of the year of the submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the permitting authority review; or~~

~~b. For a unit that commenced operation before its compliance deadline under subsection B of this section, where the certification application is submitted after May 1, from May 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the permitting authority review; or~~

~~c. For a unit that commences operation after its compliance deadline under subsection B of this section, where the unit commences operation before May 1, from May 1 of the year that the unit commenced operation, until the completion of the period for the permitting authority's review.~~

~~d. For a unit that has not operated after its compliance deadline under subsection B of this section, where the certification application is submitted after May 1, but before October 1, from the date of submission of a certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the permitting authority's review.]~~

D. The NO_x authorized account representative representing the owner or operator of each unit applying to monitor using an alternative monitoring system approved by the administrator and, if applicable, the permitting authority under Subpart E of 40 CFR Part 75 shall apply for certification to the permitting authority prior to use of the system under the NO_x Trading Program. The NO_x authorized account representative shall apply for recertification following a replacement, modification or change according to the procedures in subsection B of this section. The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in subdivision B 3 of this section and 40 CFR 75.20(f).

9 VAC 5-140-720. Out of control periods.

A. Whenever any [emission] monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, [Subpart H,] Appendix D, or Appendix E of 40 CFR Part 75.

B. Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system [or component] should not have been certified or recertified because it did not meet a particular performance specification or other requirement under 9 VAC 5-140-710 or the applicable provisions of 40 CFR Part 75, both at the time of the initial certification or recertification

application submission and at the time of the audit, the permitting authority [shall will] issue a notice of disapproval of the certification status of such system [or component]. For the purposes of this subsection an audit shall be either a field audit or an audit of any information submitted to the permitting authority or the administrator. By issuing the notice of disapproval, the permitting authority revokes prospectively the certification status of the system [or component]. The data measured and recorded by the system [or component] shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests. The owner or operator shall follow the initial certification or recertification procedures in 9 VAC 5-140-710 for each disapproved system.

9 VAC 5-140-730. Notifications.

The NO_x authorized account representative for a NO_x Budget unit shall submit written notice to the permitting authority and the administrator in accordance with 40 CFR 75.61, except that if the unit is not subject to an acid rain emissions limitation, the notification is only required to be sent to the permitting authority.

9 VAC 5-140-740. Recordkeeping and reporting.

A. 1. The NO_x authorized account representative shall comply with all recordkeeping and reporting requirements in this section [, with the recordkeeping and reporting requirements under 40 CFR 75.73,] and with the requirements of 9 VAC 5-140-100 E [1] .

2. If the NO_x authorized account representative for a NO_x Budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under Subpart F or G of 40 CFR Part 75 and that includes data and information required under this article or Subpart H of 40 CFR Part 75 is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR Part 72, the submission shall also be signed by the designated representative or the alternative designated representative.

B. 1. The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan shall also include all of the information required by Subpart H of 40 CFR Part 75.

2. The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by Subpart H of 40 CFR Part 75.

C. The NO_x authorized account representative shall submit an application to the permitting authority within 45 days after completing all initial certification or recertification tests required under 9 VAC 5-140-710 including the information required under Subpart H of 40 CFR Part 75.

D. The NO_x authorized account representative shall submit quarterly reports, as follows:

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1. If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of this article, the NO_x authorized account representative shall submit a quarterly report [, documenting the NO_x mass emissions from the unit,] for each calendar quarter beginning with:

a. ~~[For units that elect to comply with the early reduction credit provisions under 9 VAC 5-140-430, the calendar quarter that includes the date of initial provisional certification under 9 VAC 5-140-710 B-3 c. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification For a unit for which the owner or operator intends to apply or applies for the early reduction credits under 9 VAC 5-140-430, the calendar quarter that covers May 1, 2001, through June 30, 2001. NO_x mass emission data shall be recorded and reported from the first hour on May 1, 2001] ; or~~

b. ~~[For units commencing operation prior to May 1, 2003 that are not required to certify monitors by May 1, 2001 under 9 VAC 5-140-700 C-1, the earlier of the calendar quarter that includes the date of initial provisional certification under 9 VAC 5-140-710 B-3 c or, if the certification tests are not completed by May 1, 2003, the partial calendar quarter from May 1, 2003, through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or For a unit that commences operation before January 1, 2003, and that is not subject to subdivision 1 a of this subsection, the calendar quarter covering May 1, 2003, through June 30, 2003. NO_x mass emission data shall be recorded and reported from] the first hour on May 1, 2003; or~~

c. For a unit that commences operation [after May 1, 2003, the calendar quarter in which the unit commences operation, data shall be reported from the date and hour corresponding to when the unit commenced operation. on or after January 1, 2003:

(1) The calendar quarter in which the unit commences operation, if unit operation commences during a control period. NO_x mass emission data shall be recorded and reported from the date and hour when the unit commences operation; or

(2) The calendar quarter that includes May 1 through June 30 of the first control period following the date on which the unit commences operation, if the unit does not commence operation during a control period. NO_x mass emission data shall be recorded and reported from the first hour on May 1 of that control period.]

2. If a NO_x budget unit is not subject to an acid rain emission limitation, then the NO_x authorized account representative shall either:

a. Meet all of the requirements of 40 CFR Part 75 related to monitoring and reporting NO_x mass emissions during the entire year and meet the reporting deadlines specified in subdivision 1 of this subsection; or

b. Submit quarterly reports [, documenting NO_x mass emissions from the unit,] only for the [periods period]

~~from [the earlier of] May 1 [or the date and hour that the owner or operator successfully completes all of the recertification tests required under 40 CFR 75.74(d)(3)] through September 30 of each year [in accordance with the provisions of and including the data described in] 40 CFR 75.74 [(b) (c)(6)] . The NO_x authorized account representative shall submit [a such] quarterly [report for each calendar quarter reports] , beginning with:~~

(1) ~~For [units that elect to comply with the early reduction credit provisions under 9 VAC 5-140-430, the calendar quarter that includes the date of initial provisional certification under 9 VAC 5-140-710 B-3 c. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification a unit for which the owner or operator intends to apply or applies for early reduction credits under 9 VAC 5-140-430, the calendar quarter covering May 1, 2001, through June 30, 2001. NO_x mass emission data shall be recorded and reported from the first hour on May 1, 2001] ;~~

(2) ~~For [units commencing operation prior to May 1, 2003, that are not required to certify monitors by May 1, 2001, under 9 VAC 5-140-700 C-1, the earlier of the calendar quarter that includes the date of initial provisional certification under 9 VAC 5-140-710 B-3 c, or if the certification tests are not completed by May 1, 2003, the partial calendar quarter from May 1, 2003 through June 30, 2003. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or a unit that commences operation before January 1, 2003, and that is not subject to subdivision 2 b (1) of this subsection, the calendar quarter covering May 1 through June 30, 2003. NO_x mass emission data shall be recorded and reported from] the first hour of May 1, 2003;~~

(3) ~~For [units that commence operation after May 1, 2003, during the control period, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced a unit that commences operation on or after January 1, 2003, and during a control period, the calendar quarter in which the unit commences operation. NO_x mass emission data shall be reported from the date and hour corresponding to when the unit commences] operation; [or]~~

(4) ~~For [units that commence operation after May 1, 2003, and before May 1 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under 9 VAC 5-140-710 B-3 c or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation; or a unit that commences operation on or after January 1, 2003, and not during a control period, the calendar quarter that~~

includes May 1 through June 30 of the first control period after the unit commences operation. NO_x mass emission data shall be recorded and reported from the first hour on May 1 of the first control period after the unit commences operation.

~~(5) For units that commence operation after May 1, 2003, and after September 30 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under 9 VAC 5-140-710 B 3 c or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.]~~

3. The NO_x authorized account representative shall submit each quarterly report to the administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in Subpart H of 40 CFR Part 75 and 40 CFR 75.64.

a. For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in Subpart H of 40 CFR Part 75 for each NO_x Budget unit (or group of units using a common stack) as well as information required in Subpart G of 40 CFR Part 75.

b. For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and information required in Subpart H of 40 CFR Part 75 for each NO_x Budget unit (or group of units using a common stack).

4. The NO_x authorized account representative shall submit to the administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

a. The monitoring data submitted were recorded in accordance with the applicable requirements of this article and 40 CFR Part 75, including the quality assurance procedures and specifications; and

b. For a unit with add-on NO_x emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate NO_x emissions; and

c. For a unit that is reporting on a control period basis under this subsection the NO_x emission rate and NO_x concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NO_x emissions.

9 VAC 5-140-750. Petitions.

A. The NO_x authorized account representative of a NO_x Budget unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the administrator requesting approval to apply an alternative to any requirement of this article.

1. Application of an alternative to any requirement of this article is in accordance with this article only to the extent that the petition is approved by the administrator, in consultation with the permitting authority.

2. Notwithstanding subdivision 1 of this subsection, if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72, the petition is governed by subsection B of this section.

B. The NO_x authorized account representative of a NO_x Budget unit that is not subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the permitting authority and the administrator requesting approval to apply an alternative to any requirement of this article.

1. The NO_x authorized account representative of a NO_x Budget unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the permitting authority and the administrator requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72 or a NO_x concentration CEMS used under 40 CFR 75.71(a)(2).

2. Application of an alternative to any requirement of this article is in accordance with this article only to the extent the petition under this subsection is approved by both the permitting authority and the administrator.

9 VAC 5-140-760. Additional requirements to provide heat input data for allocations purposes.

A. The owner or operator of a unit that elects to monitor and report NO_x mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.

B. The owner or operator of a unit that monitor and report NO_x mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75 for any source that is applying for early reduction credits under 9 VAC 5-140-430.

9 VAC 5-140-770 through 9 VAC 5-140-790. (Reserved.)

Article 9.
Individual Unit Opt-ins.

9 VAC 5-140-800. Applicability.

A unit that is not a NO_x Budget unit under 9 VAC 5-140-40 [A, is not a unit exempt under 9 VAC 5-140-40 B] , vents all of its emissions to a stack, and is operating may qualify under this article to become a NO_x Budget opt-in source. A unit that is a NO_x Budget unit [under 9 VAC 5-140-40 A] , is covered by

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[a retired unit an] exemption under [9 VAC 5-140-40 B or] 9 VAC 5-140-50 that is in effect, or is not operating is not eligible to become a NO_x Budget opt-in source.

9 VAC 5-140-810. General.

Except otherwise as provided in this [chapter part], a NO_x Budget opt-in source shall be treated as a NO_x Budget unit for purposes of applying Articles 1 (9 VAC 5-140-10 et seq.) through 8 (9 VAC 5-140-700 et seq.) of this part.

9 VAC 5-140-820. NO_x authorized account representative.

A unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, or a NO_x Budget opt-in source located at the same source as one or more NO_x Budget units, shall have the same NO_x authorized account representative as such NO_x Budget units.

9 VAC 5-140-830. Applying for NO_x Budget opt-in permit.

A. In order to apply for an initial NO_x Budget opt-in permit, the NO_x authorized account representative of a unit qualified under 9 VAC 5-140-800 may submit to the permitting authority at any time, except as provided under 9 VAC 5-140-860 G:

1. A complete NO_x Budget permit application under 9 VAC 5-140-220;
2. A monitoring plan submitted in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part; and
3. A complete account certificate of representation under 9 VAC 5-140-130, if no NO_x authorized account representative has been previously designated for the unit.

B. The NO_x authorized account representative of a NO_x Budget opt-in source shall submit a complete NO_x Budget permit application under 9 VAC 5-140-220 to renew the NO_x Budget opt-in permit in accordance with 9 VAC 5-140-210 C and, if applicable, an updated monitoring plan in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part.

9 VAC 5-140-840. Opt-in process.

The permitting authority [shall will] issue or deny a NO_x Budget opt-in permit for a unit for which an initial application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 is submitted, in accordance with 9 VAC 5-140-200 and the following:

1. The permitting authority [shall will] determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO_x Budget opt-in permit under 9 VAC 5-140-830. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO_x emissions rate and heat input of the unit are monitored and reported in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.
2. If the permitting authority determines that the unit's monitoring plan is sufficient under subdivision 1 of this section and after completion of monitoring system certification under Article 8 (9 VAC 5-140-700 et seq.) of

this part, the NO_x emissions rate and the heat input of the unit shall be monitored and reported in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part for one full control period during which monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable state or federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a "NO_x Budget unit" prior to issuance of a NO_x Budget opt-in permit covering the unit.

3. Based on the information monitored and reported under subdivision 2 of this section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmBtu) for the control period and the unit's baseline NO_x emissions rate shall be calculated as the unit's total NO_x emissions (in lb) for the control period divided by the unit's baseline heat rate.

4. After calculating the baseline heat input and the baseline NO_x emissions rate for the unit under subdivision 3 of this section, the permitting authority [shall will] serve a draft NO_x Budget opt-in permit on the NO_x authorized account representative of the unit.

5. Within 20 days after the issuance of the draft NO_x Budget opt-in permit, the NO_x authorized account representative of the unit shall submit to the permitting authority a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO_x Budget opt-in permit under 9 VAC 5-140-830. The permitting authority [shall will] treat the failure to make a timely submission as a withdrawal of the NO_x Budget opt-in permit application.

6. If the NO_x authorized account representative confirms the intention to opt-in the unit under subdivision 5 of this section, the permitting authority [shall will] issue the draft NO_x Budget opt-in permit in accordance with 9 VAC 5-140-200.

7. Notwithstanding subdivisions 1 through 6 of this section, if at any time before issuance of a draft NO_x Budget opt-in permit for the unit, the permitting authority determines that the unit does not qualify as a NO_x Budget opt-in source under 9 VAC 5-140-800, the permitting authority [shall will] issue a draft denial of a NO_x Budget opt-in permit for the unit in accordance with 9 VAC 5-140-200.

8. A NO_x authorized account representative of a unit may withdraw its application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 at any time prior to the issuance of the final NO_x Budget opt-in permit. Once the application for a NO_x Budget opt-in permit is withdrawn, a NO_x authorized account representative wanting to reapply shall submit a new application for a NO_x Budget permit under 9 VAC 5-140-830.

9. The effective date of the initial NO_x Budget opt-in permit shall be May 1 of the first control period starting after the issuance of the initial NO_x Budget opt-in permit by the permitting authority. The unit shall be a NO_x Budget opt-in source and a NO_x Budget unit as of the effective date of the initial NO_x Budget opt-in permit.

9 VAC 5-140-850. NO_x Budget opt-in permit contents.

A. Each NO_x Budget opt-in permit (including any draft or proposed NO_x Budget opt-in permit, if applicable) [~~shall will~~] contain all elements required for a complete NO_x Budget opt-in permit application under 9 VAC 5-140-220 [~~as approved or adjusted by the permitting authority~~].

B. Each NO_x Budget opt-in permit is deemed to incorporate automatically the definitions of terms under 9 VAC 5-140-20 and, upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of this part, every allocation, transfer, or deduction of NO_x allowances to or from the compliance accounts of each NO_x Budget opt-in source covered by the NO_x Budget opt-in permit or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in source is located.

9 VAC 5-140-860. Withdrawal from NO_x Budget Trading Program.

A. To withdraw from the NO_x Budget Trading Program, the NO_x authorized account representative of a NO_x Budget opt-in source shall submit to the permitting authority a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

B. Before a NO_x Budget opt-in source covered by a request under subsection A of this section may withdraw from the NO_x Budget Trading Program and the NO_x Budget opt-in permit may be terminated under subsection E of this section, the following conditions shall be met:

1. For the control period immediately before the withdrawal is to be effective, the NO_x authorized account representative shall submit or shall have submitted to the permitting authority an annual compliance certification report in accordance with 9 VAC 5-140-300.

2. If the NO_x Budget opt-in source has excess emissions for the control period immediately before the withdrawal is to be effective, the administrator shall deduct or has deducted from the NO_x Budget opt-in source's compliance account, or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in source is located, the full amount required under 9 VAC 5-140-540 D for the control period.

3. After the requirements for withdrawal under subdivisions 1 and 2 of this subsection are met, the administrator [~~shall will~~] deduct from the NO_x Budget opt-in source's compliance account, or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in source is located, NO_x allowances equal in number to and allocated for the same or a prior control period as any NO_x allowances allocated to that source under 9 VAC 5-140-880 for any control period for which the withdrawal is to be effective. The administrator [~~shall will~~] close the NO_x Budget opt-in source's compliance account and [~~shall will~~] establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO_x Budget opt-in source. The NO_x authorized account representative for the NO_x Budget opt-in source shall

become the NO_x authorized account representative for the general account.

C. A NO_x Budget opt-in source that withdraws from the NO_x Budget Trading Program shall comply with all requirements under the NO_x Budget Trading Program concerning all years for which such NO_x Budget opt-in source was a NO_x Budget opt-in source, even if such requirements arise or [~~shall must~~] be complied with after the withdrawal takes effect.

D. 1. After the requirements for withdrawal under subsections A and B of this section are met (including deduction of the full amount of NO_x allowances required), the permitting authority [~~shall will~~] issue a notification to the NO_x authorized account representative of the NO_x Budget opt-in source of the acceptance of the withdrawal of the NO_x Budget opt-in source as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

2. If the requirements for withdrawal under subsections A and B of this section are not met, the permitting authority [~~shall will~~] issue a notification to the NO_x authorized account representative of the NO_x Budget opt-in source that the NO_x Budget opt-in source's request to withdraw is denied. If the NO_x Budget opt-in source's request to withdraw is denied, the NO_x Budget opt-in source shall remain subject to the requirements for a NO_x Budget opt-in source.

E. After the permitting authority issues a notification under subdivision D 1 of this section that the requirements for withdrawal have been met, the permitting authority [~~shall will~~] revise the NO_x Budget permit covering the NO_x Budget opt-in source to terminate the NO_x Budget opt-in permit as of the effective date specified under subdivision D 1 of this section. A NO_x Budget opt-in source shall continue to be a NO_x Budget opt-in source until the effective date of the termination.

F. If the permitting authority denies the NO_x Budget opt-in source's request to withdraw, the NO_x authorized account representative may submit another request to withdraw in accordance with subsections A and B of this section.

G. Once a NO_x Budget opt-in source withdraws from the NO_x Budget Trading Program and its NO_x Budget opt-in permit is terminated under this section, the NO_x authority account representative may not submit another application for a NO_x Budget opt-in permit under 9 VAC 5-140-830 for the unit prior to the date that is four years after the date on which the terminated NO_x Budget opt-in permit became effective.

9 VAC 5-140-870. Change in regulatory status.

A. When a NO_x Budget opt-in source becomes a NO_x Budget unit under 9 VAC 5-140-40, the NO_x authorized account representative shall notify in writing the permitting authority and the administrator of such change in the NO_x Budget opt-in source's regulatory status, within 30 days of such change.

B. Upon notification under subsection A of this section, the permitting authority and administrator [~~shall will~~] take the following actions:

1. a. When the NO_x Budget opt-in source becomes a NO_x Budget unit under 9 VAC 5-140-40, the permitting

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authority [~~shall~~ will] revise the NO_x Budget opt-in source's NO_x Budget opt-in permit to meet the requirements of a NO_x Budget permit under 9 VAC 5-140-230 as of an effective date that is the date on which such NO_x Budget opt-in source becomes a NO_x Budget unit under 9 VAC 5-140-40.

b. (1) The administrator [~~shall~~ will] deduct from the compliance account for the NO_x Budget unit under subdivision 1 a of this subsection, or the overdraft account of the NO_x Budget source where the unit is located, NO_x allowances equal in number to and allocated for the same or a prior control period as:

(a) Any NO_x allowances allocated to the NO_x Budget unit (as a NO_x Budget opt-in source) under 9 VAC 5-140-880 for any control period after the last control period during which the unit's NO_x Budget opt-in permit was effective; and

(b) If the effective date of the NO_x Budget permit revision under subdivision 1 a of this subsection is during a control period, the NO_x allowances allocated to the NO_x Budget unit (as a NO_x Budget opt-in source) under 9 VAC 5-140-880 for the control period multiplied by the ratio of the number of days, in the control period, starting with the effective date of the permit revision under subdivision 1 a of this subsection, divided by the total number of days in the control period.

(2) The NO_x authorized account representative shall ensure that the compliance account of the NO_x Budget unit under subdivision 1 a of this subsection, or the overdraft account of the NO_x Budget source where the unit is located, includes the NO_x allowances necessary for completion of the deduction under subdivision 1 b (1) of this subsection. If the compliance account or overdraft account does not contain sufficient NO_x allowances, the administrator [~~shall~~ will] deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

c. [(1)] For every control period during which the NO_x Budget permit revised under subdivision 1 a of this subsection is effective, the NO_x Budget unit under subdivision 1 a of this subsection shall be treated, solely for purposes of NO_x allowance allocations under 9 VAC 5-140-420, as a unit that commenced operation on the effective date of the NO_x Budget permit revision under subdivision 1 a of this subsection and shall be allocated NO_x allowances under 9 VAC 5-140-420.

[(2)] Notwithstanding subdivision 1 c (1) of this subsection, if the effective date of the NO_x Budget permit revision under subdivision 1 a of this subsection is during a control period, the following number of NO_x allowances will be allocated to the NO_x Budget unit under subdivision 1 a of this subsection under 9 VAC 5-140-420 for the control period: the number of NO_x allowances otherwise allocated to the NO_x Budget unit under 9 VAC 5-140-420 for the control period multiplied by the ratio of the number of days, in the control period,

starting with the effective date of the permit revision under subdivision 1 a of this subsection, divided by the total number of days in the control period.]

2. a. When the NO_x authorized account representative of a NO_x Budget opt-in source does not renew its NO_x Budget opt-in permit under 9 VAC 5-140-830 B, the administrator [~~shall~~ will] deduct from the NO_x Budget opt-in unit's compliance account, or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in source is located, NO_x allowances equal in number to and allocated for the same or a prior control period as any NO_x allowances allocated to the NO_x Budget opt-in source under 9 VAC 5-140-880 for any control period after the last control period for which the NO_x Budget opt-in permit is effective. The NO_x authorized account representative shall ensure that the NO_x Budget opt-in source's compliance account or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in source is located includes the NO_x allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient NO_x allowances, the administrator [~~shall~~ will] deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

b. After the deduction under subdivision 2 a of this subsection is completed, the administrator [~~shall~~ will] close the NO_x Budget opt-in source's compliance account. If any NO_x allowances remain in the compliance account after completion of such deduction and any deduction under 9 VAC 5-140-540, the administrator [~~shall~~ will] close the NO_x Budget opt-in source's compliance account and [~~shall~~ will] establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO_x Budget opt-in source. The NO_x authorized account representative for the NO_x Budget opt-in source shall become the NO_x authorized account representative for the general account.

9 VAC 5-140-880. NO_x allowance allocations to opt-in units.

A. 1. By December 31 immediately before the first control period for which the NO_x Budget opt-in permit is effective, the permitting authority [~~shall~~ will] allocate NO_x allowances to the NO_x Budget opt-in source and submit to the administrator the allocation for the control period in accordance with subsection B of this section.

2. By no later than December 31, after the first control period for which the NO_x Budget opt-in permit is in effect, and December 31 of each year thereafter, the permitting authority [~~shall~~ will] allocate NO_x allowances to the NO_x Budget opt-in source, and submit to the administrator allocations for the next control period, in accordance with subsection B of this section.

B. For each control period for which the NO_x Budget opt-in source has an approved NO_x Budget opt-in permit, the NO_x Budget opt-in source [~~shall~~ will] be allocated NO_x allowances in accordance with the following procedures:

1. The heat input (in mmBtu) used for calculating NO_x allowance allocations shall be the lesser of:

- a. The NO_x Budget opt-in source's baseline heat input determined pursuant to subdivision 3 of 9 VAC 5-140-840; or
- b. The NO_x Budget opt-in source's heat input, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part, for the control period in the year prior to the year of the control period for which the NO_x allocations are being calculated.

2. The permitting authority [~~shall~~ will] allocate NO_x allowances to the NO_x Budget opt-in source in an amount equaling the heat input (in mmBtu) determined under subdivision 1 of this subsection multiplied by the lesser of:

- a. The NO_x Budget opt-in source's baseline NO_x emissions rate (in lb/mmBtu) determined pursuant to subdivision 3 of 9 VAC 5-140-840; or
- b. The most stringent state or federal NO_x emissions limitation applicable to the NO_x Budget opt-in source during the control period.

3. The permitting authority [~~shall~~ will] not allocate to any NO_x Budget opt-in source any NO_x allowances from the state trading program budget set forth in 9 VAC 5-140-900.

9 VAC 5-140-890. (Reserved.)

Article 10.

State Trading Program Budget and Compliance Supplement Pool.

9 VAC 5-140-900. State trading program budget.

For use in each control period for the years 2004 through [~~2013~~ 2008], the total number of NO_x tons apportioned to all NO_x Budget units is [~~24,298~~ the sum of the NO_x tons apportioned under 9 VAC 5-140-920 and 9 VAC 5-140-930] .

9 VAC 5-140-910. Compliance supplement pool budget for years 2004 and 2005.

For use in each control period for the years 2004 and 2005, the total number of NO_x tons apportioned to all NO_x Budget units for use as a compliance supplement pool is [~~6,999~~ the number of NO_x tons specified for the Commonwealth of Virginia in Appendix D to 40 CFR Part 97] .

9 VAC 5-140-920. Total electric generating unit allocations.

For use in each control period for the years 2004 through [~~2013~~ 2008], the total number of NO_x tons apportioned to all NO_x Budget units under 9 VAC 5-140-40 A 1 is [~~21,614~~ the number of NO_x tons specified for EGUs for the Commonwealth of Virginia in Appendix C to 40 CFR Part 97] .

9 VAC 5-140-930. Total nonelectric generating unit allocations.

For use in each control period for the years 2004 through [~~2013~~ 2008], the total number of NO_x tons apportioned to all NO_x Budget units under 9 VAC 5-140-40 A 2 is [~~2,684~~ 4,104] .

~~[9 VAC 5-140-940. Individual electric generating unit allocations.~~

~~For use in each control period for the years 2004 through 2013, the number of NO_x tons apportioned to each NO_x Budget unit under 9 VAC 5-140-40 A 1 is as follows:~~

Plant	Plant_id	Point_id	NO _x Allocation
VA POWER-BELLEMEADE	50996	1	97
VA POWER-BELLEMEADE	50996	2	112
VA POWER-BREMO BLUFF	3796	3	174
VA POWER-BREMO BLUFF	3796	4	491
VA POWER-CHESAPEAKE	3803	1	378
VA POWER-CHESAPEAKE	3803	2	392
VA POWER-CHESAPEAKE	3803	3	470
VA POWER-CHESAPEAKE	3803	4	725
ST. LAURENT PAPER	10017	ST_rp.	74
VA POWER-CHESTERFIELD	3797	-8	334
VA POWER-CHESTERFIELD	3797	3	294
VA POWER-CHESTERFIELD	3797	4	495
VA POWER-CHESTERFIELD	3797	5	978
VA POWER-CHESTERFIELD	3797	6	1711
VA POWER-CHESTERFIELD	3797	7	402
AEP-CLINCH RIVER	3775	1	696
AEP-CLINCH RIVER	3775	2	661
AEP-CLINCH RIVER	3775	3	730
VA POWER-CLOVER	7213	1	1313
VA POWER-CLOVER	7213	2	1421
COGENTRIX-HOPEWELL	10377	ST_ell	416
COGENTRIX-PORTSMOUTH	10074	ST_uth	452
COGENTRIX-RICHMOND-1	54081	ST_d-1	392
COGENTRIX-RICHMOND-2	54081	ST_d-2	272
COMMONWEALTH ATLANTIC LP	52087	GT_LP	216
VA POWER-DARBYTOWN	7212	--1	37
VA POWER-DARBYTOWN	7212	--2	36
VA POWER-DARBYTOWN	7212	--3	38
VA POWER-DARBYTOWN	7212	--4	37

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DOSWELL #1	52019	CA_#1	203
DOSWELL #1	52019	CT_#1	225
DOSWELL #2	52019	CA_#2	232
DOSWELL #2	52019	CT_#2	225
AEP - GLEN LYN	3776	51	129
AEP - GLEN LYN	3776	52	140
AEP - GLEN LYN	3776	6	619
GORDONSVILLE ENERGY 1	54844	CA_e-1	101
GORDONSVILLE ENERGY 2	54844	CA_e-2	95
VA POWER - GRAVEL NECK	7032	--3	27
VA POWER - GRAVEL NECK	7032	--4	30
VA POWER - GRAVEL NECK	7032	--5	18
VA POWER - GRAVEL NECK	7032	--6	22
HOPEWELL COGEN, INC.	10633	CT_nc.	130
HOPEWELL COGEN, INC.	10633	CW_nc.	67
LG&E WESTMORELAND ALTAVISTA	10773	1	23
LG&E WESTMORELAND ALTAVISTA	10773	2	21
LG&E WESTMORELAND HOPEWELL	10771	1	21
LG&E WESTMORELAND HOPEWELL	10771	2	20
LG&E WESTMORELAND SOUTHAMPTON	10774	1	29
LG&E WESTMORELAND SOUTHAMPTON	10774	2	37
MECKLENBURG COGEN	52007	ST_urg	288
VA POWER - POSSUM POINT	3804	3	281
VA POWER - POSSUM POINT	3804	4	671
VA POWER - POSSUM POINT	3804	5	409
PEPCO - POTOMAC RIVER	3788	1	258
PEPCO - POTOMAC RIVER	3788	2	177
PEPCO - POTOMAC RIVER	3788	3	294
PEPCO - POTOMAC RIVER	3788	4	283
PEPCO - POTOMAC RIVER	3788	5	282
SEI BIRCHWOOD	42	1	410
DELMARVA P&L - TASLEY	3785	10	8
VA POWER - YORKTOWN	3809	1	491
VA POWER - YORKTOWN	3809	2	533
VA POWER - YORKTOWN	3809	3	971

~~9 VAC 5-140-950. Individual nonelectric generating unit allocations.~~

~~For use in each control period for the years 2004 through 2013, the number of NO_x tons apportioned to each NO_x Budget unit under 9 VAC 5-140-40 A-2 is as follows:~~

Plant	Plant_id	Point_id	NO_x Allocation (Tons per control period)
CELANESE ACETATE LLC (FORMERLY HOECHST CELANESE CORP)	0004	001	145
CELANESE ACETATE LLC (FORMERLY HOECHST CELANESE CORP)	0004	002	20
DAN RIVER INC (SCHOOLFIELD DIV)	0002	003	97
GEORGIA-PACIFIC - BIG ISLAND MILL	0003	002	98
GEORGIA-PACIFIC - BIG ISLAND MILL	0003	005	2
HONEYWELL INTERNATIONAL INC	0026	10B	98
HONEYWELL INTERNATIONAL INC	0026	10C	143
INTERNATIONAL PAPER - FRANKLIN (FORMERLY UNION CAMP CORP/FINE PAPER DIV)	0006	017	71
ST. LAURENT PAPER PRODUCTS CORP.	0001	002	284
WESTVACO CORP	0003	001	810
WESTVACO CORP	0003	004	763
WESTVACO CORP	0003	005	148
WESTVACO CORP	0003	011	5

]

PART II. (Reserved.)

VA.R. Doc. No. R99-149; Filed March 5, 2001, 2:35 p.m.

Suspension of Regulatory Process

Title of Regulation: **9 VAC 5-140. Regulation for Emissions Trading.**

NOTICE OF REOPENING OF PUBLIC COMMENT PERIOD FOR PROPOSED REGULATION REVISION D98

Notice is hereby given in accordance with § 2.2-4007 J of the Code of Virginia and the requirements of Section 110(a)(1) of the federal Clean Air Act that the State Air Pollution Control Board is seeking comments on changes made to its proposed regulation entitled: Regulation for Emission Trading (9 VAC 5 Chapter 140). Notice is also given that the board is

suspending the effective date of this regulatory action (Revision D98).

SUMMARY OF REGULATION: The NO_x Budget Trading Program is a means of mitigating the interstate transport of ozone and nitrogen oxides. The implementing regulation includes the following provisions: applicability, permitting, allowance allocation methodology (initial, subsequent and set-aside), monitoring, banking, compliance supplement pool, and compliance determination. Electric generating units (EGUs) with a generating capacity greater than 25 MWe and nonelectric generating units (nonEGUs) with a heat input capacity greater than 250 mmBtu are subject to the regulation. There are opt-in provisions for smaller EGUs and nonEGUs not subject to the regulation.

EPA has established an annual regional trading budget of NO_x allowances (measured in tons) and assigned each state a portion of the regional budget. The Commonwealth is given the responsibility to allocate its portion of the NO_x budget allowances to the affected units. EPA administers most other aspects of the trading program. The NO_x allowance allocations are to be determined through a methodology based upon emission rates multiplied by actual heat input and distributed pro rata. Owners must have sufficient NO_x allowances to cover the emissions from their affected units during the summer months of May 1 through September 30, otherwise known as the control period. If the allowances allocated by the state are insufficient, additional allowances may be purchased from the regional market or any banked allowances may be used to offset the amount of NO_x generated above the allocated allowances. If a unit does not use all of its allowances for a specific control period, those extra tons may be banked for future use or sold. The annual allowance budget for EGUs is 17,091 tons per control period and for nonEGUs, 4,104 tons per control period. A portion of the budget is set-aside for units that are not operational when the state makes its periodic allocation of allowances. The set-aside for the initial allocation period (2004 through 2008) is 2,032 tons per control period (855 tons from the EGU budget and 1,177 tons from the nonEGU budget).

At the end of each control period, owners found to be out of compliance (i.e., actual emissions exceed the allowances in their account) will be forced to surrender allowances for the next year on a ratio of 3:1 (i.e., for every ton over the allowances in their account, three tons will be forfeited from the next year's allocation).

BACKGROUND AND NOTICE OF REOPENING: On July 16, 2001, the board published for public comment a proposed regulation concerning emissions trading. In response to that request, comments were submitted that resulted in several changes being made to the original proposal, primarily to meet changes in the Code of Virginia. On February 27, 2002, the board adopted the final regulation concerning emissions trading, with an effective date according to § 2.2-4012 B of the Administrative Process Act. The final regulation as adopted is being published in the Virginia Register on March 25, 2002.

Under § 2.2-4007 J of the Code of Virginia, an agency must reopen a regulation for public comment (i) if it makes substantive changes to a proposed regulation before adoption

of the final and (ii) if at least 25 persons petition for an opportunity to submit oral and written comments on the changes to the proposed regulation. The opportunity to comment is limited to the changes to the proposed regulation. Due to the nature of the changes made to the proposed regulation, the board recognizes that they are substantive. Because of the substantive nature of these changes, the board finds it prudent to expedite this process by opening the regulation for public comment when it is published in the Virginia Register rather than waiting for the a petition to materialize.

The board is now reopening the proposal (Revision D98) for public comment on those changes to the final regulation and suspending the effective date of the final regulation. **THE BOARD IS RECEIVING COMMENT ONLY ON THE CHANGES THE BOARD MADE TO THE PROPOSED REGULATION TO MAKE IT FINAL. THESE CHANGES ARE SHOWN IN BRACKETS IN THE FINAL VERSION OF THE REGULATION PUBLISHED IN THIS ISSUE OF THE VIRGINIA REGISTER. ALL COMMENTS MADE IN RESPONSE TO THE ORIGINAL NOTICE OF PUBLIC COMMENT ISSUED ON JULY 16, 2001, ARE NOT CONSIDERED VALID FOR PURPOSES OF THIS NOTICE AND WILL NOT BE CONSIDERED IN MAKING THE DECISION ON THE FINAL REGULATION.**

The initial allocations for the affected units (EGUs and nonEGUs) are not included in the final regulation. The initial allocations are being accomplished outside the regulatory adoption process using procedures (briefly outlined below) prescribed in the regulation. The board is also receiving comment on the initial allocations made to the affected units. The list of the affected units and their proposed allocations is available from the agency contact listed below.

- Allocations go to units that commence operation by May 1, 1998, for the years 2004 – 2008.
- Allocations based on heat input multiplied by the core emission rate.
- Heat input is the average of the two highest heat inputs for the years 1995 through 1999.
- Core emission rates are as follows:
 - EGU: 0.15 lbs/million Btu
 - nonEGU: 0.17 lbs/million Btu

SUMMARY OF CHANGES TO ORIGINAL PROPOSED REGULATION: A number of substantive changes have been made to the original proposal; they are enumerated below. The changes are derived from (i) changes in the Code of Virginia, (ii) comments made by the general public during the public comment period on the original proposal, (iii) comments made by EPA during the public comment period on the original proposal and during subsequent discussions and negotiations, and (iv) clarifications and other improvements noted by DEQ staff during subsequent reviews.

1. The 25 ton exemption has been changed to limit its use to only those units that burn gas or oil and to use the allocation methodology in 40 CFR Part 97 to allocate allowances. [9 VAC 5-140-40 B]

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2. The applicability definitions and criteria have been changed to use the provisions from 40 CFR Part 97 for nonEGUs, as opposed to those found in 40 CFR Part 96. [9 VAC 5-140-20 and 40 A]

3. The values of the emissions budgets for both EGUs and nonEGUs and the compliance supplement pool have been changed to use the EPA numbers from 40 CFR Part 97. [9 VAC 5-140-910, 920 and 930]

4. The method for promulgating the emissions budget for EGUs and the compliance supplement pool has been changed to incorporate the EPA numbers (from 40 CFR Part 97) by reference, as opposed to including the budget numbers in the regulation. [9 VAC 5-140-910 and 920]

5. The initial allocations for the individual units are not included in the regulation. The initial and subsequent allocations will be accomplished outside the regulatory process. [9 VAC 5-140-940 and 950]

6. The allocation periods have been changed to use the periods in 40 CFR Part 97, as opposed to the initial allocation period of ten years and subsequent period of one year. 40 CFR Part 97 provides the same initial and subsequent allocation periods (five years) for both EGUs and nonEGUs. [9 VAC 5-140-410 A through C and 420 A through C]

7. The basis for the allocations for new sources (those commencing operation after May 1, 1998) has been changed to provide that the allocation be based on the lesser of the most stringent state or federal emission limitation or the core emission rate, as opposed to the lesser of the permit limit or core emission rate. In cases where a unit is subject to a permit which provides for the use of multiple fuels, the primary fuel shall be used as the basis to determine the most stringent state or federal NO_x emissions limitation. [9 VAC 5-140-20 and 420 B, C and D]

8. Provisions for a new source allocation set aside for have been added to the regulation. The set aside is formed by withholding allowances from both (EGU and nonEGU) source categories. The set aside from the EGU budget is five percent for the years 2004 through 2008 and two percent for the years 2009 & later. The set-aside from the nonEGU budget is the difference between the sum of the initial allocations for the individual units and the non-EGU emissions budget in 40 CFR Part 97. [9 VAC 5-140-20 and 420 D and E]

9. The methodology in 40 CFR Part 97 is used for distribution of the new source set-asides for both EGUs and nonEGUs. Although the set aside comes from the emissions budget for each of the two source categories, there is only one set-aside that may be distributed to any unit regardless of source category. The set-aside is distributed pro-rata to all requesting a portion of the set-aside. This provides a system whereby any unit is eligible for the set-aside if it did not receive an initial allocation and was issued a first time permit prior to January 1 of the year of distribution of the set-asides. EPA will confiscate the allocations for any control period, or portion thereof, during

which the unit does not operate. [9 VAC 5-140-420 D, E and F]

10. The regulation (which is based on 40 CFR Part 96) has been changed to be consistent with some of the more flexible provisions of 40 CFR Part 97. [throughout]

REQUEST FOR COMMENTS: Along with suspending the effective date of the regulatory action (Revision D98), the purpose of this notice is to provide the public with the opportunity to comment on (i) changes made to the proposed regulation and (ii) allowance allocations made to the affected units pursuant to the regulation. **All comments must be received by the department by 4:30 p.m. on April 24, 2002, to be considered.** It is preferred that all comments be provided in writing to the department, along with any supporting documents or exhibits; however, oral comments will be accepted at the meeting. Comments may be submitted by mail, facsimile transmission, e-mail, or personal appearance at the meeting mentioned below; however, all written comments not provided at the meeting must be submitted to the agency contact listed below. Comments by facsimile transmission will be accepted only if followed by receipt of the signed original within one week. Comments by e-mail will be accepted only if the name, address, and phone number of the commenter are included. All testimony, exhibits and documents received are a matter of public record.

PUBLIC MEETING: A public meeting will be held by the Department of Environmental Quality to accept public testimony on (i) changes made to the proposed regulation and (ii) allowance allocations made to the affected units pursuant to the regulation. The date, time and location of the meeting is shown below:

April 24, 2002
10:00 a.m. - Public Meeting
Conference Room, Lower Level, Main Street Centre, 600 East Main Street, Richmond, Virginia

ACCESSIBILITY TO PERSONS WITH DISABILITIES: This meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Alma Banks at the Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 698-4070 or TDD (804) 698-4021. Persons needing interpreter services for the deaf must notify Ms. Banks no later than April 8, 2002.

AGENCY CONTACT: The department contact for any questions about the proposal or this notice is:

Mary E. Major
Environmental Program Manager
Office of Air Regulatory Development
Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240
phone: (804) 698-4423
fax: (804) 698-4510
email: mlmajor@deq.state.va.us

STATUTORY AUTHORITY: §§ 10.1-1308 and 10.1-1322.3 of the Code of Virginia.

LOCATION OF PROPOSAL: The proposal may be examined at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and at the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

South Central Regional Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
806 Westwood Office Park
Fredericksburg, Virginia 22401
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

VA.R. Doc. No. R99-149; Filed March 5, 2002, 2:36 p.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **14 VAC 5-80. Rules Governing Variable Life Insurance (repealing 14 VAC 5-80-160 through 14 VAC 5-80-190).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: March 31, 2002.

Summary:

The amendments repeal Article V (14 VAC 5-80-160 et seq.), which relates to reserve liabilities for variable life insurance. On and after March 31, 2002, the Bureau of Insurance will require that insurers establish, maintain, and report reserve liabilities for variable life insurance in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual and as provided by §§ 38.2-1300 and 38.2-1301, Article 3 (§ 38.2-1311 et seq.) of Chapter 13 and Article 3 (§ 38.2-3126 et seq.) of Chapter 31 of Title 38.2 of the Code of Virginia.

Agency Contact: Ern Johnson, Life Actuary, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, 6th Floor, Richmond, VA 23219; mailing address P.O. Box 1157, Richmond, VA 23218; telephone (804) 371-9589, FAX (804) 371-9511; e-mail ejohnson@scc.state.va.us

AT RICHMOND, MARCH 6, 2002

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS020002

Ex Parte: In the matter of
Repealing Certain of the Rules
Governing Variable Life
Insurance

ORDER REPEALING REGULATION

WHEREAS, by order entered herein January 8, 2002, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to March 1, 2002, repealing 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190, as proposed by the Bureau of Insurance, unless on or before March 1, 2002,

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any person objecting to the proposed repeal filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the January 8, 2002, Order also required all interested persons to file their comments in support of or in opposition to the proposed repeal on or before March 1, 2002;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, as of the date of this Order, no comments have been filed with the Clerk of the Commission;

WHEREAS, the Bureau has recommended that 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 be repealed; and

THE COMMISSION, having considered 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190, and the Bureau's recommendation, is of the opinion that 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 should be repealed;

THEREFORE, IT IS ORDERED THAT:

(1) Certain of the rules in Chapter 80 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Variable Life Insurance" and specifically designated as 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190, should be, and it is hereby, REPEALED to be effective March 31, 2002;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the repeal of 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 by mailing a copy of this Order to all insurers licensed and authorized to offer any form of life insurance or annuities as defined by §§ 38.2-102 through 38.2-107.1 of the Code of Virginia; and by forwarding a copy of this Order to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirement of paragraph (2) above.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:10 VA.R. 1294-1296 January 28, 2002, without change. Therefore, pursuant to § 2.2-4031 of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R02-111; Filed March 6, 2002, 11:31a.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

The distribution lists that are referenced as Appendices A through C in the following order are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 20 VAC 5-423. Rules Governing the Discontinuance of Local Exchange Telecommunications Services Provided by Competitive Local Exchange Carriers.

Statutory Authority: § 12.1-13 of the Code of Virginia.

Effective Date: March 6, 2002.

Summary:

The regulations establish the specific duties to be met by both competitive local exchange carriers (CLECs) and incumbent local exchange carriers (ILECs) before local exchange service in Virginia may be discontinued by any CLEC. The rules cover both full or partial discontinuance of service (i.e., such as discontinuing in a specific geographic area) by CLECs as well as requirements for withdrawing and obsoleting individual tariffed service offerings.

Major changes from the rules attached to the June 20, 2001, Order for Notice and Comment or Requests for Hearing include: removing the need for formal petitions in some instances and replacing it with notification to the commission; removing prior commission approval of customer notices and replacing it with specifics as to the required minimum information that should be included in customer notices; and deleting formal petitions to withdraw or make obsolete service offerings by a CLEC and replacing it with providing proposed tariff revisions to the commission.

The commission believes that these rules are necessary to protect the public interest and, specifically, customers of CLECs from the potential disruption of telecommunications services without adequate notice. Additionally, the rules provide the CLEC the clear and specific requirements regarding discontinuance of service and set forth the responsibilities of the ILECs in Virginia with regard to CLECs and discontinuance of service.

Agency Contact: Sheree King, Division of Communications, State Corporation Commission, 1300 E. Main Street,

Richmond, Virginia 23219, telephone (804) 371-9707 or e-mail sking@scc.state.va.us. Copying costs are \$1.00 for the first two pages and 50¢ for each additional page (see § 13.1-617 of the Code of Virginia).

AT RICHMOND, MARCH 5, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC010128

Ex Parte: In the matter of establishing rules governing the discontinuance of local exchange telecommunications services provided by competitive local exchange carriers

ORDER PROMULGATING RULES
GOVERNING THE DISCONTINUANCE OF LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES
BY COMPETITIVE LOCAL EXCHANGE CARRIERS
AND REQUESTING FURTHER COMMENTS

The State Corporation Commission ("Commission") initiated a rulemaking in the above-captioned proceeding on June 20, 2001,¹ to address the potential disruption of local exchange telecommunications services to customers of competitive local exchange carriers ("CLECs").

Background

The Commission noted in the Order For Notice and Comment that the increasing financial difficulties facing CLECs have resulted in a number of bankruptcy filings. In fact, even more recent events in the financial markets have also forced a number of other CLECs to reevaluate their business plans, and some have pulled out of certain markets or selected states. The Commission is aware that customers in Virginia have certainly been impacted by these events as evidenced by the number of requests filed by CLECs to discontinue service in the Commonwealth.²

¹ On June 20, 2001, the Commission issued an Order for Notice and Comment or Requests for Hearing ("Order For Notice and Comment"), which proposed Rules Governing the Discontinuance of Local Exchange Telecommunications Services Provided by Competitive Local Exchange Carriers ("Discontinuance Rules"). On July 27, 2001, the Commission issued an Order Granting Extension of Time to file comments.

² The following CLECs have been granted authority to discontinue service since June 2001: Broadslate Networks of Virginia, Inc. (PUC020016, Order issued 2/21/02); BroadStreet Communications of Virginia, LLC (PUC010258, Order issued 12/28/01, and PUC010198, Orders issued 10/19/01 and 11/21/01); Rhythms Links, Inc. – Virginia (PUC010177, Orders issued 9/5/01 and 11/9/01); OnSite Access Local, LLC (PUC010173, Order issued 12/19/01); 2nd Century Communications of Virginia, Inc. (PUC010160, Order issued 8/28/01); BroadBand Office Communications – Virginia, Inc. (PUC010147, Order issued 8/3/01); FairPoint Communications Corp. – Virginia (PUC010248, Order issued 1/10/02); and Teligent of Virginia, Inc. (PUC010245, Order issued 12/14/01). In addition, the following CLECs have been granted authority to cancel certificates since June 2001: LightSource Telecom II, LLC (PUC010259, Order issued 1/10/02); NewSouth Communications of Virginia, Inc. (PUC010250, Order issued 12/19/01); MPower Communications of Virginia, Inc. (PUC010247, Order issued 12/19/01); PICUS Communications LLC (PUC010210, Order issued 11/21/01); OpenBand of Virginia, Inc. (PUC010159, Order issued 11/7/01); Connectiv Communications of Virginia, Inc. (PUC010149, Order issued 7/31/01); Urban Media of Virginia, Inc. (PUC010137, Order issued 6/26/01);

Notice and Comment

Pursuant to the Order For Notice and Comment, the proposed Discontinuance Rules were published in the *Virginia Register of Regulations* on July 16, 2001, and were made available in the office of the Commission's Clerk, as well as on the Commission's website.

Comments were filed by the Building Owners and Managers Association, International ("Building Owners and Managers"), XO Virginia, LLC ("XO"), ALLTEL Communications, Inc. ("ALLTEL"), Cox Virginia Telcom, Inc. ("Cox"), Virginia Cable Telecommunications Association ("Virginia Cable"), Cavalier Telephone LLC ("Cavalier"), AT&T Communications of Virginia, Inc. ("AT&T"), Verizon Virginia Inc. and Verizon South Inc. ("Verizon"), and Sprint Communications Company of Virginia, Inc., Central Telephone Company of Virginia, and United Telephone-Southeast Inc. ("Sprint/Central/United"). MCI WorldCom, Inc. ("WorldCom"), filed a letter in lieu of comments. No requests for hearing were received.

Most of the commenting CLECs urged the Commission to expand the application of all of the Discontinuance Rules to cover incumbent local exchange carriers ("ILECs"). However, this rulemaking was established specifically to promulgate rules and adopt procedures governing the discontinuance of local exchange telecommunications services by CLECs as required in the Rules Governing the Offering of Competitive Local Exchange Service, 20 VAC 5-400-180 ("Local Rules") at § D 7.³ The Commission declines to expand coverage of the Discontinuance Rules to the ILECs beyond the duties already established for the ILECs in these Rules.⁴

Cox proposes in its comments that the application of the Discontinuance Rules should be limited to the provision of basic local exchange telecommunications services. For example, under Cox's proposal, CLECs would not be required to obtain Commission approval to discontinue data-only services. We find that all customers of a CLEC should be afforded protection from unexpected discontinuance of service; therefore, we decline to limit the application of the Discontinuance Rules to only basic local exchange telecommunications services.

Comments by ALLTEL, Cavalier, and the Building Owners and Managers support a requirement that the Discontinuance Rules require ILECs to take back customers from discontinuing CLECs. All other comments opposed such a take-back requirement. The Commission is not convinced there is a need for such a take-back requirement and declines at this time to impose such duty on the ILECs within the context of the Discontinuance Rules. To the contrary, the Commission believes that customers and LECs (both ILECs and CLECs) are better served by allowing the customers of a

LightBonding.com VA Inc. (PUC010132, Order issued 6/26/01); and @Link Networks of Virginia, Inc. (PUC010126, Order issued 6/27/01).

³ Order for Notice and Comment, pp. 1-2.

⁴ See proposed Rule 20 VAC 5-423-80. Duties of ILECs. Additionally, Commission approval and notice requirements for ILECs proposing to withdraw or discontinue the offering of specific tariffed services are currently handled on a case-by-case basis. A separate rulemaking proceeding would be required to establish discontinuance rules for ILECs.

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discontinuing CLEC to move their service to the LEC of their choice whenever possible.

Further Comments Requested

The Commission recognizes that the complexities of "transferring" customers' service between carriers, particularly when a large number of a discontinuing carrier's customers must choose a new carrier in a very short timeframe, presents a risk that not all customers will be able to obtain service from a new LEC before their old CLEC discontinues service. Therefore, the Commission is considering whether it should prescribe specific procedures in the Discontinuance Rules to ensure that the transfer of customers from a discontinuing CLEC to other LECs will be as seamless and expedient as possible. XO has proposed such rules in its comments (pp. 10-12),⁵ filed July 30, 2001. The Commission finds that all parties may file further comments on these rules proposed by XO or offer alternative rules for our consideration.

Furthermore, as evidenced by a recent incident in Virginia, the Commission is concerned that these Discontinuance Rules, as modified herein, do not address certain situations that may prevent a CLEC from giving adequate notice to its customers before service is actually discontinued. In particular, if a CLEC is utilizing network services of another carrier other than the ILEC, it is possible that the underlying carrier's discontinuance of service to the CLEC for whatever reason (i.e., nonpayment for services by the CLEC) may result in the disruption of service to the CLEC's customers. While under this scenario it would still be expected that the CLEC would be required to file for discontinuance of service under the Discontinuance Rules, it may not have adequate time to do so if the underlying carrier is not obligated to provide sufficient advance notice to the CLEC. Therefore, the Commission is requesting comments and/or proposed rules from interested parties on whether it should adopt rules that govern the responsibilities of other carriers that provide network services to CLECs. These comments should address whether such rules are necessary to serve the public interest in Virginia and under what authority the Commission can require certain carriers (i.e., those that may be providing interstate service as back haul providers) to comply with any rules we may adopt.

NOW THE COMMISSION, upon consideration of the record of this Case, the comments filed, and the applicable law, is of the opinion and finds that the Discontinuance Rules set out in Attachment A hereto should be adopted.⁶

While it is not necessary for us to comment on each and every rule where we have made changes, several of the rules that were significantly revised from the earlier proposed rules warrant discussion. We would note that many of these revisions were made to reflect the underlying concerns expressed by the parties in this proceeding.

Rule 10⁷

A definition of "partial discontinuance" was added to this section.

Rule 20

The information required in a formal petition to discontinue the provision of service has been expanded in subsection A 1 to include the identification of the serving arrangements utilized by the CLEC. In addition, the Commission has added and clarified in subsections C 1 through 5 the minimum information that should be included in the notice sent to customers prior to discontinuance.

Rule 30

The information required in a formal petition for partial discontinuance has been expanded in subsections A 1, 2, and 5 to include the number and unexpired terms of affected customer contracts, whether the affected service is to be discontinued or made obsolete, and a description of the CLEC's notification efforts with copies of notices sent or proposed to be sent to affected customers.

In lieu of the Commission prescribing the actual notice and its form, which has been deleted in subsection B, the minimum information required for customer notice has been added in subsection C. Subsection D has been added to allow the Commission to require additional notice if it deems it necessary.

Rule 40

The requirement to file a formal petition for approval to withdraw a tariffed service offering has been deleted from subsection A. This has been replaced by a requirement for filing proposed tariff revisions for withdrawing a service with the Division of Communications.

In lieu of the Commission prescribing the actual customer notice for a request to withdraw a tariffed service, subsection C has been added to set out the minimum information required for the CLEC to include in its advance notice to affected customers.

Subsection E has been added to require Commission approval of the withdrawal of a tariffed service offering if notice is found to be inadequate or the public interest requires Commission approval.

Subsection F has been added to exclude services provided exclusively through customer contract arrangements from any authority granted in this section to withdraw a tariffed service.

Rule 50

The information required to be provided with proposed tariff revisions to obsolete a tariffed service offering has been expanded in subsection A, and the minimum information required to be given in customer notice has been included in subsection C.

⁵ Identified as 20 VAC 5-21-35. Requirements for Information and Service Transfer.

⁶ The Discontinuance Rules will not, however, negate the provisions of any order entered prior to these Discontinuance Rules becoming effective.

⁷ For convenience, each Discontinuance Rule discussed will be referred to in this short form. The full citation for this Discontinuance Rule is 20 VAC 5-423-10.

In addition, there is no longer a distinction between obsoleting a tariffed service and grandfathering it to existing customers with or without restrictions as previously set forth in subsections A and B. The proposed requirement in subsection B that required a CLEC to obtain approval from the Commission prior to obsoleting a tariffed service offering with restrictions on the customers' ability to retain the service has been eliminated.

Rule 80

The requirement of an ILEC to file a formal petition for approval to disconnect a CLEC in subsections A and B has been changed to filing notification with the Commission. However, the requirement for advance notice to the Commission and to the CLEC prior to the disconnection of a CLEC has been increased from thirty to sixty days in subsections B and C. Subsection E has been added to require any ILEC having sent notice to a CLEC of a proposed suspension or disconnection of service to also notify the Division of Communications within three (3) business days. The Commission notes that the addition of subsection E reflects the informal practice of some ILECs of alerting the Division of Communications beforehand of potential service interruptions, which should be continued.

Rule 90

Rule 90 has been added to provide for the Commission's authority to waive the application of any provision of the Discontinuance Rules.

Accordingly, IT IS ORDERED THAT:

- (1) The Discontinuance Rules, as set forth in 20 VAC 5-423-10 et seq., attached to this Order as Attachment A, are hereby adopted.
- (2) A copy of this Order and the Discontinuance Rules adopted herein shall be forwarded to the *Virginia Register of Regulations* for publication.
- (3) All parties are granted leave to file comments and/or proposed rules on the additional issues identified herein on or before April 1, 2002. All parties may then file reply comments on or before April 22, 2002.
- (4) This case is hereby continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in Appendix B; all other telecommunications carriers in Virginia as set out in Appendix C; Virginia Cable Telecommunications Association, 1001 East Broad Street, Suite 210, Richmond, Virginia 23219; Building Owners and Managers Association, International, Gerard Lavery Lederer, Miller & Van Eaton, 1155 Connecticut Avenue, Suite 100, Washington, D.C. 20036; Virginia Telephone Industry Association, 11 South 12th Street, Suite 310, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications and Economics and Finance.

CHAPTER 423.

RULES GOVERNING THE DISCONTINUANCE OF LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES PROVIDED BY COMPETITIVE LOCAL EXCHANGE CARRIERS.

20 VAC 5-423-10. Definitions.

The words and terms defined in 20 VAC 5-400-180 A shall have application to this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Bankruptcy petition" is the document that initiates a bankruptcy case under Title 11 of the United States Code (11 USC § 101 et seq.) and refers to either Chapter 7 for liquidation or Chapter 11 for reorganization of the debtor. The term includes both voluntary and involuntary bankruptcy petitions.

"Certificate" is the authority granted by the commission to a telephone utility to operate in the state pursuant to § 56-265.4:4 of the Code of Virginia.

"Competitive local exchange carrier" or "CLEC" shall have the same meaning as "new entrant" as defined in accordance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service (20 VAC 5-400-180 A).

"Discontinuance" is a permanent cessation of telephone operations by a CLEC to its customers or the termination of individual local exchange telecommunications service offerings to its customers.

"Grandfathered customers" means the continuation of service to current customers of a service or feature that has been obsoleted.

"Incumbent local exchange carrier" or "ILEC" shall have the same meaning as "incumbent local exchange telephone company" or "incumbent" as defined in accordance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service (20 VAC 5-400-180 A).

"Obsolete a service" is the discontinuance of a service or feature to new customers.

["Partial discontinuance" is a permanent cessation or grandfathering of customers of local exchange telecommunications service or services on a geographic basis, by functional type (e.g., resale) or by class (e.g., residential) by a CLEC to its customers.]

"Resale" occurs when a CLEC purchases telecommunications services on a wholesale basis from the ILEC and resells those services to its customers.

"Unbundled network element" or "UNE" includes the various physical and functional elements of an ILEC's network offered to CLECs on an unbundled basis as a requirement of the Telecommunications Act of 1996 (47 USC § 251(c)(3)).

20 VAC 5-423-20. Requirements for discontinuance.

A. A CLEC intending to cease operations and discontinue the provision of all local exchange telecommunications services in

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Virginia shall file a formal petition for authority to do so with the commission. The petition shall provide:

1. The number of affected customers [~~and~~ ,] types of service offerings provided [, and serving arrangements utilized (e.g., UNE-P, resale, UNE, or facilities-based)];
2. A description of customer notification efforts by the CLEC and copies of any written notice or notices sent or proposed to be sent to the CLEC's [affected] customers;
3. A full explanation of the reasons for the proposed discontinuance of operations, including any plan to transfer the CLEC's customers to other carriers; [~~and~~]
- [4. A request for cancellation of the CLEC's intrastate tariffs; and
4. 5.] A request for cancellation of the petitioning CLEC's certificate or certificates to provide local exchange telecommunications services and, if applicable, interexchange telecommunications services upon the approval for discontinuance of the CLEC's local exchange operations. If cancellation of the certificate or certificates is not requested, a concise statement of why the commission should not cancel the certificate or certificates [~~should~~ shall] be given.

B. Customers shall be provided at least 30 days' [written] notice [~~prior to~~ of the proposed] disconnection of service.

C. [~~The CLEC shall provide a toll-free number that customers may call with inquiries prior to the discontinuance of local exchange service.~~ At a minimum, customer notice shall include the following information:

1. Proposed date of discontinuance of service;
2. Reason for the proposed discontinuance of service;
3. Any plan to transfer customers to another carrier or carriers;
4. The customer's network information, if applicable (e.g., circuit identification information and carrier facility assignment information); and
5. A toll-free telephone number that customers may call with inquiries prior to the discontinuance of service.]

D. The commission shall determine if sufficient notice has been provided to customers and shall prescribe any additional notice requirements it deems necessary.

20 VAC 5-423-30. Requirements for partial discontinuance.

A. A CLEC intending to partially discontinue local exchange telecommunications services [~~on a geographic basis, by functional type (e.g., resale) or by class (e.g., residential),~~] shall file a formal petition for authority to do so with the commission. The petition shall provide:

1. The number of affected customers and types of service offerings provided [, including the number of any customers with term contracts and the term remaining on each];

2. [Whether the service or services are being discontinued or made obsolete;

3.] A full explanation of the reasons for partial discontinuance of service, including any plans to transfer the CLEC's affected customers to other services or carriers; [~~and~~]

- ~~3.~~ 4.] The proposed tariff revisions with a proposed effective date [- ; and

5. A description of customer notification efforts by the CLEC and copies of any written notice or notices sent or proposed to be sent to the CLEC's affected customers.]

B. Customers shall be provided at least 30 days' [written] notice of the proposed [partial] discontinuation of service. [~~The commission shall prescribe the actual notice and its form; however, a CLEC may include the proposed notice with its petition.~~]

C. At a minimum, customer notice shall include the following information:

1. Proposed date of discontinuance of service or proposed date service will be made obsolete and the existing customers grandfathered;
2. Reason for the proposed discontinuance of service or the grandfathering of existing customers;
3. Any plan to transfer customers to another carrier or carriers, or if the service is being made obsolete and the existing customers grandfathered a description of any restrictions pertaining to those customers' ability to retain that service;
4. The customer's network information, if applicable (e.g., circuit identification information and carrier facility assignment information); and
5. A toll-free telephone number that customers may call with inquiries prior to the partial discontinuance.

D. The commission shall determine if sufficient notice has been provided to customers and shall prescribe any additional notice requirements it deems necessary.]

20 VAC 5-423-40. Requirements to withdraw a tariffed service offering.

A. A CLEC intending to withdraw a tariffed service offering currently provided to existing customers shall file [~~a formal petition for approval with the commission~~ its proposed tariff revisions with the Division of Communications at least 30 days prior to the proposed effective date]. [~~The petition~~ In addition, the CLEC] shall provide [with its proposed tariff revisions the following information]:

1. The number of affected customers [including the number of any customers with term contracts and the term remaining on each];

- [2. A description of customer notification efforts by the CLEC and copies of any written notice or notices sent or proposed to be sent to the CLEC's affected customers; and

[2. 3.] A full explanation of the reasons the CLEC proposes to withdraw the service offering, including a description of any alternative service offerings available from the CLEC [; and .]

[3. ~~The proposed tariff revisions with a proposed effective date.~~]

B. Customers shall be provided at least 30 days' [written] notice prior to the proposed effective date of the withdrawal of service. [~~The commission shall prescribe the actual notice and its form; however, the CLEC may file a proposed notice in its petition.~~]

C. [At a minimum, customer notice shall include the following information:

1. Proposed date for withdrawal of the service;
2. Reason for the proposed withdrawal of the service;
3. A description of any alternate service offerings available from the CLEC; and
4. A toll-free telephone number that customers may call with inquiries.

D.] A CLEC intending to withdraw a tariffed service offering not currently provided to any existing customers shall [~~file its proposed tariff administratively with the Division of Communications. The CLEC shall~~] provide an attestation with [~~the its~~] proposed tariff that it has no customers currently subscribing to the service offering.

[E. The commission may require a CLEC to obtain approval to withdraw a tariffed service offering filed in accordance with this section if it determines that notice was not adequate or that approval is required to protect the public interest.

F. Authority to withdraw a tariffed service offering under this section does not apply to a service or services that are provided to any customer exclusively through a contract arrangement with the CLEC.]

20 VAC 5-423-50. Requirements to obsolete a tariffed service offering.

A. A CLEC intending to obsolete a tariffed service offering and to grandfather it to its current customers [~~without restriction of those customers' ability to retain that service shall provide at least 30 days' written notice to the affected customers. The CLEC~~] shall file its proposed tariff revisions with the Division of Communications at least 30 days prior to the proposed effective date [~~and include a copy of the notice that was sent or will be sent to customers~~]. [In addition, the CLEC shall provide with its proposed tariff revisions the following information:

1. The number of affected customers, including the number of any customers with term contracts and the term remaining on each;
2. A description of customer notification efforts by the CLEC and copies of any written notice or notices sent or proposed to be sent to the CLEC's affected customers; and
3. A full explanation of the reasons the CLEC proposes to obsolete the service and grandfather the existing

customers, including a description of any alternative service offerings available from the CLEC.]

[~~The commission may require a CLEC to obtain approval to obsolete a tariffed service offering filed in accordance with this section if it determines that notice to customers was not adequate or that approval is required to protect the public interest.~~]

B. [~~A CLEC that proposes to obsolete a tariffed service offering and to grandfather current customers in a manner that restricts those customers' ability to retain the service shall be required to obtain approval from the commission in the same manner as for withdrawal of tariffed service in 20 VAC 5-423-40 currently provided to existing customers. Existing customers of the service being obsoleted shall be provided at least 30 days' written notice prior to the proposed effective date of the service being made obsolete.~~

C. At a minimum, customer notice shall include the following information:

1. Proposed date service will be made obsolete;
2. A description of any restrictions on the grandfathered customer's ability to retain the obsoleted service; and
3. A toll-free telephone number that customers may call with inquiries.

D. The commission may require a CLEC to obtain approval to obsolete a tariffed service offering filed in accordance with this section if it determines that notice to customers was not adequate or that approval is required to protect the public interest.]

20 VAC 5-423-60. Administrative cancellation of certificates.

A CLEC that is found to have ceased providing local exchange telecommunications services to its customers in Virginia without [~~providing proper notice to the commission and to its customers under~~] complying with the requirements of] 20 VAC 5-423-20 shall be in violation of this chapter, and each of its operating certificates may be administratively cancelled.

20 VAC 5-423-70. Bankruptcy requirements.

A CLEC that is the subject of a bankruptcy petition shall provide to the commission a complete copy of the bankruptcy petition and any [reorganization] plan filed under Chapter 11 of the Bankruptcy Code. Within seven days of a bankruptcy petition being filed by or against a CLEC or its corporate parent, the CLEC shall provide written notice of such bankruptcy petition to the commission. The written notice shall include the following information and be updated as necessary:

1. Whether the CLEC currently provides service offerings to customers in Virginia and the number of its customers and types of services provided; [and]
2. The name, address, and telephone number of any trustee in bankruptcy [; ~~and~~ .]

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[~~3. A proposed plan to notify the CLEC's customers of potential discontinuation of their local exchange telecommunications services as a result of the bankruptcy petition.~~]

20 VAC 5-423-80. Duties of ILECs.

A. An ILEC shall not, for nonpayment of charges by the CLEC to the ILEC, disconnect services provided to a CLEC that could reasonably be expected to result in disconnection of the CLEC's customers without [~~approval of~~ notification to] the commission.

B. An ILEC proposing to disconnect a CLEC's resale customers shall file, if there is no pending proceeding commenced by the CLEC under this chapter, [~~a formal petition notification~~] with the commission [~~requesting approval~~] at least [~~30~~ 60] days prior to the proposed date of disconnection. [The ILEC shall provide a copy of this notification to the CLEC.] The [~~petition~~ notification to the commission] shall provide:

1. The number of CLEC resale customers to be disconnected and the proposed disconnection date;
2. The amount claimed to be owed to the ILEC by the CLEC [, including the identification of any disputed amounts];
3. A description of any efforts that the ILEC and the CLEC have taken to prevent disconnection or disruption of service to the CLEC's customers; [~~and~~]
4. Any proposal to notify or transfer the CLEC's resale customers to the ILEC or to other carriers [; and
5. Copies of any written disconnection notice or notices sent to the CLEC].

C. An ILEC proposing to disconnect other service offerings (e.g., UNEs) to a CLEC shall file, if there is no pending proceeding commenced by the CLEC under this chapter, [~~a formal petition notification~~] with the commission [~~requesting approval~~] at least [~~30~~ 60] days prior to the proposed date of disconnection. [The ILEC shall provide a copy of this notification to the CLEC.] The [~~formal petition~~ notification to the commission] shall provide:

1. [If available,] a description and quantification of the service offerings to the CLEC to be disconnected;
2. The amount claimed to be owed by the CLEC to the ILEC [, including the identification of any disputed amounts]; [~~and~~]
3. A description of any efforts that the ILEC and the CLEC have taken to prevent disconnection or disruption of service to the CLEC's customers [; and
4. Copies of any written disconnection notice or notices sent to the CLEC].

D. The ILEC shall make every effort to assist in the expedient and timely transfer of any customer of a CLEC that is discontinuing local exchange telecommunications services to that customer's new carrier. To prevent the disruption of service to customers in such circumstances, the ILEC shall be

required to implement expedited ordering procedures for the customer's new CLEC to follow.

[E. The ILEC shall notify the Division of Communications within three business days of any notice of proposed suspension or disconnection of service sent to a CLEC.

20 VAC 5-423-90. Commission authority.

The commission may, in its discretion, waive or grant exceptions to any of the provisions of this chapter.]

VA.R. Doc. No. R01-233; Filed March 6, 2002, 11:31 a.m.

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Title of Regulation: 22 VAC 15-10-10 et seq. Public Participation Guidelines (amending 22 VAC 15-10-10, 22 VAC 15-10-30, 22 VAC 15-10-40, 22 VAC 15-10-50, 22 VAC 15-10-60, and 22 VAC 15-10-70).

Statutory Authority: §§ 2.2-4007, 63.1-202 and 63.1-202.1 of the Code of Virginia.

Effective Date: May 1, 2002.

Summary:

This regulation describes the way the Child Day-Care Council will obtain public input when developing, revising or repealing a regulation. The regulation covers the following topics: petition from interested parties, solicitation of input, public hearings, and withdrawal of regulations. The proposed amendments provide for electronic transmission of information and make changes for clarity especially regarding the responsibilities of the Child Day-Care Council and Department of Social Services.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Arlene Kasper, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:2 VA.R. 184-186 October, 8, 2001, without change. Therefore, pursuant to § 2.2-4031 of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R99-236; Filed March 5, 2002, 3:23 p.m.

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-880. Child Support Enforcement Program (amending 22 VAC 40-880-10, 22 VAC 40-880-30, 22 VAC 40-880-60, 22 VAC 40-880-80, 22 VAC 40-880-110, 22 VAC 40-880-120, 22 VAC 40-880-130, 22 VAC 40-880-170, 22 VAC 40-880-190, 22 VAC 40-880-200 through 22 VAC 40-880-300, 22 VAC 40-880-320,

22 VAC 40-880-330, 22 VAC 40-880-340, 22 VAC 40-880-360, 22 VAC 40-880-380, 22 VAC 40-880-410, 22 VAC 40-880-430, 22 VAC 40-880-440, 22 VAC 40-880-480 through 22 VAC 40-880-520, 22 VAC 40-880-550, 22 VAC 40-880-560, 22 VAC 40-880-650, 22 VAC 40-880-670, 22 VAC 40-880-680, and 22 VAC 40-880-700; adding 22 VAC 40-880-385 and 22 VAC 40-880-720).

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

Effective Date: April 24, 2002.

Summary:

The amendments make the regulation consistent with new state and federal legislation and make changes to accurately reflect current policies and procedures.

More specifically, the changes (i) clarify that the department may request DMV to suspend or refuse to renew the driver's license of a person who fails to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; (ii) provide that when a putative father does not sign a sworn statement of paternity or does not voluntarily submit to genetic blood testing, the department shall order the putative father to submit to genetic testing; (iii) provide that all child support orders include a provision for medical support if the coverage is available at a reasonable cost; (iv) provide for additional enforcement remedies including interest, license suspension, financial institution data match, and high-volume administrative enforcement when possible for interstate cases; (v) allow electronic transmission of income withholding order on the employer; (vi) incorporate federal requirements that liens arise by operation of law; (vii) add enforcement remedies when an obligor is delinquent in the payment of child support by a period of 90 days or more or for \$5,000 or more; (viii) provide that the department shall release information concerning the noncustodial parent to consumer credit agencies; (ix) provide that when a protective order has been issued or the department otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be released; and (x) provide that the department may require advance payment for subsequent genetic testing when the original results are contested.

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

Agency Contact: Bill Brownfield, Department of Social Services, 730 East Broad Street, 4th Floor, Richmond, VA 23219, telephone (804) 692-2401, FAX (804) 692-2401 or e-mail whb900@dss.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:4 VA.R. 572-585 November 5, 2001, with the erratum incorporated as published in 18:7 VA.R. 1064 December 17, 2001, and with the change identified below. Pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not published at

length; however, the section that has changed since publication of the proposed and erratum are set out.

22 VAC 40-880-190. Administrative establishment of a child support obligation.

A. The department has statutory authority to establish child support obligations through noncourt ordered, legally enforceable ~~administrative means~~ *child support orders*. These administrative ~~obligations orders~~ have the same force and effect as a support ~~obligation order~~ established by the court. *These administrative orders shall contain the information listed in § 63.1-252.1 of the Code of Virginia.*

A- B. The amount of child support that is owed and the frequency with which it is paid must be established before the payment of child support can be enforced.

B- C. The administrative order shall be called the administrative support order.

~~C. The department shall use administrative rather than judicial means to establish the child support obligation whenever possible.~~

D. The department shall use *the administrative means support order* to establish a temporary child support obligation when judicial determinations of support are pending due to custody and visitation issues.

E. Within 90 calendar days of locating the ~~absent putative father or noncustodial parent, or of establishing paternity~~ [and] *except as shown in subsection H of this section*, the department shall ~~attempt to either ensure that establish an administrative child support order or petition the court to serve the putative father or noncustodial parent to establish a child support obligation is established~~, or shall diligently attempt to complete the service of process necessary for an obligation to be ordered.

F. When a court dismisses a petition for a support order without prejudice or an administrative hearings officer overrules an administrative support action, the department shall examine the reasons for the dismissal or overruling ~~and to determine when or if it would be further action is appropriate to seek an order in the future.~~

G. The child support obligation is established when an administrative support order has been served and the 10-day appeal period for the administrative order has elapsed.

H. A child support obligation shall not be established when the obligor is receiving Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or General Relief (GR) benefits.

VA.R. Doc. No. R99-87; Filed February 22, 2002, 2:19 p.m.



EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-560. Pertaining to Shellfish Management Areas (amending 4 VAC 20-560-20 and 4 VAC 20-560-50).

Statutory Authority: §§ 28.2-201, 28.2-210 and 28.2-503 of the Code of Virginia.

Effective Date: March 4, 2002.

Summary:

The amendments define the York Spit Reef Broodstock Management Area and prohibit harvesting of shellfish from this area.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-560-20. Shellfish management areas.

A. The York River Shellfish Management Area shall consist of all public grounds located inshore of a line beginning at the entrance to the Virginia Institute of Marine Science boat basin at Gloucester Point, running northwesterly to Buoy No. 30, thence northwesterly to Buoy No. 32, thence northwesterly to Buoy No. 34, then northwesterly to Pages Rock Buoy, thence northwesterly and ending at Clay Bank Wharf.

B. The Poquoson River Shellfish Management Area shall consist of all public grounds bounded by a line beginning at Hunts Point Survey Taylor and running northwesterly to Survey Station Spit, thence northeasterly to Survey Station Cabin North, thence east to Survey Station Cabin South, thence southeasterly following the general shoreline (not to include any creeks or canals) to the flag pole near Survey Station 80 at York Point, thence 175 degrees to Day Marker No. 14 and returning to Hunts Point Survey Taylor.

C. The Back River Shellfish Management Area shall consist of all current public clamming grounds bounded by a line from corner 3 on Shell Plant 115 through corner 17, a daymarker, on Shell Plant 115, 237.42 feet to a point being the point of beginning; thence southeasterly to corner number 1 Public Clamming Ground (PCG#12); thence southeasterly to corner number 3A Public Clamming Ground (PCG#12); thence northeasterly to corner number 3 Public Clamming Ground (PCG#12); thence northwesterly to corner number 2 Public Clamming Ground (PCG#12); thence southwesterly to the POB. Also, for a period of one year, throughout 1994, Shell Plant 115 will also be included in the Back River Shellfish Management Area.

D. The James River Broodstock Management Area is located inside Public Ground No. 1, Warwick County, south of the James River Bridge, further described as follows: Beginning at a corner number 611 (State Plane Coordinates North 249766.12 East 2596017.56); thence Grid Azimuth 308-39-51, 1074.35' to a corner number 613 (State Plane Coordinates

North 250437.32 East 2595178.68); thence Grid Azimuth 28-15-00, 366.30' to a corner number 614 (State Plane Coordinates North 250759.99 East 2595352.06); thence Grid Azimuth 132-36-45, 1114.51' to a corner number 612 (State Plane Coordinates North 250005.43 East 2596172.28); thence Grid Azimuth 212-53-03, 284.97' to a corner number 611, being the point of beginning, containing 8.04 acres.

E. The York River Broodstock Management Area shall consist of the area under any portion of the George P. Coleman Memorial Bridge, in addition to the area within 300 feet of the eastern, or downstream, side of the George P. Coleman Memorial Bridge and the area within 300 feet of the western, or upstream, side of the George P. Coleman Memorial Bridge.

F. The Newport News Shellfish Management Area shall consist of all current public clamming grounds bounded by a line beginning at the intersection of the James River Bridge and Public Ground No. 1, Warwick County, downstream side; thence east southeasterly along the boundary to corner #5, Public Ground No. 1, Warwick County; thence southeast along the boundary to a corner (249,066.55/2,595,681.74); thence northeast along the boundary to the intersection of a line between the James River Bridge and the northwest corner of Newport News Shipbuilding and Drydock Company shipyard near station "HELO," said line being perpendicular to the James River Bridge; thence southeast along the defined line to the northwest corner of the shipyard; thence downstream to the offshore end of the floating drydock; thence to the offshore end of shipyard pier #6 just south of "Stack"; thence to the offshore end of pier #2 (F R Priv); thence to FI Y "A" off the end of the pier just south of 23rd Street; thence to the offshore end of pier #9 (2 F Y siren); thence to the offshore end of the old coal pier downstream of pier #9; thence to navigational aid FI G "13"; thence to the northeast corner of the Fan Building on the south island of the Monitor Merrimac Bridge Tunnel; thence southerly along the downstream side of the Monitor Merrimac Bridge Tunnel to the first overhead light structure on the bridge tunnel north of the small boat channel hump; thence northwesterly to corner #3, lease #10091 (Hazelwood); thence northwesterly along the boundary to corner #2, lease #10091 (Hazelwood); thence southwesterly to corner #1, Public Ground No. 2, Nansemond County; thence northwesterly along the boundary to corner #6, at the intersection of Public Ground No. 2, Nansemond County, and Public Ground No. 6, Isle of Wight County; thence north northwesterly along the boundary to corner #614, Public Ground No. 6, Isle of Wight County; thence north northwesterly along the boundary to corner #2, Public Ground No. 6, Isle of Wight County; thence northwesterly along the boundary to the intersection of the James River Bridge and Public Ground No. 6, Isle of Wight County; thence northeasterly along the downstream side of the James River Bridge to the intersection with Public Ground No. 1, Warwick County, at the point of beginning.

G. The Back River Reef Broodstock Management Area shall consist of the area within a 2000' radius of the center buoy, with a position of 37° 08' 12" north, 76° 13' 54" west.

H. The Hampton Roads Shellfish Relay Area shall consist of all condemned clamming grounds bounded by a line beginning at the upstream side of the large fishing pier on the

southeast side of Old Point Comfort; thence upstream along the shoreline to Newport News Creek; thence to the southeast corner of the Monitor Merrimac Bridge Tunnel island along the downstream side, thence to F1 R "12"; thence to the northeast corner of the Fan Building on the southern island of the bridge tunnel; thence southerly along the downstream side of the bridge tunnel to the south line of Public Ground Number 1, Nansemond County; then easterly along the Public Ground to Craney Island Disposal Area; thence clockwise around the boundaries of the disposal area to its intersection with the shore; thence along the shore to the northeast corner of Craney Island; thence through navigational aid F1 G "21" to the point where it intersects a line drawn from the shoreward end of pier number 6 at Lamberts Point to the southeast corner of Tanner Point; thence along the shore to the point of intersection with the riprapped shoreline of the Hampton Roads Bridge-Tunnel island at Fort Wool; thence easterly around this island to its easternmost point; thence north northwesterly to the intersection of the shoreline and the upstream side of the large fishing pier on the east side of Old Point Comfort at the point of beginning.

I. The Middle Ground Light Broodstock Management Area shall consist of the area within a 1000' radius of the navigational light, with a position of 36° 56.7' north, 76° 23.5' west.

J. The York Spit Reef Broodstock Management Area shall consist of the area contained within the defined latitudes and longitudes: Northwest corner 37° 14.75'N - 076° 14.20'W, Northeast corner 37° 14.75'N - 076° 13.30'W, Southwest corner 37° 14.05'N - 076° 14.20'W, Southeast corner 37° 14.05'N - 076° 13.30'W.

4 VAC 20-560-50. Time of day and harvest restrictions.

A. It shall be unlawful for any person to harvest clams by patent tong from either the York River or Poquoson River Shellfish Management Area before sunrise or after 2 p.m.

B. It shall be unlawful for any person to harvest clams by patent tong from the Back River Shellfish Management Area before sunrise or after 4 p.m.

C. It shall be unlawful for any person to harvest clams by patent tong from either the York River, Poquoson River, Newport News or Back River Shellfish Management Area on Saturday or Sunday.

D. It shall be unlawful for any person to harvest any shellfish from the James River, Back River Reef, Middle Ground Light, *York Spit Reef*, or York River Broodstock Management Area at any time.

E. It shall be unlawful for any person to harvest clams by patent tong from the Newport News Shellfish Management Area before sunrise or after 2 p.m.

F. It shall be unlawful for any person to possess any amount of hard clams from the Newport News Shellfish Management Area or the Hampton Roads Shellfish Relay Area which consists of more than 2.0% by number of clams, which can be passed through a 1-3/8 inch inside diameter culling ring. The 2.0% allowance shall be measured by the marine patrol officer from each container or pile of clams.

GOVERNOR

EXECUTIVE ORDER 9 (2002)

COMMONWEALTH HIRING GUIDELINES

At all times the Commonwealth of Virginia must use its available resources efficiently and effectively. This is particularly true during any period of budgetary constraints. Given the recent decline in revenues brought on by deteriorating economic conditions in the nation and in Virginia, it is now necessary to implement hiring guidelines to ensure the best use of the Commonwealth's scarce resources and the high-quality, timely delivery of essential services.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia, and Sections 2.2-103, 2.2-200, and 2.2-214 of the Code of Virginia, and Section 4-7.01c of Chapter 1073 of the 2000 Acts of Assembly (2000 Appropriations Act), and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct all Cabinet Secretaries and agency heads of the Commonwealth of Virginia to use hiring policies and procedures that will manage employment in the Executive Department without adversely affecting the delivery of essential government services.

I hereby establish the following hiring procedures for all Secretaries and agency heads in the Executive Department effective immediately.

1. Prior written approval by the appropriate Secretary must be received before an agency may advertise or fill any vacant position.
2. Agency Heads will provide their respective Secretary with a request, using a format provided by the Secretary of Administration, for each position they wish to fill. For positions that qualify for continuous recruitment, the agency will submit one request.
3. The Secretary will review the agency request, and may approve or deny the request. The Secretary will provide a written decision to the respective agency head.

I hereby direct the Secretary of Administration to provide all executive branch agencies with appropriate procedures for complying with the provisions of this Executive Order.

State employees are one of the most valuable assets of the Commonwealth, and high quality and timely service delivery to our citizens is of the utmost importance. These guidelines for hiring will be implemented so long as they can be achieved without adversely affecting the delivery of essential services and without impairing important governmental functions. Therefore, the guidelines for hiring outlined herein shall not apply to positions assigned to agencies and institutions that provide direct services pertaining to public safety, patient care, and public health. These guidelines also shall not apply to:

1. State-supported colleges and universities, including the Virginia Community College System and state teaching hospitals.
2. The Department of State Police.
3. Licensing staff at the Department of Social Services.

4. Visitor services staff at state museums.

These procedural requirements are not to be construed to be in conflict with Section 4-6.05, Selection of Applicants for Classified Positions, and Section 4-7.01, Manpower Control Program, of Chapter 1073, 2000 Virginia Acts of Assembly, or with Sections 2.2-2900 through 2.2-2905 of the Code of Virginia (the Virginia Personnel Act). The information in the required reports does not address specific job applicants or previous administrative hiring actions and is intended to solely ensure that human and fiscal resources are managed efficiently and effectively.

This Executive Order rescinds Executive Order 26 (98), Maintaining a Lean, Efficient and Effective Government Workforce, issued by Governor James Gilmore.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until June 30, 2006, unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 22nd day of February 2002.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R02-132; Filed March 5, 2002, 8:53 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Meeting and Public Comment

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 Total Maximum Daily Loads (TMDLs) to address multiple fecal coliform bacteria impairments in the Catoctin Creek Watershed. The stream segments include a 6.0-mile segment of South Fork Catoctin Creek, a 10.5-mile segment of North Fork Catoctin Creek, and a 7.4-mile segment of Catoctin Creek (all stream measurements are approximate).

The Catoctin Creek Watershed impairments are located in Loudoun County. These stream segments are 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 bacteria.

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 third and final public meeting on the development of the Catoctin Creek Watershed fecal coliform TMDLs will be held on Tuesday, March 26, 2002, at 7 p.m. at the Old Stone Schoolhouse located at 37098 Charlestown Pike (Route 9), Hillsboro, Virginia. The final TMDL Draft Report (final water quality modeling results, and load allocations) will be presented.

The public comment period will end on April 22, 2002. A fact sheet on the development of the TMDLs for the multiple fecal coliform bacteria impairments in the Catoctin Creek Watershed is available upon request. Questions or information requests should be addressed to Kate Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, 22193, telephone (703) 583-3896, FAX (703) 583-3841 or e-mail kebennett@deq.state.va.us.

COMMISSION ON LOCAL GOVERNMENT

Schedule of Assessments of Mandates on Local Government

Pursuant to the provisions of §§ 2.2-613 and 15.2-2903(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Warner, represents the timetable that the listed executive agencies will follow in conducting their assessments of certain state and federal mandates on local governments that they administer. Such mandates are either new, newly identified, or have been previously assessed more than four years ago. In conducting these assessments, agencies will follow the process established by EXECUTIVE MEMORANDUM 1-98, which became effective October 13, 1998, succeeding EXECUTIVE MEMORANDUM 5-94. These mandates are abstracted in the CATALOG OF STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS as published by the Commission on Local Government.

For further information call Larry McMillan, Senior Policy Analyst, Commission on Local Government, at 786-6508, or visit the Commission's website at <http://www.clg.state.va.us>.

AGENCY/MANDATE SHORT TITLE	CODE NUMBER	ASSESSMENT PERIOD
<u>Compensation Board</u>		
Jail Inmate Reporting	SOA.CB004	2-1-02 to 4-30-02
Contract Inmate Classification Reporting	SOA.CB006	2-1-02 to 4-30-02
<u>Criminal Justice Services, Department of</u>		
Court-Appointed Special Advocate (CASA) Program	SPS.DCJS012	8-1-02 to 10-31-02
Comprehensive Community Corrections Program	SPS.DCJS013	10-1-02 to 12-31-02
Training Standards for Animal Control Officers	SPS.DCJS021	9-1-02 to 11-30-02
School Resource Officer Grants	SPS.DCJS022	8-1-02 to 10-31-02
Sexual Assault Services Grant Program	SPS.DCJS025	8-1-02 to 10-31-02
<u>Education, Department of</u>		
Employment of Licensed FTE Personnel	SOE.DOE009	2-1-02 to 3-31-02
Pupil/Teacher Ratios	SOE.DOE010	2-1-02 to 3-31-02
Provision of Support Services	SOE.DOE011	2-1-02 to 3-31-02
In-Service Programs for Local School Board Members	SOE.DOE012	3-1-02 to 4-30-02
Six-Year Improvement Plans	SOE.DOE014	3-1-02 to 4-30-02
Local School Division Policy Manuals	SOE.DOE026	3-1-02 to 4-30-02

General Notices/Errata

Professional Development for Teachers and Administrators	SOE.DOE027	3-1-02 to 4-30-02
In-Service Training in Assessment Measures	SOE.DOE028	4-1-02 to 5-31-02
Standards of Accreditation Requirements	SOE.DOE030	4-1-02 to 5-31-02
Program of Instruction for Grades K-12	SOE.DOE044	4-1-02 to 5-31-02
Developmentally Appropriate Learning Programs in Grades K-3	SOE.DOE045	4-1-02 to 5-31-02
Programs to Increase Numbers of Students Earning Diploma or GED	SOE.DOE046	5-1-02 to 6-30-02
Identification and Enrollment of Gifted Students	SOE.DOE051	5-1-02 to 6-30-02
Education Alternatives for Students	SOE.DOE052	5-1-02 to 6-30-02
Programs for Educationally At-Risk Students	SOE.DOE053	5-1-02 to 6-30-02
Plans and Procedures for Measuring Progress of At-Risk Students	SOE.DOE054	6-1-02 to 7-31-02
Adult Education Programs	SOE.DOE055	6-1-02 to 7-31-02
Career Education Programs	SOE.DOE056	6-1-02 to 7-31-02
Pupil Personnel Services in Grades K-12	SOE.DOE058	7-1-02 to 8-31-02
Administration of Criterion Referenced Tests	SOE.DOE059	7-1-02 to 8-31-02
Literacy Passport Tests	SOE.DOE060	3-1-03 to 4-30-03
Units of Credit for High School Diplomas	SOE.DOE061	7-1-02 to 8-31-02
Competency-Based Vocational Education Programs	SOE.DOE062	7-1-02 to 8-31-02
Academic and Vocational Education Programs	SOE.DOE063	8-1-02 to 9-30-02
Early Identification and Placement of Students with Disabilities	SOE.DOE069	8-1-02 to 9-30-02
Reduces Class Size Grant	SOE.DOE075	8-1-02 to 9-30-02
At-Risk Four-Year-Old Preschool Grant	SOE.DOE076	8-1-02 to 9-30-02
School/Community Health Center	SOE.DOE077	6-1-02 to 7-31-02
Electronic Classroom	SOE.DOE078	9-1-02 to 10-31-02
Limited English Proficient Students	SOE.DOE079	9-1-02 to 10-31-02
Educational Technology Grant	SOE.DOE080	9-1-02 to 10-31-02
Family Life Education Materials	SOE.DOE081	9-1-02 to 10-31-02
Early Intervention Services to Primary Grade Students	SOE.DOE091	10-1-02 to 11-30-02
Internet Use Policy	SOE.DOE105	10-1-02 to 11-30-02
Character Education	SOE.DOE106	10-1-02 to 11-30-02
Legal Opinion Required for Literary Fund Loan	SOE.DOE108	11-1-02 to 12-31-02
Families in Education Incentive Grants Program	SOE.DOE109	3-1-03 to 4-30-03
Virginia Public School Educational Technology Grants	SOE.DOE110	11-1-02 to 12-31-02
Evaluation of Superintendent	SOE.DOE111	11-1-02 to 12-31-02
<u>Environmental Quality, Department of</u>		
Waste Tire Grant	SNR.DEQ027	6-1-02 to 8-31-02
<u>Forestry, Department of</u>		
Virginia Dry Fire Hydrant Grant Program	SCT.DOF005	6-1-02 to 8-31-02
<u>Health, Department of</u>		
Communicable Disease Services Required	SHHR.VDH002	4-1-02 to 6-30-02
Child Health Service Program	SHHR.VDH003	9-1-02 to 11-30-02
Maternal Health Services Program	SHHR.VDH004	9-1-02 to 11-30-02
Family Planning Services Program	SHHR.VDH005	9-1-02 to 11-30-02
Environmental Health Services Program	SHHR.VDH006	9-1-02 to 11-30-02
Optional Communicable Disease Services Program	SHHR.VDH008	4-1-02 to 6-30-02
Optional Child Health Services Program	SHHR.VDH009	9-1-02 to 11-30-02
Optional Maternal Health Services Program	SHHR.VDH010	9-1-02 to 11-30-02
Optional Family Planning Services Program	SHHR.VDH011	9-1-02 to 11-30-02
Optional General Medical Services Program	SHHR.VHD012	4-1-02 to 6-30-02
Optional Dental Health Services Program	SHHR.VHD013	9-1-02 to 11-30-02
Emergency Medical Services Licensing	SHHR.VHD014	4-1-02 to 6-30-02
Local Health Care Facility Licensing	SHHR.VHD015	4-1-02 to 6-30-02
Local Health Facility Medicaid Requirements	SHHR.VHD016	4-1-02 to 6-30-02
Restaurant, Hotel, Summer Camp Licensing	SHHR.VHD017	9-1-02 to 11-30-02
Vital Records and Health Statistics Report	SHHR.VHD018	9-1-02 to 11-30-02
Public Water System Permit	SHHR.VHD019	4-1-02 to 6-30-02
Sanitary Regulation of Marinas Compliance	SHHR.VHD020	4-1-02 to 6-30-02
Sewage Treatment and Water Quality Standards	SHHR.VHD021	9-1-02 to 11-30-02
Certificate of Public Need Requirements for Local Health Facilities	SHHR.VHD023	4-1-02 to 6-30-02

General Notices/Errata

Local Clinical Laboratory Facility Requirements	SHHR.VHD024	4-1-02 to 6-30-02
<u>Library of Virginia</u>		
Library Acceptable Internet Use Policy	SOE.LVA006	4-1-02 to 6-30-02
<u>Medical Assistance Services, Department of</u>		
State/Local Hospitalization Program	SHHR.DMAS001	6-1-02 to 8-31-02
<u>Social Services, Department of</u>		
Staffing Reports Required	SHHR.DSS007	2-1-02 to 3-31-02
Out-of-Family Complaints Investigations	SHHR.DSS011	7-1-02 to 9-30-02
Family-Based Social Services Policy	SHHR.DSS029	8-1-02 to 10-31-02
Family Preservations Services Requirements	SHHR.DSS030	8-1-02 to 10-31-02
Child-Protective Services Requirements	SHHR.DSS031	8-1-02 to 10-31-02
Foster Care Services	SHHR.DSS032	8-1-02 to 10-31-02
Preparation Assistance For Court-Ordered Evaluations	SHHR.DSS034	1-1-03 to 3-31-03
Long-Term Care Services Committee Required	SHHR.DSS035	1-1-03 to 3-31-03
Adult Protective Services Requirements	SHHR.DSS037	1-1-03 to 3-31-03
Adult Family Care Program Requirements	SHHR.DSS038	10-1-02 to 12-31-02
Victims Of Spouse Abuse Services Requirements	SHHR.DSS039	6-1-02 to 8-31-02
Persons Discharged From Hospital Services Requirements	SHHR.DSS040	1-1-03 to 3-31-03
Home-Based Services Requirements	SHHR.DSS041	6-1-02 to 8-31-02
Long-Term And Transitional Child Day Care Services	SHHR.DSS042	9-1-02 to 11-30-02
Food Stamp, Employment, And Training (Fset)	SHHR.DSS043	2-1-03 to 4-30-03
Child Day Care Services For Certain Low-Income Recipients	SHHR.DSS045	1-1-03 to 3-31-03
Integration Of Community Services Requirements	SHHR.DSS046	10-1-02 to 12-31-02
In-Take Services	SHHR.DSS047	5-1-02 to 7-31-02
Case-Management Services	SHHR.DSS048	1-1-03 to 3-31-03
Approval of Out-of-Home and In-Home Providers	SHHR.DSS050	10-1-02 to 12-31-02
Local Government's Child-Care Centers, Camps Licensure	SHHR.DSS051	7-1-02 to 9-30-02
Confidentiality of Client Social Services Program Records	SHHR.DSS052	7-1-02 to 9-30-02
Adult Day-Care Centers, Homes Licensing Requirements	SHHR.DSS053	7-1-02 to 9-30-02
Spouse Abuse Grant	SHHR.DSS058	6-1-02 to 8-31-02
Child Abuse and Neglect Prevention Grant	SHHR.DSS059	9-1-02 to 11-30-02
Child Abuse and Neglect Treatment Grant	SHHR.DSS060	6-1-02 to 8-31-02
New Hires Reporting	SHHR.DSS065	10-1-02 to 12-31-02
Fraud Control Program	SHHR.DSS066	6-1-02 to 8-31-02
<u>State Police, Department of</u>		
Criminal Firearms Clearinghouse	SPS.VSP008	3-1-02 to 5-31-02
<u>Technology Planning, Department of</u>		
Information Technology Access for the Visually Impaired	SOTECH.DTP001	4-1-02 to 6-30-02
<u>Transportation, Department of</u>		
Local Transportation Improvement District	STO.VDOT028	4-1-02 to 6-30-02
Highway Safety Improvement Program (HSIP)	STO.VDOT029	9-1-02 to 11-30-02
<u>Virginia Board for People with Disabilities</u>		
Development Disabilities Grant	SHHR.VBPD001	10-1-02 to 12-31-02

DEPARTMENT OF TRANSPORTATION

Notice of Periodic Review of Regulations

Pursuant to Executive Order Number 25(98), the Virginia Department of Transportation has scheduled the regulation listed below for review. If any changes are deemed necessary,

VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment regarding the following question:
Does the regulation meet the following goals?

General Notices/Errata

1. Protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.
2. Ensure integrity of the transportation infrastructure.

Regulation Title: General Rules and Regulations of the Commonwealth Transportation Board.

Subject: Establishes overall policies, procedures, and conditions under which work may be performed on state-owned right of way.

APA Exemption: None

VAC Number: 24 VAC 30-20

Comments may be submitted from March 30, 2002, through April 22, 2002, to David L. Roberts, Policy Analyst Senior, Quality Assurance and Strategic Management Division, Room 712, Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-3620, FAX (804) 371-0074 or e-mail David.Roberts@virginiadot.org.

* * * * *

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required to comply with applicable statute or other directives.

VDOT seeks public comment regarding the following question: Does the regulation meet the following goals?

1. Ensure VDOT complies with applicable policies, procedures, and statutes concerning procurement of contractors.
2. Ensure that audits of the procurement process are satisfactory.
3. Protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
4. Is the regulation written clearly and understandably?

Regulation Title: Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders.

Subject: Establishes overall policies, procedures, and conditions firms must meet to compete for contracts awarded by the Commonwealth Transportation Board.

APA Exemption: § 2.2-4002 B 2 of the Code of Virginia

VAC Number: 24 VAC 30-130

Comments may be submitted from April 1, 2002, through April 22, 2002, to R.C. Edwards, Assistant Construction Division Adm., Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-2945, FAX (804) 371-7896 or e-mail RobertC.Edwards@virginiadot.org.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Pilot Corporation Pilot Travel Center #291

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Pilot Corporation (permittee) regarding Pilot Travel Center #291 (Pilot Oil) located in Caroline County, Virginia.

Pilot Oil is subject to VPDES Permit No. VA0083411. The order requires that the permittee submit an updated Operations and Maintenance Manual or confirmation statement and ensure discharge monitoring reports are properly filled out and submitted on time. The permittee has agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through April 24, 2002. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to saokes@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3863, in order to examine or to obtain a copy of the order.

Proposed Consent Special Order Q-Markets, Inc.

The State Water Control Board proposes to issue a consent special order to Q-Markets, Inc., to resolve certain alleged violations of environmental laws and regulations occurring at seven Q-Markets, Inc., facilities located in Richmond and the surrounding area. The proposed order requires Q-Markets, Inc., to take corrective actions to comply with the Underground Storage Tank Regulations, and it includes the payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, or sent to the email address of eakers@deq.state.va.us. All comments received by email must include your name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Sanville Utilities Corporation

The State Water Control Board (SWCB) proposes to issue a Consent Special Order (CSO) to Sanville Utilities Corporation, Henry County Public Service Authority, Receiver, regarding

compliance with the Permit Regulation, 9 VAC 25-31, at the Fairway Acres Sewage Treatment Plant and the Westwood Lagoon. On behalf of the SWCB, the department will consider written comments relating to this order for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019.

The final CSO may be examined at the department during regular business hours. Copies are available from Mr. Steele at the address above or by calling him at (540) 562-6777.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (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
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ERRATA

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-560. Pertaining to Shellfish Management Areas.



Publication: 14:18 VA.R. 2514-2516 May 25, 1998

Correction to Final Regulation:

Page 2515, 4 VAC 20-560-20 I, strike " The Hampton Roads Broodstock Management Area will consist of not less than 100 acres and shall be established within the Hampton Roads Shellfish Relay Area."


CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. 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 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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

April 3, 2002 - 1 p.m. -- Open Meeting
Rowe's Restaurant, 74 Rowe Road (intersection of I-81/Route 250), Staunton, Virginia. 

A meeting to approve the minutes of the last meeting held on January 21, 2002. In addition, the board will review its financial statement. The board is expected to discuss old business arising from the last board meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Dave Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dave Robishaw, Secretary, Virginia State Apple Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156.

Virginia Horse Industry Board

† April 30, 2002 - 9 a.m. -- Open Meeting
Virginia Cooperative Extension, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. 

The board will review the minutes of the last meeting, the board's current financial status, and on-going projects. The board will also review grant proposals submitted for consideration for the 2002-2003 fiscal year. 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 Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

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


ALCOHOLIC BEVERAGE CONTROL BOARD

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-20. Advertising.** The purpose of the proposed amendments is to amend 3 VAC 5-20-10 to allow limited use of point of sale advertising using professional athletes and athletic teams by beer and wine retailers, and to amend 3 VAC 5-20-60 to increase the maximum wholesale value of novelty and specialty items bearing alcoholic beverage advertising which may be given away by alcoholic beverage manufacturers and wholesalers.

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY 

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-30. Tied-**

House. The purpose of the proposed amendments is to allow alcoholic beverage manufacturers, bottlers, and wholesalers to provide advertising materials to retail licensees that have been customized for the individual retailer, with some restrictions.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-50. Retail Operations.** The purpose of the proposed amendments is to reduce the advance notice required of events to be catered under a caterer's license from two days to 24 hours.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-60. Manufacturers and Wholesalers Operations.** The purpose of the proposed amendments is to increase the maximum wholesale value of novelty and specialty items that may be given away by representatives of distilled beverage manufacturers, and to allow such representatives to provide routine business entertainment to mixed beverage licensees.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70. Retail Operations.** The purpose of the proposed amendments is to (i) permit the peddling of cider and the reporting of cider sales by wholesale wine licensees in the same manner as beer and (ii) require all special event licensees in charge of public events to report to the board the income and expenses associated with the event when the licensee engages another person to organize, conduct, or operate the event on behalf of the licensee.

Statutory Authority: §§ 4.1-103, 4.1-111, and 4.1-213 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† **April 5, 2002 - 8 a.m.** -- Open Meeting

† **April 6, 2002 - 8 a.m.** -- Open Meeting

Renaissance Portsmouth Hotel, Portsmouth, Virginia. ♿

A joint regional meeting of the National Council of Architectural Registration Boards (NCARB) wherein members of the Architects Section of the APELSCIDLA Board may be present to discuss NCARB business.

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

ART AND ARCHITECTURAL REVIEW BOARD

April 5, 2002 - 10 a.m. -- Open Meeting

May 3, 2002 - 10 a.m. -- Open Meeting

June 7, 2002 - 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. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request submittal form DGS-30-905 or submittal instructions form DGS-30-906.

Calendar of Events

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY 📞

CHARITABLE GAMING COMMISSION

† **March 28, 2002 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 📍

A regular commission meeting. Agenda will be listed on the agency's website: www.state.va.us/cgchome/.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cg.state.va.us.

COMPENSATION BOARD

March 26, 2002 - 11 a.m. -- Open Meeting

† **April 23, 2002 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 📍

A monthly board meeting.

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

† **April 12, 2002 - 11 a.m.** -- Open Meeting
Augusta County Government Center, Verona, Virginia. 📍

An FY03 budget hearing.

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

DEPARTMENT OF CONSERVATION AND RECREATION

† **March 27, 2002 - 9 a.m.** -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park 788 Twin Lakes Road Green Bay, Virginia. 📍

The initial meeting of the Sailors Creek Battlefield Historic State Park Master Plan Technical Advisory Committee in preparation for a new Sailors Creek Battlefield Historic State Park Master Plan.

Contact: Richard G. Gibbons, Environmental Program 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.

† **April 1, 2002 - 9 a.m.** -- Open Meeting

† **April 26, 2002 - 9 a.m.** -- Open Meeting
"The Meeting House," Sky Meadows State Park, 11012 Edmonds Lane, Delaplane, Virginia.

The initial and second meeting of the Sky Meadows State Park Master Plan Technical Advisory Committee on development of a revised master plan for the park.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.

April 2, 2002 - 9 a.m. -- Open Meeting
Gunston Hall Plantation, 10709 Gunston Road, Mason Neck, Virginia. 📍 (Interpreter for the deaf provided upon request)

The initial meeting of the Mason Neck State Park Technical Advisory Committee on preparation of a new Mason Neck State Park Master Plan. Requests for interpreter for the deaf should be filed two weeks prior to the meeting.

Contact: John R. Davy, Division Director of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail jdavy@dcr.state.va.us.

† **April 10, 2002 - 9 a.m.** -- Open Meeting
Cumberland Central Virginia Bank, 1422 Anderson Highway, Cumberland, Virginia.

The second meeting of the Bear Creek Lake State Park Master Plan Technical Advisory Committee. Discussions will continue concerning issues relating to the park master plan.

Contact: Jim Guyton, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-2093, FAX (804) 371-7899, e-mail jguyton@dcr.state.va.us.

† **April 11, 2002 - 10:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 11th Floor, Conference Room, Richmond, Virginia.

An annual meeting of the Virginia Recreational Trails Grant Advisory Board to evaluate and rank applications for the Virginia Recreational Trail Grants round that closed on January 31, 2002.

Contact: Jerry Cassidy, Grants Administrator, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-3218, FAX (804) 371-7899, e-mail jcassidy@dcr.state.va.us.

† **April 15, 2002 - 1 p.m.** -- Open Meeting
Smith Mountain Lake State Park Visitor Center, 1235 State Park Road, Huddlestone, Virginia.

The initial meeting of the Smith Mountain Lake State Park Master Plan Technical Advisory Committee on preparation of a new Smith Mountain Lake State Park Master Plan.

Contact: Bob Munson, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor

St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rsmunson@dcr.state.va.us.

† **April 17, 2002 - 1 p.m.** -- Open Meeting
Staunton River State Park, 1170 Staunton Trail, Scottsburg, Virginia.

The initial meeting of the Staunton River State Park Master Plan Technical Advisory Committee on preparation of a new park master plan.


Contact: Bob Munson, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rsmunson@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

April 4, 2002 - Noon -- Open Meeting

† **May 2, 2002 - Noon** -- Open Meeting

† **June 6, 2002 - Noon** -- Open Meeting


Richmond City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.


Contact: Richard G. Gibbons, Environmental Program 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.

BOARD OF CORRECTIONAL EDUCATION

† **April 19, 2002 - 10 a.m.** -- Open Meeting

Oakridge Juvenile Correctional Center, 1801 Old Bon Air Road, Bon Air, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

BOARD OF CORRECTIONS

April 26, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Corrections intends to amend regulations entitled: **6 VAC 15-40. Minimum Standards for Jails and Lockups.** The purpose of the proposed amendments is to reorganize and clarify the current standards to be more consistent with the actual practice in jails and lockups, and to eliminate duplicative provisions.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Contact: Donna Lawrence, Supervisor, Compliance and Accreditation Unit, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3237 or FAX (804) 674-3587.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

April 18, 2002 - 11 a.m. -- Open Meeting

May 16, 2002 - 11 a.m. -- Open Meeting

† **June 20, 2002 - 11 a.m.** -- Open Meeting


Virginia War Memorial, 601 South Belvidere Street, Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use design-build or construction management-type contracts. Contact the Division of Engineering and Buildings to confirm the meeting. Board rules and regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form DGS-30-904.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY , e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

† **March 26, 2002 - 10:30 a.m.** -- Open Meeting

Crowne Plaza Hotel, 555 East Canal Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the Advisory Committee on Adult Education and Literacy. Public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.


Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Board 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.

March 27, 2002 - 9 a.m. -- Open Meeting

April 24, 2002 - 9 a.m. -- Open Meeting

Richmond area; location to be announced.


May 23, 2002 - 9 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department 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.


Calendar of Events

April 15, 2002 - 9:30 a.m. -- Open Meeting
Richmond area; location to be announced.  (Interpreter for the deaf provided upon request)

A work session of the Advisory Board for Teacher Education and Licensure. No public comment will be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department 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.

April 25, 2002 - 9 a.m. -- Open Meeting

April 26, 2002 - 9 a.m. -- Open Meeting
Location to be announced.  (Interpreter for the deaf provided upon request)

Annual planning session for the board. This is a working session and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.


Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

March 25, 2002 - 7 p.m. -- Open Meeting
Nannie J. Lee Memorial Recreation Center, 1108 Jefferson Street, Alexandria, Virginia. 

The second public meeting on the development of a fecal coliform TMDL for an 8.0 mile segment of Four Mile Run located in Arlington and Fairfax Counties and the Cities of Falls Church and Alexandria. The comment period closes on April 9, 2002.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, e-mail kebennett@deq.state.va.us/.

March 25, 2002 - 7 p.m. -- Open Meeting
Jefferson Pre-School Center, 201 4th Street, NW, Charlottesville, Virginia. 

The final public meeting on the development of a TMDL for fecal coliform for a segment of Moore's Creek in Albemarle County and the City of Charlottesville. The comment period closes on April 19, 2002, at 5 p.m.


Contact: Sandra Mueller, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, e-mail stmueller@deq.state.va.us.

March 26, 2002 - 7 p.m. -- Open Meeting
Auburn High School, 4163 Riner Road, Riner, Virginia. 

The third public meeting on the development of a fecal coliform TMDL for a 5.68 mile segment of Mill Creek located


in Montgomery County. The comment period closes on April 12, 2002.

Contact: Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6785, e-mail jaroberts@deq.state.va.us.

March 27, 2002 - 7 p.m. -- Open Meeting
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. 


The final public meeting on the development of a TMDL for benthic impairment for Castaline Spring Branch, Cockran Spring Branch, Coursey Springs Branch/Pheasanty Run, Lacey Spring Branch, Montebello Spring Branch and Orndorff Spring Branch. Comment period on the TMDLs will close at 5 p.m. on April 19, 2002.

Contact: Sandra Mueller, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, e-mail stmueller@deq.state.va.us.

March 27, 2002 - 7 p.m. -- Public Hearing
James L. Hamner Public Library, 16351 Dunn Street, Amelia, Virginia. 


A public hearing to receive comments on a draft permit amendment for the Maplewood Recycling and Disposal Facility located on Route 640 approximately 5 miles west of the Township of Amelia. The amendment is for an experimental program for operating a bioreactor landfill under the U.S. EPA Project XL program. The public comment period on the draft permit amendment closes at 5 p.m. on April 12, 2002.

Contact: Paul Farrell, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214, e-mail epfarrell@deq.state.va.us.

March 28, 2002 - 7 p.m. -- Open Meeting
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. 


The final public meeting on the development of a TMDL for fecal coliform and benthics for Cooks Creek and Blacks Run. Comment period closes at 5 p.m. on April 19, 2002.

Contact: Sandra Mueller, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, e-mail stmueller@deq.state.va.us.

March 28, 2002 - 7 p.m. -- Open Meeting
Floyd County High School, 721 Baker Street, Floyd, Virginia. 


The third public meeting on the development of the fecal coliform TMDL for an approximately 2.62 mile segment of Dodd Creek in Floyd County. The comment period closes on April 12, 2002.

Contact: Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6785, e-mail jaroberts@deq.state.va.us.

April 4, 2002 - 7 p.m. -- Open Meeting
Orlean Volunteer Fire Department, 6838 Leeds Manor Road (State Route 688), Orlean, Virginia. 

The third public meeting on the development of a fecal coliform TMDL for a 7.4 mile segment of Thumb Run located in Fauquier County. The comment period closes on April 18, 2002.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, e-mail kebennett@deq.state.va.us.

April 17, 2002 - 7 p.m. -- Public Hearing
Franklin County Library, 128 East Court Street, Rocky Mount, Virginia. 

A public hearing to receive comments on the technical merits of the groundwater monitoring plan as it pertains to the facility's groundwater monitoring program. The comment period closes at 5 p.m. on May 2, 2002.

Contact: Rosemarie Ballance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4223, e-mail rballance@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD

† **April 4, 2002 - 9 a.m.** -- Open Meeting
Bristol, Virginia Utilities Board  (Interpreter for the deaf provided upon request)

Regular meetings of the following committees:

- Fire Education and Training - 9 a.m.
- Administration and Policy - 10 minutes after conclusion of Fire Education and Training
- Fire Prevention and Control - 10 minutes after conclusion of Administration and Policy
- Finance - 10 minutes after conclusion of Fire Prevention and Control

Contact: Christy L. King, Clerk to Virginia Fire Services Board, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† **April 5, 2002 - 9 a.m.** -- Open Meeting
Bristol, Virginia Utilities Board  (Interpreter for the deaf provided upon request)

A regular meeting. Please contact Christy King for further information and directions.

Contact: Christy L. King, Clerk to Virginia Fire Services Board, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

BOARD OF GAME AND INLAND FISHERIES


March 28, 2002 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general and administrative issues and receive an update on relevant legislation from the 2002 Session of the General Assembly. The board may hold a

closed session at some point during the meeting, and may elect to hold a dinner Wednesday evening, March 27, at a location and time to be determined. If the board does not complete its entire agenda on March 28, it may convene for a second day beginning at 9 a.m. on March 29, 2002.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail dgifweb@dgif.state.va.us.


DEPARTMENT OF HEALTH

April 11, 2002 - 8:30 a.m. -- Open Meeting
Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Virginia HIV Community Planning Group. The committee is charged with developing a comprehensive HIV Prevention Plan for Virginia.

Contact: Elaine Martin, Health Department Co-Chair, 1500 Main Street Station, Richmond, VA 23219, telephone (804) 786-5217 or FAX (804) 225-3517.


BOARD FOR HEARING AID SPECIALISTS

April 8, 2002 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular board meeting.

Contact: William H. Ferguson, II, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, e-mail hearingaidspec@dpor.state.va.us.


HOPEWELL INDUSTRIAL SAFETY COUNCIL

April 2, 2002 - 9 a.m. -- Open Meeting
May 7, 2002 - 9 a.m. -- Open Meeting
June 4, 2002 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT


† **March 26, 2002 - 10:30 a.m.** -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. 

A regular business meeting.


Calendar of Events

Contact: Steve Calhoun, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015.

State Building Code Technical Review Board

† **April 19, 2002 - 1 p.m.** -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting to hear administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Secretary, Department of Housing and Community Development, Office of the Review Board, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7180, FAX (804) 371-7092, (804) 371-7089/TTY 

VIRGINIA HOUSING DEVELOPMENT AUTHORITY


† **March 27, 2002 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr, General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Migrant and Seasonal Farmworkers Board


April 24, 2002 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.


Contact: Betty B. Jenkins, Board Administrator, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219,

telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-2376/TTY , e-mail bbj@doli.state.va.us.


Safety and Health Codes Board

April 11, 2002 - 10 a.m. -- Open Meeting
Department of Labor and Industry, Tyler Building, 1300 East Main Street, Courtroom B, 2nd Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail rlc@doli.state.va.us.

THE LIBRARY OF VIRGINIA

June 10, 2002 - 8:15 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 


Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

7:30 a.m. - Executive Committee, Conference Room B.

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. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.


MARINE RESOURCES COMMISSION

March 26, 2002 - 9:30 a.m. -- Open Meeting


April 23, 2002 - 9:30 a.m. -- Open Meeting

May 28, 2002 - 9:30 a.m. -- Open Meeting

† **June 25, 2002 - 9:30 a.m.** -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. 


A monthly meeting.

Contact: Stephanie Montgomery, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-8088, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail smont@mrc.state.va.us.


BOARD OF MEDICAL ASSISTANCE SERVICES

April 9, 2002 - 10 a.m. -- Open Meeting

June 11, 2002 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. 

A general meeting. An agenda will be posted prior to the meeting date.

Contact: Leah Hamaker, Communications Office, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4626, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail lhamaker@dmas.state.va.us.

April 12, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (Nursing Home Payment System)**. The proposed regulation replaces the current Patient Intensity Rating System (PIRS) method of classifying nursing facility residents with the Resource Utilization Groups-III (RUGs) methodology, as directed by the 2000 Session of the General Assembly (Chapter 1073 of the 2000 Acts of Assembly, Item 319 MM). The proposed regulation also reclassifies nursing staff costs for quality assurance services as direct patient care costs rather than indirect costs and establishes a new method for calculating inflation in the nursing home payment system.


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

Public comments may be submitted until April 12, 2002, to Stan Fields, Division of Cost Settlement and Reimbursement, 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) 786-7959 or FAX (804) 786-1680.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

April 8, 2002 - 1 p.m. -- Open Meeting


Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. 

A meeting to conduct the routine business of the Medicaid Pharmacy Liaison Committee.


Contact: Marianne Rollings, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 225-4393, (800) 343-0634/TTY , e-mail mrollings@dmas.state.va.us.

BOARD OF MEDICINE

April 5, 2002 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A meeting of the Executive Committee will be held in open and closed session to review disciplinary files requiring administrative action, adopt amendments and approve promulgation of regulations as presented, interview applicants and act on other issues that may come before the board. Public comment will be received 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.


† May 1, 2002 - 8:45 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.


A panel/committee of the board will convene a formal hearing/informal hearing to inquire into allegations that a certain practitioner may have violated laws governing the practice of medicine. The panel/committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail Peggy.Sadler@dhp.state.va.us.


† May 2, 2002 - 2:30 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 


A meeting of the Ad Hoc Committee on Outpatient Anesthesia to continue its discussion of the appropriate regulation of outpatient anesthesia. Public comment will be received at the beginning of the meeting.

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, homepage <http://www.dhp.state.va.us/>.

May 8, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Advisory Committee on Acupuncture to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

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.

Calendar of Events

May 8, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Board on Radiologic Technology to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

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.

May 9, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Board on Occupational Therapy to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

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.

May 9, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Board on Respiratory Care to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

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.

May 10, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Board on Athletic Training to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

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.

May 10, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Board on Physicians Assistants to consider regulatory issues as presented on the agenda.

Public comment will be received at the beginning of the meeting.

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

March 27, 2002 - 9:45 a.m. -- Open Meeting

† **April 24, 2002 - 9:45 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

† April 3, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia ☎

April 11, 2002 - 9 a.m. -- Open Meeting

† **May 16, 2002 - 9 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia ☎

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 25, 2002 - 10 a.m. -- Open Meeting

Holiday Inn North, Parham Road, Richmond, Virginia.

A regular meeting. A public comment period will be scheduled.

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.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Governor's Mine Land Reclamation Advisory Committee

† March 28, 2002 - 10 a.m. -- Open Meeting

Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23 South, Big Stone Gap, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent issues with the Interstate Mining Compact Commission (IMCC) and the coal industry. Special accommodations for the disabled will be made upon request. Anyone needing special

accommodations for the meeting should contact the department by March 21, 2002.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY ☎, e-mail lsv@mme.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

† **April 10, 2002 - 8 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ♿

A regular business meeting of the Medical Advisory Board.

Contact: Jacquelin Branche, Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, e-mail dmj3b@dmv.state.va.us.

April 11, 2002 - 9 a.m. -- Open Meeting

† **June 13, 2002 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿

A meeting of the Digital Signature Implementation Workgroup. Meetings will be held on the second Thursday of every other month from 9 a.m. until noon at the location noted above unless otherwise noted. The room will be open for coffee and pre-session business at 8:30 a.m.; the business session will begin at 9.

Contact: Vivian Cheatham, Executive Staff Assistant, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-6870, FAX (804) 367-6631, toll-free (866) 68-5463, e-mail dmvrvc@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

† **April 2, 2002 - 8 a.m.** -- Open Meeting

† **May 7, 2002 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

A meeting held for staff to brief the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, 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.

† **May 15, 2002 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

The following committees will meet:

- 9 a.m. - Program Review Committee
- 10 a.m. - Museum Expansion Committee
- 11 a.m. - Exhibitions Committee
- 12:30 p.m. - Legislative Committee
- 2 p.m. - Education and Programs Committee

3:15 p.m. - Communications and Marketing Committee

Contact: Suzanne Broyles, 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.

† **May 16, 2002 - 8:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO Building, 2nd Floor Conference Room, Richmond, Virginia. ♿

The following committees will meet:

- 8:30 a.m. - Buildings and Grounds Committee
- 9:30 a.m. - Collections Committee
- 11 a.m. - Finance Committee

The full board meets at 12:30 to receive reports from president, director, and museum foundation committees, and for approval of acquisition of art works. Portions of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, 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.

† **June 20, 2002 - Noon** -- Open Meeting
Virginia Museum of Fine Arts, CEO 2nd Floor Meeting Room, 2800 Grove Avenue, Richmond, Virginia. ♿

A meeting of the Executive/Finance Committee to approve the annual budget. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us

BOARD OF NURSING

May 20, 2002 - 9 a.m. -- Open Meeting

May 22, 2002 - 9 a.m. -- Open Meeting

May 23, 2002 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

Special Conference Committee

April 4, 2002 - 8:30 a.m. -- Open Meeting

April 10, 2002 - 8:30 a.m. -- Open Meeting


April 15, 2002 - 8:30 a.m. -- Open Meeting


April 18, 2002 - 8:30 a.m. -- Open Meeting

June 4, 2002 - 8:30 a.m. -- Open Meeting


June 10, 2002 - 8:30 a.m. -- Open Meeting

Calendar of Events


† **June 12, 2002 - 8:30 a.m.** -- Open Meeting
† **June 13, 2002 - 9 a.m.** -- Open Meeting
† **June 18, 2002 - 8:30 a.m.** -- Open Meeting
† **June 20, 2002 - 8:30 a.m.** -- Open Meeting
† **June 25, 2002 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

April 23, 2002 - 8:30 a.m. -- Open Meeting
April 30, 2002 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS


† **March 27, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia 

A meeting of the Legislative/Regulatory Committee to consider issues related to the regulation of nursing home administrators, including a proposal to increase licensing fees. Public comment will be received at the beginning of the meeting.


Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra_reen@dhp.state.va.us.

† **April 10, 2002 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia 

A meeting to consider amendments to regulations to accomplish recommendations of its review and to increase certain fees of the board.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra_reen@dhp.state.va.us.


VIRGINIA OUTDOORS FOUNDATION


March 25, 2002 - 4 p.m. -- Public Hearing
Richmond Regional PDC, 2104 West Laburnum Avenue,
Richmond, Virginia. 

A public hearing to discuss grant proposal submitted for Transportation Enhancement Grant to purchase conservation easements along historic Route 5 (a designated Virginia Scenic Byway).

Contact: Leslie D. Trew, Conservation Easement Specialist, Virginia Outdoors Foundation, 203 Governors St, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, e-mail ldrew@virginiaoutdoorsfoundation.org.

BOARD OF PHARMACY

April 3, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

April 30, 2002 - 9 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 disciplinary matters. 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.

REAL ESTATE BOARD

March 27, 2002 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business 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, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

March 28, 2002 - 8 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business 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, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

March 28, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the full board.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

VIRGINIA RESOURCES AUTHORITY

NOTE: CHANGE IN MEETING DATE

† **April 16, 2002 - 9 a.m.** -- Open Meeting

† **May 14, 2002 - 9 a.m.** -- Open Meeting

† **June 11, 2002 - 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: Bonnie McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcr@vra.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **April 10, 2002 - 10 a.m.** -- Open Meeting

† **May 22, 2002 - 10 a.m.** -- Open Meeting

General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia. ♿

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan C. Sherertz, Business Manager, Department of Health, 1500 E. Main St., Room 115, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

STATE BOARD OF SOCIAL SERVICES

† **April 16, 2002 - 7:30 p.m.** -- Open Meeting

Wayside Inn, 7783 Main Street, Middletown, Virginia.

A formal meeting/work session of the Finance Subcommittee.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1814, (800) 828-1962/TTY ♿

† **April 17, 2002 - 9 a.m.** -- Open Meeting

† **April 18, 2002 - 9 a.m.** -- Open Meeting

Wayside Inn, 7783 Main Street, Middletown, Virginia.

A formal meeting of the board. Public comment will be at 1:30 p.m.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, 730 E. Broad St., Suite 812 Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962.

† **April 19, 2002 - 9 a.m.** -- Open Meeting

Wayside Inn, 7783 Main Street, Middletown, Virginia.

A work session for the board.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, 730 E. Broad St., Suite 812 Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962.

DEPARTMENT OF SOCIAL SERVICES

† **April 4, 2002 - 1 p.m.** -- Open Meeting

Charlottesville Child Support Office, 2385 Hunters Way, No. 5, Charlottesville, Virginia.

A quarterly meeting of the Child Protective Services Out-of-Family Advisory Group.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, 730 E. Broad St., Suite 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962.

April 19, 2002 - 1 p.m. -- Open Meeting

Virginia Beach Law Enforcement Training Academy, 411 Integrity Way, Virginia Beach, Virginia. ♿

A regular meeting of the Family and Children's Trust Fund Board of Trustees.

Contact: Nan McKenney, Executive Director, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

April 20, 2002 - 1 p.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

Virginia Beach Law Enforcement Training Academy, 411 Integrity Way, Virginia Beach, Virginia. ♿

A strategic planning session of the Family and Children's Trust Fund Board of Trustees.

Contact: Nan McKenney, Executive Director, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

COUNCIL ON TECHNOLOGY SERVICES

† **April 11, 2002 - 9:15 a.m.** -- Open Meeting

† **May 7, 2002 - 9:15 a.m.** -- Open Meeting

† **June 13, 2002 - 9:15 a.m.** -- Open Meeting

Department of Technology Planning, 110 South 7th Street, Suite 135, Conference Room, Richmond, Virginia. ♿

A monthly meeting of the Dashboard Project Workgroup. To expedite security procedures, please contact George Williams at the Department of Technology Planning at gwilliams@ntp.state.va.us or (804) 371-2771 to include your name on the list of attendees that will be given to building security.

Contact: Chris Saneda, Chief Information Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4483, FAX (804) 213-4486, e-mail chris.saneda@abc.state.va.us.

† **May 8, 2002 - 10 a.m.** -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor Executive Conference Room, Richmond, Virginia. ♿

Calendar of Events

A regular meeting of the Council on Technology Services Telecommunications Workgroup. For more information about the agenda, visit the COTS website at www.cots.state.va.us.


Contact: Leslie Carter, Deputy Director, Department of Information Technology, Richmond Plaza Building, 110 S. 7th St., Richmond, VA 23219, telephone (804) 371-5577, e-mail lcarter@dit.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **April 17, 2002 - 2 p.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.


Contact: Katherine Tracy, Assistant Secretary to the Board, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

† **April 18, 2002 - 10 a.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 


A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Carol A. Mathis, Administrative Assistant, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

BOARD OF VETERINARY MEDICINE

† **March 28, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal hearings (disciplinary hearings) of the Special Conference Committee. These are public hearings, but public comment will not be received.

Contact: Terri 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 terri.behr@dhp.state.va.us.

VIRGINIA VOLUNTARY FORMULARY BOARD

April 5, 2002 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. 

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add drugs to the Formulary that became effective April 9, 2001, and the most recent supplement to that revision. Copies of the proposed revisions to the Virginia Voluntary Formulary are available for inspection at the Bureau of Pharmacy Services, Virginia Department of Health, 101 N. 14th St., Room S-45, Richmond, Virginia. Written comments sent to the contact person below and received prior to 5 p.m. on April 5, 2002, will be made a part of the hearing record and considered by the board.


Contact: James K. Thomson, Department of Health, Bureau of Pharmacy Services, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

April 30, 2002 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. 


A meeting to consider public hearing comments and evaluate data submitted by pharmaceutical manufacturers and distributors for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Virginia Department of Health, Bureau of Pharmacy Services, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.


VIRGINIA WAR MEMORIAL FOUNDATION

† **April 16, 2002 - Noon** -- Open Meeting
621 S. Belvidere St., Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees. Public comments will be taken at the conclusion of the meeting.

Contact: Sandra H. Williams, Associate Director, Virginia War Memorial Foundation, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY , e-mail swilliams@vawarmemorial.state.va.us.


STATE WATER CONTROL BOARD

March 28, 2002 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 


A regular meeting of the board. Agenda to be posted approximately 10 days before meeting.

Contact: Cindy Berndt, Regulatory Coordinator, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.


VIRGINIA BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


† **June 20, 2002 - 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.


Contact: David 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 WORKFORCE COUNCIL

† **April 20, 2002 - 10 a.m.** -- Open Meeting
Richmond, Virginia  (Interpreter for the deaf provided upon request)


† **June 12, 2002 - 10 a.m.** -- Open Meeting
Charlottesville, Virginia  (Interpreter for the deaf provided upon request)

The exact location, time and agenda will be announced at a later date. Public comment is usually scheduled for 11 a.m. (5 minutes per speaker and a written copy of the remarks is requested).


Contact: Gail Robinson, Liaison, Virginia Employment Commission, PO Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY , e-mail grobinson@vec.state.va.us, homepage <http://vec.state.va.us>.


INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

May 14, 2002 - Noon -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. 


A regular meeting of the Optional Retirement Plan Advisory Committee of the VRS Board of Trustees.


Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

May 15, 2002 - Noon -- Open Meeting
VRS 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.


May 15, 2002 - 1 p.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 dglazier@vrs.state.va.us.


May 15, 2002 - 2:30 p.m. -- Open Meeting
VRS 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.

May 16, 2002 - 9 a.m. -- Open Meeting
VRS 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.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 25

Environmental Quality, Department of

March 26

Compensation Board

† Education, Board of

Environmental Quality, Department of

† Housing and Community Development, Department of

Marine Resources Commission

March 27

† Conservation and Recreation, Department of

- Sailors Creek Battlefield Historic State Park Master Plan
Technical Advisory Committee

Education, Board of

Environmental Quality, Department of

† Housing Development Authority, Virginia

- Board of Commissioners

Medicine, Board of

- Informal Conference Committee

† Nursing Home Administrators, Board of

- Legislative/Regulatory Committee

Calendar of Events

- Real Estate Board
- Real Estate Education Committee
- March 28**
† Charitable Gaming Commission
Environmental Quality, Department of
Game and Inland Fisheries, Board of
† Mines, Minerals and Energy, Department of
- Governor's Mined Land Reclamation Advisory
Committee
Real Estate Board
- Fair Housing Committee
† Veterinary Medicine, Board of
- Special Conference Committee
Water Control Board, State
- April 1**
† Conservation and Recreation, Department of
- Sky Meadows State Park Master Plan Technical
Advisory Committee
- April 2**
Conservation and Recreation, Department of
- Mason Neck State Park Technical Advisory Committee
Hopewell Industrial Safety Council
† Museum of Fine Arts, Virginia
- Executive Committee
- April 3**
Agriculture and Consumer Services, Department of
- Virginia State Apple Board
† Medicine, Board of
- Informal Conference Committee
Pharmacy, Board of
- Special Conference Committee
- April 4**
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Environmental Quality, Department of
† Fire Services Board, Virginia
- Administration and Policy Committee
- Finance Committee
- Fire Education and Training Committee
- Fire Prevention and Control Committee
Nursing, Board of
- Special Conference Committee
† Social Services, Department of
- Child Protective Services Out-of-Family Advisory Group
- April 5**
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Architects Section
Art and Architectural Review Board
† Fire Services Board, Virginia
Medicine, Board of
- Executive Committee
- April 6**
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Architects Section
- April 8**
Hearing Aid Specialists, Board for
Medical Assistance Services, Department of
- Medicaid Pharmacy Liaison Committee
- April 9**
Medical Assistance Services, Board of
- April 10**
† Conservation and Recreation, Department of
- Bear Creek Lake State Park Master Plan Technical
Advisory Committee
† Motor Vehicles, Department of
- Medical Advisory Board
Nursing, Board of
- Special Conference Committee
† Nursing Home Administrators, Board of
† Sewage Handling and Disposal Appeal Review Board
- April 11**
† Conservation and Recreation, Department of
- Virginia Recreational Trails Grant Advisory Board
Health, Department of
- HIV Community Planning Group, Virginia
Labor and Industry, Department of
- Safety and Health Codes Board
Medicine, Board of
- Informal Conference Committee
Motor Vehicles, Department of
- Digital Signature Implementation Workgroup
† Technology Services, Council on
- Dashboard Project Workgroup
- April 12**
† Compensation Board
- April 15**
† Conservation and Recreation, Department of
- Smith Mountain Lake State Park Technical Advisory
Committee
Board of Education
- Advisory Board for Teacher Education and Licensure
Nursing, Board of
- Special Conference Committee
- April 16**
† Resources Authority, Virginia
- Board of Directors
† Social Services, State Board of
- Finance Subcommittee
† War Memorial Foundation, Virginia
- April 17**
† Conservation and Recreation, Department of
- Staunton River State Park Master Plan Technical
Advisory Committee
† Social Services, State Board of
† Transportation Board, Commonwealth
- April 18**
Design-Build/Construction Management Review Board
Nursing, Board of
- Special Conference Committee
† Social Services, State Board of
† Transportation Board, Commonwealth
- April 19**
† Correctional Education, Board of
† Housing and Community Development, Department of
- State Building Code Technical Review Board
† Social Services, State Board of
† Social Services, Department of
- Family and Children's Trust Fund Board of Trustees
- April 20**
Social Services, Department of

- Family and Children's Trust Fund Board of Trustees
- † Workforce Council, Virginia

April 23

- † Compensation Board
- Marine Resources Commission
- Nursing, Board of
- Special Conference Committee

April 24

- Education, Board of
- Labor and Industry, Department of
- Virginia Migrant and Seasonal Farmworkers Board
- † Medicine, Board of
- Informal Conference Committee

April 25

- Education, Board of
- Mental Health, Mental Retardation and Substance Abuse Services Board, State

April 26

- † Conservation and Recreation, Department of
- Sky Meadows State Park Technical Advisory Committee
- Education, Board of

April 30

- † Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
- Nursing, Board of
- Special Conference Committee
- Pharmacy, Board of
- Special Conference Committee
- Voluntary Formulary Board, Virginia

May 1

- † Medicine, Board of

May 2

- † Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
- † Medicine, Board of
- Ad Hoc Committee on Outpatient Anesthesia

May 3

- Art and Architectural Review Board

May 7

- Hopewell Industrial Safety Council
- † Museum of Fine Arts, Virginia
- Executive Committee
- † Technology Services, Council on
- Dashboard Project Workgroup

May 8

- Medicine, Board of
- Advisory Committee on Acupuncture
- Advisory Board on Radiologic Technology
- † Technology Services, Council on
- Technology Services Telecommunications Workgroup

May 9

- Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

May 10

- Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants

May 14

- † Resources Authority, Virginia
- Board of Directors
- Retirement System, Virginia

- Optional Retirement Plan Advisory Committee

May 15

- † Museum of Fine Arts, Virginia
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Legislative Committee
- Museum Expansion Committee
- Program Review Committee
- Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee

May 16

- Design-Build/Construction Management Review Board
- † Medicine, Board of
- Informal Conference Committee
- † Museum of Fine Arts, Virginia
- Buildings and Grounds Committee
- Collections Committee
- Finance Committee
- Retirement System, Virginia

May 20

- Nursing, Board of

May 22

- Nursing, Board of
- † Sewage Handling and Disposal Appeal Review Board

May 23

- Education, Board of
- Nursing, Board of

May 28

- Marine Resources Commission

June 4

- Hopewell Industrial Safety Council
- Nursing, Board of
- Special Conference Committee

June 6

- † Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board

June 7

- Art and Architectural Review Board

June 10

- Library of Virginia
- Archival and Information Services Committee
- Collection Management Services Committee
- Executive Committee
- Legislative and Finance Committee
- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee

- Nursing, Board of

- Special Conference Committee

June 11

- Medical Assistance Services, Board of
- † Resources Authority, Virginia
- Board of Directors

June 12

- † Nursing, Board of
- Special Conference Committee
- † Workforce Council, Virginia

June 13

- † Motor Vehicles, Department of

Calendar of Events

- Digital Signature Implementation Workgroup
- † Nursing, Board of
 - Special Conference Committee
- † Technology Services, Council on
 - Dashboard Project Workgroup

June 18

- † Nursing, Board of
 - Special Conference Committee

June 20

- † Design-Build/Construction Management Review Board
- † Museum of Fine Arts, Virginia
 - Executive/Finance Committee
- † Nursing, Board of
 - Special Conference Committee
- † Waterworks and Wastewater Works Operators, Board for

June 25

- † Marine Resources Committee
- † Nursing, Board of
 - Special Conference Committee

PUBLIC HEARINGS

March 25

Outdoors Foundation, Virginia

March 27

Environmental Quality, Department of

March 29

Alcoholic Beverage Control Board

April 5

Voluntary Formulary Board, Virginia

April 17

Environmental Quality, Department of