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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 24, dated August 12, 2002). 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 4. Conservation and Natural Resources			
4 VAC 5-30-200	Amended	19:9 VA.R. 1338	2/12/03
4 VAC 5-36-50	Amended	19:16 VA.R. 2370	5/21/03
4 VAC 5-36-60	Amended	19:16 VA.R. 2373	5/21/03
4 VAC 5-36-70	Amended	19:16 VA.R. 2375	5/21/03
4 VAC 5-36-90	Amended	19:12 VA.R. 1881	3/27/03
4 VAC 5-36-100	Amended	19:12 VA.R. 1883	3/27/03
4 VAC 5-36-110 through 4 VAC 5-36-140	Amended	19:16 VA.R. 2376-2379	5/21/03
4 VAC 5-36-170 through 4 VAC 5-36-210	Amended	19:16 VA.R. 2379-2392	5/21/03
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-30-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-30-40	Amended	19:7 VA.R. 1074	11/25/02
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-25	Added	19:5 VA.R. 805	1/1/03
4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-50	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-10	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-100	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-120	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-160	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-190	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-340-60	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-350-30	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-360-10	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-370-51	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-70	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-80	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-30	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-40	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-70	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-80 through 4 VAC 15-380-130	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-390-10	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-11	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-50	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-70	Amended	19:5 VA.R. 808	1/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-390-90	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-100	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-110	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-130	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-140	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-150	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-160	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-400-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-50	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-420-10 through 4 VAC 15-420-120	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-430-10 through 4 VAC 15-430-220	Added	19:5 VA.R. 809	1/1/03
4 VAC 15-430-40	Erratum	19:14 VA.R. 2176	--
4 VAC 15-430-210	Erratum	19:14 VA.R. 2177	--
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-252-20	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130 emer	Amended	19:12 VA.R. 1905	1/31/03-2/28/03
4 VAC 20-252-130	Amended	19:14 VA.R. 2086	3/1/03
4 VAC 20-252-140	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150 emer	Amended	19:12 VA.R. 1906	1/31/03-2/28/03
4 VAC 20-252-150	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-252-160	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-30	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-40	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-380-10	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-30	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-50	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-60	Amended	19:14 VA.R. 2088	3/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-530-10	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-20	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-23	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-26	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-29	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-563-10 through 4 VAC 20-563-50 emer	Added	19:16 VA.R. 2417	3/26/03-4/24/03
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-620-50	Amended	19:14 VA.R. 2088	3/1/03
4 VAC 20-620-70	Amended	19:14 VA.R. 2089	3/1/03
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-10 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-20 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:9 VA.R. 1339	12/27/02
4 VAC 20-720-20 emer	Amended	19:12 VA.R. 1906	2/1/03-3/3/03
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-40 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	19:9 VA.R. 1339-1342	12/27/02
4 VAC 20-720-40 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-50 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-50 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-70 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-720-70 emer	Amended	19:12 VA.R. 1908	2/1/03-3/3/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-720-80	Erratum	19:12 VA.R. 1915	--
4 VAC 20-720-80 emer	Amended	19:12 VA.R. 1909	2/1/03-3/3/03
4 VAC 20-720-110 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-754-10 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-20 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
4 VAC 20-754-30	Amended	19:8 VA.R. 1193	11/27/02
4 VAC 20-910-45 emer	Amended	19:12 VA.R. 1911	1/31/03-2/28/03
4 VAC 20-910-45	Amended	19:14 VA.R. 2089	3/1/03
4 VAC 20-950-10	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-30	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-40	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-46	Added	19:10 VA.R. 1490	1/1/03
4 VAC 20-950-47	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-48	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-49	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-1050-10	Added	19:16 VA.R. 2392	3/26/03
4 VAC 20-1050-20	Added	19:16 VA.R. 2392	3/26/03
4 VAC 20-1050-30	Added	19:16 VA.R. 2392	3/26/03
4 VAC 20-1060-10	Added	19:16 VA.R. 2393	3/26/03
4 VAC 20-1060-20	Added	19:16 VA.R. 2393	3/26/03
4 VAC 20-1060-30	Added	19:16 VA.R. 2393	3/26/03
Title 6. Criminal Justice and Corrections			
6 VAC 20-210-10 through 6 VAC 20-210-110 emer	Added	19:10 VA.R. 1511-1512	1/7/03-1/6/04
6 VAC 35-60-10	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-20	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-30	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-40	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-170	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-215	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-225	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-236	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-237	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-280	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-290	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-320	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-330	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-390	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-400	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-410	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-415	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-440	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-450	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-460	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-480	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-490	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-495	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-500	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-575	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-580	Amended	18:25 VA.R. 3552	11/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-60-600	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-605	Repealed	18:25 VA.R. 3552	11/1/02
Title 8. Education			
8 VAC 20-440-10	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-90	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-110	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-120	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-140	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-150	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-160	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440 Appendix A	Amended	19:12 VA.R. 1887	3/28/03
8 VAC 20-440 Appendix B	Amended	19:12 VA.R. 1890	3/28/03
8 VAC 20-650-10	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-20	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-30	Added	19:10 VA.R. 1492	3/1/03
Title 9. Environment			
9 VAC 5-40-90	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-40-120	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-50-90	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-120	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-400	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-410	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-420	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-60	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-90	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-100	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
9 VAC 5-220-10 through 9 VAC 5-220-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-221-10 through 9 VAC 5-221-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-510-10 through 9 VAC 5-510-250	Added	19:3 VA.R. 457-466	12/1/02
9 VAC 5-510-170	Erratum	19:7 VA.R. 1119	--
9 VAC 10-10-10	Amended	19:8 VA.R. 1194	1/29/03
9 VAC 10-10-20	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-30	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-40	Repealed	19:8 VA.R. 1197	1/29/03
9 VAC 20-60-18	Amended	19:12 VA.R. 1891	3/26/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-130 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 20-150-30	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-40	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-80	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-100	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-110	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-130	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 25-31-50	Amended	18:25 VA.R. 3552	9/25/02
9 VAC 25-31-100	Amended	18:25 VA.R. 3553	9/25/02
9 VAC 25-70	Repealed	19:14 VA.R. 2090	4/23/03
9 VAC 25-71-10 through 9 VAC 25-71-70	Added	19:14 VA.R. 2090	4/23/03
9 VAC 25-120-10	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-20	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-31	Repealed	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-50 through 9 VAC 25-120-80	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-180-10	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-20	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-40	Amended	19:4 VA.R. 629	12/4/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-180-50	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-55	Added	19:4 VA.R. 629	12/4/02
9 VAC 25-180-60	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-70	Amended	19:4 VA.R. 630	12/4/02
9 VAC 25-195	Repealed	19:10 VA.R. 1494	3/4/03
9 VAC 25-196-40 through 9 VAC 25-196-70	Amended	19:10 VA.R. 1495	3/2/03
9 VAC 25-196-80	Repealed	19:10 VA.R. 1495	3/2/03
9 VAC 25-210 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-210 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	²
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	²
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	²
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	²
9 VAC 25-420	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-430	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-440	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-450	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-452	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-460	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-470	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-480	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-490	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-500	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-510	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-520	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-530	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-540	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-550	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-560	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-570	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-572	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-660 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-660 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-670 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-690 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-690 (Forms)	Added	19:16 VA.R. 2418	--
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	19:14 VA.R. 2091-2138	4/24/03
9 VAC 25-730	Repealed	19:14 VA.R. 2090	4/23/03
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02
9 VAC 25-770-10 through 9 VAC 25-770-190 emer	Added	19:8 VA.R. 1260-1267	12/5/02-12/4/03
Title 10. Finance and Financial Institutions			
10 VAC 5-200-75	Added	19:9 VA.R. 1344	1/1/03
Title 11. Gaming			
11 VAC 5-10-10 through 11 VAC 5-10-70	Amended	19:15 VA.R. 2264	5/7/03
11 VAC 5-10-80	Added	19:15 VA.R. 2264	5/7/03
11 VAC 5-20-10	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-60	Amended	19:15 VA.R. 2265	5/7/03

¹ Notice of effective date published in 19:7 VA.R. 1074.

² Effective 30 days after notice in the *Virginia Register of EPA approval*.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 5-20-70	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-80	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-90	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-100	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-110	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-120 through 11 VAC 5-20-180	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-420	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-30	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-31-10 through 11 VAC 5-31-200	Added	19:15 VA.R. 2266	5/7/03
11 VAC 5-40	Repealed	19:15 VA.R. 2266	5/7/03
11 VAC 5-41-10 through 11 VAC 5-41-340	Added	19:15 VA.R. 2266-2269	5/7/03
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02
Title 12. Health			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/15/03 ³
12 VAC 5-31-10 through 12 VAC 5-31-600	Added	19:3 VA.R. 479-493	1/15/03 ³
12 VAC 5-31-610	Added	19:3 VA.R. 493	⁴
12 VAC 5-31-620	Added	19:3 VA.R. 494	⁴
12 VAC 5-31-630 through 12 VAC 5-31-720	Added	19:3 VA.R. 494-503	1/15/03 ³
12 VAC 5-31-730	Added	19:3 VA.R. 516	⁴
12 VAC 5-31-740 through 12 VAC 5-31-930	Added	19:3 VA.R. 494-503	1/15/03 ³
12 VAC 5-31-940	Added	19:3 VA.R. 503	⁴
12 VAC 5-31-950	Added	19:3 VA.R. 503	1/15/03 ³
12 VAC 5-31-960	Added	19:3 VA.R. 503	1/15/03 ³
12 VAC 5-31-970	Withdrawn	19:10 VA.R. 1495	--
12 VAC 5-31-980 through 12 VAC 5-31-1020	Added	19:3 VA.R. 503-504	1/15/03 ³
12 VAC 5-31-1030	Added	19:3 VA.R. 504	5/6/03 ⁵
12 VAC 5-31-1040	Added	19:3 VA.R. 504	1/15/03 ³
12 VAC 5-31-1050	Withdrawn	19:8 VA.R. 1197	--
12 VAC 5-31-1060 through 12 VAC 5-31-1130	Added	19:3 VA.R. 504	1/15/03 ³
12 VAC 5-31-1140	Added	19:3 VA.R. 505	5/6/03 ⁵
12 VAC 5-31-1150 through 12 VAC 5-31-2260	Added	19:3 VA.R. 516-529	1/15/03 ³
12 VAC 5-31-2090	Erratum	19:7 VA.R. 1119	--
12 VAC 5-90-80 emer	Amended	19:13 VA.R. 1971	2/11/03-2/10/04
12 VAC 5-220-10	Amended	19:8 VA.R. 1198	2/3/03
12 VAC 5-220-90	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-105	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-150	Repealed	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-160	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-180	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-200	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-230	Amended	19:8 VA.R. 1205	2/3/03
12 VAC 5-220-270	Amended	19:8 VA.R. 1206	2/3/03
12 VAC 5-220-280	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-355	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-385	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-420	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-220-470	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-30	Amended	19:8 VA.R. 1209	2/3/03

³ Notice of change of effective date published in 19:9 VA.R. 1345.

⁴ Section withdrawn in 19:16 VA.R. 2393.

⁵ Section readopted in 19:16 VA.R. 2393.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-250-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-80	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-100	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-30	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-280-70	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-10	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-300-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-310-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-50	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-150	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-430	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-340-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-40	Amended	19:8 VA.R. 1212	2/3/03
12 VAC 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-230	Erratum	19:3 VA.R. 549	--
12 VAC 5-410-390	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-1170	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-410-1180	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-585-10	Amended	19:14 VA.R. 2138	4/23/03
12 VAC 5-585-40	Amended	19:14 VA.R. 2140	4/23/03
12 VAC 5-585-50	Amended	19:14 VA.R. 2141	4/23/03
12 VAC 5-585-270	Amended	19:14 VA.R. 2141	4/23/03
12 VAC 5-585-660 through 12 VAC 5-585-750	Added	19:14 VA.R. 2141-2145	4/23/03
12 VAC 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
12 VAC 30-70-425 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-70-426 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-20 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3573	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3576	8/1/02-7/31/03
12 VAC 30-90-18 emer	Added	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-19 emer	Amended	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-120-10 through 12 VAC 30-120-50	Amended	19:8 VA.R. 1212-1223	2/1/03
12 VAC 30-120-55	Added	19:8 VA.R. 1223	2/1/03
12 VAC 30-120-60	Amended	19:8 VA.R. 1224	2/1/03
12 VAC 30-120-140 emer	Amended	19:15 VA.R. 2270	3/17/03-3/16/04
12 VAC 30-120-150 emer	Amended	19:15 VA.R. 2273	3/17/03-3/16/04
12 VAC 30-120-160 emer	Amended	19:15 VA.R. 2274	3/17/03-3/16/04
12 VAC 30-120-165 emer	Added	19:15 VA.R. 2276	3/17/03-3/16/04
12 VAC 30-120-170 emer	Amended	19:15 VA.R. 2281	3/17/03-3/16/04
12 VAC 30-120-180 emer	Amended	19:15 VA.R. 2282	3/17/03-3/16/04
12 VAC 30-120-190 emer	Amended	19:15 VA.R. 2284	3/17/03-3/16/04
12 VAC 30-120-210	Repealed	18:26 VA.R. 3853	10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-219	Added	18:26 VA.R. 3855-3865	10/16/02
12 VAC 30-120-220	Repealed	18:26 VA.R. 3865	10/16/02
12 VAC 30-120-221 through 12 VAC 30-120-229	Added	18:26 VA.R. 3867-3875	10/16/02
12 VAC 30-120-230	Repealed	18:26 VA.R. 3875	10/16/02
12 VAC 30-120-231 through 12 VAC 30-120-237	Added	18:26 VA.R. 3878-3883	10/16/02
12 VAC 30-120-240	Repealed	18:26 VA.R. 3883	10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249	Added	18:26 VA.R. 3885-3893	10/16/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-249	Erratum	19:3 VA.R. 549	--
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-120-360	Amended	19:3 VA.R. 530	12/1/02
12 VAC 30-120-370	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-380	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-385	Repealed	19:3 VA.R. 531	12/1/02
12 VAC 30-120-390 through 12 VAC 30-120-420	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-700 emer	Amended	19:3 VA.R. 536	10/1/02-9/30/03
12 VAC 30-120-710 emer	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-120-720 emer	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	18:25 VA.R. 3579-3580	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	19:8 VA.R. 1268-1269	12/4/02-9/30/03
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Adding	19:1 VA.R. 138-150	9/1/02-8/31/02
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Added	18:25 VA.R. 3580-3590	8/1/02-7/31/03
12 VAC 35-105-20 emer	Amended	18:25 VA.R. 3591	9/19/02-9/18/03
12 VAC 35-105-30 emer	Amended	18:25 VA.R. 3597	9/19/02-9/18/03
12 VAC 35-105-280 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-590 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-660 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-800 emer	Amended	18:25 VA.R. 3599	9/19/02-9/18/03
12 VAC 35-190-10	Amended	19:7 VA.R. 1075	1/15/03
12 VAC 35-190-20	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-21	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-30	Amended	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-40	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-41	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-50	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-51	Added	19:7 VA.R. 1076	1/15/03
Title 13. Housing			
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-40	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-110	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-220	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-230	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-50-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-180-10	Amended	19:16 VA.R. 2394	4/2/03
13 VAC 10-180-50	Amended	19:16 VA.R. 2394	4/2/03
13 VAC 10-180-60	Amended	19:16 VA.R. 2394	4/2/03
13 VAC 10-180-60	Amended	19:16 VA.R. 2404	1/1/04
Title 14. Insurance			
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-170-20	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-30	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-60	Amended	19:4 VA.R. 661	10/24/02
14 VAC 5-170-70	Amended	19:4 VA.R. 662	10/24/02
14 VAC 5-170-105	Amended	19:4 VA.R. 665	10/24/02
14 VAC 5-170-150	Amended	19:4 VA.R. 670	10/24/02
14 VAC 5-170-180	Amended	19:4 VA.R. 688	10/24/02
14 VAC 5-200-20	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-30	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-40	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-60	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-75	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-77	Added	19:12 VA.R. 1894	4/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-200-150	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-153	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-200	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-210-70	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-210-90	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-260 (Forms)	Amended	19:14 VA.R. 2169	--
14 VAC 5-350-20	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-30	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-40 through 14 VAC 5-350-80	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-85	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-95	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-110 through 14 VAC 5-350-140	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-150	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-155	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-160	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-165	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-170	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-180	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-210	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350 (Forms)	Amended	19:5 VA.R. 814	--
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
Title 16. Labor and Employment			
16 VAC 5-10-10	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-20	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-21	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-22	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-30	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-20-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-20-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-10	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-60-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-30	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 20-10-10	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-20	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-40	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-50	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-80	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-90	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-100	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 25-10-10	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-20	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-40	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-50	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-80	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-90	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-100	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-120	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-60-190	Amended	19:9 VA.R. 1346	3/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-60-290	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-60-320	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-85-1904.10	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.33	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.34	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.39	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.119	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.120	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.157	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.268	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.272	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1047	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1050	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1051	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-100-1915.4	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.5	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.14	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.15	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.35	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.51	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.53	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.71 through 16 VAC 25-100-1915.75	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.77	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.92	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.97	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.112	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.115	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.116	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.118	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.131	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.134	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.152	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.158	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.159	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.160	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.163	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.165	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.172	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.181	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.1001	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203	Amended	19:9 VA.R. 1351	3/1/03
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-20	Amended	19:10 VA.R. 1496	2/28/03
18 VAC 5-21-20	Amended	19:12 VA.R. 1895	3/26/03
18 VAC 10-10-10 through 18 VAC 10-10-90	Amended	19:10 VA.R. 1497	3/1/03
18 VAC 41-10-10 through 18 VAC 41-10-90	Added	19:10 VA.R. 1497	3/1/03
18 VAC 50-22-100	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-140	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-170	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-250	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-90 through 18 VAC 50-30-130	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-150	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 60-20-10	Amended	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-250 through 18 VAC 60-20-331	Added	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-20	Amended	19:10 VA.R. 1499	2/26/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 60-20-30	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 65-30-10	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-30-80	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-40-340	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-20-310 through 18 VAC 85-20-390 emer	Added	19:7 VA.R. 1114-1117	11/18/02-11/17/03
18 VAC 85-80-10	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-26	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-35	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-40	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-45	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-60 through 18 VAC 85-80-110	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
18 VAC 85-101-10	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-60	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-110-10	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-30	Repealed	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-50	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-60	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-70	Repealed	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-80	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-150	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-155	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-160	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 90-20-360	Amended	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-361	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-362	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-363	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-20-364	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-40-100	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-110	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-120	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-50	Erratum	19:8 VA.R. 1273	--
18 VAC 90-50-10	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-40	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-50	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-60	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-70	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-75	Added	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-80	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 90-50-90	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 95-20-80	Amended	19:7 VA.R. 1094	1/15/03
18 VAC 105-20-10	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-15	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-20	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-40 through 18 VAC 105-20-70	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-30-90	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-100	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-120	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-20-20	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 110-20-101 through 18 VAC 110-20-106	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-111	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Amended	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Erratum	19:11 VA.R. 1790	--

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18 VAC 110-30-15	Amended	19:4 VA.R. 691	12/4/02
18 VAC 112-20-10	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-130	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-131	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-135	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-136	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-30-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-60-55	Added	19:10 VA.R. 1505	2/26/03
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 125-20-30	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-120	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-121	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-130	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 135-20-10 through 18 VAC 135-20-80	Amended	19:12 VA.R. 1899-1901	4/1/03
18 VAC 135-20-30	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-60	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-100	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-105	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-110 through 18 VAC 135-20-150	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-155	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-160 through 18 VAC 135-20-180	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-185	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-190	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-200	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-220	Amended	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-230	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-240 through 18 VAC 135-20-300	Amended	19:12 VA.R. 1903-1904	4/1/03
18 VAC 135-20-260	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-320	Repealed	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-330	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-340	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-360	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-370	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-410	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 140-20-30	Amended	19:14 VA.R. 2145	4/23/03
18 VAC 150-20-10	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-30	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-70	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-75	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-100	Amended	19:7 VA.R. 1113	1/15/03
18 VAC 150-20-100	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-110	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-120 through 18 VAC 150-20-140	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-171	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-172	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-180 through 18 VAC 150-20-200	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-181	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-205	Repealed	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-210	Amended	19:9 VA.R. 1351	3/1/03
Title 19. Public Safety			
19 VAC 30-20-10	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-50	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-80	Amended	19:10 VA.R. 1508	3/1/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-20	Amended	19:1 VA.R. 115	8/21/02

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20 VAC 5-302-25	Added	19:1 VA.R. 117	8/21/02
20 VAC 5-302-35	Added	19:1 VA.R. 118	8/21/02
20 VAC 5-312-90	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-90	Erratum	19:5 VA.R. 819	--
20 VAC 5-312-100	Amended	18:26 VA.R. 3904	1/1/03
20 VAC 5-312-120	Added	18:26 VA.R. 3905	1/1/03
Title 22. Social Services			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-20	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-100	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-20-20 through 22 VAC 5-20-100	Amended	19:1 VA.R. 124-132	10/23/02
22 VAC 5-20-110	Repealed	19:1 VA.R. 132	10/23/02
22 VAC 5-20-120	Amended	19:1 VA.R. 132	10/23/02
22 VAC 5-20-140	Amended	19:1 VA.R. 133	10/23/02
22 VAC 5-20-150	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-170	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-180	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-190	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-210	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-230	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-250	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-300	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-310	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-330	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-450	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-460	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-580	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
22 VAC 15-30 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 20-20-10 through 22 VAC 20-20-110	Amended	19:4 VA.R. 694	1/1/03
22 VAC 30-20-10 through 22 VAC 30-20-40	Amended	19:14 VA.R. 2147-2154	4/24/03
22 VAC 30-20-60	Amended	19:14 VA.R. 2154	4/24/03
22 VAC 30-20-80	Amended	19:14 VA.R. 2154	4/24/03
22 VAC 30-20-90	Amended	19:14 VA.R. 2155	4/24/03
22 VAC 30-20-95	Added	19:14 VA.R. 2155	4/24/03
22 VAC 30-20-100 through 22 VAC 30-20-130	Amended	19:14 VA.R. 2155-2164	4/24/03
22 VAC 30-20-150	Amended	19:14 VA.R. 2164	4/24/03
22 VAC 30-20-160	Amended	19:14 VA.R. 2164	4/24/03
22 VAC 30-20-170	Amended	19:14 VA.R. 2165	4/24/03
22 VAC 30-20-181	Amended	19:14 VA.R. 2166	4/24/03
22 VAC 30-20-200	Amended	19:14 VA.R. 2167	4/24/03
22 VAC 30-50-10 through 22 VAC 30-50-110	Added	19:9 VA.R. 1352-1354	2/13/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 40-71-10	Amended	19:8 VA.R. 1240	3/28/03
22 VAC 40-71-20	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-20	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-30	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-45	Added	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-50	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-60	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-80	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-90	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-110	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-130	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-150	Amended	19:8 VA.R. 1245	3/28/03

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22 VAC 40-71-160	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-170	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-180	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-210	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-270	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-275	Added	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-280	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-290	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-310	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-330	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-360	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-410	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-440	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-450	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-460	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-480	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-490	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-530	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-540	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-550	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-560	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-570	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-580	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-590	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-600	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-630	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-640	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-650	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-660	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-670	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-680	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-690	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71 Part VI, Article 3	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-700	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-700	Erratum	19:11 VA.R. 1790	--
22 VAC 40-90-10	Amended	19:2 VA.R. 352	11/6/02
22 VAC 40-90-20	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-90-60	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-92-10 through 22 VAC 40-92-180	Repealed	19:3 VA.R. 531	11/20/02
22 VAC 40-680-20	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-63	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-67	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-10	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-30	Amended	19:10 VA.R. 1510	2/26/03
22 VAC 40-705-10	Amended	19:6 VA.R. 1011	1/1/03
22 VAC 40-705-30 through 22 VAC 40-705-160	Amended	19:6 VA.R. 1014-1023	1/1/03
22 VAC 40-705-180	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-705-190	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-720-10	Amended	19:3 VA.R. 531	11/20/02
22 VAC 40-730-10	Amended	19:3 VA.R. 532	11/20/02
22 VAC 40-730-20	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-730-40 through 22 VAC 40-730-90	Amended	19:3 VA.R. 533	11/20/02
Title 24. Transportation and Motor Vehicles			
24 VAC 30-270	Repealed	19:3 VA.R. 533	9/18/02
24 VAC 30-271-10	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-271-20	Added	19:3 VA.R. 533	9/18/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-280-20	Amended	19:16 VA.R. 2414	3/24/03
24 VAC 30-280-40	Amended	19:16 VA.R. 2415	3/24/03
24 VAC 30-280-50	Amended	19:16 VA.R. 2415	3/24/03
24 VAC 30-280-60	Amended	19:16 VA.R. 2416	3/24/03

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-630, General Virginia Pollution Abatement General Permit Regulation for Poultry Waste Management**. The purpose of the proposed action is to amend the VPA General Permit for poultry waste management, where applicable, to reflect changes to 40 CFR Parts 9, 122, 123, and 412, as published in the Federal Register on February 12, 2003. This general permit regulation governs the authorization to manage pollutants from confined poultry feeding operations, including storage and land application of animal waste.

Need: In order to comply with the changes to 40 CFR Parts 9, 122, 123, and 412, as published in the Federal Register Volume 68, No. 29, dated February 12, 2003, the board must update the VPA General Permit Regulation for Poultry Waste Management. The use of a general permit provides permittees the authority to manage pollutants and allows for the protection of state waters while utilizing fewer resources of the Commonwealth. A site specific nutrient management plan will be required for each individual operation covered by the general permit.

Substance: This is a modification of an existing general permit and amendments may be identified during the submittal of comments on this notice, and may reflect recent changes to 40 CFR Parts 9, 122, 123, and 412.

Alternatives: There are two alternatives for compliance with the new federal requirements. One is to issue an individual VPDES permit to all operations currently covered by the VPA General Permit for Poultry Waste Management. The other is to adopt a general VPDES permit to cover any operation that meets the new federal definition of a concentrated animal feeding operation. Due to the magnitude of concentrated animal feeding operations that must seek coverage, it is not practical to issue individual permits to each of these sites. Individual permits will only be issued to those sites that do not qualify to be permitted under the general permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, fax, or email to Scott Haley, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-

4443, fax (804) 698-4032, email tshaley@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 4 p.m. on June 4, 2003.

Following publication of the draft general permit regulation in the *Virginia Register*, the board will hold at least one public hearing to provide opportunity for public comment.

Participatory Approach: The board is forming a Technical Advisory Committee composed of relevant stakeholders to assist in the development of the general permit regulation. Persons interested in participation on the advisory committee should provide name, address, telephone number and the name of the organization represented to the contact person by 4 p.m. on June 4, 2003.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.17:1.1 of the Code of Virginia.

Public comments may be submitted until June 4, 2003.

Contact: Scott Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, or e-mail tshaley@deq.state.va.us.

VA.R. Doc. No. R03-179; Filed April 16, 2003, 10:33 a.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled **12 VAC 5-31, Virginia Emergency Medical Services**, and repealing regulations entitled **12 VAC 5-40, Regulation Governing Financial Assistance for Emergency Medical Services**. The purpose of the proposed action is to adopt regulations for designation of regional EMS council and revise regulations regarding the Rescue Squad Assistance Fund (RSAF), combining them with all regulations governing EMS in Virginia, i.e., the intended provisions would be inserted into two new parts, Parts VII and VIII, in the newly adopted chapter on EMS (12 VAC 5-31), while repealing the current chapter regarding the RSAF (12 VAC 5-40).

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

Statutory Authority: § 32.1-111.3 of the Code of Virginia

Public comments may be submitted until 5 p.m., May 9, 2003.

Notices of Intended Regulatory Action

Contact: Dave Cullen, Regulatory and Compliance Manager, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, FAX (804) 371-3543, or e-mail dcullen@vdh.state.va.us.

VA.R. Doc. No. R03-158; Filed March 18, 2003, 10:17 a.m.

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. Waiver Services (HIV/AIDS Waiver Program)**. The purpose of the proposed action is to modify the existing HIV/AIDS waiver program to cover consumer-directed services.

The agency does not intend to hold a public hearing on the proposed action after publication.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until May 8, 2003, to Vivian Horn, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vsimmons@dmas.state.va.us.

VA.R. Doc. No. R03-157; Filed March 17, 2003, 4:59 p.m.

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Labor and Industry intends to consider promulgating regulations entitled **16 VAC 25-155, General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment, Construction Industry - Subpart V**, and amending regulations entitled **16 VAC 25-175, Federal Identical Construction Industry Standards**. The purpose of this action is to **adopt** a regulation unique to the Virginia Occupational Safety and Health Program (VOSH) entitled 16 VAC 25-155, General Requirements for

Clearances, Construction of Electric Transmission and Distribution Lines and Equipment, Construction Industry - Subpart V, that will make the Construction Industry safety requirements for electrical transmission workers identical to the current federal identical General Industry regulation counterpart, 16 VAC 25-90-1910.269(l)(2)(i). This action will also amend the Federal Identical Construction Industry Regulation, 16 VAC 25-175 by repealing 16 VAC 25-175-1926.950 (c) (1) (i).

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 40.1-22 of the Code of Virginia.

Public comments may be received until June 5, 2003.

Contact: John J. Crisanti, Policy Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, email jjc@doli.state.va.us.

VA.R. Doc. No. R03-176; Filed April 11, 2003, 12:35 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amend regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act). Any other changes that may be necessary may also be considered.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 54.1-113, 54.1-201.4, 54.1-404, and 54.1-411 of the Code of Virginia.

Public comments may be submitted until June 4, 2003.

Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail APELSCIDLA@dpor.state.va.us.

VA.R. Doc. No. R03-177; Filed April 11, 2003, 2:20 p.m.

Notices of Intended Regulatory Action

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLANDS PROFESSIONALS

of Transportation, 1401 E. Broad St., Richmond, VA 23219,
telephone (804) 786-2576, FAX (804) 786-2603 or e-mail
SSR2004@virginiadot.org.

VA.R. Doc. No. R03-156; Filed March 18, 2003, 1:29 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Professional Soil Scientists and Wetlands Professionals intends to consider amending regulations entitled **18 VAC 145-20, Board for Professional Soil Scientists Regulations**. The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act). Any other changes that may be necessary may also be considered.

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

Statutory Authority: §§ 54.1-113 and 54.1-201.4 of the Code of Virginia.

Public comments may be submitted until June 4, 2003.

Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail SoilScientists@dpor.state.va.us.

VA.R. Doc. No. R03-178; Filed April 11, 2003, 2:20 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commonwealth Transportation Board intends to consider amending regulations entitled: **24 VAC 30-90. Subdivision Street Requirements**. The purpose of the proposed action is to clarify text to improve clarity and usefulness; update obsolete titles and work unit names; separate geometric standards from regulatory requirements; update the list of documents incorporated by reference; and address impact of identified issues (including definition of roles, review and acceptance processes, sidewalks, flexibility of standards, traffic calming, surety and maintenance fees, utilities, etc.) on the regulation. (See 19:16 VA.R. 2342-2343 April 21, 2002, for more detailed information.)

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 33.1-12(3), 33.1-69, 33.1-198, and 33.1-229 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 7, 2003.

Contact: James S. Givens, attn: Kenneth M. Smith, Transportation Engineering Program Supervisor, Department

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-80. **Methods and Standards for Establishing Payment Rates - Other Types of Care: Reimbursement for Pharmacy Services (amending 12 VAC 30-80-40).**

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until July 5, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Marianne McNeil, Pharmacy Manager, Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-2196, FAX (804) 786-1680.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code of Virginia also provides, in the Administrative Process Act in §§ 2.2-4007 and 2.2-4013, for this agency's promulgation of proposed regulations subject to the Governor's review.

Pursuant to the regulatory review requirements of Executive Order 21(02), Periodic Review of Existing Regulations, DMAS reviewed its controlling regulations for its reimbursement of pharmacy services and determined that modifications in pharmacy reimbursement were indicated.

Purpose: This proposed change has no immediate affect on the public's health, safety, and welfare but will ease administrative requirements for pharmacy providers. The purposes of the regulatory action are:

1. To conform this department's definition of "unit dose dispensing system" to the definition used by Virginia Board of Pharmacy regulations. Conforming this agency's regulation for this issue to that of the Virginia Board of Pharmacy's related regulation is expected to eliminate an unnecessary barrier to service provision for practicing pharmacists.
2. To change the reimbursement rate for the service of "unit dose dispensing" to a per capita monthly fee. This will eliminate the current reimbursement rate which is a dispensing fee for each unit provided through a "unit dose dispensing system."

Substance: The section of the State Plan for Medical Assistance that is affected by this action is Methods and Standards for Establishing Payment Rates-Other Types of Care: Reimbursement Methodology for Pharmacy Services (12 VAC 30-80-40).

This regulatory action is not mandated by either federal or state law, but currently DMAS' definition of the term "unit dose" is more restrictive than regulations promulgated by the Board of Pharmacy, thereby creating conflicts and barriers to the provision of services by enrolled pharmacists. The Board of Pharmacy has expanded its definition of unit dose to permit a maximum of seven days' supply under its regulations. This action proposes to re-align the DMAS payment regulations with this Board of Pharmacy regulation.

Misunderstanding by providers of DMAS' current definition of a unit dose dispensing system has caused certain billing errors for prescription drugs. Standardization of this definition would allow dispensing to occur as determined to be safe and reasonable by the Virginia Board of Pharmacy.

Payment algorithms currently in use by DMAS in its computerized claims processing system are poorly understood by providers of "unit dose dispensing." Providers are over billing and are being overpaid for their unit dose services. As a consequence, DMAS is reprocessing pharmacy claims that have already been processed and paid in error.

A single charge for this service, billed once monthly, would provide clear documentation that the pharmacy provider is certifying the use of unit dose products for the specific patient during the previous month, in accordance with the DMAS definition.

It is anticipated this regulation will be budget neutral.

Issues: The primary advantage to the Commonwealth is the facilitation of pharmacy services due to the use of a consistent definition of unit dose dispensing for Medicaid recipients and non-Medicaid users of pharmacy services. Modifying the reimbursement computer algorithm to one dispensing payment per month will simplify the payment methodology thereby reducing claims processing errors and overpayments. The Commonwealth's pharmacy community supports this modification. This modification will be transparent to citizens of the Commonwealth.

Fiscal Impact: The costs to implement a regulatory change include both direct and indirect costs. In the case of this change, these costs are expected to be minimal. Activities necessary to implement these changes include Information Systems Request (ISR), provider manual revisions, and training. It is anticipated that the efficiencies resulting from this change will offset these implementation costs. Payment processing costs experienced by DMAS with regard to time are expected to decrease slightly. Economies are anticipated in streamlining this process and through a reduction in payment errors.

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No cost to localities is expected. Businesses affected include pharmacies and repackagers. The costs related to this change that are experienced by these businesses are expected to slightly decrease as the result of replacing the per dosage cost with a monthly cost; processing expenses related to billing and payment will decrease, although not to a significant degree.

Conclusion: The effects of this regulatory change are budget neutral.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulations will incorporate by reference the Board of Pharmacy's definition of "unit dose" for Medicaid pharmacy reimbursement purposes and will modify the unit dose dispensing fee to that of a monthly per capita fee.

Estimated economic impact. These regulations apply to Medicaid reimbursement methods for pharmacy services. Pharmacies receive a "unit dose dispensing fee" for the services they provide to Medicaid recipients residing in nursing homes to cover the additional costs associated with operating this system. This fee is separate from and in addition to the \$4.25 dispensing fee paid once in 30 days per patient per prescription. Unit dose is a measure of a particular dose of a drug ordered for a patient at one administration time. If the particular prescribed drug is not available from the manufacturer in unit dose packaging form, then the prescribed dose is prepackaged at the pharmacy before it is delivered to the nursing home. Nurses deliver these prepackaged, individualized, labeled doses to the residents using a single container, such as a medication drawer or bin, and administer it.

The unit dose system has widespread use among nursing homes and hospitals. The research in this area generally indicates that the unit dose dispensing system is cost effective compared to traditional methods of dispensing a 30-day supply of drugs. The unit dose system is found to reduce the handling of drugs (preparation, recordkeeping, administration, etc.), to reduce medication errors (forgetting to administer a drug, administering the drug late or at the wrong dosage, administering an unauthorized drug, etc.), to reduce drug waste (dispensed but unused drugs due to patient discharge,

adverse reaction, ineffectiveness, etc.), but also to increase pharmacy costs.¹

Currently, the Department of Medical Assistance Services (the department) uses a 24-hour supply of unit dose as a unit of service when calculating reimbursements to pharmacies. In some cases, the primary pharmacy provider may repackage a resident's prescription drugs. An example of this is fixing individual tablets in a bubble pack. The unit dose dispensing fee has two components: (1) a one-cent reimbursement per dose dispensed, and (2) a 1.57-cent reimbursement per dose repackaged. When pharmacies do not repackage the unit dose, they are not paid for this component. Under this system, the department annually pays approximately \$592,000 (\$389,000 for one-cent reimbursement and \$203,000 for the 1.57-cent component) to serve an average monthly population of 9,920 unit-dose recipients. Thus, the monthly cost per recipient is approximately \$4.97.

The department proposes to change its current unit dose dispensing reimbursement methodology to a monthly per capita fee. The proposed regulations will provide the department the authority to establish an initial per capita fee and to adjust it periodically. Although the regulation does not specify the amount of the fee, the department plans to implement a \$5 monthly fee per recipient who is provided at least one unit dose package in that month. Since the current monthly average cost per recipient is \$4.97, the fiscal effect of this change is expected to be "budget neutral."

Both the Virginia Pharmacy Association and the department indicate that the reimbursement methodology currently in place is administratively costly, inefficient, and cumbersome. For reimbursement, the pharmacies must identify and show the two add-on fee components for unit dose dispensing services on their claims. In order to do that, they maintain records on the number of unit dose packages provided every day and whether they are repackaged by the provider pharmacy. This procedure requires maintenance and submission of a number of data elements, which increases the chances for billing errors. The department in turn must audit the integrity of these claims and must devote staff time for this purpose. The proposed monthly per capita fee system will reduce the number of data elements that must be recorded, maintained, verified, and audited. Thus, the proposed change in reimbursement method for unit dose dispensing services will likely reduce administrative costs for both the pharmacy providers and the department in terms of reduced staff time.

¹ Farner and Hicks, 1976, "The Impact of Drug Distribution Systems on Nurse's Time Involvement in Medication Related Activities in Long-term-care Facilities," *Drug Intelligence and Clinical Pharmacy*, v. 10, pp. 458-462.

Lepinski, Thielke, Collins, and Hanson, 1986, "Cost Comparison of Unit Dose and Traditional Drug Distribution in a Long-term-care Facility," *American Journal of Hospital Pharmacy*, v. 43, pp. 2771-2778.

Parrott, 1980, "Drug Waste in Long-term Care Facilities: Impact of Drug Distribution System," *American Journal of Hospital Pharmacy*, v. 37, pp. 1531-1534.

Barker, Mikeal, Pearson, Illig, and Morse, 1982, "Medication Errors in Nursing Homes and Small Hospitals," *American Journal of Hospital Pharmacy*, v. 39, pp. 987-991.

The department also proposes to change the service unit definition of the unit dose dispensing from the 24-hour supply to the definition established under the Board of Pharmacy regulations, which is currently up to a seven-day supply.² Since all pharmacies must comply with the Board of Pharmacy regulations, most are familiar with the seven-day supply provision. However, Medicaid pharmacy providers are also subject to a 24-hour supply provision for Medicaid reimbursement purposes. This definitional discrepancy in the two regulations that Medicaid providers must comply with has been creating confusion among the pharmacies. The Virginia Pharmacy Association also indicates that the majority of other states define a unit of service as a seven-day supply. A definition conforming to that of the Board of Pharmacy is expected to remove a potential confusion among Medicaid pharmacy providers and benefit them in terms of communication costs that would otherwise be incurred to clarify the confusion.

With this change in definition, unit dose Medicaid pharmacy providers and nursing homes will be allowed to implement an up to seven-day supply unit dose dispensing system. Given this option, some pharmacies may find it beneficial to operate with a system that is capable of providing up to a seven-day supply of drugs for nursing home residents. It is highly likely that the time spent on operating a seven-day supply unit dose system would be lower than the time spent on operating the equivalent of seven 24-hour supply unit dose systems. Some pharmacies may choose to take advantage of this new opportunity to reduce their costs in terms of pharmacist time and may realize some significant savings.

Similarly, a unit dose system with a larger supply is expected to also reduce nurses' administrative duties related to medication dispensing in nursing facilities. Although no study is available to make comprehensive cost comparisons between the two alternate unit dose systems (24-hour vs. seven-day supply), available evidence suggests that the nurse's time involvement in medication related activities is 0.84 minutes lower per dose under a three-day system relative to that under a 24-hour system.³ It can be inferred from the expenditure data that Medicaid pays for approximately 38.9 million unit doses every year (or about 11 doses per day per person) for nursing home residents receiving this service.⁴ Thus, there are significant potential savings in nursing time. For example, if all nursing homes start using a three-day system, the total reduction in nurses' time involvement may be approximately 544,600 nurse-hours per year (or 2,475 nurse-hours per nursing home annually, or slightly more than a full time nurse position per nursing home).⁵ Given the current tight labor market for nurses, this represents a significant incentive for nursing homes to

² 18 VAC 110-20-420 B.

³ Farner and Hicks, 1976, "The Impact of Drug Distribution Systems on Nurse's Time Involvement in Medication Related Activities in Long-term-care Facilities," *Drug Intelligence and Clinical Pharmacy*, v. 10, pp. 458-462.

⁴ 38.9 million doses = \$389,000/\$0.01, 11 doses = 38.9 million/(9,920 residents x 12 months x 30 days).

⁵ 544,600 = ((38.9 million doses) x (0.84 minutes))/(60 minutes per hour), 2,475 nurse hours = (544,600 nurse hours)/(220 nursing homes), 1.2 full time nurse per nursing home = (2,475 nurse hours)/(2,088 hours per full time position).

demand a unit dose system with a larger supply from their pharmacy providers.

On the other hand, the likely effect of a larger supply unit dose system on medication error rates is unknown. Thus, depending on the actual outcome, the change in medication error rate may represent an additional benefit or cost of the proposed change in definition.

In short, this amendment will allow pharmacies and nursing homes to take advantage of a longer period unit dose system. The potential costs savings in pharmacist time and nurse time appear to be significant.

Businesses and entities affected. The proposed regulations apply to pharmacies providing unit dose services to nearly 10,000 Medicaid nursing home residents in 220 nursing home facilities.

Localities particularly affected. The proposed regulations will not affect any particular locality more than others.

Projected impact on employment. The proposed change in reimbursement methodology will likely simplify the billing process and reduce, probably by a small amount, the staffing needs of the pharmacy providers and the department. The change in definition of unit dose will also provide an opportunity for pharmacies as well as nursing homes to utilize a more labor efficient unit dose system and reduce the labor demand.

Effects on the use and value of private property. The proposed regulations, through reducing administrative costs and allowing more efficient drug distribution systems, will likely improve the profitability of private pharmacy and nursing home providers and contribute to their value.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Methods and Standards for Establishing Payment Rates - Other Types of Care: Reimbursement for Pharmacy Services (12 VAC 30-80) Unit Dose Definition and Reimbursement. The agency raises no issues with this analysis.

Summary:

The proposed amendments address two items regarding reimbursement for pharmacy services in Medicaid. The board proposes to conform, for Medicaid reimbursement purposes, the definition of "unit dose dispensing system" to the definition employed by the Board of Pharmacy. The board also proposes to change the reimbursement rate for the service of "unit dose dispensing" to a per capita monthly fee.

12 VAC 30-80-40. Fee-for-service providers: pharmacy.

Payment for pharmacy services shall be the lowest of items 1 through 5 (except that items 1 and 2 will not apply when prescriptions are certified as brand necessary by the prescribing physician in accordance with the procedures set forth in 42 CFR 447.331 (c) if the brand cost is greater than the HCFA CMS upper limit of or VMAC cost) subject to the

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conditions, where applicable, set forth in subdivisions 6 and 7 of this section:

1. The upper limit established by the ~~Health Care Financing Administration (HCFA)~~ Centers for Medicare and Medicaid Services (CMS) for multiple source drugs pursuant to 42 CFR 447.331 and 447.332, as determined by the ~~HCFA~~ CMS' Upper Limit List plus a dispensing fee. If the agency provides payment for any drugs on the ~~HCFA~~ CMS' Upper Limit List, the payment shall be subject to the aggregate upper limit payment test.

2. The Virginia Maximum Allowable Cost (VMAC) established by the agency plus a dispensing fee for *these* multiple source drugs ~~listed on the VVF~~.

3. The Estimated Acquisition Cost (EAC), which shall be based on the published Average Wholesale Price (AWP) minus a percentage discount established by the methodology set out in a through c below.

a. Percentage discount shall be determined by a statewide survey of providers' acquisition cost.

b. The survey shall reflect statistical analysis of actual provider purchase invoices.

c. The agency will conduct surveys at intervals deemed necessary by DMAS.

4. (Reserved.)

5. The provider's usual and customary charge to the public, as identified by the claim charge.

6. Payment for pharmacy services will be as described above; however, payment for legend drugs will include the allowed cost of the drug plus only one dispensing fee per month for each specific drug. Exceptions to the monthly dispensing fees shall be allowed for drugs determined by the department to have unique dispensing requirements.

7. The Program pays additional reimbursement for the ~~24-hour~~ unit dose ~~delivery~~ dispensing system of dispensing drugs. *DMAS defines its unit dose dispensing system coverage consistent with that of the Board of Pharmacy of the Department of Health Professions (18 VAC 110-20-420).* This service is paid only for patients residing in nursing facilities. Reimbursements are based on the allowed payments described above plus the unit dose ~~add-on~~ per capita fee ~~and an allowance for the cost of unit dose packaging established by the state agency to be submitted by the pharmacy for unit dose dispensing services to a nursing home resident. Only one service fee per month may be submitted by the pharmacy for each patient receiving unit dose dispensing services.~~ The maximum allowed drug cost for specific multiple source drugs will be the lesser of: either the VMAC based on the 60th percentile cost level identified by the state agency or ~~HCFA's~~ CMS' upper limits. All other drugs will be reimbursed at drug costs not to exceed the estimated acquisition cost determined by the state agency. *The original per capita fee shall be determined by a DMAS analysis of costs related to such dispensing, and shall be reevaluated at periodic intervals for appropriate adjustment.*

8. Determination of EAC was the result of an analysis of FY89 paid claims data of ingredient cost used to develop a matrix of cost using 0 to 10% reductions from AWP as well as discussions with pharmacy providers. As a result of this analysis, AWP minus 9.0% was determined to represent prices currently paid by providers effective October 1, 1990.

The same methodology used to determine AWP minus 9.0% was utilized to determine a dispensing fee of \$4.40 per prescription as of October 1, 1990. A periodic review of dispensing fee using Employment Cost Index--wages and salaries, professional and technical workers will be done with changes made in dispensing fee when appropriate. As of July 1, 1995, the Estimated Acquisition Cost will be AWP minus 9.0% and dispensing fee will be \$4.25.

9. Home infusion therapy.

a. The following therapy categories shall have a pharmacy service day rate payment allowable: hydration therapy, chemotherapy, pain management therapy, drug therapy, total parenteral nutrition (TPN). The service day rate payment for the pharmacy component shall apply to the basic components and services intrinsic to the therapy category. Submission of claims for the per diem rate shall be accomplished by use of the HCFA 1500 claim form.

b. The cost of the active ingredient or ingredients for chemotherapy, pain management and drug therapies shall be submitted as a separate claim through the pharmacy program, using standard pharmacy format. Payment for this component shall be consistent with the current reimbursement for pharmacy services. Multiple applications of the same therapy shall be reimbursed one service day rate for the pharmacy services. Multiple applications of different therapies shall be reimbursed at 100% of standard pharmacy reimbursement for each active ingredient.

VA.R. Doc. No. R03-51; Filed April 16, 2003, 11:12 a.m.

Title of Regulation: 12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-700, 12 VAC 30-120-710, and 12 VAC 30-120-720).

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until July 5, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Sherry Confer, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-6995, FAX (804) 786-1680 or e-mail sconfer@dmass.state.va.us.

Basis: The Department of Medical Assistance Services (DMAS) derives its authority for this waiver program from § 1915 (c) of the Social Security Act, which permits states to establish and pay for, with approval of the Centers for

Medicare and Medicaid Services (the federal funding agency), community-based services that enable eligible individuals to avoid institutionalization, particularly in Intermediate Care Facilities for the Mentally Retarded (ICFs/MR). The community-based care rendered includes such services as personal care services (assistance with Activities of Daily Living (ADLs)), day support, environmental modifications, respite care, and Personal Emergency Response Systems. Community-based services may be provided to eligible individuals as long as the costs of such care do not exceed, in the aggregate, the costs of institutional care. The initial IFDDS Waiver became effective July 1, 2000.

Purpose: The purpose of the proposal is to promulgate permanent regulations that supersede the existing emergency regulations, permitting certain children age six who become ineligible for the MR Waiver to transfer automatically to the IFDDS Waiver. These proposed regulations are necessary for the Department of Medical Assistance Services (DMAS) to continue complying with the mandate of the 2002 Acts of Assembly, Chapter 899, Item 325 W. This proposed action is necessary to protect the health and welfare of the children who have been served in the Mental Retardation Waiver by automatically transferring them into the IFDDS Waiver ensuring their community service needs continue to be met.

Substance: This regulatory action affects the Individual and Family Developmental Disability Support Waiver regulations (12 VAC 30-120-700, 12 VAC 30-120-710, and 12 VAC 30-120-720).

Since beginning in 2000, the IFDDS Waiver has provided home and community-based services for individuals who have been determined to need the level of care provided in an Intermediate Care Facility for the Mentally Retarded, who have 'related conditions,' such as autism, epilepsy, or cerebral palsy, and who are ages six or older.

Presently, the Mental Retardation (MR) Waiver provides home and community-based services for individuals who have been determined to meet the level of care provided in an Intermediate Care Facility for the Mentally Retarded (ICF/MR) and who are either diagnosed with mental retardation or are younger than the age of six years who are also at developmental risk. Once these young children in the MR Waiver without a diagnosis of mental retardation reach the age of six years, they are no longer eligible for services through the MR Waiver. Their case managers are responsible for linking these children and their families with whatever community or institutional services are available to meet the children's needs.

Prior to the agency's adoption of the current emergency regulations for the IFDDS Waiver, these children were discharged from care. To ensure that the community service needs of these children continue to be met, these permanent regulations are necessary for these children to automatically transfer into the IFDDS Waiver. The regulations describe the eligibility requirements for these children and the transfer process.

Issues: The primary advantage to the public and the Commonwealth is that these children will continue to access home and community-based services that will allow them to

stay in the home or community setting. Without the continuity of services, these young children risk institutionalization in order for their service needs to be met. Further, lack of available services can put undue stress on families caring for these children who have serious and oftentimes complex service needs. This continuity of the provision of services is vital to supporting the family unit and these children's developmental progress.

DMAS does not anticipate any disadvantages to the public. In fact, providing services to these children in their communities is significantly less costly than institutionalization would be and slightly more than half of the cost is covered by federal matching funds. The slight funding increase expected to result from this change can be absorbed within current funding levels for the IFDDS Waiver program.

Fiscal Impact: This change will cause a slight increase in IFDDS Waiver expenditures that can be absorbed within current funding levels. Computer and management systems are already in place for operations and monitoring of the waivers. Due to the small number of children eligible for transfer to this waiver, DMAS anticipates minimal affect on entities and negligible costs.

DMAS does not project additional costs for localities as services are already being provided.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Pursuant to 2002 Acts of Assembly¹, the proposed regulations allow automatic transfer of certain children receiving services under the Mental Retardation Waiver to the Individual and Family Developmental Disabilities Support (IFDDS) Waiver. This change applies to children who do not have a diagnosis of mental retardation, but are at risk of developmental delays because of a related condition, as defined in 42 CFR 435.1009, when they reach age six at which time the transfer may take place. The proposed permanent changes are already effective since October 1, 2002, under emergency regulations.

Estimated economic impact. The Department of Medical Assistance Services (the department) may provide community-based services to individuals with related conditions under two programs: the Mental Retardation (MR)

¹ Chapter 899, Item 325 W.

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Waiver or the Individual and Family Developmental Disabilities Support (IFDDS) Waiver; the determining factors are the diagnosis of mental retardation and the individual's age. While the MR Waiver is for those persons who are diagnosed with mental retardation, the IFDDS Waiver is for those persons who do not have a diagnosis of mental retardation, but are at risk of developmental delays because of a related condition. However, the determination of mental retardation is not typically made for children under six. Thus, children at risk of developmental delay are served under the MR Waiver until they reach age six when a medical determination for mental retardation may be made.

When these children reach age six and are diagnosed with mental retardation, they continue to receive services under the MR Waiver. Children who are not diagnosed with mental retardation are no longer provided services under the MR Waiver following their sixth birthday. However, if they have related conditions such as autism, brain injury, spina bifida, etc. (but not mental retardation), they are eligible for services under the IFDDS Waiver.

Prior to the emergency regulations, provision of services under the IFDDS Waiver was subject to availability of an open slot in this program. The number of federally approved IFDDS Waiver slots is 323. Since the department may not serve more than 323 individuals under the IFDDS Waiver, some children were at risk of being placed on a waiting list and not getting any waiver services. The proposed changes will allow the department to automatically transfer the six-year olds from the MR Waiver to the IFDDS Waiver regardless of the number of available slots. In other words, the number of available slots under the IFDDS Waiver will automatically increase so that the eligible children continue to receive community based services without interruption.

These services include in-home residential support, day support, personal care, respite care, skilled nursing, personal emergency response systems, crisis stabilization, supported employment, prevocational services, etc. The main goal of these services is to keep waiver recipients in their homes and communities and prevent institutionalization. Also, some services are designed to improve job skills and help with employment.

The department expects to transfer a few (one to three) children from the MR Waiver to the IFDDS Waiver annually. The average cost in the IFDDS Waiver is \$27,000 per slot per year. Thus, the Medicaid expenditures may increase by \$27,000 to \$81,000 annually. The total cost of this change in the long-term not only depends on the additional annual enrollment, but also on the duration of the enrollment in this program. According to the department, once recipients enroll, it is very unlikely for them to leave the program. Thus, the long-term economic effects of this change are likely to be more significant than its potential short-term effects. Approximately half of the Medicaid spending for this waiver is financed by state support and the remaining half is financed by federal support. Although the expenditures will most likely increase, providing these services under this waiver will allow Virginia to reap the full benefits at half price.

The main benefit of the proposed changes is the continuing utilization of waiver services by children who would otherwise

experience interruption in service delivery. Thus, there is likely to be a significant improvement in the treatment and consequently in the quality of life of these recipients as well as their parents lives due to continuing waiver services. Institutional treatment of these children may be necessary without the proposed changes. Thus, there may be added nonmonetary benefits to the recipients and the society by keeping these children in their homes and communities. There may also be some other benefits depending on the types of services received. For example, supported employment or vocational services may help recipients in acquiring additional skills and getting employment.

Financially, the increased utilization in the waiver has the potential to provide some cost savings by averting institutional care. The average cost of institutional care for an individual is three to four times higher than the average cost for an individual served by the IFDDS Waiver. Whether these savings will be realized depends on the likelihood of these children being placed in an institution.

Businesses and entities affected. The proposed regulations will affect community-based service providers and intermediate care facilities for the mentally retarded (ICFs/MR).

Localities particularly affected. No locality is expected to be affected any more than others.

Projected impact on employment. The actual effect on employment depends on the differences in labor requirements in alternative scenarios. If this change leads to an increase in the number of children served without any effect on institutional care, then a positive effect on labor demand is expected. If, on the other hand, there is a corresponding decrease in institutional care, expected positive effect may be outweighed by the labor demand decrease in ICFs/MR. In any case, the short-term employment effect will probably be very small.

Effects on the use and value of private property. Similarly, the net effect on provider businesses is uncertain, as there may be a net increase or decrease in the services provided. In any event, the value of provider businesses is unlikely to change significantly in near future.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning the Individual and Family Developmental Disabilities Support Waiver (coverage of six-year-old children who are transferring from the MR Waiver).

Summary:

Pursuant to Item 325W of Chapter 899 of the 2002 Acts of Assembly, the proposed amendments allow automatic transfer of certain children receiving services under the Mental Retardation Waiver to the Individual and Family Developmental Disabilities Support (IFDDS) Waiver. This change applies to children who do not have a diagnosis of mental retardation, but are at risk of developmental delays because of a related condition, as defined in 42 CFR 435.1009, when they reach age six at which time the

transfer may take place. The proposed permanent changes are already effective since October 1, 2002, under emergency regulations.

12 VAC 30-120-700. Definitions.

"Activities of daily living (ADL)" means personal care tasks, e.g., bathing, dressing, toileting, transferring, and eating/feeding. A recipient's degree of independence in performing these activities is a part of determining appropriate level of care and services.

"Assistive technology" means specialized medical equipment and supplies including those devices, controls, or appliances specified in the consumer service plan but not available under the State Plan for Medical Assistance that enable recipients to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live or that are necessary to their proper functioning.

"Attendant care" means long-term maintenance or support services necessary to enable the recipient to remain at or return home rather than enter or remain in an Intermediate Care Facility for the Mentally Retarded (ICF/MR). The recipient will be responsible for hiring, training, supervising and firing the personal attendant. If the recipient is unable to independently manage his own attendant care, a family caregiver can serve as the employer on behalf of the recipient. Recipients with cognitive impairments will not be able to manage their own care.

"Behavioral health authority" or "BHA" means the local agency, established by a city or county or combination of counties or cities or cities and counties under § 37.1-194 et seq. of the Code of Virginia, that plans, provides, and evaluates mental health, mental retardation, and substance abuse services in the jurisdiction or jurisdictions it serves.

"CARF" means Commission on Accreditation of Rehabilitation Facilities.

"Case manager" means the individual on behalf of the community services board or behavioral health authority staff possessing a combination of mental retardation work experience and relevant education that indicates that the individual possesses the knowledge, skills and abilities, at the entry level, as established by the Department of Medical Assistance Services, 12 VAC 30-50-450. This individual provides case management services as defined in 12 VAC 30-50-440.

"Centers for Medicare and Medicaid Services" or "CMS" means the unit of the federal Department of Health and Human Services that administers the Medicare and Medicaid programs.

"Community-based care waiver services" or "waiver services" means the range of community support services approved by the Health Care Financing Administration (HCFA) Centers for Medicare and Medicaid Services (CMS) pursuant to § 1915(c) of the Social Security Act to be offered to developmentally disabled recipients who would otherwise require the level of care provided in an ICF/MR.

"Community Services Board" or "CSB" means the local agency established by a city or county or combination of counties or cities, or cities and counties, under § 37.1-194 et seq. of the Code of Virginia, that plans, provides, and evaluates mental health, mental retardation, and substance abuse services in the jurisdiction or jurisdictions it serves.

"Companion aide" means, for the purpose of these regulations, a domestic servant who is also exempt from workers' compensation.

"Companion services" means nonmedical care, supervision and socialization, provided to a functionally or cognitively impaired adult. The provision of companion services does not entail hands-on nursing care and is provided in accordance with a therapeutic goal in the consumer service plan. This shall not be the sole service used to divert recipients from institutional care.

"Consumer-directed companion care" means nonmedical care, supervision and socialization provided to a functionally or cognitively impaired adult. The provision of companion services does not entail hands-on nursing care and is provided in accordance with a therapeutic goal in the consumer service plan. This shall not be the sole service used to divert recipients from institutional care. The recipient will be responsible for hiring, training, supervising, and firing the ~~personal attendant~~ companion. If the recipient is unable to independently manage his own consumer-directed ~~respite~~ care, a family caregiver can serve as the employer on behalf of the recipient. ~~Recipients with cognitive impairments will not be able to manage their own care.~~

"Consumer-directed respite care" means services given to caretakers of eligible individuals who are unable to care for themselves that are provided on an episodic or routine basis because of the absence or need for relief of those persons residing with the recipient who normally provide the care. The recipient will be responsible for hiring, training, supervising, and firing the personal attendant. If the recipient is unable to independently manage his own consumer-directed respite care, a family caregiver can serve as the employer on behalf of the recipient. ~~Recipients with cognitive impairments will not be able to manage their own care.~~

"Consumer-directed (CD) services facilitator" means the provider contracted by DMAS that is responsible for ensuring development and monitoring of the CSP, management training, and review activities as required by DMAS for attendant care, consumer-directed companion care, and consumer-directed respite care services.

"Consumer service plan" or "CSP" means that document addressing all needs of recipients of home and community-based care developmental disability services, in all life areas. Supporting documentation developed by service providers ~~are~~ is to be incorporated in the CSP by the support coordinator. Factors to be considered when these plans are developed may include, but are not limited to, recipients' ages and levels of functioning.

"Crisis stabilization" means direct intervention to persons with developmental disabilities who are experiencing serious psychiatric or behavioral problems, or both, that jeopardize their current community living situation. This service must

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provide temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement or prevent other out-of-home placement. This service shall be designed to stabilize recipients and strengthen the current living situations so that recipients can be maintained in the community during and beyond the crisis period.

"Current functional status" means recipients' degree of dependency in performing activities of daily living.

"DMAS" means the Department of Medical Assistance Services.

"DMAS staff" means individuals who perform utilization review, recommendation of preauthorization for service type and intensity, and review of recipient level of care criteria.

"DMHMRSAS" means the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"DRS" means the Department of Rehabilitative Services.

"DSS" means the Department of Social Services.

"Day support" means training in intellectual, sensory, motor, and affective social development including awareness skills, sensory stimulation, use of appropriate behaviors and social skills, learning and problem solving, communication and self care, physical development, services and support activities.

"Environmental modifications" means physical adaptations to a house, place of residence, vehicle or work site, when the work site modification exceeds reasonable accommodation requirements of the Americans with Disabilities Act, necessary to ensure recipients' health and safety or enable functioning with greater independence when the adaptation is not being used to bring a substandard dwelling up to minimum habitation standards and is of direct medical or remedial benefit to recipients.

"EPSDT" means the Early Periodic Screening, Diagnosis and Treatment program administered by DMAS for children under the age of 21 according to federal guidelines which prescribe specific preventive and treatment services for Medicaid-eligible children.

"Family/caregiver training" means training and counseling services provided to families or caregivers of recipients receiving services in the IFDDS Waiver.

"Fiscal agent" means an agency or organization contracted by DMAS to handle employment, payroll, and tax responsibilities on behalf of recipients who are receiving consumer-directed attendant, respite, and companion services.

"Home" means, for purposes of the IFDDS Waiver, an apartment or single family dwelling in which no more than two individuals who require services live with the exception of siblings living in the same dwelling with family. This does not include an assisted living facility or group home.

"Home and community-based care" means a variety of in-home and community-based services reimbursed by DMAS as authorized under a § 1915(c) waiver designed to offer recipients an alternative to institutionalization. Recipients may be preauthorized to receive one or more of these services

either solely or in combination, based on the documented need for the service or services to avoid ICF/MR placement.

~~*"HCFA"* means the Health Care Financing Administration, which is the unit of the federal Department of Health and Human Services which administers the Medicare and Medicaid programs.~~

"IFDDS Waiver" means the Individual and Family Developmental Disabilities Support Waiver.

"In-home residential support services" means support provided in the developmentally disabled recipient's home, which includes training, assistance, and supervision in enabling the recipient to maintain or improve his health; assisting in performing recipient care tasks; training in activities of daily living; training and use of community resources; providing life skills training; and adapting behavior to community and home-like environments.

"Instrumental activities of daily living (IADL)" means social tasks (e.g., meal preparation, shopping, housekeeping, laundry, money management). A recipient's degree of independence in performing these activities is part of determining appropriate level of care and services.

"Legal guardian" means a person who has been legally invested with the authority and charged with the duty to take care of, manage the property of, and protect the rights of a recipient who has been declared by the circuit court to be incapacitated and incapable of administering his own affairs. The powers and duties of the guardian are defined by the court and are limited to matters within the areas where the recipient has been determined to be incapacitated.

"Mental retardation" means, as defined by the American Association on Mental Retardation (AAMR), being substantially limited in present functioning as characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental retardation manifests itself before age 18. A diagnosis of mental retardation is made if the person's intellectual functioning level is approximately 70 to 75 or below, as diagnosed by a licensed clinical professional; and there are related limitations in two or more applicable adaptive skill areas; and the age of onset is 18 or below. If a valid IQ score is not possible, significantly subaverage intellectual capabilities means a level of performance that is less than that observed in the vast majority of persons of comparable background. In order to be valid, the assessment of the intellectual performance must be free of errors caused by motor, sensory, emotional, language, or cultural factors.

"MR Waiver" means the mental retardation waiver.

"Nursing services" means skilled nursing services listed in the consumer service plan which are ordered by a physician and required to prevent institutionalization, not otherwise available under the State Plan for Medical Assistance, are within the scope of the state's Nurse Practice Act (Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.) of the Code of Virginia, and are provided by a registered professional nurse

or by a licensed practical nurse under the supervision of a registered nurse who is licensed to practice in the state.

"Participating provider" means an institution, facility, agency, partnership, corporation, or association that meets the standards and requirements set forth by DMAS, and has a current, signed contract with DMAS.

"Personal attendant" means, for purposes of this regulation, a domestic servant who is also exempt from Workers' Compensation.

"Personal care agency" means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing eligible recipients with personal care aides who provide personal care services.

"Personal care services" means long-term maintenance or support services necessary to enable recipients to remain in or return to the community rather than enter an Intermediate Care Facility for the Mentally Retarded. Personal care services include assistance with activities of daily living, nutritional support, and the environmental maintenance necessary for recipients to remain in their homes and in the community.

"Personal emergency response system (PERS)" is an electronic device that enables certain recipients at high risk of institutionalization to secure help in an emergency. PERS services are limited to those recipients who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

"Qualified mental health professional" means a professional having: (i) at least one year of documented experience working directly with recipients who have developmental disabilities; (ii) at least a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, or psychology; and (iii) the required Virginia or national license, registration, or certification in accordance with his profession.

"Related conditions" means those persons who have autism or who have a severe chronic disability that meets all of the following conditions identified in 42 CFR 435.1009:

1. It is attributable to:
 - a. Cerebral palsy or epilepsy; or
 - b. Any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.
2. It is manifested before the person reaches age 22.
3. It is likely to continue indefinitely.
4. It results in substantial functional limitations in three or more of the following areas of major life activity:
 - a. Self-care.
 - b. Understanding and use of language.

- c. Learning.
- d. Mobility.
- e. Self-direction.
- f. Capacity for independent living.

"Respite care" means services provided to unpaid caretakers of eligible recipients who are unable to care for themselves that is provided on an episodic or routine basis because of the absence of or need for relief of those persons residing with the recipient who normally provide the care.

"Respite care agency" means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing respite care services to eligible recipients for their caregivers.

"Screening" means the process to evaluate the medical, nursing, and social needs of recipients referred for screening; determine Medicaid eligibility for an ICF/MR level of care; and authorize Medicaid-funded ICF/MR care or community-based care for those recipients who meet ICF/MR level of care eligibility and require that level of care.

"Screening team" means the entity contracted with DMAS which is responsible for performing screening for the IFDDS Waiver.

"State Plan for Medical Assistance" or "the Plan" means the document containing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

"Support coordination" means the assessment, planning, linking, and monitoring for recipients referred for the IFDDS community-based care waiver. Support coordination: (i) ensures the development, coordination, implementation, monitoring, and modification of consumer service plans; (ii) links recipients with appropriate community resources and supports; (iii) coordinates service providers; and (iv) monitors quality of care. Support coordination providers cannot be service providers to recipients in the IFDDS Waiver with the exception of consumer-directed service facilitators.

"Supporting documentation" means the specific service plan developed by the recipient service provider related solely to the specific tasks required of that service provider. Supporting documentation helps to comprise the overall CSP for the recipient.

"Supported employment" means training in specific skills related to paid employment and provision of ongoing or intermittent assistance and specialized supervision to enable a recipient to maintain paid employment.

"Therapeutic consultation" means consultation provided by members of psychology, social work, behavioral analysis, speech therapy, occupational therapy, therapeutic recreation, or physical therapy disciplines or behavior consultation to assist recipients, parents, family members, in-home residential support, day support and any other providers of support services in implementing a CSP.

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12 VAC 30-120-710. General coverage and requirements for all home and community-based care waiver services.

A. Waiver service populations. Home and community-based services shall be available through a § 1915(c) waiver. Coverage shall be provided under the waiver for recipients six years of age and older with related conditions as defined in 42 CFR 435.1009, including autism, who have been determined to require the level of care provided in an intermediate care facility for the mentally retarded. The individual must not also have a diagnosis of mental retardation as defined by the American Association on Mental Retardation (AAMR). *Mental Retardation (MR) Waiver recipients who are six years of age on or after October 1, 2002, who are determined to not have a diagnosis of mental retardation, and who meet all IFDDS Waiver eligibility criteria, shall be eligible for and shall transfer to the IFDDS Waiver effective with their sixth birthday. Psychological evaluations confirming diagnoses must be completed less than one year prior to the child's sixth birthday. These recipients transferring from the MR Waiver will automatically be assigned a slot in the IFDDS Waiver. Such slot shall be in addition to those slots available through the screening process described in 12 VAC 30-120-720 C and D.*

B. Coverage statement.

1. Covered services shall include in-home residential supports, day support, supported employment, personal care (agency directed), attendant care (consumer directed), respite care (both agency and consumer directed), assistive technology, environmental modifications, nursing services, therapeutic consultation, crisis stabilization, personal emergency response systems (PERS), family/caregiver training, and companion care.

2. These services shall be medically appropriate and necessary to maintain these recipients in the community. Federal waiver requirements provide that the average per capita fiscal year expenditures under the waiver must not exceed the average per capita expenditures for the level of care provided in Intermediate Care Facilities for the Mentally Retarded under the State Plan that would have been made had the waiver not been granted.

3. Under this § 1915(c) waiver, DMAS waives subdivision (a)(10)(B) of §1902 of the Social Security Act related to comparability.

C. Appeals. Recipient appeals shall be considered pursuant to 12 VAC 30-110-10 through 12 VAC 30-110-380. Provider appeals shall be considered pursuant to 12 VAC 30-10-1000 and 12 VAC 30-20-500 through 12 VAC 30-20-599.

12 VAC 30-120-720. Recipient qualification and eligibility requirements; intake process.

A. Recipients receiving services under this waiver must meet the following requirements. Virginia will apply the financial eligibility criteria contained in the State Plan for the categorically needy. Virginia has elected to cover the optional categorically needy groups under 42 CFR 435.121 and 435.217. The income level used for 42 CFR 435.121 and 435.217 is 300% of the current Supplemental Security Income payment standard for one person.

1. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. All recipients under the waiver must meet the financial and nonfinancial Medicaid eligibility criteria and meet the institutional level of care criteria. The deeming rules are applied to waiver eligible recipients as if the recipient were residing in an institution or would require that level of care.

2. Virginia shall reduce its payment for home and community-based services provided to an individual who is eligible for Medicaid services under 42 CFR 435.217 by that amount of the individual's total income (including amounts disregarded in determining eligibility) that remains after allowable deductions for personal maintenance needs, deductions for other dependents, and medical needs have been made, according to the guidelines in 42 CFR 435.735 and § 1915(c)(3) of the Social Security Act as amended by the Consolidated Omnibus Budget Reconciliation Act of 1986. DMAS will reduce its payment for home and community-based waiver services by the amount that remains after the following deductions:

a. For recipients to whom § 1924(d) applies, and for whom Virginia waives the requirement for comparability pursuant to § 1902(a)(10)(B), deduct the following in the respective order:

(1) The basic maintenance needs for an individual, which is equal to the SSI payment for one person. Due to expenses of employment, a working individual shall have an additional income allowance. For an individual employed 20 hours or more per week, earned income shall be disregarded up to a maximum of 300% SSI; for an individual employed at least eight but less than 20 hours per week, earned income shall be disregarded up to a maximum of 200% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI.

(2) For an individual with a spouse at home, the community spousal income allowance determined in accordance with § 1924(d) of the Social Security Act.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family determined in accordance with § 1924(d) of the Social Security Act.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but not covered under the Plan.

b. For individuals to whom § 1924(d) does not apply and for whom Virginia waives the requirement for

comparability pursuant to § 1902(a)(10)(B), deduct the following in the respective order:

(1) The basic maintenance needs for an individual, which is equal to the SSI payment for one person. Due to expenses of employment, a working individual shall have an additional income allowance. For an individual employed 20 hours or more per week, earned income shall be disregarded up to a maximum of 300% SSI; for an individual employed at least eight but less than 20 hours per week, earned income shall be disregarded up to a maximum of 200% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI.

(2) For an individual with a dependent child or children, an additional amount for the maintenance needs of the child or children which shall be equal to the medically needy income standard based on the number of dependent children.

(3) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but not covered under the state medical assistance plan.

B. Assessment and authorization of home and community-based care services.

1. To ensure that Virginia's home and community-based care waiver programs serve only recipients who would otherwise be placed in an ICF/MR, home and community-based care services shall be considered only for individuals who are eligible for admission to an ICF/MR, absent a diagnosis of mental retardation. Home and community-based care services shall be the critical service that enables the individual to remain at home rather than being placed in an ICF/MR.

2. The recipient's status as an individual in need of IFDDS home and community-based care services shall be determined by the IFDDS screening team after completion of a thorough assessment of the recipient's needs and available support. Screening of home and community-based care services by the IFDDS screening team or DMAS staff is mandatory before Medicaid will assume payment responsibility of home and community-based care services.

3. The IFDDS screening team shall gather relevant medical, social, and psychological data and identify all services received by the recipient. *For children to transfer to the IFDDS Waiver at age six, case managers shall submit to DMAS the child's most recent Level of Functioning form, the CSP, and a psychological examination completed no more than one year prior to the child's sixth birthday if they are receiving MR Waiver services. Such documentation must*

demonstrate that no diagnosis of mental retardation exists in order for this transfer to the IFDDS Waiver to be approved.

~~4.~~ *The case manager shall be responsible for notifying DMAS, DMHMRSAS, and DSS, via the DMAS-122, when a child transfers from the MR Waiver to the IFDDS Waiver.*

~~4.~~ *5. Children under six years of age shall not be screened until three months prior to the month of their sixth birthday. Children under six years of age shall not be added to the waiver/wait list until the month in which their sixth birthday occurs.*

~~5.~~ *6. An essential part of the IFDDS screening team's assessment process is determining the level of care required by applying existing DMAS ICF/MR criteria (12 VAC 30-130-430 et seq.).*

~~6.~~ *7. The team shall explore alternative settings and services to provide the care needed by the individual. If placement in an ICF/MR or a combination of other services is determined to be appropriate, the IFDDS screening team shall initiate a referral for service. If Medicaid-funded home and community-based care services are determined to be the critical service to delay or avoid placement in an ICF/MR or promote exiting from an institutional setting, the IFDDS screening team shall initiate a referral for service to a support coordinator of the recipient's choice.*

~~7.~~ *8. Home and community-based care services shall not be provided to any individual who also resides in a nursing facility, an ICF/MR, a hospital, an adult family home licensed by the DSS, or an assisted living facility licensed by the DSS.*

~~8.~~ *9. Medicaid will not pay for any home and community-based care services delivered prior to the authorization date approved by DMAS. Any Consumer Service Plan for home- and community-based care services must be pre-approved by DMAS prior to Medicaid reimbursement for waiver services.*

~~9.~~ *10. The following five criteria shall apply to all IFDDS Waiver services:*

a. Individuals qualifying for IFDDS Waiver services must have a demonstrated clinical need for the service resulting in significant functional limitations in major life activities. In order to be eligible, a person must be six years of age or older, have a related condition as defined in these regulations and cannot have a diagnosis of mental retardation, and who would, in the absence of waiver services, require the level of care provided in an ICF/MR facility, the cost of which would be reimbursed under the Plan;

b. The Consumer Service Plan and services that are delivered must be consistent with the Medicaid definition of each service;

c. Services must be approved by the support coordinator based on a current functional assessment tool approved by DMAS or other DMAS approved assessment and demonstrated need for each specific service;

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d. Individuals qualifying for IFDDS Waiver services must meet the ICF/MR level of care criteria; and

e. The individual must be eligible for Medicaid as determined by the local office of DSS.

~~10-~~ 11. The IFDDS screening teams must submit the results of the comprehensive assessment and a recommendation to DMAS staff for final determination of ICF/MR level of care and authorization for community-based care services.

C. Screening for the IFDDS Waiver.

1. Individuals requesting IFDDS Waiver services will be screened and will receive services on a first-come, first-served basis in accordance with available funding based on the date the recipients' applications are received. Individuals who meet at least one of the emergency criteria pursuant to 12 VAC 30-120-790 shall be eligible for immediate access to waiver services if funding is available.

2. To be eligible for IFDDS Waiver services, the individual must:

a. Be determined to be eligible for the ICF/MR level of care;

b. Be six years of age or older,

c. Meet the related conditions definition as defined in 42 CFR 435.1009 or be diagnosed with autism; and

d. Not have a diagnosis of mental retardation as defined by the American Association on Mental Retardation (AAMR) as contained in 12 VAC 30-120-710.

D. Waiver approval process: available funding.

1. In order to ensure cost effectiveness of the IFDDS Waiver, the funding available for the waiver will be allocated between two budget levels. The budget will be the cost of waiver services only and will not include the costs of other Medicaid covered services. Other Medicaid services, however, must be counted toward cost effectiveness of the IFDDS Waiver. All services available under the waiver are available to both levels.

2. Level one will be for individuals whose comprehensive consumer service plan (CSP) is expected to cost less than \$25,000 per fiscal year. Level two will be for individuals whose CSP is expected to cost equal to or more than \$25,000. There will not be a threshold for budget level two; however, if the actual cost of waiver services exceeds the average annual cost of ICF/MR care for an individual, the recipient's care will be coordinated by DMAS staff.

3. Fifty-five percent of available waiver funds will be allocated to budget level one, and 40% of available waiver funds will be allocated to level two in order to ensure that the waiver will be cost effective. The remaining 5.0% of available waiver funds will be allocated for emergencies as defined in 12 VAC 30-120-790. Recipients who have been placed in budget level one and who subsequently require additional services that would exceed \$25,000 per fiscal year must meet the emergency criteria as defined in 12 VAC 30-120-790 to receive additional funding for services.

E. Waiver approval process: accessing services.

1. Once the screening entity has determined that an individual meets the eligibility criteria for IFDDS Waiver services and the individual has chosen this service, the screening entity will provide the individual with a list of available support coordinators. *For MR Waiver recipients transferring to the IFDDS Waiver, the case manager must provide the recipient or family/caregiver with a list of support coordinators.* The individual or family/caregiver will choose a support coordinator within 10 calendar days of receiving the list of support coordinators and the screening entity/case manager will forward the screening materials, CSP, and all MR Waiver related documentation within 10 calendar days of the coordinator's selection to the selected support coordinator.

2. The support coordinator will contact the recipient within 10 calendar days of receipt of screening materials. The support coordinator and the recipient or recipient's family will meet within 30 calendar days to discuss the recipient's needs, existing supports and to develop a preliminary consumer service plan (CSP) which will identify services needed and will estimate the annual waiver cost of the recipient's CSP. If the recipient's annual waiver cost is expected to exceed the average annual cost of ICF/MR care for an individual, the recipient's support coordination will be managed by DMAS.

3. Once the CSP has been initially developed, the support coordinator will contact DMAS to receive prior authorization to enroll the recipient in the IFDDS Waiver. DMAS shall, within 14 days of receiving all supporting documentation, either approve for Medicaid coverage or deny for Medicaid coverage the CSP. DMAS shall only authorize waiver services for the recipient if funding is available for the entire CSP. Once this authorization has been received, the support coordinator shall inform the recipient so that the recipient can begin choosing service providers for services listed in the CSP. If DMAS does not have the available funding for this recipient, the recipient will be held on the waiting list until such time as funds are available to cover the cost of the CSP.

4. Once the recipient has been authorized for the waiver, the recipient or support coordinator shall contact service providers and initiate services within 60 days. During this time, the consumer, support coordinator, and service providers will meet to complete the CSP. If services are not initiated within 60 days, the support coordinator must submit information to DMAS demonstrating why more time is needed to initiate services. DMAS has authority to approve or deny the request in 30-day extensions. The service providers will develop supporting documentation for each service and will submit a copy of these plans to the support coordinator. The support coordinator will monitor the service providers' supporting documentation to ensure that all providers are working toward the identified goals of recipients. The support coordinator will review and sign off on the supporting documentation and will contact DMAS for prior authorization of services and will notify the service providers when services are approved.

5. The support coordinator will contact the recipient at a minimum on a monthly basis and as needed to coordinate services and maintain the recipient's CSP. DMAS will conduct annual level of care reviews in which the recipient is assessed to ensure he continues to meet waiver criteria. DMAS will review recipients' CSPs and will review the services provided by support coordinators as well as service providers.

VA.R. Doc. No. R03-35; Filed April 16, 2003, 11:12 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 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **9 VAC 5-20. General Provisions (amending 9 VAC 5-20-204).**

9 VAC 5-40. Existing Stationary Sources (amending 9 VAC 5-40-310).

Statutory Authority: § 10.1-1308 of the Code of Virginia and §§ 110 and 182 of the federal Clean Air Act and 40 CFR Part 51.

Effective Date: June 4, 2003.

Agency Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, or e-mail kgsabastea@deq.state.va.us.

Summary:

The amendments reclassify the Northern Virginia Ozone Nonattainment Area from "serious" to "severe," corresponding with the U.S. Environmental Protection Agency's reclassification of the area, and reduce the major source threshold from 50 to 25 tons per year.

9 VAC 5-20-204. Nonattainment areas.

Nonattainment areas are geographically defined below by locality for the criteria pollutants indicated. Following the name of each nonattainment area, in parentheses, is the classification assigned pursuant to § 181 (a) for ozone and § 186 (a) for carbon monoxide of the federal Clean Air Act (42 USC § 7511 (a) and 42 USC § 7512 (a)).

1. Ozone.

Northern Virginia Ozone Nonattainment Area (~~serious~~ severe).

Arlington County	Alexandria City
Fairfax County	Fairfax City
Loudoun County	Falls Church City
Prince William County	Manassas City
Stafford County	Manassas Park City

2. All other pollutants.

None.

9 VAC 5-40-310. Standard for nitrogen oxides.

A. No owner or other person shall cause or permit to be discharged from any affected facility any nitrogen oxides emissions in excess of that resultant from using reasonably available control technology.

B. Unless the owner demonstrates otherwise to the satisfaction of the board, compliance with the provisions of subsection A of this section shall be achieved for the applicable source types by the use of reasonably available control technology as defined in 9 VAC 5-40-311.

C. The provisions of this section apply to all facilities that (i) are within a stationary source in the Northern Virginia Emissions Control Area (see 9 VAC 5-20-206) and (ii) are within a stationary source that has a theoretical potential to emit ~~50~~ 25 tons per year or greater. Theoretical potential to emit shall be based on emissions at design capacity or maximum production and maximum operating hours (8,760 hours/year) before add-on controls, unless the facility is subject to state and federally enforceable permit conditions which limit production rates or hours of operation. Emissions from all facilities, including facilities exempt from any other emission standard for nitrogen oxides in this chapter, shall be added together to determine theoretical potential to emit.

D. For facilities subject to the provisions of subsection A of this section, the owners shall within three months of the effective date of the emission standard (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes reasonably available control technology for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than ~~May 31, 1995~~ the following dates:

1. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, May 31, 1995.

2. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, November 15, 2005.

E. For facilities to which the provisions of subsection B of this section are applicable, the owners shall within three months of the effective date of the emission standard (i) notify the board of their applicability status, (ii) commit to accepting the emission standard as reasonably available control technology for the applicable facilities or to submitting a demonstration as provided in subsection B of this section and (iii) provide a schedule acceptable to the board for submitting the demonstration no later than ~~January 1, 1994~~ the dates specified in subdivisions 1 and 2 of this subsection, and for

achieving compliance with the emission standard as expeditiously as possible but no later than ~~May 31, 1995~~ the dates specified in subdivisions 3 and 4 of this subsection.

- 1. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, January 1, 1994.
- 2. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, January 1, 2004.
- 3. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, May 31, 1995.
- 4. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, November 15, 2005.

F. No owner or other person shall cause or permit to be discharged from any facility any nitrogen oxides emissions in excess of those necessary to achieve emissions reductions identified in any attainment or maintenance plan or any other legally enforceable document submitted to the U.S. Environmental Protection Agency as a revision to the state implementation plan.

- 1. The facilities to which the provisions of this subsection apply are facilities within the Richmond Emissions Control Area (see 9 VAC 5-20-206) identified in any attainment or maintenance plan submitted to the U.S. Environmental Protection Agency as a revision to the state implementation plan.
- 2. The board may establish case-by-case emission limits and other requirements as may be necessary to achieve the required emission reductions via permits, consent orders, or other legally enforceable means.
- 3. Facilities subject to this subsection shall be in compliance with any limits and other requirements established pursuant to subdivision 2 of this subsection within the timeframes established in any state plan revision, permit, or other legally enforceable document.
- 4. The provisions of subsections A through E of this section shall not apply to facilities within the Richmond Emissions Control Area (see 9 VAC 5-20-206).

VA.R. Doc. No. R03-171; Filed April 11, 2003, 8:49 a.m.

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REGISTRAR'S NOTICE: The Air Pollution Control Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 5-40. Existing Stationary Sources (A03) (amending 9 VAC 5-40-6000 through 9 VAC 5-40-6150, 9 VAC 5-40-6180, 9 VAC 5-40-6190 and 9 VAC 5-40-6220).

Statutory Authority: § 10.1-1308 of the Code of Virginia and 40 CFR Parts 51 and 60.

Effective Date: July 1, 2003.

Agency Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, or e-mail kgsabastea@deq.state.va.us.

Summary:

The regulation applies to hospital/medical/infectious waste incinerators (HMIWIs), and includes emission limits for particulate matter, carbon monoxide, dioxins/furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, cadmium, and mercury. Special HMIWI operator training and qualification requirements are included in order to assure proper facility operation and compliance with the emissions limitations; sources are also required to prepare overall waste management plans. Compliance, emissions testing, and monitoring requirements are delineated, as well as recordkeeping and reporting of such test results. Finally, specific compliance schedules are provided.

References to state regulations are replaced with references to federal regulations in order to ensure that the regulation is identical to the federal regulation. Language is added or amended to clarify the distinctions between federal and state requirements. Additionally, minor amendments are made for clarity and consistency.

PART II.
EMISSION STANDARDS.

Article 44.

Emission Standards for Hospital/Medical/Infectious Waste Incinerators (Rule 4-44).

9 VAC 5-40-6000. Applicability and designation of affected facility.

- A. Except as provided in subsections C and D of this section, the affected facility to which the provisions of this article apply is each individual HMIWI for which construction was commenced on or before June 20, 1996.
- B. The provisions of this article apply throughout the Commonwealth of Virginia.
- C. Exempted from the provisions of this article are the following:

- 1. Combustors during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, provided the owner:
 - a. Notifies the board of an exemption claim; and
 - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
- 2. Any co-fired combustor if the owner of the co-fired combustor:
 - a. Notifies the board of an exemption claim;

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b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and or wastes to be combusted; and

c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

3. Any combustor required to have a permit under § 3005 of the Solid Waste Disposal Act (42 USC § 6901 et seq.).

4. Any combustor which meets the applicability requirements under subpart Ea or Eb of 40 CFR Part 60 (standards for certain municipal waste combustors).

5. Any pyrolysis unit.

6. Cement kilns firing hospital waste and medical/infectious waste or both.

D. The provisions of this article do not apply to affected facilities subject to the standards in 9 VAC 5 Chapter 40, Article 46 54 (9 VAC 5-40-7950 et seq.).

E. Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with this article are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of subpart Ec of 40 CFR Part 60 (see 40 CFR 60.50c).

F. Beginning September 15, 2000, affected facilities subject to this article shall operate pursuant to a federal operating permit.

G. The provisions of 40 CFR Part 60 cited in this article are applicable only to the extent that they are incorporated by reference in Article 5 (9 VAC 5-50-400 et seq.) of Part II of 9 VAC 5 Chapter 50.

H. The requirement of subdivision C 3 of this section with regard to obtaining a permit under § 3005 of the Solid Waste Disposal Act (42 USC § 6901 et seq.) may be met by obtaining a permit from the department as required by 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq.).

9 VAC 5-40-6010. Definitions.

A. For the purpose of ~~these regulations and subsequent amendments or any orders issued by the board applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses~~, the words or terms shall have the meaning given them in subsection C of this section.

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

C. Terms defined.

"Batch HMIWI" means an HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.

"Biologicals" means preparations made from living organisms and their products, including vaccines, cultures, etc., intended

for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

"Blood products" means any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

"Body fluids" means any liquid emanating or derived from humans and not limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.

"Bypass stack" means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

"Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

"Co-fired combustor" means a unit combusting hospital waste and medical/infectious waste or both with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10% or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

"Combustor" means any type of stationary equipment in which solid, liquid or gaseous fuels and refuse are burned (including, but not limited to, furnaces, ovens, and kilns) for the primary purpose of destroying matter or reducing the volume, or both, of the waste by removing combustible matter.

"Commenced" means an owner has undertaken a continuous program of construction or modification or that an owner has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Compliance schedule" means a legally enforceable schedule specifying a date or dates by which a source must comply with specific emission limits contained in this article or with any increments of progress to achieve such compliance.

"Construction" means fabrication, erection, or installation of an affected facility.

"Continuous emission monitoring system" means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

"Continuous HMIWI" means an HMIWI that is designed to allow waste charging and ash removal during combustion.

"Dioxins/furans" means the combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by Reference Method 23.

"Dry scrubber" means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an

alkaline sorbent (spray dryer) to react with and neutralize acid gases in the HMIWI exhaust stream forming a dry powder material.

"Fabric filter" means an add-on air pollution control system that removes particulate matter and nonvaporous metals emissions by passing flue gas through filter bags.

"Facilities manager" means the individual in charge of purchasing, maintaining, and operating the HMIWI or the owner's representative responsible for the management of the HMIWI. Alternative titles may include director of facilities or vice president of support services.

"Federal 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.

"High-air phase" means the stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

"Hospital" means any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

"Hospital/medical/infectious waste incinerator" or *"HMIWI"* or *"HMIWI unit"* means any device that combusts any amount of hospital waste and medical/infectious waste or both.

"Hospital/medical/infectious waste incinerator operator" or *"HMIWI operator"* means any person who operates, controls or supervises the day-to-day operation of an HMIWI.

"Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Infectious agent" means any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

"Intermittent HMIWI" means an HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

"Large HMIWI" means:

1. Except as provided in subdivision 2 of this definition:
 - a. An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour;
 - b. A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
 - c. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.

2. The following are not large HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.

"Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 USC § 2014(e)(2)).

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the HMIWI operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

"Maximum charge rate" means:

1. For continuous and intermittent HMIWI, 110% of the lowest three-hour average charge rate measured during the most recent emissions test demonstrating compliance with all applicable emission limits.
2. For batch HMIWI, 110% of the lowest daily charge rate measured during the most recent emissions test demonstrating compliance with all applicable emission limits.

"Maximum design waste burning capacity" means:

1. For intermittent and continuous HMIWI,

$$C = P_V \times 15,000/8,500$$

where:

C = HMIWI capacity, lb/hr

P_V = primary chamber volume, ft³

15,000 = primary chamber heat release rate factor, Btu/ft³/hr

8,500 = standard waste heating value, Btu/lb;

2. For batch HMIWI,

$$C = P_V \times 4.5/8$$

where:

C = HMIWI capacity, lb/hr

P_V = primary chamber volume, ft³

4.5 = waste density, lb/ft³

8 = typical hours of operation of a batch HMIWI, hours.

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"Maximum fabric filter inlet temperature" means 110% of the lowest three-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with the dioxin/furan emission limit.

"Maximum flue gas temperature" means 110% of the lowest three-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with the mercury emission limit.

"Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in subdivisions 1 through 9 of this definition. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR Part 261; household waste, as defined in 40 CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in 40 CFR 261.4(a)(1).

1. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

2. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

3. Human blood and blood products, regardless of whether containerized, including:

- a. Liquid human blood;
- b. Products of blood;
- c. Items containing unabsorbed or free-flowing blood;
- d. Items saturated or dripping or both with human blood; or
- e. Items that were saturated or dripping or both with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

4. Regardless of the presence of infectious agents, sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes. Also included are other types of broken or unbroken glassware

that may have been in contact with infectious agents, such as used slides and cover slips.

5. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

6. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

7. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

8. Any waste that is contaminated or mixed with any waste listed in subdivisions 1 through 7 of this definition.

9. Any residue or contaminated soil, waste, or other debris resulting from the cleaning of a spill of any waste listed in subdivisions 1 through 8 of this definition.

"Medium HMIWI" means:

1. Except as provided in subdivision 2 of this definition:

- a. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour;
- b. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

2. The following are not medium HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

"Minimum dioxin/furan sorbent flow rate" means 90% of the highest three-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent emissions test demonstrating compliance with the dioxin/furan emission limit.

"Minimum mercury sorbent flow rate" means 90% of the highest three-hour average mercury sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent emissions test demonstrating compliance with the mercury emission limit.

"Minimum hydrogen chloride sorbent flow rate" means 90% of the highest three-hour average hydrogen chloride sorbent flow rate (taken, at a minimum, once every hour) measured during

the most recent emissions test demonstrating compliance with the hydrogen chloride emission limit.

"Minimum horsepower or amperage" means 90% of the highest three-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with the applicable emission limits.

"Minimum pressure drop across the wet scrubber" means 90% of the highest three-hour average pressure drop across the wet scrubber particulate matter control device (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with the particulate matter emission limit.

"Minimum scrubber liquor flow rate" means 90% of the highest three-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with all applicable emission limits.

"Minimum scrubber liquor pH" means 90% of the highest three-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with the hydrogen chloride emission limit.

"Minimum secondary chamber temperature" means 90% of the highest three-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent emissions test demonstrating compliance with the particulate matter, carbon monoxide, or dioxin/furan emission limits.

"Modification" means any change to an HMIWI unit after March 16, 1998, such that:

1. The cumulative costs of the modifications, over the life of the unit, exceed 50% of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs, or
2. The change involves a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under § 111 or § 129 of the federal Clean Air Act.

"Operating day" means a 24-hour period between 12:00 midnight and the following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in the HMIWI.

"Operation" means the period during which waste is combusted in the incinerator excluding periods of startup or shutdown.

"Particulate matter" means the total particulate matter emitted from an HMIWI as measured by Reference Method 5 or Reference Method 29.

"Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, or tissue, the

bags and containers used to collect and transport the waste material, and animal bedding (if applicable).

"Primary chamber" means the chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

"Pyrolysis" means the endothermic gasification of hospital waste or medical/infectious waste or both using external energy.

"Secondary chamber" means a component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

"Shutdown" means the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than two hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than four hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than five hours after the high-air phase of combustion has been completed.

"Small HMIWI" means:

1. Except as provided in subdivision 2 of this definition:
 - a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour;
 - b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
 - c. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.
2. The following are not small HMIWI:
 - a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
 - b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

"Small, rural HMIWI" means any small HMIWI which is located more than 50 miles from the boundary of the nearest Metropolitan Statistical Area and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pounds-per-week limitation does not apply during emissions tests.

"Startup" means the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, startup means the period of time between activation of the system and ignition of the waste.

"Wet scrubber" means an add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics), and to absorb and neutralize acid gases, or both.

9 VAC 5-40-6020. Limit Standard for particulate matter.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any particulate emissions in excess of the following limits:

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1. For small HMIWI: 0.05 grains per dry standard cubic foot (115 milligrams per dry standard cubic meter).
2. For medium HMIWI: 0.03 grains per dry standard cubic foot (69 milligrams per dry standard cubic meter).
3. For large HMIWI: 0.015 grains per dry standard cubic foot (34 milligrams per dry standard cubic meter).
4. For small, rural HMIWI: 0.086 grains per dry standard cubic foot (197 milligrams per dry standard cubic meter).

9 VAC 5-40-6030. Limit Standard for carbon monoxide.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any carbon monoxide emissions in excess of the following limits:

1. For small HMIWI: 40 parts per million by volume.
2. For medium HMIWI: 40 parts per million by volume.
3. For large HMIWI: 40 parts per million by volume.
4. For small, rural HMIWI: 40 parts per million by volume.

9 VAC 5-40-6040. Limit Standard for dioxins/furans.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any dioxin/furan emissions in excess of the following limits:

1. For small HMIWI: 55 grains per dry billion standard cubic feet (125 nanograms per dry standard cubic meter) total dioxin/furan or 1.0 grains per billion standard cubic meter total TEQ (2.3 nanograms per dry standard cubic meter TEQ).
2. For medium HMIWI: 55 grains per billion dry standard cubic feet (125 nanograms per dry standard cubic meter) total dioxin/furan or 1.0 grains per billion standard cubic meter total TEQ (2.3 nanograms per dry standard cubic meter TEQ).
3. For large HMIWI: 55 grains per billion dry standard cubic feet (125 nanograms per dry standard cubic meter) total dioxin/furan or 1.0 grains per billion standard cubic meter total TEQ (2.3 nanograms per dry standard cubic meter TEQ).
4. For small, rural HMIWI: 350 grains per billion dry standard cubic feet (800 nanograms per dry standard cubic meter) total dioxin/furan or 6.6 grains per billion standard cubic meter total TEQ (15 nanograms per dry standard cubic meter TEQ).

9 VAC 5-40-6050. Limit Standard for hydrogen chloride.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any hydrogen chloride emissions in excess of the following limits:

1. For small HMIWI: 100 parts per million by volume or 93% reduction.
2. For medium HMIWI: 100 parts per million by volume or 93% reduction.
3. For large HMIWI: 100 parts per million by volume or 93% reduction.

4. For small, rural HMIWI: 3,100 parts per million by volume.

9 VAC 5-40-6060. Limit Standard for sulfur dioxide.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any sulfur dioxide emissions in excess of the following limits:

1. For small HMIWI: 55 parts per million by volume.
2. For medium HMIWI: 55 parts per million by volume.
3. For large HMIWI: 55 parts per million by volume.
4. For small, rural HMIWI: 55 parts per million by volume.

9 VAC 5-40-6070. Limit Standard for nitrogen oxides.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any nitrogen oxide emissions in excess of the following limits:

1. For small HMIWI: 250 parts per million by volume.
2. For medium HMIWI: 250 parts per million by volume.
3. For large HMIWI: 250 parts per million by volume.
4. For small, rural HMIWI: 250 parts per million by volume.

9 VAC 5-40-6080. Limit Standard for lead.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any lead emissions in excess of the following limits:

1. For small HMIWI: 0.52 grains per thousand dry standard cubic feet (1.2 milligrams per dry standard cubic meter) or 70% reduction.
2. For medium HMIWI: 0.52 grains per thousand dry standard cubic feet (1.2 milligrams per dry standard cubic meter) or 70% reduction.
3. For large HMIWI: 0.52 grains per thousand dry standard cubic feet (1.2 milligrams per dry standard cubic meter) or 70% reduction.
4. For small, rural HMIWI: 4.4 grains per thousand dry standard cubic feet (10 milligrams per dry standard cubic meter).

9 VAC 5-40-6090. Limit Standard for cadmium.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any cadmium emissions in excess of the following limits:

1. For small HMIWI: 0.07 grains per thousand dry standard cubic feet (0.16 milligrams per dry standard cubic meter) or 65% reduction.
2. For medium HMIWI: 0.07 grains per thousand dry standard cubic feet (0.16 milligrams per dry standard cubic meter) or 65% reduction.
3. For large HMIWI: 0.07 grains per thousand dry standard cubic feet (0.16 milligrams per dry standard cubic meter).

4. For small, rural HMIWI: 1.7 grains per thousand dry standard cubic feet (4 milligrams per dry standard cubic meter).

9 VAC 5-40-6100. Limit Standard for mercury.

No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any mercury emissions in excess of the following limits:

1. For small HMIWI: 0.24 grains per thousand dry standard cubic feet (0.55 milligrams per dry standard cubic meter) or 85% reduction.
2. For medium HMIWI: 0.24 grains per thousand dry standard cubic feet (0.55 milligrams per dry standard cubic meter) or 85% reduction.
3. For large HMIWI: 0.24 grains per thousand dry standard cubic feet (0.55 milligrams per dry standard cubic meter) or 85% reduction.
4. For small, rural HMIWI: 3.3 grains per thousand dry standard cubic feet (7.5 milligrams per dry standard cubic meter).

9 VAC 5-40-6110. Limit Standard for visible emissions.

A. The provisions of Article 1 (9 VAC 5-40-60 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Visible Emissions) apply except that the provisions in subsection B of this section apply instead of 9 VAC 5-40-80.

B. No owner or other person shall cause or permit to be discharged into the atmosphere from any HMIWI any visible emissions which exhibit greater than 10% opacity, six-minute block average. Failure to meet the requirements of this section because of the presence of condensed water vapor shall not be a violation of this section.

9 VAC 5-40-6120. Limit Standard for fugitive dust/emissions.

The provisions of Article 1 (9 VAC 5-40-60 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Fugitive Dust/Emissions, Rule 4-1) apply.

9 VAC 5-40-6130. Limit Standard for odor.

The provisions of Article 2 (9 VAC 5-40-130 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Odor, Rule 4-2) apply.

9 VAC 5-40-6140. Limit Standard for toxic pollutants.

~~The provisions of Article 3 (9 VAC 5-40-160 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Toxic Pollutants, Rule 4-3) Article 4 (9 VAC 5-60-200 et seq.) of 9 VAC 5 Chapter 60 (Emission Standards for Toxic Pollutants, Rule 6-4) apply.~~

9 VAC 5-40-6150. HMIWI operator training and qualification.

A. No owner of an affected facility shall allow the affected facility to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators.

B. HMIWI operator training and qualification shall be obtained through a program approved by the board ~~for Waste Management Facility Operators~~ or by completing the requirements included in subsections C through G of this section.

C. Training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the following provisions:

1. Twenty-four hours of training on the following subjects:
 - a. Environmental concerns, including pathogen destruction and types of emissions;
 - b. Basic combustion principles, including products of combustion;
 - c. Operation of the type of incinerator to be used by the HMIWI operator, including proper startup, waste charging, and shutdown procedures;
 - d. Combustion controls and monitoring;
 - e. Operation of air pollution control equipment and factors affecting performance (if applicable);
 - f. Methods to monitor pollutants (continuous emission monitoring systems and monitoring of HMIWI and air pollution control device operating parameters) and equipment calibration procedures (where applicable);
 - g. Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;
 - h. Actions to correct malfunctions or conditions that may lead to malfunction;
 - i. Bottom and fly ash characteristics and handling procedures;
 - j. Applicable federal, state, and local regulations;
 - k. Work safety procedures;
 - l. Pre-startup inspections; and
 - m. Recordkeeping requirements.

2. An examination designed and administered by the instructor.
3. Reference material distributed to the attendees covering the course topics.

D. Qualification shall be obtained by:

1. Completion of a training course that satisfies the criteria under subsection C of this section; and
2. Either six months experience as an HMIWI operator, six months experience as a direct supervisor of an HMIWI operator, or completion of at least two burn cycles under the observation of two qualified HMIWI operators.

E. Qualification is valid from the date on which the examination is passed or the completion of the required experience, whichever is later.

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F. To maintain qualification, the trained and qualified HMIWI operator shall complete and pass an annual review or refresher course of at least four hours covering, at a minimum, the following:

1. Update of regulations;
2. Incinerator operation, including startup and shutdown procedures;
3. Inspection and maintenance;
4. Responses to malfunctions or conditions that may lead to malfunction; and
5. Discussion of operating problems encountered by attendees.

G. A lapsed qualification shall be renewed by one of the following methods:

1. For a lapse of less than three years, the HMIWI operator shall complete and pass a standard annual refresher course described in subsection F of this section.
2. For a lapse of three years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in subsection C of this section.

H. The owner of an affected facility shall maintain documentation at the facility that address the following:

1. Summary of the applicable limits under this article;
2. Description of basic combustion theory applicable to an HMIWI;
3. Procedures for receiving, handling, and charging waste;
4. HMIWI startup, shutdown, and malfunction procedures;
5. Procedures for maintaining proper combustion air supply levels;
6. Procedures for operating the HMIWI and associated air pollution control systems within the limits established under this article;
7. Procedures for responding to periodic malfunction or conditions that may lead to malfunction;
8. Procedures for monitoring HMIWI emissions;
9. Reporting and recordkeeping procedures; and
10. Procedures for handling ash.

I. The owner of an affected facility shall establish a program for reviewing the information listed in subsection H of this section annually with each HMIWI operator.

1. The initial review of the information listed in subsection H of this section shall be conducted by January 1, 2001, or prior to assumption of responsibilities affecting HMIWI operation, whichever date is later.
2. Subsequent reviews of the information listed in subsection H of this section shall be conducted annually.

J. The information listed in subsection H of this section shall be kept in a readily accessible location for all HMIWI

operators. This information, along with records of training shall be available for inspection by the board.

K. The initial training requirements of this section shall be performed by July 1, 2001.

L. *The requirements of subsection B of this section with regard to obtaining operator training qualifications through a program approved by the board may be met by obtaining a license from the Board for Waste Management Facilities Operators. All training and licensing shall be in accordance with ~~§ 54.1-2242~~ Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia, and with 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.).*

M. *No owner of an affected facility shall allow the facility to be operated at any time unless a person is on duty who is responsible for the proper operation of the facility and has a license from the Board for Waste Management Facility operators in the correct classification. No provision of this article shall relieve any owner from the responsibility to comply in all respects with the requirements of Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia, and with 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.).*

9 VAC 5-40-6180. Compliance, emissions testing, and monitoring.

~~A. The following provisions apply except as provided in subsections B through N of this section:~~

- ~~1. The provisions of 9 VAC 5-40-20 (Compliance).~~
- ~~2. The provisions of 9 VAC 5-40-30 (Emission testing).~~
- ~~3. The provisions of 9 VAC 5-40-40 (Monitoring).~~

The provisions governing compliance, emissions testing, and monitoring shall be as follows:

- 1. With regard to the emissions standards in 9 VAC 5-40-6120, 9 VAC 5-40-6130, and 9 VAC 5-40-6140, the provisions of 9 VAC 5-40-20 (Compliance), 9 VAC 5-40-30 (Emission testing) and 9 VAC 5-40-40 (Monitoring) apply.*
- 2. With regard to the emission limits in 9 VAC 5-40-6020 through 9 VAC 5-40-6110, the following provisions apply:*
 - a. 9 VAC 5-40-20 B, C, D, and E.*
 - b. 40 CFR 60.11.*
 - c. 9 VAC 5-40-30 D and G.*
 - d. 40 CFR 60.8, with the exception of paragraph (a).*
 - e. 9 VAC 5-40-40 A and F.*
 - f. 40 CFR 60.13.*
 - g. Subsections B through N of this section.*

B. The emission limits under this article apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to the affected facility during startup, shutdown, or malfunction.

C. Except as provided in subsection L of this section, the owner of an affected facility shall conduct an initial emissions

test by December 27, 2001, as required under this section to determine compliance with the emission limits using the procedures and test methods listed in this subsection. The use of the bypass stack during an emissions test shall invalidate the emissions test.

1. All emissions tests shall consist of a minimum of three test runs conducted under representative operating conditions.
2. The minimum sample time shall be one hour per test run unless otherwise indicated.
3. Reference Method 1 shall be used to select the sampling location and number of traverse points.
4. Reference Method 3 or 3A shall be used for gas composition analysis, including measurement of oxygen concentration. Reference Method 3 or 3A shall be used simultaneously with each reference method.
5. The pollutant concentrations shall be adjusted to 7.0% oxygen using the following equation:

$$C_{adj} = C_{meas} (20.9-7)(20.9-\% O_2)$$

where:

C_{adj} = pollutant concentration adjusted to 7.0% oxygen;

C_{meas} = pollutant concentration measured on a dry basis;

(20.9-7) = 20.9% oxygen-7.0% oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

% O_2 = oxygen concentration measured on a dry basis, percent.

6. Reference Method 5 or 29 be used to measure the particulate matter emissions.
7. Reference Method 9 shall be used to measure stack opacity.
8. Reference Method 10 or 10B shall be used to measure the carbon monoxide emissions.
9. Reference Method 23 shall be used to measure total dioxin/furan emissions. The minimum sample time shall be four hours per test run. If the affected facility has selected the toxic equivalency limits for dioxin/furans, under 9 VAC 5-40-6040, the following procedures shall be used to determine compliance:

a. Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using Reference Method 23.

b. For each dioxin/furan congener measured in accordance with subdivision 9 a of this subsection, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 4-44A of this article.

TABLE 4-44A.
TOXIC EQUIVALANCY FACTORS.

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
Octachlorinated dibenzofuran	0.001

c. Sum the products calculated in accordance with subdivision 9 b of this subsection to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

10. Reference Method 26 shall be used to measure hydrogen chloride emissions. If the affected facility has selected the percentage reduction limits for hydrogen chloride under 9 VAC 5-40-6050, the percentage reduction in hydrogen chloride emissions (% R_{HCl}) is computed using the following formula:

$$(\% R_{HCl}) = \left(\frac{E_i - E_o}{E_i} \right) \times 100$$

where:

% R_{HCl} = percentage reduction of hydrogen chloride emissions achieved;

E_i = hydrogen chloride emission concentration measured at the control device inlet, corrected to 7.0% oxygen (dry basis); and

E_o = hydrogen chloride emission concentration measured at the control device outlet, corrected to 7.0% oxygen (dry basis).

11. Reference Method 29 shall be used to measure lead, cadmium, and mercury emissions. If the affected facility has selected the percentage reduction limits for metals under 9 VAC 5-40-6080, 9 VAC 5-40-6090, or 9 VAC 5-40-6100, the percentage reduction in emissions (% R_{metal}) is computed using the following formula:

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$$(\% R_{metal}) = \left(\frac{E_i - E_o}{E_i} \right) \times 100$$

where:

% R_{metal} = percentage reduction of metal emission (lead, cadmium, or mercury) achieved;

E_i = metal emission concentration (lead, cadmium, or mercury) measured at the control device inlet, corrected to 7.0% oxygen (dry basis); and

E_o = metal emission concentration (lead, cadmium, or mercury) measured at the control device outlet, corrected to 7.0% oxygen (dry basis).

D. Following the date on which the initial emissions test is completed or is required to be completed under this section, whichever date comes first, the owner of an affected facility shall:

1. Determine compliance with the opacity limit by conducting an annual emissions test (no more than 12 months following the previous emissions test) using the applicable procedures and test methods listed in subsection C of this section.

2. Determine compliance with the particulate matter, carbon monoxide, and hydrogen chloride emission limits by conducting an annual emissions test (no more than 12 months following the previous emissions test) using the applicable procedures and test methods listed in subsection C of this section. If all three emissions tests over a three-year period indicate compliance with the emission limit for a pollutant (particulate matter, carbon monoxide, or hydrogen chloride), the owner may forego an emissions test for that pollutant for the subsequent two years. At a minimum, an emissions test for particulate matter, carbon monoxide, and

hydrogen chloride shall be conducted every third year (no more than 36 months following the previous emissions test). If an emissions test conducted every third year indicates compliance with the emission limit for a pollutant (particulate matter, carbon monoxide, or hydrogen chloride), the owner may forego an emissions test for that pollutant for an additional two years. If any emissions test indicates noncompliance with the respective emission limit, an emissions test for that pollutant shall be conducted annually until all annual emissions tests over a three-year period indicate compliance with the emission limit. The use of the bypass stack during an emissions test shall invalidate the emissions test.

3. Facilities using a continuous emission monitoring system to demonstrate compliance with any of the emission limits under 9 VAC 5-40-6020 through 9 VAC 5-40-6100 shall:

a. Determine compliance with the appropriate emission limit(s) using a 12-hour rolling average, calculated each hour as the average of the previous 12 operating hours (not including startup, shutdown, or malfunction).

b. Operate all continuous emission monitoring systems in accordance with the applicable procedures under Appendices B and F of 40 CFR Part 60.

E. The owner of an affected facility equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber shall:

1. Establish the appropriate maximum and minimum operating parameters, indicated in Table 4-44B of this article for each control system, as site specific operating parameters during the initial emissions test to determine compliance with the emission limits; and

TABLE 4-44 B.

OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES.

OPERATING PARAMETERS TO BE MONITORED	MINIMUM FREQUENCY		CONTROL SYSTEM		
	DATA MEASUREMENT	DATA RECORDING	DRY SCRUBBER/ FABRIC FILTER	WET SCRUBBER	DRY SCRUBBER/ FABRIC FILTER AND WET SCRUBBER
MAXIMUM OPERATING PARAMETERS					
MAXIMUM CHARGE RATE	1 X CHARGE	1 X	X	X	X
MAXIMUM FABRIC FILTER INLET TEMPERATURE	CONTINUOUS	1 X MINUTEX	X		X
MAXIMUM FLUE GAS TEMP	CONTINUOUS	1 X MINUTE	X	X	
MINIMUM OPERATING PARAMETERS					
MINIMUM SECONDARY CHAMBER TEMP	CONTINUOUS	1 X	X	X	X
MINIMUM DIOXIN/FURAN SORBENT FLOW RATE	HOURLY	1 X HOUR	X		X

MINIMUM HCl SORBENT FLOW RATE	HOURLY	1 X HOUR	X		X
MINIMUM Hg SORBENT FLOW RATE	HOURLY	1 X HOUR	X		X
MINIMUM PRESSURE DROP ACROSS WET SCRUBBER OR MINIMUM HORSEPOWER OR AMPERAGE TO WET SCRUBBER	CONTINUOUS	1 X MINUTE		X	X
MINIMUM SCRUBBER LIQUOR FLOW RATE	CONTINUOUS	1 X MINUTE		X	X
MINIMUM SCRUBBER LIQUOR pH	CONTINUOUS	1 X MINUTE		X	X

2. Following the date on which the initial emissions test is completed or is required to be completed under subsection B of this section, whichever date comes first, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 4-44B of this article and measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during emissions tests. Operation above the established maximum or below the established minimum operating parameters shall constitute a violation of established operating parameters.

F. Except as provided in subsection I of this section, for affected facilities equipped with a dry scrubber followed by a fabric filter:

1. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the carbon monoxide emission limit.
2. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit.
3. Operation of the affected facility above the maximum charge rate and below the minimum hydrogen chloride sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the hydrogen chloride emission limit.
4. Operation of the affected facility above the maximum charge rate and below the minimum mercury sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the mercury emission limit.
5. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the particulate matter, dioxin/furan, hydrogen chloride, lead, cadmium, and mercury emission limits.

G. Except as provided in subsection I of this section, for affected facilities equipped with a wet scrubber:

1. Operation of the affected facility above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the particulate matter emission limit.
2. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the carbon monoxide emission limit.
3. Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature, and below the minimum scrubber liquor flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit.
4. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the hydrogen chloride emission limit.
5. Operation of the affected facility above the maximum flue gas temperature and above the maximum charge rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the mercury emission limit.
6. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the particulate matter, dioxin/furan, hydrogen chloride, lead, cadmium, and mercury emission limits.

H. Except as provided in subsection I of this section, for affected facilities equipped with a dry scrubber followed by a fabric filter and a wet scrubber:

1. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the carbon monoxide emission limit.

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2. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit.

3. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the hydrogen chloride emission limit.

4. Operation of the affected facility above the maximum charge rate and below the minimum mercury sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the mercury emission limit.

5. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the particulate matter, dioxin/furan, hydrogen chloride, lead, cadmium, and mercury emission limits.

I. The owner of an affected facility may conduct a repeat emissions test within 30 days of violation of applicable operating parameters to demonstrate that the affected facility is not in violation of the applicable emission limits. Repeat emissions tests conducted pursuant to this subsection shall be conducted using the identical operating parameters that indicated a violation under subsection F, G, or H of this section.

J. The owner of an affected facility using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under 9 VAC 5-40-6020 through 9 VAC 5-40-6100 shall petition the board for other site-specific operating parameters to be established during the initial emissions test and continuously monitored thereafter. The owner shall not conduct the initial emissions test until after the petition has been approved by the board.

K. The owner of an affected facility may conduct a repeat emissions test at any time to establish new values for the operating parameters. The board may request a repeat emissions test at any time.

L. Small, rural HMIWIs subject to the emission limits under 9 VAC 5-40-6020 through 9 VAC 5-40-6100 shall meet the following compliance and emissions testing requirements:

1. Conduct the emissions testing requirements in subdivisions C 1 through 9, C 11 (mercury only), and D 1 of this section. The 2,000 lb/week limitation under 9 VAC 5-40-6010 does not apply during emissions tests.

2. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial emissions test to determine compliance with applicable emission limits.

3. Following the date on which the initial emissions test is completed or is required to be completed under subsection C of this section, whichever date comes first, ensure that

the affected facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during emissions tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters.

4. Except as provided in subdivision C 5 of this section, operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the particulate matter, carbon monoxide, and dioxin/furan emission limits.

5. The owner of an affected facility may conduct a repeat emissions test within 30 days of violation of applicable operating parameters to demonstrate that the affected facility is not in violation of the applicable emission limits. Repeat emissions tests conducted pursuant to this subsection must be conducted using the identical operating parameters that indicated a violation under subdivision 4 of this subsection.

M. Owners of affected facilities shall perform monitoring as follows, except as provided for under subsection N of this section:

1. The owner of an affected facility shall install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 4-44B of this article such that these devices (or methods) measure and record values for these operating parameters at the frequencies indicated in Table 4-44B of this article at all times except during periods of startup and shutdown.

2. The owner of an affected facility shall install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack including date, time, and duration.

3. The owner of an affected facility using something other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under 9 VAC 5-40-6020 through 9 VAC 5-40-6100 shall install, calibrate (to the manufacturers' specifications), maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to subsection J of this section.

4. The owner of an affected facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected

facility is combusting hospital waste and medical/infectious waste or both.

N. Small, rural HMIWI subject to the emission limits under 9 VAC 5-40-6020 through 9 VAC 5-40-6100 shall meet the following monitoring requirements:

1. Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
2. Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
3. The owner of an affected facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day for 90% of the operating hours per calendar quarter that the affected facility is combusting hospital waste and medical/infectious waste or both.

9 VAC 5-40-6190. Recordkeeping and reporting.

A. The provisions of ~~9 VAC 5-40-50 (Notification, records and reporting) apply except as provided in subsections B through G of this section.~~ governing recordkeeping and reporting shall be as follows:

1. With regard to the emissions standards in 9 VAC 5-40-6120, 9 VAC 5-40-6130, and 9 VAC 5-40-6140, the provisions of 9 VAC 5-40-50 (Notification, records and reporting) apply.
2. With regard to the emission limits in 9 VAC 5-40-6020 through 9 VAC 5-40-6110, the following provisions apply:
 - a. 9 VAC 5-40-50 F and H.
 - b. 40 CFR 60.7.
 - c. Subsections B through G of this section.

B. The owner of an affected facility shall maintain the following information (as applicable) for a period of at least five years:

1. Calendar date of each record;
2. Records of the following data:
 - a. Concentrations of any pollutant listed in 9 VAC 5-40-6020 through 9 VAC 5-40-6100 or measurements of opacity as determined by the continuous emission monitoring system (if applicable);
 - b. HMIWI charge dates, times, and weights and hourly charge rates;
 - c. Fabric filter inlet temperatures during each minute of operation, as applicable;
 - d. Amount and type of dioxin/furan sorbent used during each hour of operation, as applicable;

- e. Amount and type of mercury sorbent used during each hour of operation, as applicable;
- f. Amount and type of hydrogen chloride sorbent used during each hour of operation, as applicable;
- g. Secondary chamber temperatures recorded during each minute of operation;
- h. Liquor flow rate to the wet scrubber inlet during each minute of operation, as applicable;
- i. Horsepower or amperage to the wet scrubber during each minute of operation, as applicable;
- j. Pressure drop across the wet scrubber system during each minute of operation, as applicable;
- k. Temperature at the outlet from the wet scrubber during each minute of operation, as applicable;
- l. pH at the inlet to the wet scrubber during each minute of operation, as applicable;
- m. Records indicating use of the bypass stack, including dates, times, and durations; and
- n. For affected facilities complying with 9 VAC 5-40-6180 J and 9 VAC 5-40-6180 M 3, the owner shall maintain all operating parameter data collected.

3. Identification of calendar days for which data on emission rates or operating parameters specified under subdivision 2 of this subsection have not been obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken.

4. Identification of calendar days, times and durations of malfunctions, a description of the malfunction and the corrective action taken.

5. Identification of calendar days for which data on emission rates or operating parameters specified under subdivision 2 of this subsection exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.

6. The results of the initial, annual, and any subsequent emissions tests conducted to determine compliance with the emission limits or to establish operating parameters, as applicable.

7. Records showing the names of HMIWI operators who have completed review of the information in 9 VAC 5-40-6150 H as required by 9 VAC 5-40-6150 I, including the date of the initial review and all subsequent annual reviews.

8. Records showing the names of the HMIWI operators who have completed the HMIWI operator training requirements, including documentation of training and the dates of the training.

9. Records showing the names of the HMIWI operators who have met the criteria for qualification under 9 VAC 5-40-6150 and the dates of their qualification.

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10. Records of calibration of any monitoring devices as required under 9 VAC 5-40-6180 M 1, 2 and 3.

C. The owner of an affected facility shall submit the information specified in this subsection no later than 60 days following the initial emissions test. All reports shall be signed by the facilities manager.

1. The initial emissions test data as recorded under 9 VAC 5-40-6180 C 1 through 11, as applicable.

2. The values for the site-specific operating parameters established pursuant to 9 VAC 5-40-6180 E or J, as applicable.

3. The waste management plan as specified in 9 VAC 5-40-6150.

D. An annual report shall be submitted one year following the submission of the information in subsection C of this section and subsequent reports shall be submitted no more than 12 months following the previous report (once the unit is subject to a federal operating permit as provided in 9 VAC 5-40-6000 F, the owner of an affected facility must submit these reports semiannually). The annual report shall include the information specified in this subsection. All reports shall be signed by the facilities manager.

1. The values for the site-specific operating parameters established pursuant to 9 VAC 5-40-6180 E or J, as applicable.

2. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to 9 VAC 5-40-6180 E or J, as applicable.

3. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable for each operating parameter recorded pursuant to 9 VAC 5-40-6180 E or J for the calendar year preceding the year being reported, in order to provide the board with a summary of the performance of the affected facility over a two-year period.

4. Any information recorded under subdivisions B 3 through 5 of this section for the calendar year being reported.

5. Any information recorded under subdivisions B 3 through 5 of this section for the calendar year preceding the year being reported, in order to provide the board with a summary of the performance of the affected facility over a two-year period.

6. If an emissions test was conducted during the reporting period, the results of that test.

7. If no exceedances or malfunctions were reported under subdivisions B 3 through 5 of this section for the calendar year being reported, a statement that no exceedances occurred during the reporting period.

8. Any use of the bypass stack, the duration, reason for malfunction, and corrective action taken.

E. The owner of an affected facility shall submit semiannual reports containing any information recorded under subdivisions B 3 through 5 of this section no later than 60 days following the reporting period. The first semiannual reporting period ends six months following the submission of information in subsection C of this section. Subsequent reports shall be submitted no later than six calendar months following the previous report. All reports shall be signed by the facilities manager.

F. All records specified under subsection B of this section shall be maintained onsite in either paper copy or computer-readable format, unless an alternative format is approved by the board.

G. The owner of each small, rural HMIWI shall:

1. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or the timeframe established by the board; and

2. Submit an annual report containing information recorded under subdivision 1 of this subsection no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report (once the unit is subject to a federal operating permit as provided in 9 VAC 5-40-6000 F, the owner must submit these reports semiannually). The report shall be signed by the facilities manager.

9 VAC 5-40-6220. Facility and control equipment maintenance or malfunction.

The provisions of ~~9 VAC 5-20-180~~ (*governing facility and control equipment maintenance or malfunction*) ~~apply~~. *shall be as follows:*

1. *With regard to the emissions standards in 9 VAC 5-40-6120, 9 VAC 5-40-6130, and 9 VAC 5-40-6140, the provisions of 9 VAC 5-20-180 (Facility and control equipment maintenance or malfunction) apply.*

2. *With regard to the emission limits in 9 VAC 5-40-6020 through 9 VAC 5-40-6110, the following provisions apply:*

a. *9 VAC 5-20-180 A, B, C, D, H, and I.*

b. *9 VAC 5-40-6180 B.*

c. *9 VAC 5-40-6190 B 4, 7 and 8.*

VA.R. Doc. No. R03-175; Filed April 11, 2003, 10:45 a.m.

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<p>REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p>
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Title of Regulation: 9 VAC 5-40. Existing Stationary Sources (Rev. B03) (amending 9 VAC 5-40-7950, 9 VAC 5-40-7960, 9 VAC 5-40-8090, 9 VAC 5-40-8100, 9 VAC 5-40-8110 through 9 VAC 5-40-8160, and 9 VAC 5-40-8180).

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

Effective Date: July 1, 2003.

Agency Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, or e-mail kgsabastea@deq.state.va.us.

Summary:

The regulation applies to large municipal waste combustors (MWCs), and includes emission limits for particulate matter, carbon monoxide, dioxins/furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, cadmium, and mercury. Special large MWC operator training and qualification requirements are included in order to assure proper facility operation and compliance with the emissions limitations. Compliance, emissions testing, and monitoring requirements are delineated, as well as recordkeeping and reporting of such test results. Finally, specific compliance schedules are provided.

References to state regulations are replaced with references to federal regulations in order to ensure that the regulation is identical to the federal regulation. Language is added or amended to clarify the distinctions between federal and state requirements. Additionally, minor revisions are made for clarity and consistency.

ARTICLE 46 54.

Emission Standards for Large Municipal Waste Combustors (Rule 4-46 4-54).

9 VAC 5-40-7950. Applicability and designation of affected facility.

A. Except as provided in subsections D and E of this section, the affected facility to which the provisions of this article apply is each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.

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

C. Air curtain incinerators that meet the capacity specifications in subsection A of this section and that combust municipal solid waste other than yard waste are subject to all provisions of this article.

D. Exempted from the provisions of this article are the following:

1. Any waste combustion unit that is capable of combusting more than 250 tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted in the unit to less than or equal to 11 tons per day is not subject to this article if the owner:

- a. Notifies the board of an exemption claim;
- b. Provides a copy of the federally enforceable permit that limits the firing of municipal solid waste to less than 11 tons per day; and
- c. Keeps records of the amount of municipal solid waste fired on a daily basis.

2. Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with this article are not considered in determining whether the unit is a modified or reconstructed facility under subpart Ea or subpart Eb of 40 CFR Part 60.

3. A qualifying small power production facility, as defined in § 3(17)(C) of the Federal Power Act (16 USC § 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this article if the owner of the facility notifies the board of this exemption and provides data documenting that the facility qualifies for this exemption.

4. A qualifying cogeneration facility, as defined in § 3(18)(B) of the Federal Power Act (16 § USC 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this article if the owner of the facility notifies the board of this exemption and provides data documenting that the facility qualifies for this exemption.

5. Any unit combusting a single-item waste stream of tires is not subject to this article if the owner of the unit notifies the board of an exemption claim, and provides data documenting that the unit qualifies for this exemption.

6. Any cofired combustor located at a plant that meets the capacity specifications in subsection A of this section is not subject to this article if the owner of the cofired combustor:

- a. Notifies the board of an exemption claim;
- b. Provides a copy of the federally enforceable permit (specified in the definition of cofired combustor in 9 VAC 5-40-7960); and
- c. Keeps a record on a calendar quarter basis of the weight of municipal solid waste combusted at the cofired combustor and the weight of all other fuels combusted at the cofired combustor.

7. Air curtain incinerators that meet the capacity specifications in subsection A of this section and that combust a fuel stream composed of 100% yard waste are exempt from all provisions of this article except the opacity limit under 9 VAC 5-40-8060 C, the testing procedures under 9 VAC 5-40-8140, and the reporting and recordkeeping provisions under 9 VAC 5-40-8160.

8. Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit are not subject to this article if

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the owner of the plastics/rubber recycling unit keeps records of:

- a. The weight of plastics, rubber, and rubber tires, or a combination thereof, processed on a calendar quarter basis;
- b. The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis; and
- c. The name and address of the purchaser of the feedstocks. The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units are not subject to this article.

E. The provisions of this article do not apply to the following:

1. Any unit required to have a permit under § 3005 of the Solid Waste Disposal Act (42 USC § 6901 et seq.).
2. Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals.
3. Any cement kiln firing municipal solid waste.

F. The provisions of 40 CFR Part 60 cited in this article are applicable only to the extent that they are incorporated by reference in Article 5 (9 VAC 5-50-400 et seq.) of Part II of 9 VAC 5 Chapter 50.

G. The requirement of subdivision E 1 of this section with regard to obtaining a permit under § 3005 of the Solid Waste Disposal Act (42 USC § 6901 et seq.) may be met by obtaining a permit from the department as required by 9 VAC 20 Chapter 60.

9 VAC 5-40-7960. Definitions.

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

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

C. Terms defined.

"Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

"Batch municipal waste combustor" means a municipal waste combustor unit designed so that it cannot combust municipal solid waste continuously 24 hours per day because the design does not allow waste to be fed to the unit or ash to be removed while combustion is occurring.

"Bubbling fluidized bed combustor" means a fluidized bed combustor in which the majority of the bed material remains in a fluidized state in the primary combustion zone.

"Calendar quarter" means a consecutive three-month period (nonoverlapping) beginning on January 1, April 1, July 1, and October 1.

"Calendar year" means the period including 365 days (or 336 consecutive days in leap years) starting January 1 and ending on December 31.

"Chief facility operator" means the person in direct charge and control of the operation of a municipal waste combustor and who is responsible for daily onsite supervision, technical direction, management, and overall performance of the facility.

"Circulating fluidized bed combustor" means a fluidized bed combustor in which the majority of the fluidized bed material is carried out of the primary combustion zone and is transported back to the primary zone through a recirculation loop.

"Clean wood" means untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped). Clean wood does not include yard waste, which is defined elsewhere in this section, or construction, renovation, and demolition wastes (including but not limited to railroad ties and telephone poles), which are exempt from the definition of municipal solid waste in this section.

"Cofired combustor" means a unit combusting municipal solid waste with nonmunicipal solid waste fuel (e.g., coal, industrial process waste) and subject to a federally enforceable permit limiting the unit to combusting a fuel feed stream, 30% or less of the weight of which is comprised, in aggregate, of municipal solid waste as measured on a calendar quarter basis.

"Commenced" means that an owner has undertaken a continuous program of construction or modification or that an owner has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Compliance schedule" means a legally enforceable schedule specifying a date or dates by which a source or category of sources must comply with specific emission standards contained in a plan or with any increments of progress to achieve such compliance.

"Construction" means fabrication, erection, or installation of an affected facility.

"Continuous emission monitoring system" means a monitoring system for continuously measuring the emissions of a pollutant from an affected facility.

"Dioxin/furan" means tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans.

~~*"Federally enforceable"* means all limitations and conditions that are enforceable by the administrator including the requirements of 40 CFR Parts 60, 61, and 63, requirements within any applicable state implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.~~

"*First calendar half*" means the period starting on January 1 and ending on June 30 in any year.

"*Four-hour block average*" means the average of all hourly emission concentrations when the affected facility is operating and combusting municipal solid waste measured over four-hour periods of time from midnight to 4 a.m., 4 a.m. to 8 a.m., 8 a.m. to noon, noon to 4 p.m., 4 p.m. to 8 p.m., and 8 p.m. to midnight.

"*Increments of process*" means steps to achieve compliance which must be taken by an owner of an affected facility, including:

1. Submittal of a final control plan for the affected facility to the board;
2. Awarding of contracts for emission control systems or for process modifications or issuance of orders for the purchase of component parts to accomplish emission control or process modification;
3. Initiation of on-site construction or installation of emission control equipment or process change;
4. Completion of on-site construction or installation or emission control equipment or process change; and
5. Final compliance.

"*Mass burn refractory municipal waste combustor*" means a field-erected combustor that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, this includes combustors with a cylindrical rotary refractory wall furnace.

"*Mass burn rotary waterwall municipal waste combustor*" means a field-erected combustor that combusts municipal solid waste in a cylindrical rotary waterwall furnace or on a tumbling-tile grate.

"*Mass burn waterwall municipal waste combustor*" means a field-erected combustor that combusts municipal solid waste in a waterwall furnace.

"*Materials separation plan*" means a plan that identifies both a goal and an approach to separate certain components of municipal solid waste for a given service area in order to make the separated materials available for recycling. A materials separation plan may include elements such as dropoff facilities, buy-back or deposit-return incentives, curbside pickup programs, or centralized mechanical separation systems. A materials separation plan may include different goals or approaches for different subareas in the service area, and may include no materials separation activities for certain subareas or, if warranted, an entire service area.

"*Maximum demonstrated municipal waste combustor unit load*" means the highest four-hour arithmetic average municipal waste combustor unit load achieved during four consecutive hours during the most recent dioxin/furan ~~performance~~ *emission* test demonstrating compliance with the applicable limit for municipal waste combustor organics specified under 9 VAC 5-40-8040.

"*Maximum demonstrated particulate matter control device temperature*" means the highest four-hour arithmetic average

flue gas temperature measured at the particulate matter control device inlet during four consecutive hours during the most recent dioxin/furan ~~performance~~ *emission* test demonstrating compliance with the applicable limit for municipal waste combustor organics specified under 9 VAC 5-40-8040.

"*Modification*" or "*modified municipal waste combustor unit*" means a municipal waste combustor unit to which changes have been made after June 19, 1996, if (i) the cumulative cost of the changes, over the life of the unit, exceed 50% of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs or (ii) any physical change in the municipal waste combustor unit or change in the method of operation of the municipal waste combustor unit increases the amount of any air pollutant emitted by the unit for which standards have been established under § 129 or § 111 of the federal Clean Air Act. Increases in the amount of any air pollutant emitted by the municipal waste combustor unit are determined at 100% physical load capability and downstream of all air pollution control devices, with no consideration given for load restrictions based on permits or other nonphysical operational restrictions.

"*Modular excess-air municipal waste combustor*" means a combustor that combusts municipal solid waste and that is not field-erected and has multiple combustion chambers, all of which are designed to operate at conditions with combustion air amounts in excess of theoretical air requirements.

"*Modular starved-air municipal waste combustor*" means a combustor that combusts municipal solid waste and that is not field-erected and has multiple combustion chambers in which the primary combustion chamber is designed to operate at substoichiometric conditions.

"*Municipal solid waste*" or "*municipal-type solid waste*" means household, commercial/retail, and institutional waste, or a combination thereof. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which includes but is not limited to railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff). Household, commercial/retail, and institutional wastes include (i) yard waste, (ii) refuse-derived fuel, and (iii) motor vehicle maintenance materials limited to vehicle batteries and tires except as specified in 9 VAC 5-40-7950 D 5.

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"Municipal waste combustor" or *"municipal waste combustor unit"* means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at a plastics/rubber recycling unit (as specified in 9 VAC 5-40-7950 D 8). Municipal waste combustors do not include cement kilns firing municipal solid waste (as specified in 9 VAC 5-40-7950 E 3). Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

The boundaries of a municipal solid waste combustor are defined as follows. The municipal waste combustor unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The municipal waste combustor boundary starts at the municipal solid waste pit or hopper and extends through:

1. The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber;
2. The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfer the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and
3. The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.

The municipal waste combustor unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set.

"Municipal waste combustor acid gases" means all acid gases emitted in the exhaust gases from municipal waste combustor units including, but not limited to, sulfur dioxide and hydrogen chloride gases.

"Municipal waste combustor metals" means metals and metal compounds emitted in the exhaust gases from municipal waste combustor units.

"Municipal waste combustor organics" means organic compounds emitted in the exhaust gases from municipal waste combustor units and includes tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

"Municipal waste combustor plant" means one or more affected facilities (as specified in 9 VAC 5-40-7950) at the same location.

"Municipal waste combustor unit capacity" means the maximum charging rate of a municipal waste combustor unit expressed in tons per day of municipal solid waste

combusted, calculated according to the procedures under 9 VAC 5-40-8100 C. 9 VAC 5-40-8100 C includes procedures for determining municipal waste combustor unit capacity for continuous and batch feed municipal waste combustors.

"Municipal waste combustor unit load" means the steam load of the municipal waste combustor unit measured as specified in 9 VAC 5-40-8150 C 6.

"Particulate matter" means total particulate matter emitted from municipal waste combustor units as measured by Reference Method 5 (see 9 VAC 5-40-8140 B).

"Plastics/rubber recycling unit" means an integrated processing unit where plastics, rubber, and rubber tires, or a combination thereof, are the only feed materials (incidental contaminants may be included in the feed materials) and they are processed into a chemical plant feedstock or petroleum refinery feedstock, where the feedstock is marketed to and used by a chemical plant or petroleum refinery as input feedstock. The combined weight of the chemical plant feedstock and petroleum refinery feedstock produced by the plastics/rubber recycling unit on a calendar quarter basis shall be more than 70% of the combined weight of the plastics, rubber, and rubber tires processed by the plastics/rubber recycling unit on a calendar quarter basis. The plastics, rubber, or rubber tire feed materials to the plastics/rubber recycling unit may originate from the separation or diversion of plastics, rubber, or rubber tires from MSW or industrial solid waste, and may include manufacturing scraps, trimmings, and off-specification plastics, rubber, and rubber tire discards. The plastics, rubber, and rubber tire feed materials to the plastics/rubber recycling unit may contain incidental contaminants (e.g., paper labels on plastic bottles, metal rings on plastic bottle caps, etc.).

"Potential hydrogen chloride emission concentration" means the hydrogen chloride emission concentration that would occur from combustion of municipal solid waste in the absence of any emission controls for municipal waste combustor acid gases.

"Potential mercury emission concentration" means the mercury emission concentration that would occur from combustion of municipal solid waste in the absence of any mercury emissions control.

"Potential sulfur dioxide emissions" means the sulfur dioxide emission concentration that would occur from combustion of municipal solid waste in the absence of any emission controls for municipal waste combustor acid gases.

"Pulverized coal/refuse-derived fuel mixed fuel-fired combustor" means a combustor that fires coal and refuse-derived fuel simultaneously, in which pulverized coal is introduced into an air stream that carries the coal to the combustion chamber of the unit where it is fired in suspension. This includes both conventional pulverized coal and micropulverized coal.

"Pyrolysis/combustion unit" means a unit that produces gases, liquids, or solids through the heating of municipal solid waste, and the gases, liquids, or solids produced are combusted and emissions vented to the atmosphere.

"*Reconstruction*" means rebuilding a municipal waste combustor unit for which the reconstruction commenced after June 19, 1996, and the cumulative costs of the construction over the life of the unit exceed 50% of the original cost of construction and installation of the unit (not including any cost of land purchased in connection with such construction or installation) updated to current costs (current dollars).

"*Refractory unit*" or "refractory wall furnace" means a combustion unit having no energy recovery (e.g., via a waterwall) in the furnace (i.e., radiant heat transfer section) of the combustor.

"*Refuse-derived fuel*" means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including low-density fluff refuse-derived fuel through densified refuse-derived fuel and pelletized refuse-derived fuel.

"*Refuse-derived fuel stoker*" means a steam generating unit that combusts refuse-derived fuel in a semisuspension firing mode using air-fed distributors.

"*Same location*" means the same or contiguous property that is under common ownership or control including properties that are separated only by a street, road, highway, or other public right-of-way. Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, subdivision, or any combination thereof including any municipality or other governmental unit, or any quasi-governmental authority (e.g., a public utility district or regional waste disposal authority).

"*Second calendar half*" means the period starting July 1 and ending on December 31 in any year.

"*Shift supervisor*" means the person who is in direct charge and control of the operation of a municipal waste combustor and who is responsible for onsite supervision, technical direction, management, and overall performance of the facility during an assigned shift.

"*Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor*" means a combustor that fires coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

"*Standard conditions*" means a temperature of 20°C 20 degrees Centigrade and a pressure of 101.3 kilopascals.

"*Total mass dioxin/furan*" or "*total mass*" means the total mass of tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans, as determined using Reference Method 23 and the procedures specified under 9 VAC 5-40-8140 F.

"*Tumbling-tile*" means a grate tile hinged at one end and attached to a ram at the other end. When the ram extends, the grate tile rotates around the hinged edge.

"*Twenty-four-hour daily average*" means either the arithmetic mean or geometric mean (as specified) of all hourly emission concentrations when the affected facility is operating and

combusting municipal solid waste measured over a 24-hour period between midnight and the following midnight.

"*Untreated lumber*" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Untreated lumber does not include wood products that have been painted, pigment-stained, or "pressure-treated." Pressure-treating compounds include, but are not limited to, chromate copper arsenate, pentachlorophenol, and creosote.

"*Waterwall furnace*" means a combustion unit having energy (heat) recovery in the furnace (i.e., radiant heat transfer section) of the combustor.

"*Yard waste*" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that are generated by residential, commercial/retail, institutional, and industrial sources, or combination thereof, as part of maintenance activities associated with yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, which are exempt from the definition of municipal solid waste in this section. Yard waste does not include clean wood, which is exempt from the definition of municipal solid waste in this section.

9 VAC 5-40-8090. Standard for toxic pollutants.

The provisions of ~~Article 3 (9 VAC 5-40-160 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Toxic Pollutants, Rule 4-3) Article 4 (9 VAC 5-60-200 et seq.) of 9 VAC 5 Chapter 60 (Emission Standards for Toxic Pollutants, Rule 6-4)~~ apply.

9 VAC 5-40-8100. Compliance.

A. The provisions of ~~9 VAC 5-40-20 (Compliance)~~ apply ~~except as provided in this section.~~ governing compliance shall be as follows:

1. With regard to the emissions standards in 9 VAC 5-40-8080 and 9 VAC 5-40-8090, the provisions of 9 VAC 5-40-20 (Compliance), apply.
2. With regard to the emission limits in 9 VAC 5-40-7970 through 9 VAC 5-40-8070, the following provisions apply:
 - a. 9 VAC 5-40-20 B, C, D, and E.
 - b. 40 CFR 60.11.
 - c. Subsections B through F of this section.

B. The provisions for startup, shutdown, and malfunction in subdivisions 1 and 2 of this subsection apply. Test methods and procedures for determining compliance shall be performed as specified in 9 VAC 5-40-8140.

1. Except as provided by 9 VAC 5-40-8060 C, the standards under this article apply at all times except during periods of startup, shutdown, or malfunction. Duration of startup, shutdown, or malfunction periods are limited to 3 three hours per occurrence, except as provided in subdivision 1 c of this subsection.

- a. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warmup period when the affected facility is combusting fossil fuel or other

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nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor.

b. Continuous burning is the continuous, semicontinuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

c. *For the purpose of compliance with the carbon monoxide emission limits in 9 VAC 5-40-7980, if a loss of boiler water level control (e.g., boiler waterwall tube failure) or a loss of combustion air control (e.g., loss of combustion air fan, induced draft fan, combustion grate bar failure) is determined to be a malfunction, the duration of the malfunction period is limited to 15 hours per occurrence.*

2. The opacity limits for air curtain incinerators specified in 9 VAC 5-40-8060 apply at all times as specified under 9 VAC 5-40-8060 except during periods of malfunction. Duration of malfunction periods are limited to \approx three hours per occurrence.

C. The procedures specified in subdivisions 1 and 2 of this subsection shall be used for calculating municipal waste combustor unit capacity.

1. For municipal waste combustor units capable of combusting municipal solid waste continuously for a 24-hour period, municipal waste combustor unit capacity shall be calculated based on 24 hours of operation at the maximum charging rate. The maximum charging rate shall be determined as specified in subdivisions 1 a and 1 b of this subsection as applicable.

a. For combustors that are designed based on heat capacity, the maximum charging rate shall be calculated based on the maximum design heat input capacity of the unit and a heating value of 12,800 kilojoules per kilogram for combustors firing refuse-derived fuel and a heating value of 10,500 kilojoules per kilogram for combustors firing municipal solid waste that is not refuse-derived fuel.

b. For combustors that are not designed based on heat capacity, the maximum charging rate shall be the maximum design charging rate.

2. For batch feed municipal waste combustor units, municipal waste combustor unit capacity shall be calculated as the maximum design amount of municipal solid waste that can be charged per batch multiplied by the maximum number of batches that could be processed in a 24-hour period. The maximum number of batches that could be processed in a 24-hour period is calculated as 24 hours divided by the design number of hours required to process one batch of municipal solid waste, and may include fractional batches (e.g., if one batch requires 16 hours, then 24/16, or 1.5 batches, could be combusted in a 24-hour period). For batch combustors that are designed based on heat capacity, the design heating value of 12,800 kilojoules

per kilogram for combustors firing refuse-derived fuel and a heating value of 10,500 kilojoules per kilogram for combustors firing municipal solid waste that is not refuse-derived fuel.

D. Nitrogen oxides emissions averaging is allowed as specified in this subsection.

1. The owner of a municipal waste combustor plant may elect to implement a nitrogen oxides emissions averaging plan for the affected facilities that are located at that plant and that are subject to this article, except as specified in subdivisions 1 a and 1 b of this subsection.

a. Municipal waste combustor units subject to subpart Ea or subpart Eb of 40 CFR Part 60 cannot be included in the emissions averaging plan.

b. Mass burn refractory municipal waste combustor units and other municipal waste combustion technologies not listed in 9 VAC 5-40-8050 B cannot be included in the emissions averaging plan.

2. The affected facilities included in the nitrogen oxides emissions averaging plan must be identified in the initial compliance report specified in 9 VAC 5-40-8160 J or in the annual report specified in 9 VAC 5-40-8160 D, as applicable, prior to implementing the averaging plan. The affected facilities being included in the averaging plan may be redesignated each calendar year. Partial year redesignation is allowable with board approval.

3. To implement the emissions averaging plan, the average daily (24-hour) nitrogen oxides emission concentration level for gases discharged from the affected facilities being included in the emissions averaging plan must be no greater than the levels specified in 9 VAC 5-40-8050 B.

4. Under the emissions averaging plan, the average daily nitrogen oxides emissions specified in 9 VAC 5-40-8050 B shall be calculated using the following equation. Affected facilities that are offline shall not be included in calculating the average daily nitrogen oxides emission level.

$$NOx_{24-hr} = \frac{\sum_{i=1}^h (NOxi)(Si)}{\sum_{i=1}^h (Si)}$$

where:

NOx_{24-hr} = 24-hr daily average nitrogen oxides emission concentration level for the emissions averaging plan (parts per million by volume corrected to 7.0% oxygen).

NOx_i = 24-hr daily average nitrogen oxides emission concentration level for affected facility i (parts per million by volume, corrected to 7.0% oxygen), calculated

according to the procedures in ~~subsection G of this section~~ 9 VAC 5-40-8140 G.

S_i = maximum demonstrated municipal waste combustor unit load for affected facility i (pounds per hour steam or feedwater flow as determined in the most recent dioxin/furan ~~performance~~ emission test).

h = total number of affected facilities being included in the daily emissions average.

5. For any day in which any affected facility included in the emissions averaging plan is offline, the owner of the municipal waste combustor plant must demonstrate compliance according to either subdivision 5 a of this subsection or both subdivisions 5 b and 5 c of this subsection.

a. Compliance with the applicable limits specified in 9 VAC 5-40-8050 B shall be demonstrated using the averaging procedure specified in subdivision 4 of this subsection for the affected facilities that are online.

b. For each of the affected facilities included in the emissions averaging plan, the nitrogen oxides emissions on a daily average basis shall be calculated and shall be equal to or less than the maximum daily nitrogen oxides emission level achieved by that affected facility on any of the days during which the emissions averaging plan was achieved with all affected facilities online during the most recent calendar quarter. The requirements of this subsection do not apply during the first quarter of operation under the emissions averaging plan.

c. The average nitrogen oxides emissions (kilograms per day) calculated according to subdivision 5 c (2) of this subsection shall not exceed the average nitrogen oxides emissions (kilograms per day) calculated according to subdivision 5 c (1) of this subsection.

(1) For all days during which the emissions averaging plan was implemented and achieved and during which all affected facilities were online, the average nitrogen oxides emissions shall be calculated. The average nitrogen oxides emissions (kilograms per day) shall be calculated on a calendar year basis according to subdivisions 5 c (1) (a) through 5 c (1) (c) of this subsection.

(a) For each affected facility included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides data specified under ~~subdivision 5 c (1) (a) of this subsection~~ 9 VAC 5-40-8140 G 5, the flue gas flow rate determined using Table 19-1 of Reference Method 19 or a board-approved method, and the hourly average steam or feedwater flow rate.

(b) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each affected facility calculated under subdivision 5 c (1) (a) of this subsection.

(c) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under subdivision 5 c (1) (b) of this subsection divided by the number of calendar days for which a daily total was calculated.

(2) For all days during which one or more of the affected facilities under the emissions averaging plan was offline, the average nitrogen oxides emissions shall be calculated. The average nitrogen oxides emissions (kilograms per day) shall be calculated on a calendar year basis according to subdivisions 5 c (2) (a) through 5 c (2) (c) of this subsection.

(a) For each affected facility included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides data specified under ~~subdivision 5 c (1) (a) of this subsection~~ 9 VAC 5-40-8140 G 5, the flue gas flow rate determined using Table 19-1 of Reference Method 19, and the hourly average steam or feedwater flow rate.

(b) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each affected facility calculated under subdivision 5 c (2) (a) of this subsection.

(c) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under subdivision 5 c (2) (b) of this subsection divided by the number of calendar days for which a daily total was calculated.

E. Owners of municipal waste combustor plants may engage in trading of nitrogen oxides emission credits. A trading program must be approved by the board before implementation.

~~F. The provisions of 40 CFR 62.14109 (63 FR 63191, November 12, 1998) apply to the extent they do not conflict with this article. The initial emission test shall be completed within 180 days after the final compliance date specified in 9 VAC 5-40-8110 A.~~

9 VAC 5-40-8110. Compliance schedules.

A. The compliance schedule provisions of 40 CFR 62.14108 (40 CFR, July 1, 2002) and 40 CFR 62.14109(e) through (m) (40 CFR, July 1, 2002) ~~(63 FR 63191, November 12, 1998)~~ apply to the extent they do not conflict with this article.

B. All affected sources shall comply with the municipal waste combustor operator training and certification requirements under 9 VAC 5-40-8130 according to the schedule specified in subdivisions 1 and 2 of this subsection.

1. Affected facilities shall comply with the municipal waste combustor operator training and certification requirements specified in 9 VAC 5-40-8130 A through D by August 4, 2000.

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2. Affected facilities shall comply with the requirements specified in 9 VAC 5-40-8130 E through H no later than August 4, 2000.

a. The requirement specified in 9 VAC 5-40-8130 E does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the effective date of this article.

b. The owner of an affected facility may request that the board waive the requirement specified in 9 VAC 5-40-8130 E for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before the effective date of this article.

c. The initial training requirements specified in 9 VAC 5-40-8130 G 1 shall be completed no later than the date specified in subdivision 2 c (1) or 2 c (2) of this subsection, whichever is later.

(1) August 4, 2000; or

(2) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

9 VAC 5-40-8120. Operating practices.

A. No owner of an affected facility shall cause such facility to operate at a load level greater than 110% of the maximum demonstrated municipal waste combustor unit load, except as specified in subdivisions 1 and 2 of this subsection. The averaging time is specified under 9 VAC 5-40-8150 C.

1. During the annual dioxin/furan ~~performance~~ *emission* test and the two weeks preceding the annual dioxin/furan ~~performance~~ *emission* test, no municipal waste combustor unit load limit is applicable.

2. The municipal waste combustor unit load limit may be waived in accordance with permission granted by the board for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

B. No owner of an affected facility shall cause such facility to operate at a temperature, measured at the particulate matter control device inlet, exceeding ~~47°C~~ *17 degrees Centigrade* above the maximum demonstrated particulate matter control device temperature as defined in 9 VAC 5-40-7960, except as specified in subdivisions 1 and 2 of this subsection. The averaging time is specified under 9 VAC 5-40-8150 C. The requirements specified in this subsection apply to each particulate matter control device utilized at the affected facility.

1. During the annual dioxin/furan ~~performance~~ *emission* test and the two weeks preceding the annual dioxin/furan ~~performance~~ *emission* test, no particulate matter control device temperature limitations are applicable.

2. The particulate matter control device temperature limits may be waived in accordance with permission granted by

the board for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

9 VAC 5-40-8130. Operator training and certification.

A. Each chief facility operator and shift supervisor of an affected facility shall obtain and maintain ~~one of the following:~~
~~4-~~ a current provisional operator training certification from the American Society of Mechanical Engineers as provided in the "Standard for the Qualification and Certification of Resource Recovery Facility Operators" (see 9 VAC 5-20-21) ~~in conjunction with licensing requirements of the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.); or a board-approved certification program.~~

~~2-~~ A license from the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.).

B. Each chief facility operator and shift supervisor of an affected facility shall have:
~~4-~~ completed full certification or scheduled a full certification exam with either the American Society of Mechanical Engineers ~~or a board-approved certification program~~ as provided in the "Standard for the Qualification and Certification of Resource Recovery Facility Operators" (see 9 VAC 5-20-21) ~~in conjunction with the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.); or a board-approved certification program.~~

~~2-~~ Obtained a license from the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.).

C. No owner of an affected facility shall allow the facility to be operated at any time unless a person is on duty who is responsible for the proper operation of the facility and has a license from the Board for Waste Management Facility Operators in the correct classification. *No provision of this article shall relieve any owner from the responsibility to comply in all respects with the requirements of Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia, and with 18 VAC 155 Chapter 20.*

D. No owner of an affected facility shall allow the facility to be operated at any time unless one of the following persons is on duty and at the affected facility: a fully certified chief facility operator, a provisionally certified chief facility operator who is scheduled to take the full certification exam according to the schedule specified in 9 VAC 5-40-8110 B 1, a fully certified shift supervisor, or a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in 9 VAC 5-40-8110 B 1.

If one of the persons listed in this subsection must leave the affected facility during ~~his~~ *that person's* operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirement in this subsection.

E. All chief facility operators, shift supervisors, and control room operators at affected facilities must complete the board-approved municipal waste combustor operator training course.

F. The owner of an affected facility shall develop and update on a yearly basis a site-specific operating manual that shall, at a minimum, address the elements of municipal waste combustor unit operation specified in this subsection.

1. A summary of the applicable standards under this article;
2. A description of basic combustion theory applicable to a municipal waste combustor unit;
3. Procedures for receiving, handling, and feeding municipal solid waste;
4. Municipal waste combustor unit startup, shutdown, and malfunction procedures;
5. Procedures for maintaining proper combustion air supply levels;
6. Procedures for operating the municipal waste combustor unit within the standards established under this article;
7. Procedures for responding to periodic upset or off-specification conditions;
8. Procedures for minimizing particulate matter carryover;
9. Procedures for handling ash;
10. Procedures for monitoring municipal waste combustor unit emissions; and
11. Reporting and recordkeeping procedures.

G. The owner of an affected facility shall establish a training program to review the operating manual according to the schedule specified in this subsection with each person who has responsibilities affecting the operation of an affected facility including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

1. Each person specified in this subsection shall undergo initial training no later than the date specified in subdivision 1 a or 1 b of this subsection, whichever is later.
 - a. The date prior to the day the person assumes responsibilities affecting municipal waste combustor unit operation; or
 - b. ~~The date specified in 9 VAC 5-40-8110 B 2 August 4, 2000.~~
2. Each person specified in this subsection shall undergo initial training annually, following the initial review required by subdivision 1 of this subsection.

H. The operating manual required by subsection F of this section shall be kept in a readily accessible location for all persons required to undergo training under subsection G of this section. The operating manual and records of training shall be available for inspection by the board upon request.

I. *The requirements of subsections A and B of this section with regard to obtaining operator training certification through a*

program approved by the board may be met by obtaining a license from the Board for Waste Management Facility Operators. All training and licensing shall be conducted in accordance with ~~§ 54.1-2212 Chapter 22.1~~ (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia, and with 18 VAC 155 Chapter 20.

9 VAC 5-40-8140. Test methods and procedures.

A. ~~The provisions of 9 VAC 5-40-30 (Emission testing) apply except as provided in this section.~~ *governing test methods and procedures shall be as follows:*

1. *With regard to the emissions standards in 9 VAC 5-40-8080 and 9 VAC 5-40-8090, the provisions of 9 VAC 5-40-30 (Emission testing) apply.*
2. *With regard to the emission limits in 9 VAC 5-40-7970 through 9 VAC 5-40-8070, the following provisions apply:*
 - a. *9 VAC 5-40-30 D and G.*
 - b. *40 CFR 60.8, with the exception of paragraph (a).*
 - c. *40 CFR 60.11 and 40 CFR 60.13.*
 - d. *Subsections B through J of this section.*

B. The procedures and test methods specified in this subsection shall be used to determine compliance with the emission limits for particulate matter and opacity under 9 VAC 5-40-7970 and 9 VAC 5-40-8060.

1. Reference Method 1 shall be used to select sampling site and number of traverse points.
2. Reference Method 3, 3A, or 3B, as applicable, shall be used for gas analysis.
3. Reference Method 5 shall be used for determining compliance with the particulate matter emission limit. The minimum sample volume shall be 1.7 cubic meters. The probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than ~~160 + 14°C~~ *160 ± 14 degrees Centigrade*. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Reference Method 5 run.
4. The owner of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.
5. As specified in ~~9 VAC 5-40-30~~ *40 CFR 60.8*, all ~~performance~~ *emission* tests shall consist of three test runs. The average of the particulate matter emission concentrations from the three test runs is used to determine compliance.
6. In accordance with subdivisions 7 and 10 of this subsection, Reference Method 9 shall be used for determining compliance with the opacity limit except as provided in ~~9 VAC 5-40-20~~ *40 CFR 60.11(e)*.

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7. The owner of an affected facility shall conduct an initial ~~performance~~ *emission* test for particulate matter emissions and opacity as required in 9 VAC 5-40-8100.

8. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous opacity monitoring system for measuring opacity and shall follow the methods and procedures specified in subdivisions 8 a through 8 d of this subsection.

a. The output of the continuous opacity monitoring system shall be recorded on a 6-minute average basis.

b. The continuous opacity monitoring system shall be installed, evaluated, and operated in accordance with ~~9 VAC 5-40-40 and 9 VAC 5-40-41~~ *40 CFR 60.13*.

c. The continuous opacity monitoring system shall conform to Performance Specification 1 in Appendix B of 40 CFR Part 60.

d. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.

9. Following the date that the initial ~~performance~~ *emission* test for particulate matter is completed or is required to be completed in 9 VAC 5-40-8100 for an affected facility, the owner shall conduct a ~~performance~~ *an emission* test for particulate matter on an annual basis (no more than 12 calendar months following the previous ~~performance~~ *emission* test).

10. Following the date that the initial ~~performance~~ *emission* test for opacity is completed or is required to be completed in 9 VAC 5-40-8100 for an affected facility, the owner shall conduct a ~~performance~~ *an emission* test for opacity on an annual basis (no more than 12 calendar months following the previous ~~performance~~ *emission* test) using the test method specified in subdivision B 6 of this subsection.

C. The procedures and test methods specified in this subsection shall be used to determine compliance with the emission limits for cadmium, lead, and mercury under 9 VAC 5-40-7990, 9 VAC 5-40-8000, and 9 VAC 5-40-8010.

1. The procedures and test methods specified in subdivisions 1 a through 1 g of this subsection shall be used to determine compliance with the emission limits for cadmium and lead under 9 VAC 5-40-7990 and 9 VAC 5-40-8000.

a. Reference Method 1 shall be used for determining the location and number of sampling points.

b. Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

c. Reference Method 29 shall be used for determining compliance with the cadmium and lead emission limits.

d. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Reference Method 29 test run for cadmium and lead required under subdivision 1 c of this subsection.

e. The owner of an affected facility may request that compliance with the cadmium or lead emission limit be

determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

f. All ~~performance~~ *emission* tests shall consist of a minimum of three test runs conducted under representative full load operating conditions. The average of the cadmium or lead emission concentrations from three test runs or more shall be used to determine compliance.

g. Following the date of the initial ~~performance~~ *emission* test or the date on which the initial ~~performance~~ *emission* test is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct a ~~performance~~ *an emission* test for compliance with the emission limits for cadmium and lead on an annual basis (no more than 12 calendar months following the previous ~~performance~~ *emission* test).

2. The procedures and test methods specified in subdivisions 2 a through 2 j of this subsection shall be used to determine compliance with the mercury emission limit under 9 VAC 5-40-8010.

a. Reference Method 1 shall be used for determining the location and number of sampling points.

b. Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

c. Reference Method 29 shall be used to determine the mercury emission concentration. The minimum sample volume when using Reference Method 29 for mercury shall be 1.7 cubic meters.

d. An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Reference Method 29 test run for mercury required under subdivision 2 c of this subsection.

e. The percent reduction in the potential mercury emissions (% p subHg) is computed using the following equation:

$$\left(\%P_{Hg} \right) = \left(\frac{E_i - E_o}{E_i} \right) \times 100$$

where:

%P_{Hg} = percent reduction of the potential mercury emissions achieved.

E_i = potential mercury emission concentration measured at the control device inlet, corrected to 7.0% oxygen (dry basis).

E_o = controlled mercury emission concentration measured at the mercury control device outlet, corrected to 7.0% oxygen (dry basis).

f. All ~~performance~~ *emission* tests shall consist of a minimum of three test runs conducted under representative full load operating conditions. The average

of the mercury emission concentrations or percent reductions from three test runs or more is used to determine compliance.

g. The owner of an affected facility may request that compliance with the mercury emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

h. The owner of an affected facility shall conduct an initial ~~performance~~ *emission* test for mercury emissions as required in 9 VAC 5-40-8100.

i. Following the date that the initial ~~performance~~ *emission* test for mercury is completed or is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct a ~~performance~~ *an emission* test for mercury emissions on an annual basis (no more than 12 calendar months from the previous ~~performance~~ *emission* test).

j. The owner of an affected facility where activated carbon injection is used to comply with the mercury emission limit shall follow the procedures specified in subsection J of this section for measuring and calculating carbon usage.

D. The procedures and test methods specified in this subsection shall be used for determining compliance with the sulfur dioxide emission limit under 9 VAC 5-40-8020.

1. Reference Method 19, section 4.3, shall be used to calculate the daily geometric average sulfur dioxide emission concentration.

2. Reference Method 19, section 5.4, shall be used to determine the daily geometric average percent reduction in the potential sulfur dioxide emission concentration.

3. The owner of an affected facility may request that compliance with the sulfur dioxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

4. The owner of an affected facility shall conduct an initial ~~performance~~ *emission* test for sulfur dioxide emissions as required in 9 VAC 5-40-8100. Compliance with the sulfur dioxide emission limit (concentration or percent reduction) shall be determined by using the continuous emission monitoring system specified in subdivision 5 of this subsection to measure sulfur dioxide and calculating a 24-hour daily geometric average emission concentration or a 24-hour daily geometric average percent reduction using Reference Method 19, sections 4.3 and 5.4, as applicable.

5. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system.

6. Following the date that the initial ~~performance~~ *emission* test for sulfur dioxide is completed or is required to be completed in 9 VAC 5-40-8100, compliance with the sulfur

dioxide emission limit shall be determined based on the 24-hour daily geometric average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data if compliance is based on an emission concentration, or continuous emission monitoring system inlet and outlet data if compliance is based on a percent reduction.

7. At a minimum, valid continuous monitoring system hourly averages shall be obtained as specified in subdivisions 7 a and 7 b of this subsection for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

a. At least two data points per hour shall be used to calculate each one-hour arithmetic average.

b. Each sulfur dioxide one-hour arithmetic average shall be corrected to 7.0% oxygen on an hourly basis using the one-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

8. The one-hour arithmetic averages required under subdivision 6 of this subsection shall be expressed in parts per million corrected to 7.0% oxygen (dry basis) and used to calculate the 24-hour daily geometric average emission concentrations and daily geometric average emission percent reductions. The one-hour arithmetic averages shall be calculated using the data points required in ~~9 VAC 5-40-41 B 3~~ *40 CFR 60.13(e)(2)*.

9. All valid continuous emission monitoring system data shall be used in calculating average emission concentrations and percent reductions even if the minimum continuous emission monitoring system data requirements of subdivision 7 of this subsection are not met.

10. The procedures in ~~9 VAC 5-40-40 and 9 VAC 5-40-41~~ *40 CFR 60.13* shall be followed for installation, evaluation, and operation of the continuous emission monitoring system.

11. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.

12. The continuous emission monitoring system shall be operated according to Performance Specification 2 in Appendix B of 40 CFR Part 60.

a. During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 2 in Appendix B of 40 CFR Part 60, sulfur dioxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in subdivisions 12 a (1) and 12 a (2) of this subsection.

(1) For sulfur dioxide, Reference Method 6, 6A, or 6C shall be used.

(2) For oxygen (or carbon dioxide), Reference Method 3, 3A, or 3B, as applicable, shall be used.

b. The span value of the continuous emissions monitoring system at the inlet to the sulfur dioxide control device

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shall be 125% of the maximum estimated hourly potential sulfur dioxide emissions of the municipal waste combustor unit. The span value of the continuous emission monitoring system at the outlet of the sulfur dioxide control device shall be 50% of the maximum estimated hourly potential sulfur dioxide emissions of the municipal waste combustor unit.

13. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 1 in Appendix F of 40 CFR Part 60.

14. When sulfur dioxide emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained by using other monitoring systems as approved by the board or Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 75% of the hours per day that the affected facility is operated and combusting municipal solid waste for 90% of the days per calendar quarter that the affected facility is operated and combusting municipal solid waste.

E. The procedures and test methods specified in this subsection shall be used for determining compliance with the hydrogen chloride emission limit under 9 VAC 5-40-8030.

1. Reference Method 26 or 26A, as applicable, shall be used to determine the hydrogen chloride emission concentration. The minimum sampling time for Reference Method 26 shall be one hour.

2. An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Reference Method 26 test run for hydrogen chloride required by subdivision 1 of this subsection.

3. The percent reduction in potential hydrogen chloride emissions ($\%P_{HCl}$) is computed using the following equation:

$$(\%P_{HCl}) = \left(\frac{E_i - E_o}{E_i} \right) \times 100$$

where:

$\%P_{HCl}$ = percent reduction of the potential hydrogen chloride emissions achieved.

E_i = potential hydrogen chloride emission concentration measured at the control device inlet, corrected to 7.0% oxygen (dry basis).

E_o = controlled hydrogen chloride emission concentration measured at the control device outlet, corrected to 7.0% oxygen (dry basis).

4. The owner of an affected facility may request that compliance with the hydrogen chloride emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

5. As specified in ~~9 VAC 5-40-30~~ 40 CFR 60.8, all ~~performance emission~~ tests shall consist of three test runs. The average of the hydrogen chloride emission concentrations or percent reductions from the three test runs is used to determine compliance.

6. The owner of an affected facility shall conduct an initial ~~performance emission~~ test for hydrogen chloride as required in 9 VAC 5-40-8100.

7. Following the date that the initial ~~performance emission~~ test for hydrogen chloride is completed or is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct ~~a performance an emission~~ test for hydrogen chloride emissions on an annual basis (no more than 12 calendar months following the previous ~~performance emission~~ test).

F. The procedures and test methods specified in this subsection shall be used to determine compliance with the limits for dioxin/furan emissions under 9 VAC 5-40-8040.

1. Reference Method 1 shall be used for determining the location and number of sampling points.

2. Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

3. Reference Method 23 shall be used for determining the dioxin/furan emission concentration.

a. The minimum sample time shall be four hours per test run.

b. An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Reference Method 23 test run for dioxins/furans.

4. The owner of an affected facility shall conduct an initial ~~performance emission~~ test for dioxin/furan emissions in accordance with subdivision 3 of this subsection, as required in 9 VAC 5-40-8100.

5. Following the date that the initial ~~performance emission~~ test for dioxins/furans is completed or is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct ~~performance emission~~ tests for dioxin/furan emissions in accordance with subdivision 3 of this subsection, according to one of the schedules specified in subdivision 5 a or 5 b of this subsection.

a. For affected facilities, ~~performance emission~~ tests shall be conducted on an annual basis (no more than 12 calendar months following the previous ~~performance emission~~ test).

b. Where all ~~performance emission~~ tests over a two-year period indicate that dioxin/furan emissions are less than or equal to 15 nanograms per dry standard cubic meter (total mass) for all affected facilities located within a municipal waste combustor plant, the owner of the municipal waste combustor plant may elect to conduct annual ~~performance emission~~ tests for one affected facility (i.e., unit) per year at the municipal waste combustor plant. At a minimum, ~~a performance an emission~~ test for dioxin/furan emissions shall be

conducted annually (no more than 12 months following the previous ~~performance~~ *emission* test) for one affected facility at the municipal waste combustor plant. Each year a different affected facility at the municipal waste combustor plant shall be tested, and the affected facilities at the plant shall be tested in sequence (e.g., unit 1, unit 2, unit 3, as applicable). If each annual ~~performance~~ *emission* test continues to indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass), the owner may continue conducting a ~~performance~~ *an emission* test on only one affected facility per year. If any annual ~~performance~~ *emission* test indicates a dioxin/furan emission level greater than 15 nanograms per dry standard cubic meter (total mass), ~~performance~~ *emission* tests thereafter shall be conducted annually on all affected facilities at the plant until and unless all annual ~~performance~~ *emission* tests for all affected facilities at the plant over a two-year period indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass).

6. The owner of an affected facility that selects to follow the ~~performance~~ *emission* testing schedule specified in subdivision 5 a or 5 b of this subsection shall follow the procedures specified in 9 VAC 5-40-8160 D 4 for reporting the selection of this schedule.

7. The owner of an affected facility where activated carbon is used to comply with the dioxin/furan emission limits specified in 9 VAC 5-40-8040 or the dioxin/furan emission level specified in subdivision 5 a or 5 b of this subsection shall follow the procedures specified in subsection J of this section for measuring and calculating the carbon usage rate.

8. The owner may request that compliance with the dioxin/furan emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

9. As specified in ~~9 VAC 5-40-30~~ *40 CFR 60.8*, all ~~performance~~ *emission* tests shall consist of three test runs. The average of the dioxin/furan emission concentrations from the three test runs is used to determine compliance.

G. The procedures and test methods specified in this subsection shall be used to determine compliance with the nitrogen oxides emission limit for affected facilities under 9 VAC 5-40-8050.

1. Reference Method 19, section 4.1, shall be used for determining the daily arithmetic average nitrogen oxides emission concentration.

2. The owner of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

3. The owner of an affected facility subject to the nitrogen oxides limit under 9 VAC 5-40-8050 shall conduct an initial ~~performance~~ *emission* test for nitrogen oxides as required in 9 VAC 5-40-8100. Compliance with the nitrogen oxides emission limit shall be determined by using the continuous emission monitoring system specified in subdivision 4 of this subsection for measuring nitrogen oxides and calculating a 24-hour daily arithmetic average emission concentration using Reference Method 19, section 4.1.

4. The owner of an affected facility subject to the nitrogen oxides emission limit under 9 VAC 5-40-8050 shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring nitrogen oxides discharged to the atmosphere, and record the output of the system.

5. Following the date that the initial ~~performance~~ *emission* test for nitrogen oxides is completed or is required to be completed in 9 VAC 5-40-8100, compliance with the emission limit for nitrogen oxides required under 9 VAC 5-40-8050 shall be determined based on the 24-hour daily arithmetic average of the hourly emission concentrations using continuous emission monitoring system outlet data.

6. At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in subdivisions 6 a and 6 b of this subsection for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

a. At least two data points per hour shall be used to calculate each one-hour arithmetic average.

b. Each nitrogen oxides one-hour arithmetic average shall be corrected to 7.0% oxygen on an hourly basis using the one-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

7. The one-hour arithmetic averages required by subdivision 5 of this subsection shall be expressed in parts per million by volume (dry basis) and used to calculate the 24-hour daily arithmetic average concentrations. The one-hour arithmetic averages shall be calculated using the data points required in ~~9 VAC 5-40-41 B 3~~ *40 CFR 60.13(e)(2)*.

8. All valid continuous emission monitoring system data must be used in calculating emission averages even if the minimum continuous emission monitoring system data requirements of subdivision 6 of this subsection are not met.

9. The procedures in ~~9 VAC 5-40-40 and 9 VAC 5-40-41~~ *40 CFR 60.13* shall be followed for installation, evaluation, and operation of the continuous emission monitoring system. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.

10. The owner of an affected facility shall operate the continuous emission monitoring system according to Performance Specification 2 in Appendix B of 40 CFR Part 60 and shall follow the procedures and methods specified in subdivisions 10 a and 10 b of this subsection.

a. During each relative accuracy test run of the continuous emission monitoring system required by

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Performance Specification 2 of Appendix B of 40 CFR Part 60, nitrogen oxides and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in subdivisions 10 a (1) and 10 a (2) of this subsection.

(1) For nitrogen oxides, Reference Method 7, 7A, 7C, 7D, or 7E shall be used.

(2) For oxygen (or carbon dioxide), Reference Method 3, 3A, or 3B, as applicable, shall be used.

b. The span value of the continuous emission monitoring system shall be 125% of the maximum estimated hourly potential nitrogen oxide emissions of the municipal waste combustor unit.

11. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 1 in Appendix F of 40 CFR Part 60.

12. When nitrogen oxides continuous emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by the board or Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 75% of the hours per day for 90% of the days per calendar quarter the unit is operated and combusting municipal solid waste.

H. The procedures specified in this subsection shall be used for determining compliance with the fugitive ash emission limit under 9 VAC 5-40-8070.

1. Reference Method 22 shall be used for determining compliance with the fugitive ash emission limit under 9 VAC 5-40-8070. The minimum observation time shall be a series of three one-hour observations. The observation period shall include times when the facility is transferring ash from the municipal waste combustor unit to the area where ash is stored or loaded into containers or trucks.

2. The average duration of visible emissions per hour shall be calculated from the three one-hour observations. The average shall be used to determine compliance with 9 VAC 5-40-8070.

3. The owner of an affected facility shall conduct an initial ~~performance~~ *emission* test for fugitive ash emissions as required in 9 VAC 5-40-8100.

4. Following the date that the initial ~~performance~~ *emission* test for fugitive ash emissions is completed or is required to be completed in 9 VAC 5-40-8100 for an affected facility, the owner shall conduct a ~~performance~~ *an emission* test for fugitive ash emissions on an annual basis (no more than 12 calendar months following the previous ~~performance~~ *emission* test).

I. The procedures specified in this subsection shall be used to determine compliance with the opacity limit for air curtain incinerators under 9 VAC 5-40-8060 C.

1. Reference Method 9 shall be used for determining compliance with the opacity limit.

2. The owner of the air curtain incinerator shall conduct an initial ~~performance~~ *emission* test for opacity as required in 9 VAC 5-40-8100.

3. Following the date that the initial ~~performance~~ *emission* test is completed or is required to be completed in 9 VAC 5-40-8100, the owner of the air curtain incinerator shall conduct a ~~performance~~ *an emission* test for opacity on an annual basis (no more than 12 calendar months following the previous ~~performance~~ *emission* test).

J. The owner of an affected facility where activated carbon injection is used to comply with the mercury emission limit under 9 VAC 5-40-8010, or the dioxin/furan emission limits under 9 VAC 5-40-8040, or the dioxin/furan emission level specified in subdivision F 5 b of this section shall follow the procedures specified in this subsection.

1. During the ~~performance~~ *emission* tests for dioxins/furans and mercury, as applicable, the owner shall estimate an average carbon mass feed rate based on carbon injection system operating parameters such as the screw feeder speed, hopper volume, hopper refill frequency, or other parameters appropriate to the feed system being employed, as specified in subdivisions 1 a and 1 b of this subsection.

a. An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial ~~performance~~ *emission* test for mercury emissions and each subsequent ~~performance~~ *emission* test for mercury emissions.

b. An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial ~~performance~~ *emission* test for dioxin/furan emissions and each subsequent ~~performance~~ *emission* test for dioxin/furan emissions.

2. During operation of the affected facility, the carbon injection system operating parameter(s) that are the primary indicator(s) of the carbon mass feed rate (e.g., screw feeder setting) must equal or exceed the level(s) documented during the ~~performance~~ *emission* tests specified under subdivisions 1 a and 1 b of this subsection.

3. The owner of an affected facility shall estimate the total carbon usage of the plant (kilograms or pounds) for each calendar quarter by two independent methods, according to the procedures in subdivisions 3 a and 3 b of this subsection.

a. The weight of carbon delivered to the plant.

b. Estimate the average carbon mass feed rate in kilograms per hour or pounds per hour for each hour of operation for each affected facility based on the parameters specified under subdivision 1 of this subsection, and sum the results for all affected facilities at the plant for the total number of hours of operation during the calendar quarter.

9 VAC 5-40-8150. Monitoring.

A. The provisions of ~~9 VAC 5-40-40 (Monitoring)~~ apply except as provided in this section. governing monitoring shall be as follows:

1. With regard to the emissions standards in 9 VAC 5-40-8080 and 9 VAC 5-40-8090, the provisions of 9 VAC 5-40-40 (Monitoring) apply.

2. With regard to the emission limits in 9 VAC 5-40-7970 through 9 VAC 5-40-8070, the following provisions apply:

- a. 9 VAC 5-40-40 A and F.
- b. 40 CFR 60.13.
- c. Subsections B and C of this section.

B. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system and record the output of the system for measuring the oxygen or carbon dioxide content of the flue gas at each location where carbon monoxide, sulfur dioxide, or nitrogen oxides emissions are monitored and shall comply with the test procedures and test methods specified in this subsection.

1. The span value of the oxygen (or carbon dioxide) monitor shall be 25% oxygen (or carbon dioxide).

2. The monitor shall be installed, evaluated, and operated in accordance with ~~9 VAC 5-40-40 and 9 VAC 5-40-44~~ 40 CFR 60.13.

3. The initial performance evaluation shall be completed prior to the initial emission test as specified in 9 VAC 5-40-8100.

4. The monitor shall conform to Performance Specification 3 in Appendix B of 40 CFR Part 60 except for section 2.3 (relative accuracy requirement).

5. The quality assurance procedures of Appendix F of 40 CFR Part 60 except for section 5.1.1 (relative accuracy test audit) shall apply to the monitor.

6. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels shall be established during the initial performance emission test according to the procedures and methods specified in subdivisions 6 a through 6 d of this subsection. This relationship may be reestablished during performance compliance tests.

a. The fuel factor equation in Reference Method 3B shall be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Reference method 3, 3A, or 3B, as applicable, shall be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

b. Samples shall be taken for at least 30 minutes in each hour.

c. Each sample shall represent a one-hour average.

d. A minimum of three runs shall be performed.

7. The relationship between carbon dioxide and oxygen concentrations that is established in accordance with subdivision 6 of this subsection shall be submitted to the board as part of the initial performance emission test report and, if applicable, as part of the annual test report if the relationship is reestablished during the annual performance emission test.

C. The procedures specified in this subsection shall be used for determining compliance with the operating requirements under 9 VAC 5-40-8120.

1. Compliance with the carbon monoxide emission limits in 9 VAC 5-40-7980 shall be determined using a four-hour block arithmetic average for all types of affected facilities except mass burn rotary waterwall municipal waste combustors and refuse-derived fuel stokers.

2. For affected mass burn rotary waterwall municipal waste combustors and refuse-derived fuel stokers, compliance with the carbon monoxide emission limits in 9 VAC 5-40-7980 shall be determined using a 24-hour daily arithmetic average.

3. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring carbon monoxide at the combustor outlet and record the output of the system and shall follow the procedures and methods specified in subdivisions 3 a through 3 c of this subsection.

a. The continuous emission monitoring system shall be operated according to Performance Specification 4A in Appendix B of 40 CFR Part 60.

b. During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 4A in Appendix B of 40 CFR Part 60, carbon monoxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in subdivisions 3 b (1) and 3 b (2) of this subsection.

(1) For carbon monoxide, Reference Method 10, 10A, or 10B shall be used.

(2) For oxygen (or carbon dioxide), Reference Method 3, 3A, or 3B, as applicable, shall be used.

c. The span value of the continuous emission monitoring system shall be 125% of the maximum estimated hourly potential carbon monoxide emissions of the municipal waste combustor unit.

4. The four-hour block and 24-hour daily arithmetic averages specified in subdivisions 1 and 2 of this subsection shall be calculated from one-hour arithmetic averages expressed in parts per million by volume corrected to 7.0% oxygen (dry basis). The one-hour arithmetic averages shall be calculated using the data points generated by the continuous emission monitoring system. At least two data points shall be used to calculate each one-hour arithmetic average.

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5. The owner of an affected facility may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in subdivision B 6 of this section.

6. The procedures specified in subdivisions 6 a through 6 d of this subsection shall be used to determine compliance with load level requirements under 9 VAC 5-40-8120 A.

a. The owner of an affected facility with steam generation capability shall install, calibrate, maintain, and operate a steam flow meter or a feedwater flow meter; measure steam (or feedwater) flow in kilograms per hour (or pounds per hour) on a continuous basis; and record the output of the monitor. Steam (or feedwater) flow shall be calculated in four-hour block arithmetic averages.

b. The method included in section 4 of the American Society of Mechanical Engineers publication, "Power Test Codes: Steam Generating Units" (see 9 VAC 5-20-21) shall be used for calculating the steam (or feedwater) flow required under subdivision 6 a of this subsection. The recommendations in chapter 4 of the American Society of Mechanical Engineers publication, "Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters" (see 9 VAC 5-20-21) shall be followed for design, construction, installation, calibration, and use of nozzles and orifices except as specified in subdivision 6 c of this subsection.

c. Measurement devices such as flow nozzles and orifices are not required to be recalibrated after they are installed.

d. All signal conversion elements associated with steam (or feedwater flow) measurements must be calibrated according to the manufacturer's instructions before each dioxin/furan ~~performance~~ *emission* test, and at least once per year.

7. To determine compliance with the maximum particulate matter control device temperature requirements under 9 VAC 5-40-8120 B, the owner of an affected facility shall install, calibrate, maintain, and operate a device for measuring on a continuous basis the temperature of the flue gas stream at the inlet to each particulate matter control device utilized by the affected facility. Temperature shall be calculated in four-hour block arithmetic averages.

8. The maximum demonstrated municipal waste combustor unit load shall be determined during the initial ~~performance~~ *emission* test for dioxins/furans and each subsequent ~~performance~~ *emission* test during which compliance with the dioxin/furan emission limit specified in 9 VAC 5-40-8040 is achieved. The maximum demonstrated municipal waste combustor unit load shall be the highest four-hour arithmetic average load achieved during four consecutive hours during the most recent test during which compliance with the dioxin/furan emission limit was achieved.

9. For each particulate matter control device employed at the affected facility, the maximum demonstrated particulate

matter control device temperature shall be determined during the initial ~~performance~~ *emission* test for dioxins/furans and each subsequent ~~performance~~ *emission* test during which compliance with the dioxin/furan emission limit specified in 9 VAC 5-40-8040 is achieved. The maximum demonstrated particulate matter control device temperature shall be the highest four-hour arithmetic average temperature achieved at the particulate matter control device inlet during four consecutive hours during the most recent test during which compliance with the dioxin/furan limit was achieved.

10. At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in subdivisions 10 a and 10 b of this subsection for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

a. At least two data points per hour shall be used to calculate each one-hour arithmetic average.

b. At a minimum, each carbon monoxide one-hour arithmetic average shall be corrected to 7.0% oxygen on an hourly basis using the one-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

11. All valid continuous emission monitoring system data must be used in calculating the parameters specified under this section even if the minimum data requirements of subdivision 10 of this subsection are not met. When carbon monoxide continuous emission data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by the board or Reference Method 10 to provide, as necessary, the minimum valid emission data.

12. Quarterly accuracy determinations and daily calibration drift tests for the carbon monoxide continuous emission monitoring system shall be performed in accordance with procedure 1 in Appendix F of 40 CFR Part 60.

9 VAC 5-40-8160. Notification, records and reporting.

A. ~~The provisions of 9 VAC 5-40-50 (Notification, records and reporting) apply except as provided in this section. governing notification, records and reporting shall be as follows:~~

1. ~~With regard to the emissions standards in 9 VAC 5-40-8080 and 9 VAC 5-40-8090, the provisions of 9 VAC 5-40-50 (Notification, records and reporting) apply.~~

2. ~~With regard to the emission limits in 9 VAC 5-40-7970 through 9 VAC 5-40-8070, the following provisions apply:~~

a. ~~9 VAC 5-40-50 F and H.~~

b. ~~40 CFR 60.7.~~

c. ~~Subsections B through J of this section.~~

B. The owner of an affected facility shall maintain records of the information specified in this subsection, as applicable, for each affected facility for a period of at least five years.

1. The calendar date of each record.
2. The emission concentrations and parameters measured using continuous monitoring systems as specified under subdivisions 2 a and 2 b of this subsection.
 - a. The measurements specified in subdivisions 2 a (1) through 2 a (4) of this subsection shall be recorded and be available for submittal to the board or review onsite by an inspector.
 - (1) All six-minute average opacity levels as specified under 9 VAC 5-40-8140 B.
 - (2) All one-hour average sulfur dioxide emission concentrations as specified under 9 VAC 5-40-8140 D.
 - (3) All one-hour average nitrogen oxides emission concentrations as specified under 9 VAC 5-40-8140 G.
 - (4) All one-hour average carbon monoxide emission concentrations, municipal waste combustor unit load measurements, and particulate matter control device inlet temperatures as specified under 9 VAC 5-40-8150 C.
 - b. The average concentrations and percent reductions, as applicable, specified in subdivisions 2 b (1) through 2 b (4) of this subsection shall be computed and recorded, and shall be available for submittal to the board or review on-site by an inspector.
 - (1) All 24-hour daily geometric average sulfur dioxide emission concentrations and all 24-hour daily geometric average percent reductions in sulfur dioxide emissions as specified under 9 VAC 5-40-8140 D.
 - (2) All 24-hour daily arithmetic average nitrogen oxides emission concentrations as specified under 9 VAC 5-40-8140 G.
 - (3) All four-hour block or 24-hour daily arithmetic average carbon monoxide emission concentrations, as applicable, as specified under 9 VAC 5-40-8150 C.
 - (4) All four-hour block arithmetic average municipal waste combustor unit load levels and particulate matter control device inlet temperatures as specified under 9 VAC 5-40-8150 C.
3. Identification of the calendar dates when any of the average emission concentrations, percent reductions, or operating parameters recorded under subdivisions 2 b (1) through 2 b (4) of this subsection, or the opacity levels recorded under subdivision 2 a (1) of this subsection are above the applicable limits, with reasons for such exceedances and a description of corrective actions taken.
4. For affected facilities that apply activated carbon for mercury or dioxin/furan control, the records specified in subdivisions 4 a through 4 e of this subsection.
 - a. The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated as required under 9 VAC 5-40-8140 J 1 a during all annual ~~performance~~ *emission* tests for mercury emissions, with supporting calculations.
 - b. The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated as required under 9 VAC 5-40-8140 J 1 b during all annual ~~performance~~ *emission* tests for dioxin/furan, with supporting calculations.
 - c. The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated for each hour of operation as required under 9 VAC 5-40-8140 J 3 b, with supporting calculations.
 - d. The total carbon usage for each calendar quarter estimated as specified by 9 VAC 5-40-8140 J 3, with supporting calculations.
 - e. Carbon injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon feed rate (e.g., screw feeder speed).
5. Identification of the calendar dates for which the minimum number of hours of any of the data specified in subdivisions 5 a through 5 e of this subsection have not been obtained including reasons for not obtaining sufficient data and a description of corrective actions taken.
 - a. Sulfur dioxide emissions data;
 - b. Nitrogen oxides emissions data;
 - c. Carbon monoxide emissions data;
 - d. Municipal waste combustor unit load data; and
 - e. Particulate matter control device temperature data.
6. Identification of each occurrence that sulfur dioxide emissions data, nitrogen oxides emissions data, or operational data (i.e., carbon monoxide emissions, unit load, and particulate matter control device temperature) have been excluded from the calculation of average emission concentrations or parameters, and the reasons for excluding the data.
7. The results of daily drift tests and quarterly accuracy determinations for sulfur dioxide, nitrogen oxides (large municipal waste combustors only), and carbon monoxide continuous emission monitoring systems, as required under Appendix F of 40 CFR Part 60, procedure 1.
8. The test reports documenting the results of all annual ~~performance~~ *emission* tests listed in subdivisions 8 a and 8 b of this subsection shall be recorded along with supporting calculations.
 - a. The results of all annual ~~performance~~ *emission* tests conducted to determine compliance with the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission limits.
 - b. For all dioxin/furan ~~performance~~ *emission* tests recorded under subdivision 8 a of this subsection, the maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature (for each particulate matter control device).
9. The records specified in subdivisions 9 a through 9 c of this subsection.

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- a. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have been provisionally certified by the American Society of Mechanical Engineers or an equivalent board-approved certification program as required by 9 VAC 5-40-8130 A, including the dates of initial and renewal certifications and documentation of current certification.
 - b. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have been fully certified by the American Society of Mechanical Engineers or an equivalent board-approved certification program as required by 9 VAC 5-40-8130 B, including the dates of initial and renewal certifications and documentation of current certification.
 - c. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the EPA municipal waste combustor operator training course or a board-approved equivalent course as required by 9 VAC 5-40-8130 E, including documentation of training completion.
10. Records showing the names of persons who have completed a review of the operating manual as required by 9 VAC 5-40-8130 G, including the date of the initial review and subsequent annual reviews.
 11. For affected facilities that apply activated carbon for mercury or dioxin/furan control, identification of the calendar dates when the average carbon mass feed rates recorded under subdivision 4 c of this subsection were less than either of the hourly carbon feed rates estimated during ~~performance~~ *emission* tests for mercury or dioxin/furan emissions and recorded under subdivisions 4 a and 4 b of this subsection, respectively, with reasons for such feed rates and a description of corrective actions taken.
 12. For affected facilities that apply activated carbon for mercury or dioxin/furan control, identification of the calendar dates when the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate (e.g., screw feeder speed) recorded under subdivision 4 d of this subsection are below the level(s) estimated during the ~~performance~~ *emission* tests as specified in 9 VAC 5-40-8140 J 1 a and 9 VAC 5-40-8140 J 1 b, with reasons for such occurrences and a description of corrective actions taken.
- C. The owner of an air curtain incinerator subject to the opacity limit under 9 VAC 5-40-8060 shall maintain records of results of the opacity ~~performance~~ *emission* tests required by 9 VAC 5-40-8140 I for a period of at least five years.
 - D. The owner of an affected facility shall submit an annual report including the information specified in this subsection, as applicable, no later than February 1 of each year following the calendar year in which the data were collected (once the unit is subject to permitting requirements in a federal operating permit, the owner of an affected facility must submit these reports semiannually).
1. A summary of data collected for all pollutants and parameters regulated under this article, which includes the information specified in subdivisions 1 a through 1 e of this subsection.
 - a. A list of the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels achieved during the ~~performance~~ *emission* tests recorded under subdivision B 8 of this section.
 - b. A list of the highest emission level recorded for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, and particulate matter control device inlet temperature based on the data recorded under subdivisions B 2 b (1) through B 2 b (4) of this section.
 - c. List the highest opacity level measured, based on the data recorded under subdivision B 2 a (1) of this section.
 - d. The total number of days that the minimum number of hours of data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature data were not obtained based on the data recorded under subdivision B 5 of this section.
 - e. The total number of hours that data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature were excluded from the calculation of average emission concentrations or parameters based on the data recorded under subdivision B 6 of this section.
 2. The summary of data reported under subdivision 1 of this subsection shall also provide the types of data specified in subdivision 1 of this subsection for the calendar year preceding the year being reported, in order to provide the board with a summary of the performance of the affected facility over a two-year period.
 3. The summary of data including the information specified in subdivisions 1 and 2 of this subsection shall highlight any emission or parameter levels that did not achieve the emission or parameter limits specified under this article.
 4. A notification of intent to begin the reduced dioxin/furan ~~performance~~ *emission* testing schedule specified in 9 VAC 5-40-8140 F 5 b during the following calendar year.
- E. The owner of an affected facility shall submit a semiannual report that includes the information specified in subdivisions 1 through 5 of this subsection for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified under this article, according to the schedule specified under subdivision 6 of this subsection.
 1. The semiannual report shall include information recorded under subdivision B 3 of this section for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, particulate matter control device inlet temperature, and opacity.
 2. For each date recorded as required by subdivision B 3 of this section and reported as required by subdivision 1 of this

subsection, the semiannual report shall include the sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, particulate matter control device inlet temperature, or opacity data, as applicable, recorded under subdivisions B 2 b (1) through B 2 b (4) and B 2 a (1) of this section, as applicable.

3. If the test reports recorded under subdivision B 8 of this section document any particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels that were above the applicable pollutant limits, the semiannual report shall include a copy of the test report documenting the emission levels and the corrective actions taken.

4. The semiannual report shall include the information recorded under subdivision B 12 of this section for the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate.

5. For each operating date reported as required by subdivision 4 of this subsection, the semiannual report shall include the carbon feed rate data recorded under subdivision B 4 c of this section.

6. Semiannual reports required by this subsection shall be submitted according to the schedule specified in subdivisions 6 a and 6 b of this subsection.

a. If the data reported in accordance with subdivisions 1 through 5 of this subsection were collected during the first calendar half, then the report shall be submitted by August 1 following the first calendar half.

b. If the data reported in accordance with subdivisions 1 through 5 of this subsection were collected during the second calendar half, then the report shall be submitted by February 1 following the second calendar half.

F. The owner of an air curtain incinerator subject to the opacity limit under 9 VAC 5-40-8060 shall submit the results of all annual ~~performance emission~~ tests for opacity recorded under subsection C of this section. Annual ~~performance emission~~ tests shall be submitted by February 1 of the year following the year of the ~~performance emission~~ test.

G. All reports specified under subsections D, E, and F of this section shall be submitted as a paper copy, postmarked on or before the submittal dates specified under these subsections, and maintained onsite as a paper copy for a period of five years.

H. All records specified under subsections B and C of this section shall be maintained onsite in either paper copy or computer-readable format, unless an alternative format is approved by the board.

I. If the owner of an affected facility would prefer to select a different annual or semiannual date for submitting the periodic reports required by subsections D, E, and F of this section, then the dates may be changed by mutual agreement between the owner and the board.

J. The owner of an affected facility shall submit the information specified in subdivisions 1 through 6 of this subsection in the initial ~~performance emission~~ test report.

1. The initial performance test data as recorded under subdivisions B 2 b (1) through (4) of this section for the initial ~~performance emission~~ test for sulfur dioxide, nitrogen oxides, carbon monoxide, MWC combustor unit load level, and particulate matter control device inlet temperature.

2. The test report documenting the initial ~~performance emission~~ test recorded under subdivision B 8 of this section for particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emissions.

3. The performance evaluation of the continuous emission monitoring system using the applicable performance specifications in Appendix B of 40 CFR Part 60.

4. The maximum demonstrated MWC unit load and maximum demonstrated particulate matter control device inlet temperatures established during the initial dioxin/furan ~~performance emission~~ test as recorded in subdivision B 8 of this section.

5. For affected facilities that apply activated carbon injection for mercury control, the owner shall submit the average carbon mass feed rate recorded under subdivision B 4 a of this section.

6. For affected facilities that apply activated carbon injection for dioxin/furan control, the owner shall submit the average carbon mass feed rate recorded under subdivision B 4 b of this section.

9 VAC 5-40-8180. Facility and control equipment maintenance or malfunction.

The provisions of ~~9 VAC 5-20-180 (Facility and control equipment maintenance or malfunction)~~ apply. *governing facility and control equipment maintenance or malfunction shall be as follows:*

1. *With regard to the emissions standards in 9 VAC 5-40-8080 and 9 VAC 5-40-8090, the provisions of 9 VAC 5-20-180 (Facility and control equipment maintenance or malfunction) apply.*

2. *With regard to the emission limits in 9 VAC 5-40-7970 through 9 VAC 5-40-8070, the following provisions apply:*

a. *9 VAC 5-20-180 A, B, C, D, H, and I.*

b. *9 VAC 5-40-8100 B.*

VA.R. Doc. No. R03-172; Filed April 11, 2003, 8:49 a.m.



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TITLE 12. HEALTH

STATE BOARD OF HEALTH

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Board of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 5-590. Waterworks Regulations (amending 12 VAC 5-590-10, 12 VAC 5-590-370, 12 VAC 5-590-420, 12 VAC 5-590-440, 12 VAC 5-590-530, and Appendix M).

Statutory Authority: §§ 32.1-12 and 32.1-170 of the Code of Virginia.

Effective Date: June 4, 2003.

Agency Contact: Elizabeth Crocker, Department of Health, 1500 E. Main St., Suite 109, Richmond, VA 23219, telephone (804) 371-2885.

Summary:

The amendments eliminate unnecessary requirements, reduce the reporting burden, and promote consistent implementation of regulations concerning the control of lead and copper in drinking water. These amendments are required by the Environmental Protection Agency to conform the Virginia Waterworks Regulations to the federal Safe Drinking Water Act.

12 VAC 5-590-10. Definitions.

As used in this chapter, the following words and terms shall have meanings respectively set forth unless the context clearly requires a different meaning:

"Action level" means the concentration of lead or copper in water specified in 12 VAC 5-590-410 E, which determines, in some cases, the treatment requirements contained in 12 VAC 5-590-420 C, D, E and F that a waterworks is required to complete.

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

"Annual daily water demand" means the average rate of daily water usage over at least the most recent three-year period.

"Applied water" means water that is ready for filtration.

"Approved" means material, equipment, workmanship, process or method that has been accepted by the division as suitable for the proposed use.

"Auxiliary water system" means any water system on or available to the premises other than the waterworks. These

auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

"Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution piping of a waterworks from any source or sources other than its intended source.

"Backflow prevention device" means any approved device, method, or type of construction intended to prevent backflow into a waterworks.

"Best available technology (BAT)" means the best technology, treatment techniques, or other means which the commissioner finds, after examination for efficacy under field conditions and not solely under laboratory conditions and in conformance with applicable EPA regulations, are available (taking cost into consideration).

"Board" means the State Board of Health.

"Breakpoint chlorination" means the addition of chlorine to water until the chlorine demand has been satisfied and further additions result in a residual that is directly proportional to the amount added.

"Chlorine" means dry chlorine.

"Chlorine gas" means dry chlorine in the gaseous state.

"Chlorine solution (chlorine water)" means a solution of chlorine in water. Note: the term chlorine solution is sometimes used to describe hypochlorite solutions. This use of the term is incorrect.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Coliform bacteria group" means a group of bacteria predominantly inhabiting the intestines of man or animal but also occasionally found elsewhere. It includes all aerobic and facultative anaerobic, gram-negative, non-sporeforming bacilli that ferment lactose with production of gas. Also included are all bacteria that produce a dark, purplish-green colony with metallic sheen by the membrane filter technique used for coliform identification.

"Commissioner" means the State Health Commissioner.

"Community water system" means a waterworks which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Compliance cycle" means the nine-year calendar year cycle during which a waterworks must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance

cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

"*Comprehensive performance evaluation*" (CPE) is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operational and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with 12 VAC 5-590-530 C 1 b (2) (d), the comprehensive performance evaluation must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"*Confluent growth*" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

"*Consecutive waterworks*" means a waterworks which has no water production or source facility of its own and which obtains all of its water from another permitted waterworks.

"*Consumer*" means any person who drinks water from a waterworks.

"*Consumer's water system*" means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

"*Contaminant*" means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

"*Conventional filtration treatment*" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"*Corrosion inhibitor*" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"*Cross connection*" means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

"*CT*" or "*CT_{calc}*" means the product of "residual disinfectant concentration" (C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T."

"*Daily fluid intake*" means the daily intake of water for drinking and culinary use and is defined as two liters.

"*Dechlorination*" means the partial or complete reduction of residual chlorine in water by any chemical or physical process at a waterworks with a treatment facility.

"*Degree of hazard*" means the level of health hazard, as derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

"*Diatomaceous earth filtration*" means a process resulting in substantial particulate removal in which (i) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (ii) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"*Direct filtration*" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"*Disinfectant*" means any oxidant (including chlorine) that is added to water in any part of the treatment or distribution process for the purpose of killing or deactivating pathogenic organisms.

"*Disinfectant contact time*" ("*T*" in *CT* calculations) means the time in minutes that it takes for water to move from the point of disinfectant application to the point where residual disinfectant concentration ("*C*") is measured.

"*Disinfection*" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"*Disinfection profile*" means a summary of daily *Giardia lamblia* inactivation through the treatment plant.

"*Distribution main*" means a water main whose primary purpose is to provide treated water to service connections.

"*Division*" means the Commonwealth of Virginia, Department of Health, Division of Drinking Water.

"*Domestic or other nondistribution system plumbing problem*" means a coliform contamination problem in a waterworks with more than one service connection that is limited to the specific service connection from which the coliform positive sample was taken.

"*Domestic use or usage*" means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"*Double gate-double check valve assembly*" means an approved assembly composed of two single independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

"*Effective corrosion inhibitor residual*," for the purpose of 12 VAC 5-590-420 C 1 only, means a concentration sufficient to form a passivating film on the interior walls of a pipe.

"*Enhanced coagulation*" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

"*Enhanced softening*" means the improved removal of disinfection byproduct precursors by precipitative softening.

"*Entry point*" means the place where water from the source after application of any treatment is delivered to the distribution system.

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"Equivalent residential connection" means a volume of water used equal to a residential connection which is 400 gallons per day unless supportive data indicates otherwise.

"Exception" means an approved deviation from a "shall" criteria contained in Part III of this chapter.

"Exemption" means a conditional waiver of a specific PMCL or treatment technique requirement which is granted to a specific waterworks for a limited period of time.

"Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

"First draw sample" means a one-liter sample of tap water, collected in accordance with 12 VAC 5-590-370 B 6 a (2), that has been standing in plumbing pipes at least six hours and is collected without flushing the tap.

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

"Free available chlorine" means that portion of the total residual chlorine remaining in water at the end of a specified contact period which will react chemically and biologically as hypochlorous acid or hypochlorite ion.

"GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

"Governmental entity" means the Commonwealth, a town, city, county, service authority, sanitary district or any other governmental body established under the Code of Virginia, including departments, divisions, boards or commissions.

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"Groundwater" means all water obtained from sources not classified as surface water (or surface water sources).

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or *Cryptosporidium*. It also means significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions. The pathogen, *Cryptosporidium*, applies to all waterworks that use surface water or groundwater under the direct influence of surface water serving at least 10,000 people. The division in

accordance with 12 VAC 5-590-430 will determine direct influence of surface water.

"Haloacetic acids (five)" or *"(HAA5)"* means the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Halogen" means one of the chemical elements chlorine, bromine, fluorine, astatine or iodine.

"Health hazard" means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

"Health regulations" means regulations which include all primary maximum contaminant levels, treatment technique requirements, and all operational regulations, the violation of which would jeopardize the public health.

"Hypochlorite" means a solution of water and some form of chlorine, usually sodium hypochlorite.

"Initial compliance period" means for all regulated contaminants, the initial compliance period is the first full three-year compliance period beginning at least 18 months after promulgation with the exception of waterworks with 150 or more service connections for contaminants listed at Table 2.3, VOC 19-21; Table 2.3, SOC 19-33; and antimony, beryllium, cyanide (as free cyanide), nickel, and thallium which shall begin January 1993.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.

"Karstian geology" means an area predominantly underlain by limestone, dolomite, or gypsum and characterized by rapid underground drainage. Such areas often feature sinkholes, caverns, and sinking or disappearing creeks. In Virginia, this generally includes all that area west of the Blue Ridge and, in Southwest Virginia, east of the Cumberland Plateau.

"Large waterworks," for the purposes of 12 VAC 5-590-370 B 6, 12 VAC 5-590-420 C through F, 12 VAC 5-590-530 D, and 12 VAC 5-590-550 D only, means a waterworks that serves more than 50,000 persons.

"Lead Free" when used with respect to solders and flux refers to solders and flux containing not more than 0.2% lead; when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0% lead; and, when used with respect to plumbing fittings and fixtures intended by the plumbing manufacture to dispense water for human ingestion refers to fittings and fixtures that are in compliance with standards established in accordance with 42 USC § 300g-6(e).

"Lead service line" means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

"*Legionella*" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"*Liquid chlorine*" means a liquefied, compressed gas as shipped in commerce. Note: The term liquid chlorine is sometimes used to describe a hypochlorite solution often employed for swimming pool sanitation. This use of the term is incorrect.

"*Log inactivation (log removal)*" means that a 99.9% reduction is a 3-log inactivation; a 99.99% reduction is a 4-log inactivation.

"*Man-made beta particle and photon emitters*" means all radionuclides emitting beta particles and/or photons listed in the most current edition of "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," National Bureau of Standards Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

"*Maximum daily water demand*" means the rate of water usage during the day of maximum water use.

"*Maximum contaminant level (MCL)*" means the maximum permissible level of a contaminant in water which is delivered to any user of a waterworks, except in the cases of turbidity and VOCs, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL), meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

"*Maximum residual disinfectant level (MRDL)*" means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a waterworks is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a waterworks is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in Table 2.12, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

"*Maximum residual disinfectant level goal (MRDLG)*" means the maximum level of a disinfectant added for water treatment

at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"*Maximum total trihalomethane potential (MTP)*" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven days at a temperature of 25°C or above.

"*Medium-size waterworks,*" for the purpose of 12 VAC 5-590-370 B 6, 12 VAC 5-590-420 C through F, 12 VAC 5-590-530, and 12 VAC 5-590-550 D only, means a waterworks that serves greater than 3,300 and less than or equal to 50,000 persons.

"*Most probable number (MPN)*" means that number of organisms per unit volume that, in accordance with statistical theory, would be more likely than any other number to yield the observed test result or that would yield the observed test result with the greatest frequency, expressed as density of organisms per 100 milliliters. Results are computed from the number of positive findings of coliform-group organisms resulting from multiple-portion decimal-dilution plantings.

"*Noncommunity water system*" means a waterworks that is not a community waterworks, but operates at least 60 days out of the year.

"*Nonpotable water*" means water not classified as pure water.

"*Nontransient noncommunity water system (NTNC)*" means a waterworks that is not a community waterworks and that regularly serves at least 25 of the same persons over six months out of the year.

"*One hundred year flood level*" means the flood elevation which will, over a long period of time, be equaled or exceeded on the average once every 100 years.

"*Operator*" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks operations. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks.

"*Optimal corrosion control treatment*" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the waterworks to violate any other section of this chapter.

"*Owner*" or "*water purveyor*" means an individual, group of individuals, partnership, firm, association, institution, corporation, governmental entity, or the federal government which supplies or proposes to supply water to any person within this state from or by means of any waterworks (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

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"*Picocurie (pCi)*" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"*Point of disinfectant application*" means the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

"*Point-of-entry treatment device (POE)*" means a treatment device applied to the water entering a house or building for the purpose of reducing contaminants in the water distributed throughout the house or building.

"*Point-of-use treatment device (POU)*" means a treatment device applied to a single tap for the purpose of reducing contaminants in the water at that one tap.

"*Pollution*" means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

"*Pollution hazard*" means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

"*Post-chlorination*" means the application of chlorine to water subsequent to treatment.

"*Practical quantitation level (PQL)*" means the lowest level achievable by good laboratories within specified limits during routine laboratory operating conditions.

"*Prechlorination*" means the application of chlorine to water prior to filtration.

"*Process fluids*" means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

1. Polluted or contaminated water,
2. Process waters,
3. Used waters, originating from the waterworks which may have deteriorated in sanitary quality,
4. Cooling waters,
5. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,
6. Chemicals in solution or suspension, and
7. Oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes, or for fire fighting purposes.

"*Pure water*" or "*potable water*" means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"*Raw water main*" means a water main which conveys untreated water from a source to a treatment facility.

"*Reduced pressure principle backflow prevention device (RPZ device)*" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

"*REM*" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem" (MREM) is 1/1000 of a REM.

"*Repeat compliance period*" means any subsequent compliance period after the initial compliance period.

"*Residual disinfectant concentration ("C" in CT Calculations)*" means the concentration of disinfectant measured in mg/L in a representative sample of water.

"*Responsible charge*" means designation by the owner of any individual to have duty and authority to operate or modify the operation of waterworks processes.

"*Sanitary facilities*" means piping and fixtures, such as sinks, lavatories, showers, and toilets, supplied with potable water and drained by wastewater piping.

"*Sanitary survey*" means an investigation of any condition that may affect public health.

"*Secondary water source*" means any approved water source, other than a waterworks' primary source, connected to or available to that waterworks for emergency or other nonregular use.

"*Sedimentation*" means a process for removal of solids before filtration by gravity or separation.

"*Service connection*" means the point of delivery of water to a customer's building service line as follows:

1. If a meter is installed, the service connection is the downstream side of the meter;
2. If a meter is not installed, the service connection is the point of connection to the waterworks;
3. When the water purveyor is also the building owner, the service connection is the entry point to the building.

"*Service line sample*" means a one-liter sample of water, collected in accordance with 12 VAC 5-590-370 B 6 a (2) (c), that has been standing for at least six hours in a service line.

"*Sewer*" means any pipe or conduit used to convey sewage or industrial waste streams.

"*Single family structure*," for the purpose of 12 VAC 5-590-370 B 6 (a) only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

"*Slow sand filtration*" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h) resulting in substantial particulate removal by physical and biological mechanisms.

"*Small waterworks*," for the purpose of 12 VAC 5-590-370 B 6, 12 VAC 5-590-420 C through F, 12 VAC 5-590-530 D and 12 VAC 5-590-550 D only, means a waterworks that serves 3,300 persons or fewer.

"*Standard sample*" means that portion of finished drinking water that is examined for the presence of coliform bacteria.

"*Surface water*" means all water open to the atmosphere and subject to surface runoff.

"*SUVA*" means specific ultraviolet absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/L).

"*Synthetic organic chemicals (SOC)*" means one of the family of organic man-made compounds generally utilized for agriculture or industrial purposes.

"*System hazard*" means a condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

"*Terminal reservoir*" means an impoundment providing end storage of water prior to treatment.

"*Too numerous to count*" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"*Total effective storage volume*" means the volume available to store water in distribution reservoirs measured as the difference between the reservoir's overflow elevation and the minimum storage elevation. The minimum storage elevation is that elevation of water in the reservoir that can provide a minimum pressure of 20 psi at a flow as determined in 12 VAC 5-590-690 C to the highest elevation served within that reservoir's service area under systemwide maximum daily water demand.

"*Total organic carbon*" (TOC) means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"*Total trihalomethanes (TTHM)*" means the sum of the concentrations of the trihalomethanes expressed in milligrams per liter (mg/L) and rounded to two significant figures. For the purpose of these regulations, the TTHM's shall mean trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, and tribromomethane (bromoform).

"*Transmission main*" means a water main whose primary purpose is to move significant quantities of treated water among service areas.

"*Treatment technique requirement*" means a requirement which specifies for a contaminant a specific treatment technique(s) demonstrated to the satisfaction of the division to lead to a reduction in the level of such contaminant sufficient to comply with these regulations.

"*Trihalomethane (THM)*" means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

"*Uncovered finished water storage facility*" is a tank, reservoir, or other facility used to store water that will undergo no further treatment (except residual disinfection) and is open to the atmosphere.

"*Unregulated contaminant (UC)*" means a contaminant for which a monitoring requirement has been established, but for which no MCL or treatment technique requirement has been established.

"*Used water*" means any water supplied by a water purveyor from the waterworks to a consumer's water system after it has passed through the service connection.

"*Virus*" means a virus of fecal origin which is infectious to humans by waterborne transmission.

"*Variance*" means a conditional waiver of a specific regulation which is granted to a specific waterworks. A PMCL Variance is a variance to a Primary Maximum Contaminant Level, or a treatment technique requirement. An Operational Variance is a variance to an operational regulation or a Secondary Maximum Contaminant Level. Variances for monitoring, reporting and public notification requirements will not be granted.

"*Volatile synthetic organic chemical (VOC)*" means one of the family of manmade organic compounds generally characterized by low molecular weight and rapid vaporization at relatively low temperatures or pressures.

"*Waterborne disease outbreak*" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a waterworks which is deficient in treatment, as determined by the commissioner or the State Epidemiologist.

"*Water purveyor*" (same as owner).

"*Water supply*" means water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface waters (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"*Water supply main*" or "*main*" means any water supply pipeline that is part of a waterworks distribution system.

"*Water Well Completion Report*" means a report form published by the State Water Control Board entitled "Water

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Well Completion Report" which requests specific information pertaining to the ownership, driller, location, geological formations penetrated, water quantity and quality encountered as well as construction of water wells. The form is to be completed by the well driller.

"Waterworks" means a system that serves piped water for drinking or domestic use to (i) the public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days out of the year. The term "waterworks" shall include all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia).

"Waterworks with a single service connection" means a waterworks which supplies drinking water to consumers via a single service line.

12 VAC 5-590-370. Sampling frequency.

The commissioner may exempt consecutive waterworks that obtain potable water from another water system for distribution from all monitoring requirements in this section except for bacteriological (subsection A of this section), disinfectant residuals, byproducts and disinfection byproduct precursors (subdivision B 3 of this section), and lead and copper (subdivision B 6 of this section). The required sampling frequencies are as follows:

A. Bacteriological.

1. The waterworks owner shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting report. The report shall be established or approved by the division after investigation of the source, method of treatment and storage, and protection of the water concerned. The report must include, but is not limited to, the following:

- a. The frequency of sampling distributed evenly throughout the month/quarter.
- b. Distribution map showing the generalized location where specific sampling sites will be selected.
- c. Supporting statement explaining how specific individual sites are selected, how sampling will be rotated among the sites, how repeat samples will be collected and other information demonstrating that sampling will be conducted in a manner to comply with this chapter.
- d. Adequate sampling points to provide sampling representative of all the conditions in the system.
- e. For small systems (less than 3,301 population), sample sites must also be identified by address and code number location.
- f. Minimum of three sample locations for each sample required monthly so repeat sample locations are previously ascertained as being adequate in number and five customer service connections upstream and downstream. (See Appendix J for an example.)

g. The sampling point required to be repeat sampled shall not be eliminated from future collections based on a history of questionable water quality unless the sampling point is unacceptable as determined by the division.

2. The minimum number of bacteriological samples for total coliform evaluation to be collected and analyzed monthly from the distribution system of a community or nontransient noncommunity waterworks shall be in accordance with Table 2.1. All noncommunity waterworks that use a surface water source or a groundwater source under the direct influence of surface water, and all large noncommunity (serving 1,000 or more persons per day) waterworks, shall collect and submit samples monthly for analysis in accordance with Table 2.1. All other noncommunity waterworks shall submit samples for analysis each calendar quarter in accordance with Table 2.1.

3. The samples shall be taken at reasonably evenly spaced time intervals throughout the month or quarter.

If the results of a sanitary survey or other factors determine that some other frequency is more appropriate than that stated above, a modified sampling program report may be required. The altered frequency shall be confirmed or changed on the basis of subsequent surveys.

TABLE 2.1.

POPULATION SERVED PER DAY	MINIMUM NUMBER OF SAMPLES (See 12 VAC 5-590-370 A 2)
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390

4. All bacteriological analyses shall be performed in accordance with 12 VAC 5-590-440 by the DCLS or by a laboratory certified by DCLS for drinking water samples.

B. Chemical. The location of sampling points, the chemicals measured, the frequency, and the timing of sampling within each compliance period shall be established or approved by the commissioner. The commissioner may increase required monitoring where necessary to detect variations within the waterworks. Analysis of field composite samples shall not be allowed. Samples for contaminants that may exhibit seasonal variations shall be collected during the period of the year when contamination is most likely to occur. Failure to comply with the sampling schedules in this section will require public notification pursuant to 12 VAC 5-590-540.

1. Inorganic chemical. Community and nontransient noncommunity waterworks owners shall conduct monitoring to determine compliance with the MCLs in Table 2.2 in accordance with this section. All other noncommunity waterworks owners shall conduct monitoring to determine compliance with the nitrate and nitrite PMCLs in Table 2.2 (as appropriate) in accordance with this section. Monitoring shall be conducted as follows:

a. The owner of any groundwater source waterworks with 150 or more service connections shall take a minimum of one sample at each entry point to the distribution system which is representative of each source, after treatment, unless a change in condition makes another sampling point more representative of each source or treatment plant (hereafter called a sampling point) starting in the compliance period beginning January 1, 1993. The owner of any groundwater source waterworks with fewer than 150 service connections shall take a minimum of one sample at each sampling point for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite, and selenium in the compliance period beginning January 1, 1993, and for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium in the compliance period beginning January 1, 1996.

b. The owner of any waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take a minimum of one sample at each entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source, after treatment, unless a change in conditions makes another sampling point more representative of each source or treatment plant (hereafter called a sampling point) beginning January 1, 1993. The owner of any waterworks which use a surface water source in whole or in part with fewer than 150 service connections shall take a minimum of one sample at each sampling point for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite, and selenium beginning January 1, 1993, and for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium beginning January 1, 1996.

c. If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner shall sample at an entry point to

the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

d. The frequency of monitoring for asbestos shall be in accordance with subdivision B 1 d (1) of this section; the frequency of monitoring for barium, cadmium, chromium, fluoride, mercury, and selenium shall be in accordance with subdivision B 1 d (2) of this section; the frequency of monitoring for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium shall be in accordance with subdivision B 1 d (3) of this section; the frequency of monitoring for nitrate shall be in accordance with subdivision B 1 d (4) of this section; the frequency of monitoring for nitrite shall be in accordance with subdivision B 1 d (5) of this section; and the frequency of monitoring for arsenic shall be in accordance with subdivision B 1 d (6) of this section.

(1) The frequency of monitoring conducted to determine compliance with the PMCL for asbestos specified in Table 2.2 shall be conducted as follows:

(a) The owner of each community and nontransient noncommunity waterworks is required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.

(b) If the waterworks owner believes the waterworks is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, the owner may apply to the commissioner for a waiver of the monitoring requirement in subdivision B 1 d (1) (a) of this section. If the commissioner grants the waiver, the waterworks owner is not required to monitor.

(c) The commissioner may grant a waiver based on a consideration of the following factors:

(i) Potential asbestos contamination of the water source, and

(ii) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.

(d) A waiver remains in effect until the completion of the three-year compliance period. Waterworks not receiving a waiver shall monitor in accordance with the provisions of subdivision B 1 d (1) (a) of this section.

(e) The owner of a waterworks vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(f) The owner of a waterworks vulnerable to asbestos contamination due solely to source water shall monitor sampling points in accordance with subdivision B 1 of this section.

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(g) The owner of a waterworks vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(h) The owner of a waterworks which exceeds the PMCL as determined in 12 VAC 5-590-410 B 1 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequency specified in subdivision B 1 d (1) (a) of this section provided the commissioner has determined that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(j) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of subdivision B 1 d (1) of this section, then the commissioner may allow waterworks owner to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.

(2) The frequency of monitoring conducted to determine compliance with the MCLs in Table 2.2 for barium, cadmium, chromium, fluoride, mercury, and selenium shall be as follows:

(a) The owner of a groundwater source waterworks shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993.

(b) The owner of a waterworks which uses a surface water source in whole or in part shall take one sample annually at each sampling point beginning January 1, 1993.

(c) A waterworks owner may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision B 1 d (2) (a) or (b) of this section.

(d) A condition of the waiver shall require that the waterworks owner shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(e) The commissioner may grant a waiver provided the owner of a waterworks which uses a surface water source in whole or in part has monitored annually for at least three years and groundwater waterworks have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) The owner of any waterworks which uses a surface water source in

whole or in part or a groundwater source waterworks shall demonstrate that all previous analytical results were less than the PMCL. Waterworks that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(f) In determining the appropriate reduced monitoring frequency, the commissioner shall consider:

(i) Reported concentrations from all previous monitoring;

(ii) The degree of variation in reported concentrations; and

(iii) Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the waterworks configuration, changes in the waterworks operating procedures, or changes in stream flows or characteristics.

(g) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The request for a waiver may be initiated by the commissioner or upon an application by the waterworks owner. The owner shall specify the basis for the request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the waterworks owner submits new monitoring data or when other data relevant to the waterworks appropriate monitoring frequency become available.

(h) Owners of waterworks which exceed the PMCLs as calculated in 12 VAC 5-590-410 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivision B 2 d (2) (a), (b) or (c) of this section provided a determination has been made that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(3) The frequency of monitoring conducted to determine compliance with the PMCLs in Table 2.2 for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium shall be as follows:

(a) The owner of a groundwater source waterworks with 150 or more service connections shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993. The owner of a groundwater source waterworks with fewer than 150 service connections shall take one sample at each

sampling point during each compliance period beginning in the compliance period starting January 1, 1996.

(b) The owner of a waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take one sample annually at each sampling point beginning January 1, 1993. The owner of a waterworks which uses a surface water source in whole or in part with fewer than 150 service connections shall take one sample annually at each sampling point beginning January 1, 1996.

(c) A waterworks owner may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision B 2 d (3) (a) or (b) of this section.

(d) A condition of the waiver shall require that the waterworks owner shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(e) The commissioner may grant a waiver provided the owner of a waterworks which uses a surface water source in whole or in part has monitored annually for at least three years and groundwater waterworks have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) The owner of any waterworks which uses a surface water source in whole or in part or a groundwater source waterworks shall demonstrate that all previous analytical results were less than the PMCL. Waterworks that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(f) In determining the appropriate reduced monitoring frequency, the commissioner shall consider:

(i) Reported concentrations from all previous monitoring;

(ii) The degree of variation in reported concentrations; and

(iii) Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the waterworks configuration, changes in the waterworks operating procedures, or changes in stream flows or characteristics.

(g) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The request for a waiver may be initiated by the commissioner or upon an application by the waterworks owner. The owner shall specify the basis for the request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the waterworks owner submits new monitoring data or when other data

relevant to the waterworks appropriate monitoring frequency become available.

(h) Owners of waterworks which exceed the PMCLs as calculated in 12 VAC 5-590-410 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivision B 2 d (3) (a), (b) or (c) of this section provided a determination has been made that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(4) All community, nontransient noncommunity and noncommunity waterworks owners shall monitor to determine compliance with the PMCL for nitrate in Table 2.2.

(a) Owners of community and nontransient noncommunity waterworks which use a groundwater source shall monitor annually beginning January 1, 1993.

(b) Owners of community and nontransient noncommunity waterworks which use a surface water source in whole or in part shall monitor quarterly beginning January 1, 1993.

(c) For community and nontransient noncommunity waterworks which use groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is $\geq 50\%$ of the PMCL. The commissioner may allow the owner of a waterworks, which uses groundwater, to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the PMCL.

(d) For community and nontransient noncommunity waterworks, the commissioner may allow the owner of a waterworks which uses a surface water source in whole or in part, to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are $< 50\%$ of the PMCL. Such waterworks shall return to quarterly monitoring if any one sample is $\geq 50\%$ of the PMCL.

(e) The owners of all other noncommunity waterworks shall monitor annually beginning January 1, 1993.

(f) After the initial round of quarterly sampling is completed, the owner of each community and nontransient noncommunity waterworks which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.

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(5) All community, nontransient noncommunity and noncommunity waterworks owners shall monitor to determine compliance with the PMCL for nitrite in Table 2.2.

(a) All waterworks owners shall take one sample at each sampling point in the compliance period beginning January 1, 1993.

(b) After the initial sample, the owner of any waterworks where an analytical result for nitrite is <50% of the PMCL shall monitor at the frequency specified by the commissioner.

(c) The repeat monitoring frequency for any waterworks owner shall be quarterly for at least one year following any one sample in which the concentration is $\geq 50\%$ of the PMCL. The commissioner may allow a waterworks owner to reduce the sampling frequency to annually after determining the analysis results are reliably and consistently less than the PMCL.

(d) Owners of waterworks which are monitoring annually shall take each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.

(6) The frequency of monitoring conducted to determine compliance with the PMCLs in Table 2.2 for arsenic shall be as follows:

(a) The owner of each community waterworks which use a surface water source in whole or in part shall take one sample annually at each sampling point beginning June 1, 1978.

(b) The owner of each community groundwater waterworks shall take one sample at each sampling point within a three year period starting June 1, 1979.

(c) Owners of waterworks which exceed the PMCL listed in Table 2.2 shall report to the commissioner within seven days and initiate three additional samples at the same sampling point within one month.

(d) For initial analyses required by subdivision B 1 d (6) (a) or (b) of this section, data for waterworks which use surface water source in whole or in part acquired within one year prior to the effective date for arsenic monitoring and data for groundwater waterworks acquired within three years prior to the effective date for arsenic monitoring may be substituted at the discretion of the commissioner.

2. Organic chemicals. Owners of all community and nontransient noncommunity waterworks shall sample for organic chemicals in accordance with their water source. Where two or more sources are combined before distribution, the waterworks owner shall sample at the entry point for the combined sources during periods of normal operating conditions.

a. Owners of waterworks which use groundwater shall take a minimum of one sample at each entry point to the

distribution system which is representative of each source, after treatment (hereafter called a sampling point).

b. Owners of waterworks which use a surface water source in whole or in part shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system, after treatment (hereafter called a sampling point).

c. The owner of each community and nontransient noncommunity waterworks shall take four consecutive quarterly samples for each contaminant listed in Table 2.3-VOC 2 through 21 and SOC during each compliance period, beginning in the compliance period starting January 1, 1993.

d. Reduced monitoring.

(1) VOC.

(a) If the initial monitoring for contaminants listed in Table 2.3-VOC 1 through 8 and the monitoring for the contaminants listed in Table 2.3-VOC 9 through 21 as allowed in subdivision B 2 d (1) (c) of this section has been completed by December 31, 1992, and the waterworks did not detect any contaminant listed in Table 2.3-VOC 1 through 21, then the owner of each groundwater waterworks and waterworks which use a surface water source in whole or in part shall take one sample annually beginning January 1, 1993.

(b) After a minimum of three years of annual sampling, the commissioner may allow the owner of a groundwater waterworks with no previous detection of any contaminant listed in Table 2.3-VOC 2 through 21 to take one sample during each compliance period.

(c) The commissioner may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this section, the commissioner may use these data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of subdivision B 2 c of this section. Waterworks which use grandfathered samples and did not detect any contaminants listed in Table 2.3-VOC, 2 through 21, shall begin monitoring annually in accordance with subdivision B 2 d (1) (a) of this section beginning January 1, 1993.

(2) SOC.

(a) Waterworks serving more than 3,300 persons which do not detect a contaminant listed in Table 2.3-SOC in the initial compliance period, may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.

(b) Waterworks serving less than or equal to 3,300 persons which do not detect a contaminant listed in

Table 2.3-SOC in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

e. Waiver application.

(1) For VOCs. The owner of any community and nontransient noncommunity groundwater waterworks which does not detect a contaminant listed in Table 2.3-VOC may apply to the commissioner for a waiver from the requirements of subdivisions B 2 d (1) (a) and (b) of this section after completing the initial monitoring. A waiver shall be effective for no more than six years (two compliance periods). The commissioner may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(2) For SOCs. The owner of any community and nontransient noncommunity waterworks may apply to the commissioner for a waiver from the requirement of subdivisions B 2 c and d (2) of this section. The waterworks owner shall reapply for a waiver for each compliance period.

f. A commissioner may grant a waiver after evaluating the following factors: Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the source. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.

(1) Previous analytical results.

(2) The proximity of the waterworks to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a waterworks or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources for SOCs include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses.

(3) The environmental persistence and transport of the contaminants listed in Table 2.3 VOC and SOC.

(4) How well the water source is protected against contamination, such as whether it is a waterworks which uses a surface water source in whole or in part or whether it is a groundwater source waterworks. Groundwater source waterworks shall consider factors such as depth of the well, the type of soil, wellhead protection, and well structure integrity. Waterworks which use surface water in whole or in part shall consider watershed protection.

(5) Special factors.

(a) For VOCs. The number of persons served by the waterworks and the proximity of a smaller waterworks to a larger waterworks.

(b) For SOCs. Elevated nitrate levels at the waterworks supply source.

(c) For SOCs. Use of PCBs in equipment used in the production, storage, or distribution of water (i.e., PCBs used in pumps, transformers, etc.).

g. Condition for waivers.

(1) As a condition of the VOC waiver the owner of a groundwater waterworks shall take one sample at each sampling point during the time the waiver is effective (i.e., one sample during two compliance periods or six years) and update its vulnerability assessment considering the factors listed in subdivision B 2 f of this section. Based on this vulnerability assessment the commissioner shall reconfirm that the waterworks owner is nonvulnerable. If the commissioner does not make this reconfirmation within three years of the initial determination, then the waiver is invalidated and the waterworks is required to sample annually as specified in subdivision B 2 d (1) (a) of this section.

(2) The owner of any community and nontransient noncommunity waterworks which use surface water in whole or in part which does not detect a contaminant listed in Table 2.3-VOC may apply to the commissioner for a waiver from the requirements of subdivision B 2 d (1) (a) of this section after completing the initial monitoring. Waterworks meeting this criteria shall be determined by the commissioner to be nonvulnerable based on a vulnerability assessment during each compliance period. Each waterworks receiving a waiver shall sample at the frequency specified by the commissioner (if any).

(3) There are no conditions to SOC waivers.

h. If a contaminant listed in Table 2.3-VOC 2 through 21 or SOC 1 through 33 is detected then (NOTE: Detection occurs when a contaminant level exceeds the current detection limit as defined by EPA.):

(1) Each waterworks owner shall monitor quarterly at each sampling point which resulted in a detection.

(2) The commissioner may decrease the quarterly monitoring requirement specified in subdivision B 2 h (1) of this section provided it has determined that the waterworks is reliably and consistently below the PMCL. In no case shall the commissioner make this determination unless a groundwater waterworks takes a minimum of two quarterly samples and a waterworks which use surface water in whole or in part takes a minimum of four quarterly samples.

(3) If the commissioner determines that the waterworks is reliably and consistently below the PMCL, the commissioner may allow the waterworks to monitor annually. Waterworks which monitor annually shall monitor during the quarter(s) which previously yielded the highest analytical result.

(4) Waterworks which have three consecutive annual samples with no detection of a contaminant may apply to the commissioner for a waiver for VOC as specified

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in subdivision B 2 e (1) or to SOC as specified in subdivision B 2 e (2) of this section.

(5) Subsequent monitoring due to contaminant detection.

(a) Groundwater waterworks which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the commissioner may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Waterworks which use surface water in whole or in part are required to monitor for vinyl chloride as specified by the commissioner.

(b) If monitoring results in detection of one or more of certain related contaminants (heptachlor and heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

i. Waterworks which violate the requirements of Table 2.3 for VOCs or SOCs, as determined by 12 VAC 5-590-410 C, shall monitor quarterly. After a minimum of four consecutive quarterly samples which show the waterworks is in compliance as specified in 12 VAC 5-590-410 C and the commissioner determines that the waterworks is reliably and consistently below the PMCL, the waterworks may monitor at the frequency and time specified in subdivision B 2 h (3) of this section.

3. Disinfectant residuals, disinfection byproducts and disinfection byproduct precursors.

a. The requirements in subdivisions B 3 a (1) through (10) (e) of this section apply to community or nontransient noncommunity waterworks that use a surface water or a groundwater under the direct influence of surface water and serve a population of 10,000 or more until December 31, 2001. The requirements in subdivisions B 3 a (1) through (10) (e) of this section apply to community waterworks that use only groundwater not under the direct influence of surface water that add a disinfectant (oxidant) in any part of the treatment process and serve a population of 10,000 or more until December 31, 2003. After December 31, 2003, subdivisions B 3 a (1) through (10) (e) of this section are no longer applicable.

(1) Samples for TTHM analyses shall be collected quarterly from all community and nontransient noncommunity waterworks which disinfect and serve 10,000 or more individuals. At least four samples for each treatment plant used by the waterworks must be collected using the following criteria: at least 25% of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75%

shall be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. Sample locations shall be approved by the commissioner.

(2) Community and nontransient noncommunity waterworks utilizing surface water in whole or in part, may, upon written request, have the monitoring frequency reduced by the division to a minimum of one sample per quarter taken at a point of maximum residence time of the water in the distribution system. The division must make a written determination that data from at least one year of monitoring and local conditions indicate that TTHM concentrations will be consistently below the PMCL.

If at any time in the reduced monitoring program the results from any analysis exceed the PMCL for TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the waterworks makes any significant change to its source of water or treatment program, the waterworks shall immediately begin monitoring in accordance with subdivision B 3 of this section. Routine monitoring must continue for at least one year before a reduced monitoring frequency can be implemented again.

(3) Community and nontransient noncommunity waterworks utilizing groundwaters only may, upon written request, have the monitoring frequency reduced to a minimum of one sample per year for TTHM. This sample shall be collected at a point in the distribution system reflecting the maximum residence time of the water. The division must make a written determination that the data indicates the system has a TTHM concentration of less than the PMCL and local conditions indicate that TTHM concentrations will be consistently below the PMCL.

If at any time in the reduced monitoring program the results from any TTHM exceed or equal the PMCL and such results are confirmed by at least one check sample taken promptly after such results are received, the waterworks shall immediately begin monitoring in accordance with subdivision B 3 of this section. Routine monitoring must continue for at least one year before a reduced monitoring frequency can be implemented again.

If any significant change occurs in the raw water or if the waterworks treatment process is altered, an additional sample for TTHM shall be analyzed immediately to determine whether the waterworks must comply with the monitoring requirements of subdivision B 3 of this section. The sample shall be collected at a point in the distribution system reflecting the maximum residence time of the water.

(4) Nothing shall prevent the division from requiring additional samples for TTHM or MTP analysis when conditions warrant.

(5) Nothing shall prevent the TTHM regulations from being applicable to waterworks serving less than 10,000 individuals when in the determination of the division, public health will be better served.

(6) With prior approval of the division, waterworks which utilize multiple wells from a common aquifer may consider these multiple sources as one treatment plant for determining the minimum number of samples to be collected for TTHM analysis.

(7) All samples for TTHM or MTP taken within an established frequency shall be collected within a 24-hour period.

(8) The results of all analyses per quarter shall be arithmetically averaged and reported to the division within 30 days of the owner's receipt of the results (when samples are not analyzed by the state). All samples collected shall be used in the computation of the average unless the results are invalidated for technical reasons.

(9) Analysis shall be conducted in accordance with 12 VAC 5-590-440.

(10) Before any modification to a waterworks is undertaken for the purposes of complying with this section, approval must be obtained in accordance with 12 VAC 5-590-200. In addition, the following information, as a minimum, may be required from the owner:

(a) An evaluation of the waterworks for sanitary defects and an evaluation of the source water for biological quality;

(b) Evaluation of existing treatment practices and indication of how proposed improvements will minimize disinfectant demand and optimize finished water quality;

(c) Provision of results of a baseline water quality survey. Parameters monitored should include coliform, fecal coliform, fecal streptococci, heterotrophic plate counts at 20°C and 35°C, phosphate, ammonia nitrogen and TOC. Virus studies may be necessary as determined by the division;

(d) Performance of additional monitoring to assure continued maintenance of optimal biological quality in the finished water;

(e) Consideration of a plan to maintain an active disinfectant residual throughout the distribution system at all times during and after proposed modifications.

b. Unless otherwise noted, all waterworks that use a chemical disinfectant must comply with the requirements of this section as follows:

(1) Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water and serving

10,000 or more persons, must comply with this section beginning January 1, 2002.

(2) Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and waterworks using only groundwater not under the direct influence of surface water must comply with this section beginning January 1, 2004.

(3) Transient noncommunity waterworks which use surface water or groundwater under the direct influence of surface water and serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this section beginning January 1, 2002.

(4) Transient noncommunity waterworks which use surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and waterworks using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this section beginning January 1, 2004.

c. Waterworks must take all samples during normal operating conditions.

(1) Analysis under this section for disinfection byproducts (TTHM, HAA5 and bromate) must be conducted by a laboratory that has received certification by EPA or the state.

(2) Measurement under this section of daily chlorite samples at the entry point to the distribution system, disinfection residuals (free chlorine, combined chlorine, total chlorine and chlorine dioxide), alkalinity, bromide, TOC, SUVA (DOC and UV₂₅₄), and pH must be made by a party approved by the commissioner.

(3) DPD colorimetric test kits may be used to measure residual disinfectant concentrations for chlorine, chloramines and chlorine dioxide.

d. Failure to monitor in accordance with the monitoring plan required under subdivision B 3 k of this section is a monitoring violation. Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the waterworks' failure to monitor makes it impossible to determine compliance with PMCLs or MRDLs.

e. Waterworks may use only data collected under the provisions of this section or the US EPA Information Collection Rule, 40 CFR 141 Subpart M, Information Collection Requirements (ICR) for Public Water Systems, to qualify for reduced monitoring.

f. TTHM/HAA5 monitoring. Community or nontransient noncommunity waterworks must monitor TTHM and HAA5 at the frequency indicated below:

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(1) Routine monitoring requirements.

(a) Waterworks using surface water or groundwater under the direct influence of surface water and serving at least 10,000 persons must collect four water samples per quarter per treatment plant. At least 25% of all samples collected each quarter must be at locations representing maximum residence time in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system and representative of the entire distribution system. When setting the sample locations the waterworks must take into account number of persons served, different sources of water, and different treatment methods.

(b) Waterworks using surface water or groundwater under the direct influence of surface water and serving from 500 to 9,999 persons must collect one sample per quarter per treatment plant. The sample location must represent maximum residence time in the distribution system.

(c) Waterworks using surface water or groundwater under the direct influence of surface water and serving fewer than 500 persons must collect one sample per year per treatment plant during the month of warmest water temperature. The sample location must represent maximum residence time in the distribution system. If the sample (or average of annual samples, if more than one sample is taken) exceeds PMCL in Table 2.13, the waterworks must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until waterworks meets reduced monitoring criteria.

(d) Waterworks using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons must collect one sample per quarter per treatment plant. The sample location must represent maximum residence time in the distribution system.

(e) Waterworks using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons must collect one sample per year per treatment plant during the month of warmest water temperature. The sample location must represent maximum residence time in the distribution system. If the sample (or average of annual samples, if more than one sample is taken) exceeds PMCL in Table 2.13, the waterworks must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the waterworks meets the criteria for reduced monitoring found in subdivision B 3 f (4) of this section.

(f) If a waterworks elects to sample more frequently than the minimum required, at least 25% of all samples collected each quarter (including those taken in excess of the required frequency) must be

taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

(g) With prior approval of the commissioner, waterworks that utilize multiple wells from a common aquifer may consider these multiple sources as one treatment plant for determining the minimum number of samples to be collected for TTHM and HAA5 analysis.

(2) After one year of routine monitoring a waterworks may reduce monitoring, except as otherwise provided, as follows:

(a) Waterworks using surface water or groundwater under the direct influence of surface water and serving at least 10,000 persons that has a source water annual average TOC level, before any treatment, of equal to or less than 4.0 mg/L and a TTHM annual average equal to or less than 0.040 mg/L and HAA5 annual average equal to or less than 0.030 mg/L may reduce its monitoring to one sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.

(b) Waterworks using surface water or groundwater under the direct influence of surface water serving from 500 to 9,999 persons that has a source water annual average TOC level, before any treatment, equal to or less than 4.0 mg/L and a TTHM annual average equal to or less than 0.040 mg/L and HAA5 annual average equal to or less than 0.030 mg/L may reduce its monitoring to one sample per treatment plant per year at a distribution system location reflecting maximum residence time during the month of warmest water temperature.

(c) Waterworks using only groundwater not under the direct influence of surface water, using chemical disinfectant and serving at least 10,000 persons that has a TTHM annual average of equal to or less than 0.040 mg/L and HAA5 annual average of equal to or less than 0.030 mg/L may reduce its monitoring to one sample per treatment plant per year at a distribution system location reflecting maximum residence time during the month of warmest water temperature.

(d) Waterworks using only groundwater not under the direct influence of surface water, using chemical disinfectant and serving fewer than 10,000 persons that has a TTHM annual average equal to or less than 0.040 mg/L and HAA5 annual average equal to or less than 0.030 mg/L for two consecutive years or TTHM annual average equal to or less than 0.020 mg/L and HAA5 annual average of equal to or less than 0.015 mg/L for one year may reduce its monitoring to one sample per treatment plant per three-year monitoring cycle at a distribution system location reflecting maximum residence time during the month of warmest water temperature, with the

three-year cycle beginning on January 1 following the quarter in which the system qualifies for reduced monitoring.

(e) Waterworks using surface water or groundwater under the direct influence of surface water serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.

(3) Waterworks on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for waterworks that must monitor quarterly) or the result of the sample (for waterworks that must monitor no more frequently than annually) is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Waterworks that do not meet these levels must resume monitoring at the frequency identified in subdivision B 3 f (1) of this section in the quarter immediately following the quarter in which the waterworks exceeds 0.060 mg/L or 0.045 mg/L for TTHMs or HAA5, respectively. For waterworks using only groundwater not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHMs annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the waterworks must go to increased monitoring identified in subdivision B 3 f (1) of this section in the quarter immediately following the monitoring period in which the system exceeds 0.080 mg/L or 0.060 mg/L for TTHM or HAA5 respectively.

(4) Waterworks on increased monitoring may return to routine monitoring if, after at least one year of monitoring, their TTHM annual average is equal to or less than 0.060 mg/L and their HAA5 annual average is equal to or less than 0.045 mg/L.

(5) The commissioner may return a waterworks to routine monitoring at the commissioner's discretion.

g. Chlorite. Community and nontransient noncommunity waterworks using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

(1) Routine monitoring.

(a) Daily monitoring. Waterworks must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite PMCL in Table 2.13, the waterworks must take additional samples in the distribution system the following day at the locations required by subdivision B 3 g (1) (c) of this section, in addition to the sample required at the entrance to the distribution system.

(b) Monthly monitoring. Waterworks must take a three-sample set each month in the distribution system. The waterworks must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified

locations). The waterworks may use the results of additional monitoring conducted under subdivision B 3 g (1) (c) of this section to meet the requirement for monitoring in this paragraph.

(c) Additional monitoring requirements. On each day following a routine sample monitoring result that exceeds the chlorite PMCL in Table 2.13 at the entrance to the distribution system, the waterworks is required to take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(2) Reduced monitoring.

(a) Chlorite monitoring at the entrance to the distribution system required by subdivision B 3 g (1) (a) of this section may not be reduced.

(b) Chlorite monitoring in the distribution system required by subdivision B 3 g (1) (b) of this section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subdivision B 3 g (1) (b) of this section has exceeded the chlorite PMCL in Table 2.13 and the waterworks has not been required to conduct monitoring under subdivision B 3 g (1) (c) of this section. The waterworks may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subdivision B 3 g (1) (b) of this section exceeds the chlorite PMCL or the waterworks is required to conduct monitoring under subdivision B 3 g (1) (c) of this section, at which time the waterworks must revert to routine monitoring.

h. Bromate.

(1) Each community and nontransient noncommunity waterworks treatment plant using ozone, for disinfection or oxidation, must take one sample per month and analyze it for bromate. Waterworks must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

(2) Waterworks required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the waterworks demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one year. The waterworks may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/L, the waterworks must resume routine

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monitoring required by subdivision B 3 h (1) of this section.

(3) Bromide. Waterworks required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the waterworks demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly measurements for one year. The waterworks must continue bromide monitoring to remain on reduced bromate monitoring.

i. Monitoring requirements for disinfectant residuals.

(1) Chlorine and chloramines.

(a) Waterworks that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in 12 VAC 5-590-370 A. Waterworks that use surface water or groundwater under the direct influence of surface water may use the results of residual disinfectant concentration sampling found in 12 VAC 5-590-370 B 7 c (1) in lieu of taking separate samples.

(b) Residual disinfectant level monitoring may not be reduced.

(2) Chlorine dioxide.

(a) Waterworks that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL in Table 2.12, the waterworks must take samples in the distribution system the following day at the locations required by subdivision B 3 i (2) (b) of this section, in addition to the sample required at the entrance to the distribution system.

(b) On each day following a routine sample monitoring result that exceeds the MRDL in Table 2.12, the waterworks is required to take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the waterworks must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the waterworks must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(c) Chlorine dioxide monitoring may not be reduced.

j. Monitoring requirements for disinfection byproduct precursors (DBPP).

(1) Community or nontransient noncommunity waterworks using surface water or groundwater under the direct influence of surface water and using conventional filtration treatment (as defined in 12 VAC 5-590-10) must monitor each treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. All waterworks required to monitor under this subdivision (B 3 j (1)) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all waterworks must monitor for alkalinity in the source water prior to any treatment. Waterworks must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

(2) Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The waterworks must revert to routine monitoring in the month following the quarter when the annual average treated water TOC equal to or greater than 2.0 mg/L.

k. Each waterworks required to monitor under subdivision B 3 of this section must develop and implement a monitoring plan. The waterworks must maintain the plan and make it available for inspection by the commissioner and the general public no later than 30 days following the applicable compliance dates in subdivision B 3 b of this section. All community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving more than 3,300 people must submit a copy of the monitoring plan to the commissioner no later than the date of the first report required under 12 VAC 5-590-530 A. The commissioner may also require the plan to be submitted by any other waterworks. After review, the commissioner may require changes in any plan elements. The plan must include at least the following elements:

(1) Specific locations and schedules for collecting samples for any parameters included in subdivision B 3 of this section.

(2) How the waterworks will calculate compliance with PMCLs, MRDLs, and treatment techniques.

(3) The sampling plan for a consecutive waterworks must reflect the entire consecutive distribution system.

4. Unregulated contaminants (UCs). All community and nontransient noncommunity waterworks shall sample for the contaminants listed in Table 2.6 and Table 2.7 as follows:

a. Table 2.6--Group A

(1) Owners of waterworks which use a surface water source in whole or in part shall sample at the entry points to the distribution system which is representative of each source, after treatment (hereafter called a sampling point). The minimum number of samples is one year of consecutive quarterly samples per sampling point beginning in accordance with Table 2.8.

(2) Owners of waterworks which use groundwater shall sample at points of entry to the distribution system which is representative of each source (hereafter called a sampling point). The minimum number of samples is one sample per sampling point beginning in accordance with Table 2.8.

(3) The commissioner may require a confirmation sample for positive or negative results.

(4) Waterworks serving less than 150 connections may inform the commissioner, in writing, that their waterworks is available for sampling instead of performing the required sampling.

(5) All waterworks required to sample under this section shall repeat the sampling at least every five years.

b. Table 2.6--Group B and Table 2.7

(1) The owner of each community and nontransient noncommunity waterworks owner shall take four consecutive quarterly samples at the entry points to the distribution system which is representative of each source (hereafter called a sampling point) for each contaminant listed in Table 2.6 Group B and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.

(2) The owner of each community and nontransient noncommunity waterworks shall take one sample at each sampling point for each contaminant listed in Table 2.7 and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.

(3) The owner of each community and nontransient noncommunity waterworks may apply to the commissioner for a waiver from the monitoring requirements of subdivisions B 4 b (1) and (2) of this section for the contaminants listed in Table 2.6 Group B and Table 2.7.

(4) The commissioner may grant a waiver for the requirement of subdivision B 4 b (1) of this section based on the criteria specified in subdivision B 2 f of this section. The commissioner may grant a waiver from the requirement of subdivision B 4 b (2) of this section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

(5) If the waterworks utilizes more than one source and the sources are combined before distribution, the waterworks shall sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(6) The commissioner may require a confirmation sample for positive or negative results.

(7) Instead of performing the monitoring required by this section, the owner of a community waterworks or nontransient noncommunity waterworks serving fewer than 150 service connections may send a letter to the commissioner stating that the waterworks is available for sampling. This letter shall be sent to the commissioner by January 1, 1994. The waterworks shall not send such samples to the commissioner unless requested to do so by the commissioner.

(8) All waterworks required to sample under this section shall repeat the sampling at least every five years.

5. Repealed.

6. *Monitoring requirements for lead and copper.* The owners of all community and nontransient noncommunity waterworks shall monitor for lead and copper in tap water (subdivision B 6 a of this section), water quality (corrosion) parameters in the distribution system and at entry points (subdivision B 6 b of this section), and lead and copper in water supplies (subdivision B 6 c of this section). The monitoring requirements contained in this section are summarized in Appendix M.

a. Monitoring requirements for lead and copper in tap water.

(1) Sample site location

(a) By the applicable date for commencement of monitoring under subdivision B 6 a (4) (a), each waterworks owner shall complete a materials evaluation of the distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the owner can collect the number of lead and copper tap samples required in subdivision B 6 a (3). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(b) A waterworks owner shall use the information on lead, copper, and galvanized steel that the owner is required to collect when conducting a materials evaluation (reference Appendix B Corrosion). When this evaluation is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria of this section, the owner shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the owner shall seek to collect such

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information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(ii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(iii) All existing water quality information, which includes the results of all prior analyses of the waterworks or individual structures connected to the waterworks, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(c) The sampling sites selected for a community waterworks' sampling pool ("tier 1 sampling sites") shall consist of single family structures that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

NOTE: When multiple-family residences comprise at least 20% of the structures served by a waterworks, the waterworks may include these types of structures in its sampling pool.

(d) The owner of any community waterworks with insufficient tier 1 sampling sites shall complete the sampling pool with "tier 2 sampling sites," consisting of buildings, including multiple-family residences that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(e) The owner of any community waterworks with insufficient tier 1 and tier 2 sampling sites shall complete the sampling pool with "tier 3 sampling sites," consisting of single family structures that contain copper pipes with lead solder installed before 1983. *The owner of a community waterworks with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete the sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the waterworks.*

(f) The sampling sites selected for a nontransient noncommunity waterworks ("tier 1 sampling sites") shall consist of buildings that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or-

(ii) Are served by a lead service line.

(g) The owner of a nontransient noncommunity waterworks with insufficient tier 1 sites that meet the targeting criteria in subdivision B 6 a (1) (f) of this section shall complete the sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. *If additional sites are needed to complete the sampling pool, the owner of a nontransient noncommunity waterworks shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the waterworks.*

~~(h) All waterworks owners shall notify the appropriate field office of the division in writing when the pool of sampling sites has been identified and indicate that a sufficient number of tier 1 sites were included in the pool to comply with the required number of sampling sites specified under subdivision B 6 a (3) of this section.~~

~~(i) The owner of any waterworks whose sampling pool does not consist exclusively of tier 1 sites shall demonstrate in a letter submitted to the field office under 12 VAC 5-590-530 D 1 b, why a review of the information listed in subdivision B 6 a (1) (b) of this section was inadequate to locate a sufficient number of tier 1 sites.~~

~~(ii) The owner of any community waterworks which includes tier 3 sampling sites in its sampling pool shall demonstrate in such a letter why it was unable to locate a sufficient number of tier 1 and tier 2 sampling sites.~~

~~(i) (h) The owner of any waterworks whose distribution system contains lead service lines shall draw 50% of the samples the owner collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50% of the samples the owner collects from sites served by a lead service line. Any owner who cannot identify a sufficient number of sampling sites served by a lead service line shall demonstrate in a letter submitted to the field office under 12 VAC 5-590-530 D 1 d why the owner was unable to locate a sufficient number of such sites. The owner of such a waterworks shall collect first draw tap samples from all of the sites identified as being served by such lines.~~

(2) Sample collection methods.

(a) All tap samples for lead and copper, with the exception of lead service line samples collected under 12 VAC 5-590-420 E 3 and samples collected under subdivision B 6 a (2) (e) of this section, shall be first draw samples.

(b) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be *one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption.* ~~Non-first-draw samples collected in lieu of first-draw samples pursuant to subdivision B 6 a (2) (e) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption.~~ First draw samples may be collected by the waterworks owner or the owner may allow residents to collect first draw samples after instructing the residents of the sampling procedures *specified in this paragraph.* To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. ~~If the sample is not acidified immediately after collection, then the sample must stand in the original container for at least 28 hours after acidification.~~ *After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed.* If an owner allows residents to perform sampling, the owner may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) Each lead service line sample collected pursuant to 12 VAC 5-590-420 E 3 for the purpose of avoiding replacement shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:

- (i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;
- (ii) Tapping directly into the lead service line; or
- (iii) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(d) A waterworks owner shall collect each first draw tap sample from the same sampling site from which the owner collected a previous sample. If, for any reason, the owner cannot gain entry to a sampling site in order to collect a follow-up tap sample, the owner may collect the follow-up tap sample from another sampling site in the sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(e) *The owner of a nontransient noncommunity waterworks, or a community waterworks that meets the criteria of 12 VAC 5-590-420 F 3 g (1) and (2) that does not have enough taps that can supply first-draw samples, as defined in subdivision B 6 a (2) (b) of this section, may apply to the district engineer in writing to substitute non-first-draw samples. If approved by the commissioner, such owners must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.*

(3) Number of samples. Waterworks owners shall collect at least one sample during each monitoring period specified in subdivision B 6 a (4) of this section from the number of sites listed in the first column ~~below~~ ("standard monitoring") of the table in this paragraph. The owner of a waterworks conducting reduced monitoring under subdivision B 6 a (4) (d) of this section ~~may~~ shall collect at least one sample from the number of sites specified in the second column ~~below~~ ("reduced monitoring") of the table in this paragraph during each monitoring period specified in subdivision B 6 a (4) (d) of this section. *Such reduced monitoring sites shall be representative of the sites required for standard monitoring. The commissioner may specify sampling locations when a waterworks owner is conducting reduced monitoring. The table is as follows:*

System Size (# Number of People Served)	# Number of sites (Standard Monitoring)	# Number of sites (Reduced Monitoring)
>100,000	100	50
10,001-100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
≤100	5	5

(4) Timing of monitoring.

(a) Initial tap sampling. The first six-month monitoring period for small (*servicing £ 3,300 population*), medium-size (*servicing 3,301 to 50,000 population*) and large waterworks (*servicing > 50,000 population*) shall ~~begin on the following dates: be established by the commissioner.~~

System Size (# People Served)	First Six-Month Monitoring Period Begins On
Large >50,000	January 1, 1992
Medium 3,301 to 50,000	July 1, 1992
Small ≤3,300	July 1, 1993

(i) All large waterworks shall monitor during two consecutive six-month periods.

(ii) All small and medium-size waterworks shall monitor during each six-month monitoring period until: the waterworks exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under

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12 VAC 5-590-420 C, in which case the owner shall continue monitoring in accordance with subdivision B 6 a (4) (b) of this section, or the waterworks meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the owner may reduce monitoring in accordance with subdivision B 6 a (4) (d) of this section.

(b) Monitoring after installation of corrosion control and water supply (source water) treatment.

(i) The owner of any large waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 d (4) shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 C 2 d (5).

(ii) The owner of any small or medium-size waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 e (5) shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 C 2 e (6).

(iii) The owner of any waterworks which installs source water treatment pursuant to 12 VAC 5-590-420 D 1 c shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 D 1 d.

(c) Monitoring after the commissioner specifies water quality parameter values for optimal corrosion control. After the commissioner specifies the values for water quality control parameters under 12 VAC 5-590-420 C 1 f, the waterworks owner shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the commissioner specifies the optimal values under 12 VAC 5-590-420 C 1 f.

(d) Reduced monitoring.

(i) The owner of a small or medium-size waterworks that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subdivision B 6 a (3) of this section, and reduce the frequency of sampling to once per year.

(ii) The owner of any waterworks that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f during each of two consecutive six-month monitoring periods may ~~request that the commissioner allow the waterworks to~~ reduce the frequency of monitoring to once per year and to reduce the number of lead and copper samples in accordance with subdivision B 6 a (3) of this section *if the owner receives written approval from the commissioner*. The commissioner shall review ~~the~~ monitoring,

treatment, and other relevant information submitted by the waterworks owner in accordance with 12 VAC 5-590-530 D, and shall make a decision in writing, setting forth the basis for its determination notify the waterworks owner in writing when a determination is made that the owner is eligible to commence reduced monitoring pursuant to this paragraph. The commissioner shall review, and where appropriate, revise its determination when the owner submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iii) The owner of a small or medium-size waterworks that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any waterworks that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f during three consecutive years of monitoring may ~~request that the commissioner allow the waterworks to~~ reduce the frequency of monitoring from annually to once every three years *if the owner receives written approval from the commissioner*. The commissioner shall review ~~the~~ monitoring, treatment, and other relevant information submitted by the owner *in accordance with 12 VAC 5-590-530 D* and shall ~~make a decision in writing, setting forth the basis for its determination~~ *notify the waterworks owner in writing when a determination is made that the owner is eligible to commence reduced monitoring pursuant to this paragraph*. The commissioner shall review, and where appropriate, revise its determination when the owner submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iv) The owner of a waterworks that reduces the number and frequency of sampling shall collect these samples from *representative* sites included in the pool of targeted sampling sites identified in subdivision B 6 a (1) of this section. Waterworks owners sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September. *For a nontransient noncommunity waterworks that does not operate during the months of June through September, the commissioner shall designate an alternate monitoring period that represents a time of normal operation for the waterworks.*

(v) *The owner of any waterworks that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under subdivision 5 c of 12 VAC 5-590-410 is less than or equal to 0.005 mg/L and the tap water copper level computed under subdivision 5 c*

of 12 VAC 5-590-410 is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with subdivision B 6 a (3) of this section and reduce the frequency of sampling to once every three calendar years.

(v) The owner of a small or medium-size waterworks subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance subdivision B 6 a (4) (c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section. Such waterworks owner shall also conduct water quality parameter monitoring in accordance with subdivision B 6 b (2), (3), or (4) of this section (as appropriate) during the monitoring period in which the action level is exceeded. ~~Any waterworks subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified by the commissioner under 12 VAC 5-590-420 C 1 f shall resume tap water sampling in accordance with subdivision B 6 a (4) (c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section.~~ The owner of any such waterworks may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subdivision B 6 a (3) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subdivision B 6 a (4) (d) (i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subdivision B 6 a (4) (d) (iii) or (v) of this section.

(vii) The owner of any waterworks subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the commissioner under 12 VAC 5-590-420 C 1 f for more than nine days in any six-month period specified in subdivision B 6 b (4) of this section shall conduct tap water sampling for lead and copper at the frequency specified in subdivision B 6 a (4) (c) of this section, collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with subdivision B 6 b (4) of this section. The owner of such a waterworks may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

((a)) The waterworks owner may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subdivision B 6 a (3) of this section after completion of two subsequent six-month rounds of monitoring that

meet the criteria of subdivision B 6 a (4) (d) (ii) of this section and the owner has received written approval from the commissioner that it is appropriate to resume reduced monitoring on an annual frequency.

((b)) The waterworks owner may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after demonstration through subsequent rounds of monitoring that it meets the criteria of either subdivision B 6 a (4) (d) (iii) or (v) of this section and the owner has received written approval from the commissioner that it is appropriate to resume triennial monitoring.

((c)) The waterworks owner may reduce the number of water quality parameter tap water samples required in accordance with subdivision B 6 b (5) (a) of this section and the frequency with which it collects such samples in accordance with subdivision B 6 b (5) (b) of this section. The owner of such a waterworks may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of subdivision B 6 b (5) (b) of this section, that it has requalified for triennial monitoring.

(viii) The owner of any waterworks subject to a reduced monitoring frequency under subdivision B 6 a (4) (d) of this section that either adds a new source of water or changes any water treatment shall inform the district engineer in writing in accordance with 12 VAC 5-590-530 D 1 c. The commissioner may require the waterworks owner to resume sampling in accordance with subdivision B 6 a (4) (c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a (3) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(5) Additional monitoring by waterworks owner. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the commissioner in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart.

(6) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under 12 VAC 5-590-410 E or toward meeting the minimum monitoring requirements of subdivision B 6 a (3) of this section.

(a) The commissioner may invalidate a lead or copper tap water sample if at least one of the following conditions is met.

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(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The commissioner determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(iii) The sample container was damaged in transit.

(iv) There is substantial reason to believe that the sample was subject to tampering.

(b) The waterworks owner must report the results of all samples to the district engineer and all supporting documentation for samples the owner believes should be invalidated.

(c) To invalidate a sample under subdivision B 6 a (6) (a) of this section, the decision and the rationale for the decision must be documented in writing. The commissioner may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(d) The waterworks owner must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the owner has too few samples to meet the minimum requirements of subdivision B 6 a (3) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the commissioner invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(7) Monitoring waivers for small systems. The owner of any small waterworks that meets the criteria of this section may apply to the commissioner to reduce the frequency of monitoring for lead and copper to once every nine years (i.e., a "full waiver") if the owner meets all of the materials criteria specified in subdivision B 6 a (7) (a) of this section and all of the monitoring criteria specified in subdivision B 6 a (7) (b) of this section. The owner of any small system that meets the criteria in subdivisions B 6 a (7) (a) and (b) of this section only for lead, or only for copper, may apply to the commissioner for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

(a) Materials criteria. The waterworks owner must demonstrate that the distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the waterworks, are free of lead-containing materials

and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(i) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the waterworks owner must provide certification and supporting documentation to the commissioner that the waterworks is free of all lead-containing materials, as follows:

(a) It contains no plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers; and

(b) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 USC § 300g-6(e) (SDWA § 1417(e)).

(ii) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the waterworks owner must provide certification and supporting documentation to the commissioner that the waterworks contains no copper pipes or copper service lines.

(b) Monitoring criteria for waiver issuance. The waterworks owner must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the commissioner and from the number of sites required by subdivision B 6 a (3) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the owner became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.

(i) Lead levels. To qualify for a full waiver, or a lead waiver, the waterworks owner must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

(ii) Copper levels. To qualify for a full waiver, or a copper waiver, the waterworks owner must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

(c) Commissioner approval of waiver application. The commissioner shall notify the waterworks owner of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the commissioner may require the owner to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The owner of a small waterworks must continue monitoring for lead and copper at the tap as required by subdivisions B 6 a (4) (a) through B 6 a (4) (d) of this section, as appropriate, until it receives written

notification from the commissioner that the waiver has been approved.

(d) *Monitoring frequency for waterworks owners with waivers.*

(i) A waterworks owner with a full waiver must conduct tap water monitoring for lead and copper in accordance with subdivision B 6 a (4) (d) (iv) of this section at the reduced number of sampling sites identified in subdivision B 6 a (3) of this section at least once every nine years and provide the materials certification specified in subdivision B 6 a (7) (a) of this section for both lead and copper to the commissioner along with the monitoring results.

(ii) A waterworks owner with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subdivision B 6 a (4) (d) (iv) of this section at the reduced number of sampling sites specified in subdivision B 6 a (3) of this section at least once every nine years and provide the materials certification specified in subdivision B 6 a (7) (a) of this section pertaining to the waived contaminant along with the monitoring results. Such a waterworks owner also must continue to monitor for the nonwaived contaminant in accordance with requirements of subdivisions B 6 a (4) (a) through (d) of this section, as appropriate.

(iii) If a waterworks owner with a full or partial waiver adds a new source of water or changes any water treatment, the owner must notify the commissioner in writing in accordance with 12 VAC 5-590-530 D 1 c. The commissioner has the authority to require the owner to add or modify waiver conditions (e.g., require recertification that the waterworks is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the waterworks.

(iv) If a waterworks owner with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the owner shall notify the commissioner in writing no later than 60 days after becoming aware of such a change.

(e) *Continued eligibility.* If the waterworks owner continues to satisfy the requirements of subdivision B 6 a (7) (d) of this section, the waiver will be renewed automatically, unless any of the conditions listed in subdivisions B 6 a (7) (e) of this section occurs. A waterworks owner whose waiver has been revoked may reapply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subdivisions B 6 a (7) (a) and (b) of this section.

(i) A waterworks owner with a full waiver or a lead waiver no longer satisfies the materials criteria of subdivision B 6 a (7) (a) (i) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

(ii) A waterworks owner with a full waiver or a copper waiver no longer satisfies the materials criteria of subdivision B 6 a (7) (a) (ii) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

(iii) The commissioner notifies the waterworks owner, in writing, that the waiver has been revoked, setting forth the basis of the decision.

(f) *Requirements following waiver revocation.* A waterworks owner whose full or partial waiver has been revoked by the commissioner is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

(i) If the waterworks owner exceeds the lead and/or copper action level, the owner must implement corrosion control treatment in accordance with the deadlines specified in 12 VAC 5-590-420 C 2 e and any other applicable requirements of this subpart.

(ii) If the waterworks owner meets both the lead and the copper action level, the owner must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subdivision B 6 a (3) of this section.

(g) *Pre-existing waivers.* Waivers for small waterworks approved by the commissioner in writing prior to April 11, 2000, shall remain in effect under the following conditions:

(i) If the waterworks owner has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subdivision B 6 a (7) (a) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subdivision B 6 a (7) (b) of this section, the waiver remains in effect so long as the owner continues to meet the waiver eligibility criteria of subdivision B 6 a (7) (e) of this section. The first round of tap water monitoring conducted pursuant to subdivision B 6 a (7) (d) of this section shall be completed no later than nine years after the last time the owner has monitored for lead and copper at the tap.

(ii) If the waterworks owner has met the materials criteria of subdivision B 6 a (7) (a) of this section but has not met the monitoring criteria of subdivision B 6 a (7) (b) of this section, the owner shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of subdivision B 6 a (7) (b) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the owner meets the continued eligibility criteria of

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subdivision B 6 a (7) (e) of this section. The first round of tap water monitoring conducted pursuant to subdivision B 6 a (7) (d) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to subdivision B 6 a (7) (b) of this section.

b. Monitoring requirements for water quality parameters. The owners of all large waterworks, and all small and medium-size waterworks that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in Appendix M.

(1) General requirements.

(a) Sample collection methods.

(i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the waterworks, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under subdivision B 6 (a) (1) of this section. Waterworks owners may find it convenient to conduct tap sampling for water quality parameters at sites approved for coliform sampling.

(ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(b) Number of samples.

(i) Waterworks owners shall collect two tap samples for applicable water quality parameters during each monitoring period specified under subdivision B 6 b (2) through (5) of this section from the following number of sites.

System Size (# Number of People Served)	# Number of Sites For Water Quality Parameters
>100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(ii) *Except as provided in subdivision B 6 b (3) (c) of this section, waterworks owners shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in*

subdivision B 6 b (2) of this section. During each monitoring period specified in subdivision B 6 b (3) through (5) of this section, waterworks owners shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(2) Initial sampling. The owners of all large waterworks shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in subdivision B 6 a (4) (a) of this section. The owners of all small and medium-size waterworks shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period during which the waterworks exceeds the lead or copper action level.

(a) At taps:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;
- (v) calcium;
- (vi) conductivity; and
- (vii) water temperature.

(b) At each entry point to the distribution system: all of the applicable parameters listed in subdivision B 6 b (2) (a) of this section.

(3) Monitoring after installation of corrosion control. The owner of any large waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 d (4) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in subdivision B 6 a (4) (b) (i) of this section. The owner of any small or medium-size waterworks which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in subdivision B 6 a (4) (b) (ii) in which the waterworks exceeds the lead or copper action level.

(a) At taps, two samples for:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;

(v) calcium, when calcium carbonate stabilization is used as part of corrosion control.

(b) *Except as provided in subdivision B 6 b (3) (c) of this section, at each entry point to the distribution system, at least one sample no less frequently than every two weeks (bi-weekly) for:*

- (i) pH;
- (ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
- (iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(c) The owner of any ground water waterworks can limit entry point sampling described in subdivision B 6 b (3) (b) of this section to those entry points that are representative of water quality and treatment conditions throughout the waterworks. If water from untreated ground water sources mixes with water from treated ground water sources, the owner must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the owner shall provide to the commissioner written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the waterworks.

(4) Monitoring after the commissioner specifies water quality parameter values for optimal corrosion control. After the commissioner specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under 12 VAC 5-590-420 C 1 f, the owners of all large waterworks shall measure the applicable water quality parameters in accordance with subdivision B 6 b (3) of this section ~~during each monitoring period specified in subdivision B 6 a (4) (c) of this section and determine compliance with the requirements of 12 VAC 5-590-420 C 1 g every six months with the first six-month period to begin on the date the commissioner specifies the optimal values under 12 VAC 5-590-420 C 1 f.~~ The owner of any small or medium-size waterworks shall conduct such monitoring during each *six-month* monitoring period specified in *this* subdivision ~~B 6 a (4) (c) of this section~~ in which the waterworks exceeds the lead or copper action level. ~~The owner may take a confirmation sample for any water quality parameter value no later than three days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under 12 VAC 5-590-420 C 1 g. The commissioner has discretion to~~

~~delete results of obvious sampling errors from this calculation. For the owner of any such small and medium-size waterworks that is subject to a reduced monitoring frequency pursuant to subdivision B 6 a (4) (d) of this section at the time of the action level exceedance, the end of the applicable six-month period under this paragraph shall coincide with the end of the applicable monitoring period under subdivision B 6 a (4) (d) of this section. Compliance with the commissioner-designated optimal water quality parameter values shall be determined as specified under 12 VAC 5-590-420 C 1 g.~~

(5) Reduced monitoring.

(a) The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subdivision B 6 b (4) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in subdivision B 6 b (3) (b) of this section. The owner of such waterworks may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

Reduced # of Sites (# Size of Water System (Number of People Served)	System Size for Water Quality Parameters Reduced Number of WQP Monitoring Sites
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(b) The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1f during three consecutive years of monitoring may reduce the frequency with which the owner collects the number of tap samples for applicable water quality parameters specified in ~~this~~ subdivision B 6 b (5) (a) of this section from every six months to annually. *The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subdivision B 6 a (5) (a) of this section from annually to every three years.*

(c) The owner of a waterworks may reduce the frequency with which tap samples are collected for applicable water quality parameters specified in subdivision B 6 b (5) (a) of this section to every three

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years if the owner demonstrates during two consecutive monitoring periods that the tap water lead level at the 90th percentile is less than or equal to the PQL for lead (0.005 mg/L), that the tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper, and that the owner also has maintained the range of values for water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1 f.

(⇌) (d) The owner of a waterworks that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(⇌) (e) The owner of any waterworks subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the commissioner under 12 VAC 5-590-420 C 1 f for more than nine days in any six-month period specified in 12 VAC 5-590-420 C 1 g shall resume distribution system tap water sampling in accordance with the number and frequency requirements in subdivision B 6 b (4) of this section. Such a waterworks owner may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subdivision B 6 b (5) of this section after completion of two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subdivision and/or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after demonstration through subsequent rounds of monitoring that the criteria of either subdivision B 6 b (5) (b) or (c) of this section has been met.

(6) Additional monitoring by waterworks owners. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the commissioner in making any determinations under this section or 12 VAC 5-590-420 C 1.

c. Monitoring requirements for lead and copper in water supplies (source water).

(1) Sample location, collection methods, and number of samples.

(a) The owner of a waterworks that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with subdivision B 6 a of this section shall collect lead and copper water supply samples in accordance with the following requirements regarding sample location, number of samples, and collection methods ~~specified in subsection B (inorganic chemical sampling). The timing of sampling for lead and copper in water supplies shall be in accordance with subdivisions B 6 c (2) and (3) of this section.~~

(i) The owner of a waterworks served by groundwater sources shall take a minimum of one

sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The waterworks owner shall take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) The owner of a waterworks served by surface water sources shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The waterworks owner shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. Note that for the purpose of this paragraph, a waterworks served by a surface water source includes waterworks served by a combination of surface and ground sources.

(iii) If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner must collect samples at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(iv) The commissioner may reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either a follow-up sample shall be collected and analyzed within 14 days at each sampling point included in the composite or if duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the waterworks owner may use these instead of resampling.

(b) Where the results of sampling indicate an exceedance of maximum permissible water supply levels established under 12 VAC 5-590-420 D 4, the commissioner may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a commissioner required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the commissioner-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as

the measured value or be considered one-half the PQL. The PQL for Lead is equal to 0.005 mg/l and the PQL for Copper is equal to 0.050 mg/l.

(2) Monitoring frequency after waterworks exceeds tap action level. The owner of any waterworks which exceeds the lead or copper action level at the tap shall collect one water supply sample from each entry point to the distribution system within six months after the exceedance.

(3) Monitoring frequency after installation of water supply treatment. The owner of any waterworks which installs water supply treatment pursuant to 12 VAC 5-590-420 D 1 c shall collect an additional water supply sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in 12 VAC 5-590-420 D 1 d.

(4) Monitoring frequency after the commissioner specifies maximum permissible water supply lead and copper levels or determines that water supply treatment is not needed.

(a) A waterworks owner shall monitor at the frequency specified below in cases where the commissioner specifies maximum permissible water supply lead and copper levels under 12 VAC 5-590-420 D 4 or determines that the owner is not required to install water supply treatment under 12 VAC 5-590-420 D 2 (b).

(i) The owner of a waterworks using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable commissioner determination under subdivision B 6 c (4) (a) of this section is made. Owners of such waterworks shall collect samples once during each subsequent compliance period.

(ii) The owner of a waterworks using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable commissioner determination is made under subdivision B 6 c (4) (a) of this section.

(b) A waterworks owner is not required to conduct water supply sampling for lead and/or copper if the waterworks meets the action level for the specific contaminant in tap water samples during the entire water supply sampling period applicable to the waterworks under subdivision B 6 c (4) (a) (i) or (ii) of this section.

(5) Reduced monitoring frequency.

(a) The owner of a waterworks using only groundwater ~~which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and/or copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 4 during at least three consecutive compliance periods under~~

~~subdivision B 6 c (4) of this section~~ may reduce the monitoring frequency for lead and/or copper in water supplies to once during each nine-year compliance cycle ~~if the waterworks owner meets one of the following criteria:~~

(i) ~~The waterworks owner demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner under 12 VAC 5-590-420 D 4 during at least three consecutive compliance periods under subdivision B 6 c (4) (a) of this section; or~~

(ii) ~~The commissioner has determined that water supply treatment is not needed and the waterworks owner demonstrates that, during the last three consecutive compliance periods in which sampling was conducted under subdivision B 6 c (4) (a) of this section, the concentration of lead in the water supply was less than or equal to 0.005 mg/L and the concentration of copper in the water supply was less than or equal to 0.65 mg/L.~~

(b) The owner of a waterworks using surface water (or a combination of surface and ground waters) ~~which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 4 for at least three consecutive years~~ may reduce the monitoring frequency ~~in subdivision B 6 c (4) (a) of this section~~ for lead and copper in water supplies to once during each nine-year compliance cycle ~~if the waterworks owner meets one of the following criteria:~~

(i) ~~The waterworks owner demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner under 12 VAC 5-590-420 D 4 for at least three consecutive years; or~~

(ii) ~~The commissioner has determined that water supply treatment is not needed and the waterworks owner demonstrates that, during the last three consecutive years, the concentration of lead in the water supply was less than or equal to 0.005 mg/L and the concentration of copper in the water supply was less than or equal to 0.65 mg/L.~~

(c) A waterworks that uses a new water supply is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new supply during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 1 e.

7. Monitoring filtration and disinfection.

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a. The owner of a waterworks that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must monitor in accordance with this section beginning June 29, 1993, or when filtration is installed, whichever is later.

b. Turbidity measurements as required by 12 VAC 5-590-410 F shall be performed on representative samples of the filtered water every four hours (or more frequently) that the waterworks serves water to the public. A waterworks owner may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the division. For any waterworks using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the division may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For waterworks serving 500 or fewer persons, the division may reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the division determines that less frequent monitoring is sufficient to indicate effective filtration performance.

(1) In addition to the above, a waterworks serving at least 10,000 people supplied by surface water or groundwater under the direct influence of surface water that provides conventional filtration treatment or direct filtration must conduct continuous monitoring of turbidity for each individual filter, using an approved method in 12 VAC 5-590-440, and must calibrate turbidimeters using the procedure specified by the manufacturer. Waterworks must record the results of individual filter monitoring every 15 minutes.

(2) If there is a failure in the continuous turbidity monitoring equipment, the waterworks must conduct grab sampling every four hours in lieu of continuous monitoring but for no more than five working days following the failure of the equipment.

c. The residual disinfectant concentration of the water entering the distribution system shall be monitored continuously, and the lowest value shall be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment, and owners of waterworks serving 3,300 or fewer persons may take grab samples in lieu of continuous monitoring on an ongoing basis at the frequencies each day prescribed below:

Waterworks size by population	Samples/Day ¹
500 or less	1
501 to 1,000	2
1,000 to 2,500	3
2,501 to 3,300	4

¹The day's samples cannot be taken at the same time. The sampling intervals are subject to commissioner's review and approval.

If at any time the residual disinfectant concentration falls below 0.2 mg/L in a waterworks using grab sampling in lieu of continuous monitoring, the waterworks owner shall take a grab sample every four hours until the residual disinfectant concentration is equal to or greater than 0.2 mg/L.

(1) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in subsection A of this section, except that the division may allow a waterworks owner which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the division determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 12 VAC 5-590-420 B may be measured in lieu of residual disinfectant concentration.

(2) If the division determines, based on site-specific considerations, that a waterworks has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision B 7 (1) of this section do not apply to that waterworks.

d. The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 12 VAC 5-590-420 B shall be reported monthly to the division by the waterworks owner:

(1) Number of instances where the residual disinfectant concentration is measured;

(2) Number of instances where the residual disinfectant concentration is not measured but HPC is measured;

(3) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

(4) Number of instances where no residual disinfectant concentration is detected and where the HPC is greater than 500/mL;

(5) Number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/mL.

(6) For the current and previous month the waterworks serves water to the public, the value of "V" in percent in the following formula:

$$V = (c + d + e) / (a + b) \times 100$$

where

a = the value in subdivision B 7 d (1) of this section,

b = the value in subdivision B 7 d (2) of this section,

c = the value in subdivision B 7 d (3) of this section,

d = the value in subdivision B 7 d (4) of this section,

e = the value in subdivision B 7 d (5) of this section,

(7) If the division determines, based on site-specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision B 7 c (1) of this section do not apply.

e. A waterworks owner need not report the data listed in 12 VAC 5-590-530 C 2 a if all data listed in 12 VAC 5-590-530 C 2 a through c remain on file at the waterworks and the division determines that the waterworks owner has submitted all the information required by 12 VAC 5-590-530 C 2 a through c for at least 12 months.

8. Operational. Waterworks owners may be required by the division to collect additional samples to provide quality control for any treatment processes that are employed.

C. Physical. All samples for turbidity analysis shall be taken at a representative entry point or points to the water distribution system unless otherwise specified. Turbidity samples shall be analyzed, at least once per day at all waterworks that use surface water sources or groundwater sources under the direct influence of surface water.

D. Radiological. The frequency of radiological sampling shall be accordance with 12 VAC 5-590-400.

12 VAC 5-590-420. Treatment technique requirements.

This section establishes treatment technique requirements in lieu of maximum contaminant levels for specified contaminants. Failure to meet any requirement of this section after the applicable date specified is a treatment technique violation.

A. Beginning June 29, 1993, the filtration and disinfection provisions of this section are required treatment techniques for any waterworks supplied by a surface water source and waterworks supplied by a groundwater source under the direct influence of surface water. Prior to that date, waterworks are governed by the disinfection requirements of 12 VAC 5-590-500. In addition, this section establishes treatment technique requirements in lieu of PMCL's for the following contaminants: *Giardia lamblia*, viruses, heterotrophic bacteria (HPC), *Legionella* *Cryptosporidium* (for waterworks serving at least 10,000 people and using surface water or groundwater under the direct influence of surface water), and turbidity. Each waterworks with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

1. At least 99.9% (3-log) removal and/or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

2. At least 99.99% (4-log) removal and/or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

3. Beginning January 1, 2002, waterworks serving at least 10,000 people shall also reliably achieve at least 99% (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

B. A waterworks using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection A of this section if it meets the following disinfection and filtration requirements:

1. Disinfection. Waterworks with a surface water source or a groundwater source under the direct influence of surface water must provide disinfection treatment in accordance with this section by June 29, 1993.

a. The disinfection treatment must be sufficient to ensure that the total treatment processes of that waterworks achieve at least 99.9% (3-log) inactivation and/or removal of *Giardia lamblia* cysts and at least 99.99% (4-log) inactivation and/or removal of viruses.

b. The residual disinfectant concentration in the water entering the distribution system cannot be less than 0.2 mg/L for more than four hours.

c. The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide cannot be undetectable in more than 5.0% of the samples each month, for any two consecutive months that the waterworks serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/mL, measured as heterotrophic plate count (HPC) is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus, the value "V" in percent in the following formula cannot exceed 5.0% in one month, for any two consecutive months.

$$V = (c + d + e) / (a + b) \times 100$$

a = number of instances where the residual disinfectant concentration is measured;

b = number of instances where the residual disinfectant concentration is not measured but HPC is measured;

c = number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

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d = number of instances where no residual disinfectant concentration is detected and where the HPC is greater than 500/mL; and

e = number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/mL.

d. The division may determine, based on site-specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions and the waterworks is providing adequate disinfection in the distribution system, that the requirements of subdivision B 1 c of this section does not apply.

2. Filtration. (Also see 12 VAC 5-590-880.) All waterworks that use a surface water source or a groundwater source under the direct influence of surface water shall provide filtration treatment by June 29, 1993, by using one of the following methods:

a. Conventional filtration or direct filtration.

(1) The turbidity level of representative samples of a waterworks' filtered water shall be less than or equal to 0.5 NTU in at least 95% of the measurements taken each month, except that if the division determines that the system is capable of achieving at least 99.9% removal (3-log) and/or inactivation of *Giardia lamblia* cysts at some turbidity level higher than 0.5 NTU in at least 95% of the measurements taken each month, the division may substitute this higher turbidity limit for that waterworks. However, in no case may the division approve a turbidity limit that allows more than one NTU in more than 5.0% of the samples taken each month.

(2) The turbidity level of representative samples of a waterworks' filtered water shall at no time exceed five NTU.

(3) Beginning January 1, 2002, waterworks serving at least 10,000 people that use conventional filtration treatment or direct filtration must:

(a) Achieve a filtered water turbidity of less than or equal to 0.3 NTU in at least 95% of the measurements taken each month. Samples must be representative of the waterworks' filtered water.

(b) The turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in 12 VAC 5-590-440.

(c) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the commissioner.

b. Slow sand filtration.

(1) The turbidity level of representative samples of a waterworks' filtered water must be less than or equal to one NTU in at least 95% of the measurements taken each month, except that if the division determines there is no significant interference with disinfection at a

higher turbidity level, the division may substitute this higher turbidity limit for that waterworks.

(2) The turbidity level of representative samples of a waterworks' filtered water shall at no time exceed five NTU.

c. Diatomaceous earth filtration.

(1) The turbidity level of representative samples of a waterworks' filtered water shall be less than or equal to one NTU in at least 95% of the measurements taken each month.

(2) The turbidity level of representative samples of a waterworks' filtered water shall at no time exceed five NTU.

d. Other filtration technologies. A waterworks owner may use a filtration technology not listed in subdivisions 2 a through c of this subsection if the owner demonstrates to the division (by pilot plant studies or other means) that the alternative filtration technology, in combination with disinfection treatment, achieves 99.9% removal (3-log) and/or inactivation of *Giardia lamblia* cysts and 99.99% removal (4-log) and/or inactivation of viruses, and beginning January 1, 2002, for waterworks serving at least 10,000 people, 99% of *Cryptosporidium* oocysts. For a waterworks owner that makes this demonstration, a turbidity limit will be established by the commissioner, which the waterworks must meet at least 95% of the time. In addition, the commissioner will establish a maximum turbidity limit that the waterworks must not exceed at any time. These turbidity limits shall consistently achieve the removal rates and/or inactivation rates stated in this subdivision.

e. Each waterworks using a surface water source or groundwater source under the direct influence of surface water shall be operated by licensed operators of the appropriate classification as per the Virginia Board for Waterworks and Wastewater Works Operators Regulations (18 VAC 155-20-40 ~~et seq.~~).

f. If the division has determined that a waterworks has a surface water source or a groundwater source under the direct influence of surface water, filtration is required. The waterworks shall provide disinfection during the interim before filtration is installed as follows:

(1) The residual disinfectant concentration in the distribution system cannot be less than 2.0 mg/L for more than four hours.

(2) The waterworks owner shall issue continuing boil water notices through the public notification procedure in 12 VAC 5-590-540 until such time as the required filtration equipment is installed.

(3) As an alternative to subdivisions B f 2 (1) and (2) of this section, the waterworks owner may demonstrate that the source can meet the appropriate C-T values shown in Appendix L and be considered to satisfy the requirements for 99.9% removal of *Giardia* cysts and virus, respectively. In addition, the waterworks owner must comply with the following:

(a) Justify that other alternative sources of supply meeting these regulations are not immediately available.

(b) Analysis of the source is performed quarterly for the contaminants listed in Tables 2.2, 2.3, and 2.4. The primary maximum contaminant levels shall not be exceeded.

(c) Daily turbidity monitoring and maintenance of the turbidity level not to exceed five NTU.

(d) MPN analysis of the raw water based on the minimum sample frequency chart below:

Population Served	Coliform Samples/Week
less than or equal to 500	1
501 - 3,300	2
3,301 - 10,000	3
10,001 - 25,000	4
>25,000	5

Note: Must be taken on separate days.

(e) Bacteriological sampling of the distribution system at a frequency of twice that required by Table 2.1.

C. Lead and copper corrosion control ~~techniques~~ *treatment requirements.*

1. ~~Corrosion control treatment requirements.~~ The owners of all community and nontransient noncommunity waterworks shall install and operate optimum corrosion control treatment by completing the corrosion control treatment requirements described below which are applicable to such waterworks owners under subdivision C 2 of this section.

a. Waterworks owners proposal regarding corrosion control treatment. Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, the owners of small and medium-size waterworks exceeding the lead or copper action level shall propose installation of one or more of the corrosion control treatments listed in subdivision C 1 c (1) of this section which the waterworks owner believes constitutes optimal corrosion control for that waterworks. The commissioner may require the waterworks owner to conduct additional water quality parameter monitoring in accordance with 12 VAC 5-590-370 B 6 b (2) of this section to assist the commissioner in reviewing the proposal.

b. Applicability of studies of corrosion control treatment (applicable to small and medium-size waterworks). The commissioner may require the owner of any small or medium-size waterworks that exceeds the lead or copper action level to perform corrosion control studies under subdivision C 1 c of this section to identify optimal corrosion control treatment for the waterworks.

c. Corrosion control studies.

(1) The owner of any waterworks required by the commissioner to perform corrosion control studies shall evaluate the effectiveness of each of the following

treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that waterworks:

(a) Alkalinity and pH adjustment;

(b) Calcium hardness adjustment; and

(c) The addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective corrosion inhibitor residual concentration in all test tap samples.

(2) The waterworks owner shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other waterworks of similar size, water chemistry and distribution system configuration.

(3) The waterworks owner shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:

(a) Lead;

(b) Copper;

(c) pH;

(d) Alkalinity;

(e) Calcium;

(f) Conductivity;

(g) Orthophosphate (when an inhibitor containing a phosphate compound is used);

(h) Silicate (when an inhibitor containing a silicate compound is used);

(i) Water temperature.

(4) The waterworks owner shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:

(a) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another waterworks with comparable water quality characteristics; and/or

(b) Data and documentation demonstrating that the waterworks has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(5) The waterworks owner shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(6) On the basis of an analysis of the data generated during each evaluation, the waterworks owner shall propose to the field office in writing, the treatment

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option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that waterworks. The owner shall provide a rationale for its recommendation along with all supporting documentation specified in subdivision C 1 c (1) through (5) of this section.

d. Approval of optimal corrosion control treatment.

(1) Based upon consideration of available information including, where applicable, studies performed under subdivision C 1 c of this section and a waterworks' owner's proposed treatment alternative, the commissioner shall either approve the corrosion control treatment option recommended by the owner, or designate alternative corrosion control treatment(s) from among those listed in subdivision C 1 c (1) of this section. When approving optimal treatment the commissioner shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(2) The commissioner shall notify the waterworks owner of its determination on optimal corrosion control treatment in writing and explain the basis for this determination. If the commissioner requests additional information to aid a review, the owner shall provide the information.

e. Installation of optimal corrosion control. Each waterworks owner shall properly install and operate throughout the waterworks the optimal corrosion control treatment approved by the commissioner under subdivision C 1 d of this section and under 12 VAC 5-590-190.

f. Commissioner's review of treatment and specification of optimal water quality control parameters.

(1) The commissioner shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the waterworks owner and determine whether the owner has properly installed and operated the optimal corrosion control treatment approved by the commissioner in subdivision C 1 d of this section. Upon reviewing the results of tap water and water quality parameter monitoring by the owner, both before and after the waterworks installs optimal corrosion control treatment, the commissioner shall designate:

(a) A minimum value or a range of values for pH measured at each entry point to the distribution system;

(b) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the commissioner determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the waterworks owner to optimize corrosion control;

(c) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the

inhibitor, measured at each entry point to the distribution system and in all tap samples, that the commissioner determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

(d) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;

(e) if calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

(2) The values for the applicable water quality control parameters listed above shall be those that the commissioner determines to reflect optimal corrosion control treatment for the waterworks. The commissioner may designate values for additional water quality control parameters determined by the commissioner to reflect optimal corrosion control for the waterworks. The commissioner shall notify the waterworks owner in writing of these determinations and explain the basis for its decisions.

g. Continued operation and monitoring. The owners of all waterworks *optimizing corrosion control* shall *continue to operate and maintain optimum corrosion control treatment, including maintaining water quality parameter values parameters* at or above minimum values or within ranges designated by the commissioner under subdivision C 1 f of this section ~~in each sample collected under 12 VAC 5-590-370 B 6 b (4). If the water quality parameter value of any sample is below the minimum value or outside the range designated by the commissioner, then the waterworks is out of compliance with this paragraph. As specified in 12 VAC 5-590-370 B 6 b (4), the waterworks owner may take a confirmation sample for any water quality parameter value no later than three days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under this paragraph. The commissioner has the discretion to delete results of obvious sampling errors from this calculation., in accordance with this paragraph for all samples collected under 12 VAC 5-590-370 B 6 b (4), (5) and (6). Compliance with the requirements of this paragraph shall be determined every six months, as specified under 12 VAC 5-590-370 B 6 b (4). The owner of a waterworks is out of compliance with the requirements of this paragraph for a six-month period if excursions occur for any commissioner-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the commissioner. Daily values are calculated as follows. The commissioner has discretion to delete results of obvious sampling errors from this calculation.~~

(1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.

(2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

(3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

h. Modification of the commissioner's treatment decisions. Upon his own initiative or in response to a request by a waterworks owner or other interested party, the commissioner may modify its determination of the optimal corrosion control treatment under subdivision C 1 d of this section or optimal water quality control parameters under subdivision C 1 f of this section. A request for modification by an owner or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The commissioner may modify the determination where it is concluded that such change is necessary to ensure that the waterworks continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the commissioner's decision, and provide an implementation schedule for completing the treatment modifications.

2. Corrosion control treatment steps.

a. Waterworks owners shall complete the applicable corrosion control treatment requirements described in subdivision C 1 of this section by the deadlines established in this section.

(1) The owner of a large waterworks (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in subdivision C 2 d of this section, unless the owner is deemed to have optimized corrosion control under subdivision C 2 b (2) of this section or C 2 b (3) of this section.

(2) The owner of a small waterworks (serving less than 3,300 persons) and a medium-size waterworks (serving greater than 3,300 and less than 50,000 persons) shall complete the corrosion control treatment steps specified in subdivision C 2 e of this section, unless the owner is deemed to have optimized corrosion control under subdivision C 2 b (1) through (3) of this section.

b. A waterworks owner is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the waterworks satisfies one of the following criteria: *specified in subdivisions C 2 b (1) through (3) below. The owner of any such waterworks that is deemed to have optimized corrosion control, and which has treatment in place, shall continue to operate and maintain*

optimal corrosion control treatment and meet any requirements that the commissioner determines appropriate to ensure optimal corrosion control treatment is maintained.

(1) The owner of a small or medium-size waterworks is deemed to have optimized corrosion control if the waterworks meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with 12 VAC 5-590-370 B 6 a.

(2) Any waterworks owner may be deemed by the commissioner to have optimized corrosion control treatment if the owner demonstrates to the satisfaction of the commissioner that the owner has conducted activities equivalent to the corrosion control steps applicable to such waterworks under this section. If the commissioner makes this determination, the owner shall be provided with a written notice explaining the basis for the decision and the notice shall specify the water quality control parameters representing optimal corrosion control in accordance with subdivision C 1 f of this section. *Any waterworks owner deemed to have optimized corrosion control under this paragraph shall operate in compliance with the specified water quality control parameters in accordance with subdivision C 1 g of this section and continue to conduct lead and copper tap and water quality parameter sampling in accordance with 12 VAC 5-590-370 B 6 a (4) c and 12 VAC 5-590-370 B 6 b (4), respectively. The waterworks owner shall provide the commissioner district engineer with the following information in order to support a determination under this paragraph:*

(a) The results of all test samples collected for each of the water quality parameters in subdivision C 1 c (3) of this section.

(b) A report explaining the test methods used by the waterworks owner to evaluate the corrosion control treatments listed in subdivision C 1 c (1) of this section, the results of all tests conducted, and the basis for the owner's selection of optimal corrosion control treatment;

(c) A report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and

(d) The results of tap water samples collected in accordance with 12 VAC 5-590-370 B 6 a at least once every six months for one year after corrosion control has been installed.

(3) Any waterworks is deemed to have optimized corrosion control if the owner submits results of tap water monitoring conducted in accordance with 12 VAC 5-590-370 B 6 a and source water monitoring conducted in accordance with 12 VAC 5-590-370 B 6 c that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under 12 VAC

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5-590-410 E, and the highest source water lead concentration, is less than the P Q L for lead (0.005 mg/L).

(a) Any waterworks owner that submits monitoring results indicating that the highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.

(b) Any waterworks owner deemed to have optimized corrosion control under this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in 12 VAC 5-590-370 B 6 a (3) and collecting the samples at times and locations specified in 12 VAC 5-590-370 B 6 a (4) (iv). Any such waterworks owner that has not conducted a round of monitoring pursuant to 12 VAC 5-590-370 B 6 a (4) since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

(c) Any waterworks owner deemed to have optimized corrosion control pursuant to this paragraph shall notify the district engineer in writing pursuant to 12 VAC 5-590-530 D 1 c of any change in treatment or the addition of a new water source. The commissioner may require the owner of any such waterworks to conduct additional monitoring or to take other actions the commissioner deems appropriate to ensure that minimum levels of corrosion control are being maintained in the distribution system.

(d) As of July 12, 2001, a waterworks owner is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment specified in subdivision C 2 b (3) e of this section unless the copper action level is met.

(e) Any waterworks owner triggered into corrosion control because the waterworks no longer is deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in subdivision C 2 e of this section. The owner of any such large waterworks shall adhere to the schedule specified in that paragraph for medium-size systems, with the time period for completing each step being triggered by the date the waterworks owner is no longer deemed to have optimized corrosion control treatment under this paragraph.

c. The owner of any small or medium-size waterworks that is required to complete the corrosion control steps due to the exceedance of the lead or copper action level may cease completing the treatment steps whenever the waterworks meets both action levels during each of two consecutive monitoring periods conducted pursuant to 12 VAC 5-590-370 B 6 a and submits the results to the

field office. If any such waterworks thereafter exceeds the lead or copper action level during any monitoring period, the owner shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The commissioner may require the owner to repeat treatment steps previously completed where the commissioner determines that this is necessary to properly implement the treatment requirements of this section. The commissioner shall notify the owner in writing of such a determination and explain the basis for its decision. The requirement for the owner of any small- or medium-sized waterworks to implement corrosion control treatment steps in accordance with subdivision 2 e of this subsection (including waterworks deemed to have optimized corrosion control under subdivision 2 b (1) of this subsection) is triggered whenever any small- or medium-sized waterworks exceeds the lead or copper action level.

d. Treatment steps and deadlines for large waterworks. Except as provided in subdivisions C 2 b (2) and (3) of this section, owners of large waterworks shall complete the following corrosion control treatment steps (described in the referenced portions of subdivision C 1 of this section, 12 VAC 5-590-370 B 6 a and b) by the indicated dates.

(1) Step 1: The waterworks owner shall conduct initial monitoring (12 VAC 5-590-370 B 6 a (4) (a) and B 6 b (2)) during two consecutive six-month monitoring periods by January 1, 1993.

(2) Step 2: The waterworks owner shall complete corrosion control studies (12 VAC 5-590-420 C 1 c) and submit the study and recommendations to the commissioner (12 VAC 5-590-200) by July 1, 1994.

(3) Step 3: The commissioner shall approve optimal corrosion control treatment (12 VAC 5-590-420 C 1 d) by January 1, 1995.

(4) Step 4: The waterworks owner shall install optimal corrosion control treatment (12 VAC 5-590-420 C 1 e) by January 1, 1997.

(5) Step 5: The waterworks owner shall complete follow-up sampling (12 VAC 5-590-370 B 6 a (4) (b) and B 6 b (3)) by January 1, 1998.

(6) Step 6: The commissioner shall review installation of treatment and designate optimal water quality control parameters (12 VAC 5-590-420 C 1 f) by July 1, 1998.

(7) Step 7: The waterworks owner shall operate the waterworks in compliance with the commissioner-specified optimal water quality control parameters (12 VAC 5-590-420 C 1 g) and continue to conduct tap sampling (12 VAC 5-590-370 B 6 a (4) (c) and B 6 b (4)).

e. Treatment steps and deadlines for small and medium-size waterworks. Except as provided in 12 VAC 5-590-420 C 2 b, owners of small- and medium-size waterworks shall complete the following corrosion control

treatment steps (described in the referenced portions of 12 VAC 5-590-420 C 1, 12 VAC 5-590-370 B 6 a and b) by the indicated time periods.

(1) Step 1: The waterworks owner shall conduct initial tap sampling (12 VAC 5-590-370 B 6 a (4) (a) and B 6 b (2)) until the waterworks either exceeds the lead or copper action level or becomes eligible for reduced monitoring under 12 VAC 5-590-370 B 6 a (4) (d). The owner of a waterworks exceeding the lead or copper action level shall propose optimal corrosion control treatment (12 VAC 5-590-420 C 1 a) within six months after it exceeds one of the action levels.

(2) Step 2: Within 12 months after a waterworks exceeds the lead or copper action level, the commissioner may require the waterworks owner to perform corrosion control studies (12 VAC 5-590-420 C 1 b). If the commissioner does not require the owner to perform such studies, the commissioner shall specify optimal corrosion control treatment (12 VAC 5-590-420 C 1 d) within the following timeframes:

(a) For medium-size waterworks, within 18 months after such waterworks exceeds the lead or copper action level,

(b) For small waterworks, within 24 months after such waterworks exceeds the lead or copper action level.

(3) Step 3: If the commissioner requires a waterworks owner to perform corrosion control studies under Step 2, the waterworks owner shall complete the studies (12 VAC 5-590-420 C 1 c) and submit the study and recommendations to the commissioner (12 VAC 5-590-200) within 18 months after the commissioner requires that such studies be conducted.

(4) Step 4: If the waterworks has performed corrosion control studies under Step 2, the commissioner shall designate optimal corrosion control treatment (12 VAC 5-590-420 C 1 d) within six months after completion of Step 3.

(5) Step 5: The waterworks shall install optimal corrosion control treatment (12 VAC 5-590-420 C 1 e) within 24 months after the commissioner designates such treatment.

(6) Step 6: The waterworks owner shall complete follow-up sampling (12 VAC 5-590-370 B 6 a (4) (b) and B 6 b (3)) within 36 months after the commissioner designates optimal corrosion control treatment.

(7) Step 7: The commissioner shall review the waterworks owner's installation of treatment and designate optimal water quality control parameters (12 VAC 5-590-420 C 1 f) within six months after completion of Step 6.

(8) Step 8: The waterworks owner shall operate in compliance with the commissioner designated optimal water quality control parameters (12 VAC 5-590-420 C 1 g) and continue to conduct tap sampling (12 VAC 5-590-370 B 6 a (4) (c) and B 6 b (4)).

D. Water supply (source water) treatment requirements for lead and copper. The owner of any waterworks exceeding the lead or copper action level shall complete the applicable water supply monitoring and treatment requirements (described in the referenced portions of subdivision D 2 of this section, and in 12 VAC 5-590-370 B 6 a and c) by the following deadlines.

1. Deadlines for completing water supply treatment steps.

a. Step 1: The owner of a waterworks exceeding the lead or copper action level shall complete lead and copper water supply monitoring (12 VAC 5-590-370 B 6 c (2)) and make a treatment proposal to the appropriate field office within six months after exceeding the lead or copper action level.

b. Step 2: The commissioner shall make a determination regarding the need for water supply treatment (12 VAC 5-590-420 D 2 b) within six months after submission of monitoring results under step 1.

c. Step 3: If the commissioner requires installation of water supply treatment, the waterworks owner shall install the treatment (12 VAC 5-590-420 D 3) within 24 months after completion of step 2.

d. Step 4: The waterworks owner shall complete follow-up tap water monitoring (12 VAC 5-590-370 B 6 a (4) (b)) and water supply lead and copper monitoring (12 VAC 5-590-370 B 6 c (3)) within 36 months after completion of step 2.

e. Step 5: The commissioner shall review the waterworks owner's installation and operation of water supply treatment and specify maximum permissible water supply lead and copper levels (12 VAC 5-590-420 D 4) within six months after completion of step 4.

f. Step 6: The waterworks owner shall operate in compliance with the commissioner-specified maximum permissible lead and copper water supply levels (12 VAC 5-590-420 D 4) and continue water supply monitoring (12 VAC 5-590-370 B 6 c (4) (a)).

2. Description of water supply treatment requirements.

a. Waterworks treatment recommendation. The owner of any waterworks which exceeds the lead or copper action level shall propose in writing to the appropriate field office, the installation and operation of one of the water supply treatments listed in subdivision D 2 b of this section. An owner may propose that no treatment be installed based upon a demonstration that water supply treatment is not necessary to minimize lead and copper levels at users' taps.

b. Commissioner's determination regarding water supply treatment. The commissioner shall complete an evaluation of the results of all water supply samples submitted by the waterworks owner to determine whether water supply treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the division determines that treatment is needed, the commissioner shall either require installation and operation of the water supply treatment recommended by the waterworks (if any) or require the installation and

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operation of another water supply treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the commissioner requests additional information to aid in the review, the waterworks shall provide the information by the date specified by the commissioner in the request. The commissioner shall notify the waterworks in writing of the determination and set forth the basis for the decision.

3. Installation of water supply treatment. Each waterworks owner shall properly install and operate the water supply treatment designated by the commissioner under subdivision D 2 b of this section.

4. Commissioner's review of water supply treatment and specification of maximum permissible water supply lead and copper levels. The commissioner shall review the water supply samples taken by the waterworks owner both before and after the waterworks owner installs water supply treatment, and determine whether the owner has properly installed and operated the water supply treatment designated by the commissioner. Based upon the review, the commissioner shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The commissioner shall notify the owner in writing and explain the basis for the decision.

5. Continued operation and maintenance. Each waterworks shall be operated to maintain lead and copper levels below the maximum permissible concentrations designated by the commissioner at each sampling point monitored in accordance with 12 VAC 5-590-370 B 6 c. The waterworks is out of compliance with this subdivision if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the commissioner.

6. Modification of the commissioner's treatment decisions. Upon his own initiative or in response to a request by a waterworks owner or other interested party, the commissioner may modify its determination of the water supply treatment under D 2 b of this section, or may modify the maximum permissible lead and copper concentrations for finished water entering the distribution system under subdivision D 4 of this section. A request for modification by an owner or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The commissioner may modify the determination where he concludes that such change is necessary to ensure that the waterworks continues to minimize lead and copper concentrations in water supplies. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the commissioner's decision, and provide an implementation schedule for completing the treatment modifications.

E. Lead service line replacement requirements.

1. Owners of waterworks that fail to meet the lead action level in tap samples taken pursuant to 12 VAC 5-590-370 B 6 a (4) (b), after installing corrosion control and/or water supply treatment (whichever sampling occurs later), shall

replace lead service lines in accordance with the requirements of this section. If a waterworks is in violation of subdivision C 2 of this section or subsection D of this section for failure to install water supply or corrosion control treatment, the commissioner may require the owner to commence lead service line replacement under this section after the date by which the owner was required to conduct monitoring under 12 VAC 5-590-370 B 6 a (4) (b) has passed.

2. A waterworks owner shall replace annually at least 7.0% of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The waterworks owner shall identify the initial number of lead service lines in its distribution system, *including an identification of the portion or portions owned by the waterworks*, based upon a materials evaluation, including the evaluation required under 12 VAC 5-590-370 B 6 a (1) (a) *and relevant authorities (e.g., contracts, local ordinances) regarding the portion owned by the waterworks*. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in subdivision E 1 of this section.

3. A waterworks owner is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to 12 VAC 5-590-370 B 6 a (2) (c), is less than or equal to 0.015 mg/L.

4. A waterworks owner shall replace ~~the entire service line (up to the building inlet) unless the owner demonstrates to the satisfaction of the commissioner under subdivision E 5 of this section that it controls less than the entire service line. In such cases, the owner shall replace the portion of the line which the commissioner determines is under the owner's control. The owner shall notify the user served by the line that the waterworks owner will replace the portion of the service line under the waterworks owner's control and shall offer to replace the building owner's portion of the line, but is not required to bear the cost of replacing the building owner's portion of the line. For buildings where only a portion of the lead service line is replaced, the waterworks owner shall inform the resident(s) that the waterworks owner will collect a first flush tap water sample after partial replacement of the service line is completed if the resident(s) so desire. In cases where the resident(s) accept the offer, the waterworks owner shall collect the sample and report the results to the resident(s) within 14 days following partial lead service line replacement that portion of the lead service line that is owned by the waterworks. In cases where the waterworks owner does not own the entire lead service line, the waterworks owner shall notify the building owner, or the building owner's authorized agent, that the waterworks owner will replace that portion of the service line that is owned by the waterworks and shall offer to replace the building owner's portion of the line. The waterworks owner is not required to bear the cost of replacing the building owner's portion of the service line, nor is the waterworks owner required to replace the building owner's portion where the waterworks owner chooses not to pay the cost of replacing the building owner's portion of the line, or where replacing the~~

building owner's portion would be precluded by state, local or common law. A waterworks owner that does not replace the entire length of the service line also shall complete the following tasks.

a. At least 45 days prior to commencing with the partial replacement of a lead service line, the waterworks owner shall provide notice to the resident or residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The commissioner may allow the waterworks owner to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the waterworks owner shall inform the resident or residents served by the line that the waterworks owner will, at the waterworks owner's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed in 12 VAC 5-590-370 B 6 a (2) (c), within 72 hours after the completion of the partial replacement of the lead service line. The waterworks owner shall collect the sample and report the results of the analysis to the building owner and resident or residents served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered "on time."

b. The waterworks owner shall provide the information required by subdivision E 4 a of this section to the residents of individual dwellings by mail or by other methods approved by the commissioner. In instances where multi-family dwellings are served by the line, the waterworks owner shall have the option to post the information at a conspicuous location.

~~5. A waterworks owner is presumed to control the entire lead service line (up to the building inlet) unless the owner demonstrates to the satisfaction of the commissioner, in a letter submitted under 12 VAC 5-590-530 D 5 d, that the owner does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts or other applicable legal authority): authority to set standards for construction, repair, or maintenance of the line, authority to replace, repair, or maintain the service line, or ownership of the service line. The commissioner shall review the information supplied by the owner and determine whether the owner controls less than the entire service line and, in such cases, shall determine the extent of the waterworks owner's control. The commissioner's determination shall be in writing and explain the basis for the decision.~~

~~6. 5. The commissioner shall require a waterworks owner to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the waterworks, where such a shorter replacement schedule is feasible. The commissioner shall make this determination in writing and notify the owner of the findings within 6 months after the waterworks is~~

triggered into lead service line replacement based on monitoring referenced in subdivision E 1 of this section.

~~7. 6. Any waterworks owner may cease replacing lead service lines whenever first draw tap samples collected pursuant to 12 VAC 5-590-370 B 6 a (2) (b) meet the lead action level during each of two consecutive monitoring periods and the owner submits the results to the appropriate field-office district engineer. If the first draw tap samples collected in any such waterworks thereafter exceeds the lead action level, the owner shall recommence replacing lead service lines, pursuant to subdivision E 2 of this section.~~

~~8. 7. To demonstrate compliance with subdivisions E 1 through E 4 of this section, a waterworks owner shall report to the appropriate field office the information specified in 12 VAC 5-590-530 D 5.~~

F. Lead public education requirements. The owner of a waterworks that exceeds the lead action level based on tap water samples collected in accordance with 12 VAC 5-590-370 B 6 a shall deliver the public education materials contained in subdivisions F 1 and 2 of this section in accordance with the requirements in subdivision F 3 of this section.

1. Content of written *public education* materials. A waterworks owner shall include the following text in all of the printed materials distributed through the lead public education program. ~~Any additional information presented by the owner shall be consistent with the information below and be in plain English that can be understood by laypersons.~~

a. Community waterworks. The owner of a community waterworks shall include the following text in all of the printed materials it distributes through the lead public education program. Waterworks owners may delete information pertaining to lead service line replacement, upon approval by the commissioner, if no lead service lines exist anywhere in the waterworks service area. Public education language in subdivisions F 1 a (4) (b) (v) and F 1 a (4) (d) (ii) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the commissioner. Waterworks owners may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85, effective November 6, 1991, and contained in the 40 CFR Parts 100 to 149, edition revised as of July 1, 1991. Any additional information presented by a waterworks owner shall be consistent with the information below and be in plain English that can be understood by lay people.

~~a. (1) Introduction. The United States Environmental Protection Agency (EPA) and (insert name of waterworks) are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are~~

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required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your waterworks). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace *the portion of* each lead service line that we ~~control~~ own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at (insert waterworks phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

~~b-~~ (2) Health effects of lead. Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that will not hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

~~e-~~ (3) Lead in drinking water.

~~(1)~~ (a) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20% or more of a person's total exposure to lead.

~~(2)~~ (b) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

~~(3)~~ (c) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the

morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

~~d-~~ (4) Steps you can take in the home to reduce exposure to lead in drinking water.

~~(1)~~ (a) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. (The waterworks owners should contact the Division of Consolidated Laboratory Service at (804) 786-3411 for a list of certified laboratories in their area). For more information on having your water tested, please call (insert phone number of waterworks).

~~(2)~~ (b) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

~~(a)~~ (i) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than (insert a cost estimate based on flushing two times a day for 30 days) per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

~~(b)~~ (ii) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove or microwave.

~~(e)~~ (iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from three to five minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

~~(d)~~ (iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the local building official in your city or county.

~~(e)~~ (v) Determine whether the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking your localities' record of building permits which should be maintained in the files of the (insert name of department that issues building permits). A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The waterworks that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the *portion of the line we own*. Since the line is only partially ~~controlled~~ *owned* by the (insert *the* name of the city, county, or waterworks that ~~controls~~ *owns* the line), we are required to provide ~~you~~ *the owner of the privately-owned portion of the line* with information on how to replace ~~your portion of the service line, and offer to replace that portion of the line at your expense and take a follow-up tap water sample within 14 days of the replacement~~ *the privately-owned portion of the service line, and offer to replace that portion of the line at the line owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results.* Acceptable replacement alternatives include copper, steel, iron, and plastic pipes and must comply with local plumbing codes.

~~(f)~~ (vi) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

~~(3)~~ (c) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures.

~~(a)~~ (i) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

~~(b)~~ (ii) Purchase bottled water for drinking and cooking.

~~(4)~~ (d) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

~~(a)~~ (i) (Insert the name of the waterworks) at (insert phone number) can provide you with information about your community's waterworks and a list of local laboratories that have been certified by Division of Consolidated Laboratory Services for testing water quality.

~~(b)~~ (ii) (Insert the name of city or county department that issues building permits) at (insert phone number) can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home.

~~(e)~~ (iii) The Medical Director of (Insert the name of the city or county) Health Department, and the Virginia Department of Health Division of ~~Maternal and Child Health, Lead Programs Director at 1-800-523-4019~~ *Child and Adolescent Health, Lead Safe Virginia Program Director at 1-877-668-7987* can provide you with information about the health

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effects of lead and how you can have your child's blood tested.

(5) (e) The following is a list of some state-approved laboratories in your area that you can call to have your water tested for lead. (Insert names and phone numbers of at least two laboratories.)

b. Nontransient noncommunity waterworks. The owner of a nontransient noncommunity waterworks shall either include the text specified in subdivision F 1 a of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. The waterworks owner may delete information pertaining to lead service lines upon approval by the commissioner if no lead service lines exist anywhere in the waterworks service area. Any additional information presented by a waterworks owner shall be consistent with the information below and be in plain English that can be understood by lay people.

(1) Introduction. The United States Environmental Protection Agency (EPA) and (insert name of waterworks) are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter (mg/L) of water. Under federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your waterworks). This program includes corrosion control treatment, water supply treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation, please give us a call at (insert waterworks phone number). This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(2) Health effects of lead. Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery, porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(3) Lead in drinking water.

(a) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a

person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20% or more of a person's total exposure to lead.

(b) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

(c) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(4) Steps you can take to reduce exposure to lead in drinking water.

(a) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about 15 to 30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one gallon of water.

(b) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.

(c) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

(d) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(i) (Insert the name or title of facility official if appropriate) at (insert phone number) can provide

you with information about your facility's water supply; and

(ii) The Medical Director of [Insert the name of the city or county] Health Department, and the Virginia Department of Health, Division of Child and Adolescent Health, Lead Safe Virginia Program Director at 1-877-668-7987 can provide you with information about the health effects of lead.

2. Content of broadcast materials. A waterworks owner shall include the following information in all public service announcements submitted under the lead public education program to television and radio stations for broadcasting:

a. Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert free or \$ per sample). You can contact the (insert the name of the waterworks) for information on testing and on simple ways to reduce your exposure to lead in drinking water.

b. To have your water tested for lead, or to get more information about this public health concern, please call (insert the phone number of the waterworks).

3. Delivery of a public education program.

a. In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).

b. The owner of a community waterworks that ~~fails to meet~~ exceeds the lead action level on the basis of tap water samples collected in accordance with 12 VAC 5-590-370 B 6 a, and that is not already repeating public education tasks pursuant to subdivisions F 3 c, F 3 g, or F 3 h of this section, shall, within 60 days:

(1) Insert notices in each customer's water utility bill containing the information in subdivision F 1 of this section, along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." *The owner of a community waterworks having a billing cycle that does not include a billing within 60 days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in subdivision F 1 a of this section as long as the information is delivered to each customer within 60 days of exceeding the action level. The owner of such waterworks shall also include the "alert" language specified in this paragraph.*

(2) Submit the information in subdivision F 1 of this section to the editorial departments of the major daily and weekly newspapers circulated throughout the community.

(3) Deliver pamphlets and/or brochures that contain the public education materials in subdivisions F 1 b and d of this section to facilities and organizations, including the following:

(a) Public schools and/or local school boards;

(b) City or county health department;

(c) Women, Infants, and Children and/or Head Start Program(s) whenever available;

(d) Public and private hospitals and/or clinics;

(e) Pediatricians;

(f) Family planning clinics; and

(g) Local welfare agencies.

(4) Submit the public service announcement in subdivision F 2 of this section to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the waterworks.

c. The owner of a community waterworks shall repeat the tasks contained in subdivisions F 3 b (1), (2), and (3) of this section every 12 months, and the tasks contained in subdivision F 3 b (4) of this section every six months for as long as the waterworks exceeds the lead action level.

d. Within 60 days after it exceeds the lead action level *(unless it already is repeating public education tasks pursuant to subdivision F 3 e of this section)*, the owner of a nontransient noncommunity waterworks shall deliver the public education materials contained in subdivisions F 1 a, ~~b, and d~~ or the public education materials specified by subdivision F 1 b of this section as follows:

(1) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the waterworks, and

(2) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the nontransient noncommunity waterworks. *The commissioner may allow the waterworks owner to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.*

e. The owner of a nontransient noncommunity waterworks shall repeat the tasks contained in subdivision F 3 d of this section at least once during each calendar year in which the waterworks exceeds the lead action level.

f. A waterworks owner may discontinue delivery of public education materials if the waterworks has met the lead action level during the most recent six-month monitoring period conducted pursuant to 12 VAC 5-590-370 B 6 a. The owner shall recommence public education in accordance with this section if the waterworks subsequently exceeds the lead action level during any monitoring period.

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g. The owner of a community waterworks may apply to the district engineer, in writing, (unless the commissioner has waived the requirement for prior approval) to use the text specified in subdivision F 1 b of this section in lieu of the text in subdivision F 1 a of this section and to perform the tasks listed in subdivisions F 3 d and F 3 e of this section in lieu of the tasks in subdivisions F 3 b and F 3 c of this section if:

(1) The waterworks serves a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(2) The waterworks owner provides water as part of the cost of services provided and does not separately charge for water consumption.

h. The owner of a community water system serving 3,300 or fewer people may omit the task contained in subdivision F 3 b (4) of this section. As long as the owner distributes notices containing the information contained in subdivision F 1 a of this section to every household served by the waterworks, such waterworks owners may further limit their public education programs as follows:

(1) Waterworks serving 500 or fewer people may forego the task contained in subdivision F 3 b (2) of this section. Such a waterworks owner may limit the distribution of the public education materials required under subdivision F 3 b (3) of this section to facilities and organizations served by the waterworks that are most likely to be visited regularly by pregnant women and children, unless it is notified by the commissioner in writing that it must make a broader distribution.

(2) If approved by the commissioner in writing, a waterworks owner serving 501 to 3,300 people may omit the task in subdivision F 3 b (2) of this section and/or limit the distribution of the public education materials required under subdivision F 3 b (3) of this section to facilities and organizations served by the waterworks that are most likely to be visited regularly by pregnant women and children.

i. The owner of a community waterworks serving 3,300 or fewer people that delivers public education in accordance with subdivision F 3 h of this section shall repeat the required public education tasks at least once during each calendar year in which the waterworks exceeds the lead action level.

4. Supplemental monitoring and notification of results. The owner of a waterworks that fails to meet the lead action level on the basis of tap samples collected in accordance with 12 VAC 5-590-370 B 6 shall offer to sample the tap water of any customer who requests it. The owner is not required to pay for collecting or analyzing the sample, nor is the owner required to collect and analyze the sample itself.

G. Beginning January 1, 1993, each waterworks owner shall certify annually in writing to the commissioner (using third party or manufacturer's certification) that, when polymers containing acrylamide or epichlorohydrin are used by the

waterworks in drinking water systems, the combination (or product) of dose and monomer level does not exceed the following specified levels: Acrylamide = 0.05% dosed at 1 ppm (or equivalent) of polymer. Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent) of polymer. Certifications may rely on manufacturers or third parties, as approved by the commissioner.

H. Treatment technique for control of disinfection byproduct (DBPP) precursors.

1. Applicability.

a. Waterworks that use surface water or groundwater under the direct influence of surface water using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subdivision H 2 of this section unless the waterworks meets at least one of the alternative compliance criteria listed in subdivision H 1 b or c of this section.

b. Alternative compliance criteria for enhanced coagulation and enhanced softening waterworks. Waterworks that use surface water or groundwater under the direct influence of surface water provided with conventional filtration treatment may use the alternative compliance criteria in subdivisions H 1 b (1) through (6) of this section to comply with this section in lieu of complying with subdivision H 2 of this section. Waterworks must still comply with monitoring requirements in 12 VAC 5-590-370 B 3 j.

(1) The waterworks' source water TOC level, measured according to 12 VAC 5-590-440, is less than 2.0 mg/L, calculated quarterly as a running annual average.

(2) The waterworks' treated water TOC level, measured according to 12 VAC 5-590-440, is less than 2.0 mg/L, calculated quarterly as a running annual average.

(3) The waterworks' source water TOC level, measured according to 12 VAC 5-590-440, is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to 12 VAC 5-590-440, is greater than 60 mg/L (as CaCO₃), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in 12 VAC 590-370 B 3 b, the waterworks has made a clear and irrevocable financial commitment not later than the effective date for compliance in 12 VAC 590-370 B 3 b to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Waterworks must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the commissioner for approval not later than the effective date for compliance in 12 VAC 590-370 B 3 b. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate

these technologies by the date in the approved schedule will constitute a violation of these regulations.

(4) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the waterworks uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(5) The waterworks' source water SUVA, prior to any treatment and measured monthly according to 12 VAC 5-590-440, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(6) The waterworks' finished water SUVA, measured monthly according to 12 VAC 5-590-440, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

c. Additional alternative compliance criteria for softening waterworks. Waterworks practicing enhanced softening that cannot achieve the TOC removals required by subdivision H 2 b of this section may use the alternative compliance criteria in subdivisions H 1 c (1) and (2) of this section in lieu of complying with subdivision H 2 of this section. Waterworks must still comply with monitoring requirements in 12 VAC 5-590-370 B 3 f (1).

(1) Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as CaCO₃), measured monthly according to 12 VAC 5-590-440 and calculated quarterly as a running annual average.

(2) Softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO₃), measured monthly and calculated quarterly as an annual running average.

2. Enhanced coagulation and enhanced softening performance requirements.

a. Waterworks must achieve the percent reduction of TOC specified in subdivision H 2 b of this section between the source water and the combined filter effluent, unless the commissioner approves a waterworks' request for alternate minimum TOC removal (Step 2) requirements under subdivision H 2 c of this section.

b. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 12 VAC 5-590-440. Waterworks practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity greater than 120 mg/L) for the specified source water TOC:

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Community or Nontransient Noncommunity Waterworks That Use Surface Water or Groundwater Under the Direct Influence of Surface Water Using Conventional Treatment ^{1, 2}			
Source-water TOC, mg/L	Source-water alkalinity, mg/L as CaCO ₃		
	0-60	>60-120	>120 ³
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

¹Waterworks meeting at least one of the conditions in subdivisions H 1 b (1) through (6) of this section are not required to operate with enhanced coagulation.

²Softening waterworks meeting one of the alternative compliance criteria in subdivision H 1 c of this section are not required to operate with enhanced softening.

³Waterworks practicing softening must meet the TOC removal requirements in this column.

c. Waterworks that use surface water or groundwater under the direct influence of surface water with conventional treatment systems that cannot achieve the Step 1 TOC removals required by subdivision H 2 b of this section due to water quality parameters or operational constraints must apply to the commissioner, within three months of failure to achieve the TOC removals required by subdivision H 2 b of this section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the waterworks. If the commissioner approves the alternative minimum TOC removal (Step 2) requirements, the commissioner may make those requirements retroactive for the purposes of determining compliance. Until the commissioner approves the alternate minimum TOC removal (Step 2) requirements, the waterworks must meet the Step 1 TOC removals contained in subdivision H 2 b of this section.

d. Alternate minimum TOC removal (Step 2) requirements. Applications, made to the commissioner by waterworks using enhanced coagulation, for approval of alternative minimum TOC removal (Step 2) requirements under subdivision H 2 c of this section must include, at a minimum, results of bench- or pilot-scale testing conducted under subdivision H 2 d (1) of this section. The submitted bench- or pilot-scale testing must be used to determine the alternate enhanced coagulation level.

(1) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described in subdivisions H 2 d (1) through (5) of this section such that an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of equal to or less than 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the waterworks. Once approved by the commissioner, this minimum requirement supersedes the minimum TOC removal required by the table in subdivision H 2 b of this section. This requirement will

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be effective until such time as the commissioner approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve the alternative minimum TOC removal levels set by the commissioner is a violation of these regulations.

(2) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

Enhanced Coagulation Step 2 target pH

Alkalinity (mg/L as CaCO ₃)	Target pH
0-60	5.5
>60-120	6.3
>120-240	7.0
>240	7.5

(3) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the waterworks must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(4) The waterworks may operate at any coagulant dose or pH necessary (consistent with other sections of these regulations) to achieve the minimum TOC percent removal approved under subdivision H 2 c of this section.

(5) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The waterworks may then apply to the commissioner for a waiver of enhanced coagulation requirements.

3. Compliance calculations.

a. Waterworks that use surface water or groundwater under the direct influence of surface water other than those identified in subdivision H 1 b or H 1 c of this section must comply with requirements contained in subdivision H 2 b or H 2 c of this section. Waterworks must calculate compliance quarterly, beginning after the waterworks has collected 12 months of data, by determining an annual average using the following method:

(1) Determine actual monthly TOC percent removal, equal to:

$$(1 - (\text{treated water TOC} / \text{source water TOC})) \times 100$$

(2) Determine the required monthly TOC percent removal (from either the table in subdivision H 2 b of this section or from subdivision H 2 c of this section).

(3) Divide the value in subdivision H 3 a (1) of this section by the value in subdivision H 3 a (2) of this section.

(4) Add together the results of subdivision H 3 a (3) of this section for the last 12 months and divide by 12.

(5) If the value calculated in subdivision H 3 a (4) of this section is less than 1.00, the waterworks is not in compliance with the TOC percent removal requirements.

b. Waterworks may use the provisions in subdivisions H 3 b (1) through (5) of this section in lieu of the calculations in subdivisions H 3 a (1) through (5) of this section to determine compliance with TOC percent removal requirements.

(1) In any month that the waterworks' treated or source water TOC level, measured according to 12 VAC 5-590-440, is less than 2.0 mg/L, the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(2) In any month that a waterworks practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO₃), the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(3) In any month that the waterworks' source water SUVA, prior to any treatment and measured according to 12 VAC 5-590-440, is equal to or less than 2.0 L/mg-m, the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(4) In any month that the waterworks' finished water SUVA, measured according to 12 VAC 5-590-440, is equal to or less than 2.0 L/mg-m, the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

(5) In any month that a waterworks practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO₃), the waterworks may assign a monthly value of 1.0 (in lieu of the value calculated in subdivision H 3 a (3) of this section) when calculating compliance under the provisions of subdivision H 3 a of this section.

c. Waterworks that use surface water or groundwater under the direct influence of surface water and using conventional treatment may also comply with the requirements of this section by meeting the criteria in subdivision H 1 b or c of this section.

4. Enhanced coagulation or enhanced softening is the treatment technique required to control the level of DBP precursors in drinking water treatment and distribution systems for waterworks using surface water or groundwater

under the direct influence of surface water and using conventional treatment.

I. The best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts show in Table 2.13 are listed below:

1. Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant is the best available technology for achieving compliance with the maximum contaminant level for TTHM or HAA5.

2. Control of ozone treatment process to reduce production of bromate is the best available technology for achieving compliance with the maximum contaminant level for bromate.

3. Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels is the best available technology for achieving compliance with the maximum contaminant level for chlorite.

4. A waterworks that is installing GAC or membrane technology to comply with Table 2.13 may apply to the commissioner for an extension of up to 24 months past the dates in 12 VAC 5-590-370 B 3 b, but not beyond December 31, 2003. In granting the extension, the commissioner must set a schedule for compliance and may specify any interim measures that the waterworks must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of 12 VAC 5-590-410.

J. The best technology, treatment techniques, or other means available for achieving compliance with the maximum residual disinfectant levels identified in Table 2.12 is the control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

12 VAC 5-590-440. Analytical methods.

Analytical methods to determine compliance with the requirements of this chapter shall be those specified in the applicable edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation; "Methods for Chemical Analysis of Water and Wastes," Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974; and "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (Sept 1986), EPA, Environmental Monitoring and Support Laboratory, Cincinnati, OH 45268 or in the case of primary maximum contaminant levels and lead and copper action levels, those methods shall be followed by the Division of Consolidated Laboratory Services and consistent with current U.S. Environmental Protection Agency regulations found at 40 CFR Part 141. All laboratories seeking certification to perform drinking water analyses must comply with 1 VAC 30-40 promulgated by the Department of General Services, Division of Consolidated Laboratory Services.

Table 2.2
Inorganic Chemicals.

Substance	Primary Maximum Contaminant Level (mg/L)
Antimony	0.006
Arsenic (As)	0.05
Asbestos	7 Million Fibers/Liter (longer than 10 um)
Barium (Ba)	2
Beryllium	0.004
Cadium (Cd)	0.005
Chromium (Cr)	0.1
Cyanide (as free Cyanide)	0.2
Fluoride (F)	4.0 #
Mercury (Hg)	0.002
Nickel	0.1
Nitrate (as N)	10 **
Nitrite (as N)	1
Total Nitrate and Nitrite (as N)	10
Selenium (Se)	0.05
Thallium	0.002
Substance	Secondary Maximum Contaminant Level (mg/L)
Chloride (Cl)	250.0
Corrosivity	Non-Corrosive, See Appendix B
Fluoride	2.0
Foaming Agents	0.5 *
Iron (Fe)	0.3
Manganese (Mn)	0.05
Sodium (Na)	No Limits Designated
Sulfate (SO ₄)	250.0
Zinc (Zn)	5.0
Substance	Action Level (mg/L)
Lead (Pb)	0.015
Copper (Cu)	1.3

Note. For artificially fluoridated waterworks the minimum concentration of fluoride should be 0.8 mg/L and the maximum should be 1.0 mg/L. The optimum control limit is 0.9 mg/L. (See Appendix B)

* Note. Concentration reported in terms of Methylene Blue Active Substances.

** Note. See Appendix B for Exception Regarding Noncommunity Waterworks.

Table 2.3
Organic Chemicals.

Substance	Primary Maximum Contaminant Levels (mg/L)
VOC	
1. Vinyl Chloride	0.002
2. Benzene	0.005
3. Carbon Tetrachloride	0.005
4. 1,2-Dichloroethane	0.005
5. Trichloroethylene (TCE)	0.005
6. 1,1-Dichloroethylene	0.007
7. 1,1,1-Trichloroethane	0.2
8. para-Dichlorobenzene	0.075
9. cis-1,2-Dichloroethylene	0.07

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10. 1,2-Dichloropropane	0.005
11. Ethylbenzene	0.7
12. Monochlorobenzene	0.1
13. o-Dichlorobenzene	0.6
14. Styrene	0.1
15. Tetrachloroethylene	0.005
16. Toluene	1
17. trans-1,2-Dichloroethylene	0.1
18. Xylene (total)	10
19. Dichloromethane	0.005
20. 1,2,4-Trichlorobenzene	0.07
21. 1,1,2-Trichloroethane	0.05
SOC	
1. Alachlor	0.002
2. Atrazine	0.003
3. Carbofuran	0.04
4. Chlordane	0.002
5. Heptachlor	0.0004
6. Heptachlor epoxide	0.0002
7. Polychlorinated biphenyls (PCBs)	0.0005
8. Dibromochloropropane (DBCP)	0.0002
9. Ethylene dibromide (EDB)	0.00005
10. Lindane	0.0002
11. Methoxychlor	0.04
12. Toxaphene	0.003
13. 2,4-Dichlorophenoxyacetic Acid (2,4-D)	0.07
14. 2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex)	0.05
15. Reserved	
16. Reserved	
17. Reserved	
18. Pentachlorophenol	0.001
19. Benzo(a)pyrene	0.0002
20. Dalapon	0.2
21. Di(2-ethylhexyl)adipate	0.4
22. Di(2-ethylhexyl)phthalate	0.006
23. Dinoseb	0.007
24. Diquat	0.02
25. Endothall	0.1
26. Endrin	0.002
27. Glyphosate	0.7
28. Hexachlorobenzene	0.001
29. Hexachlorocyclopentadiene	0.05
30. Oxamyl (Vydate)	0.2
31. Picloram	0.5
32. Simazine	0.004
33. 2,3,7,8-TCDD (Dioxin)	3 X 10 ⁻⁸

Table 2.4
Physical Quality.

Parameter	Maximum Contaminant Level	Concentration
Color	Secondary	15 Color Units
Odor	Secondary	3 Threshold odor numbers
pH	Secondary	6.5-8.5
Total Dissolved Solids (TDS)	Secondary	500 mg/L Solids (TDS)
Turbidity	Primary	*1 Turbidity Unit

* See Appendix B for operational requirements.

Table 2.5
Radiological Quality.

SUBSTANCE	Primary Maximum Contaminant Level
A. Total Radium (Radium-226 and Radium-228)	5 pCi/L
B. Gross Alpha Activity (including Radium-226 and excluding Radon and Uranium)	15 pCi/L

Primary Maximum Contaminant Levels for Beta Particle and Photon Radioactivity from Man-Made Radionuclides

1. The average annual concentration of Beta particle and Photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

2. Except for the radionuclides listed in Schedule I, the concentration of man-made radionuclides causing 4 MREM total body or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in 'Maximum Permissible Body Burdens and Water for Occupational Exposure,' MBS Handbook 69 as amended August 1963, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ exceed 4 millirem/year.

Schedule I		
Average annual concentrations assumed to produce a total body organ dose of 4 MREM/year.		
Radionuclide	Critical Organ	pCi/liter
Tritium	Total Body	20,000
Strontium-90	Bone Marrow	8

* See Appendix B

Table 2.6
Unregulated Contaminant Organics to be Monitored.

Group A	
1. Chloroform	12. Chloromethane
2. Bromodichloromethane	13. Bromoethane
3. Chlorodibromomethane	14. 1,2,3-Trichloropropane
4. Bromoform	15. 1,1,1,2-Tetrachloroethane
5. Chlorobenzene	16. Chloroethane
6. m-Dichlorobenzene	17. 2,2-Dichloropropane
7. Dibromomethane	18. o-Chlorotoluene
8. 1,1-Dichloropropene	19. p-Chlorotoluene
9. 1,1-Dichloroethane	20. Bromobenzene
10. 1,1,2,2-Tetrachloroethane	21. 1,3-Dichloropropene
11. 1,3-Dichloropropane	

Group B	
1. Aldrin	8. Metoachlor
2. Butachlor	9. Metribuzin
3. Carbaryl	10. Propachlor
4. Dicamba	11. Aldicarb
5. Dieldrin	12. Aldicarb sulfone
6. Methomyl	13. Aldicarb sulfoxide
7. 3-Hyposycarbofuran	

Table 2.7
Organic Chemical Monitoring Implementation Schedule
Inorganics to be Monitored.

4- Sulfate

Table 2.8
Organic Chemical Monitoring Implementation Schedule.

Number of Persons Served	Monitoring to Begin During the Quarter that Begins
over 10,000	January 1, 1988
3,300 to 10,000	January 1, 1989
less than 3,300	January 1, 1991

Table 2.9
PMCL Effective Dates.

Table 2.3, Organics Chemicals, VOC 1 through 8 (Phase I)	January 9, 1989
Total Trihalomethanes and Fluoride	July 1, 1991
Table 2.3, Organics Chemicals, VOC 9 through 18 and SOC 1 through 14 (Phase II VOCs and SOCs)	July 30, 1992
Asbestos, Cadmium, Chromium, Mercury, Nitrate, Nitrite, Total Nitrate+Nitrite, Selenium (Phase II IOCs)	July 30, 1992
Table 2.3, Organics Chemicals, SOC 15 through 18 and Table 2.2, Inorganic Chemicals, Barium (Phase II SOCs and IOCs)	January 1, 1993
Table 2.3, Organics Chemicals, VOC 19 through 21, SOC 19 through 33 and Table 2.2, Inorganic Chemicals; antimony, beryllium, cyanide (as free cyanide), nickel, and thallium	January 17, 1994

Table 2.10
Maximum Contaminant Level Goals for Microbiological Contaminants.

Contaminant	MCLG
Giardia lamblia	zero
Viruses	zero
Legionella	zero
Total coliforms (including fecal coliforms and Escherichia coli)	zero

Cryptosporidium	zero
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Table 2.11
Maximum Contaminant Level Goals for Disinfection Byproducts.

Disinfection byproduct	MCLG (mg/L)
Chloroform	Zero
Bromodichloromethane	Zero
Bromoform	Zero
Bromate	Zero
Dichloroacetic acid	Zero
Trichloroacetic acid	0.3
Chlorite	0.8
Dibromochloromethane	0.06

Table 2.12
Maximum Residual Disinfectant Level Goals (MRDLG) and Maximum Residual Disinfectant Levels (MRDL) for Disinfectants

Disinfectant residual	MRDLG(mg/L)	MRDL (mg/L)
Chlorine	4 (as Cl ₂)	4.0 (as Cl ₂)
Chloramines	4 (as Cl ₂)	4.0 (as Cl ₂)
Chlorine dioxide	0.8 (as ClO ₂)	0.8 (as ClO ₂)

Notwithstanding the MRDLs in Table 2.12, waterworks may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

Table 2.13
Primary Maximum Contaminant Levels (PMCL) for Disinfection Byproducts

Disinfection byproduct	Current PMCL ¹ (mg/L)	Future PMCL ² (mg/L)
Total trihalomethanes (TTHM)	0.10	0.080
Haloacetic acids (five) (HAA5)		0.060
Bromate		0.010
Chlorite		1.0

¹The primary maximum contaminant level (PMCL) of 0.10 mg/L for total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)) applies to community waterworks using surface water or groundwater under the direct influence of surface water that serve a population of 10,000 people or more until December 31, 2001. This level applies to community waterworks that use only groundwater not under the direct influence

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of surface water and that serve a population of 10,000 people or more until December 31, 2003. Compliance with the primary maximum contaminant level for total trihalomethanes is calculated pursuant to 12 VAC 5-590-370 C 2 b (2) (a) (i). After December 31, 2003, this PMCL is no longer applicable.

²Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water and serving 10,000 or more persons, must comply with this PMCL beginning January 1, 2002. Community or nontransient noncommunity waterworks that use surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and waterworks using only groundwater not under the direct influence of surface water must comply with this PMCL beginning January 1, 2004.

12 VAC 5-590-530. Reporting.

A. The results of any required monitoring activity shall be reported by the waterworks owner to the appropriate field office no later than the 10th day of the month following the month during which the tests were taken.

1. Waterworks required to sample quarterly must report to the appropriate field office within 10 days after the end of each quarter in which samples were collected.

2. Waterworks required to sample less frequently than quarterly must report to the appropriate field office within 10 days after the end of each monitoring period in which samples were collected.

B. It shall be the duty and responsibility of an owner to report to the appropriate field office in the most expeditious manner (usually by telephone) under the following circumstances. If it is done by telephone a confirming report shall be mailed as soon as practical.

1. When a bacteriological examination shows a repeat sample is required (see 12 VAC 5-590-380 D), a report shall be made within 48 hours. A waterworks owner must report a total coliform PMCL violation to the appropriate field office no later than the end of the next business day.

2. When the daily average of turbidity testing exceeds 5 NTU a report shall be made within 48 hours.

3. When a Primary Maximum Contaminant Level of an inorganic or organic chemical is exceeded for a single sample the owner shall report same within seven days. If any one sample result would cause the compliance average to be exceeded the owner shall report same in 48 hours.

4. When the average value of samples collected pursuant to 12 VAC 5-590-410 exceeds the Primary Maximum Contaminant Level of any organic or inorganic chemical the owner shall report same within 48 hours.

5. When the maximum contaminant level for radionuclides has been exceeded as determined by Table 2.5 the results shall be reported within 48 hours.

6. The waterworks owner shall report to the appropriate field office within 48 hours the failure to comply with the monitoring and sanitary survey requirements of this chapter.

7. The waterworks owner shall report to the appropriate field office within 48 hours the failure to comply with the requirements of any schedule prescribed pursuant to a variance or exemption.

C. Reporting requirements for filtration treatment and disinfection treatment.

1. The owner of a waterworks that provides filtration treatment shall report monthly to the division the following specified information beginning June 29, 1993, or when filtration is installed, whichever is later.

a. Turbidity measurements as required by 12 VAC 5-590-370 B 7 a shall be reported within 10 days after the end of each month the waterworks serves water to the public. Information that shall be reported includes:

(1) The total number of filtered water turbidity measurements taken during the month.

(2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 12 VAC 5-590-420 B 2 for the filtration technology being used.

(3) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

b. In addition, a waterworks serving at least 10,000 people using surface water or groundwater under the direct influence of surface water that provides conventional filtration treatment or direct filtration must report monthly to the commissioner the information specified in subdivisions C 1 b (1) and (2) of this section beginning January 1, 2002. Also, a waterworks that provides filtration approved under 12 VAC 5-590-420 B 2 d must report monthly to the commissioner the information specified in subdivision C 1 b (1) of this section beginning January 1, 2002. The reporting in subdivision C 1 b (1) of this section is in lieu of the reporting specified in C 1 a.

(1) Turbidity measurements as required by 12 VAC 5-590-420 B 2 a (3) must be reported within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

(a) The total number of filtered water turbidity measurements taken during the month.

(b) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in 12 VAC 5-590-420 B 2 a (3) or 12 VAC 5-590-420 B 2 d.

(c) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or that exceed the maximum level set by the commissioner under 12 VAC 590-420 B 2 d.

(2) Waterworks must maintain the results of individual filter monitoring taken under 12 VAC 5-590-370 B 7 b (1) for at least three years. Waterworks must report that they have conducted individual filter turbidity monitoring under 12 VAC 5-590-370 B 7 b (1) within 10 days after the end of each month the waterworks system serves

water to the public. Waterworks must report individual filter turbidity measurement results taken under 12 VAC 5-590-370 B 7 b (1) within 10 days after the end of each month the waterworks serves water to the public only if measurements demonstrate one or more of the conditions in subdivisions C 1 b (2) (a) through (d) of this section. Waterworks that use lime softening may apply to the commissioner for alternative exceedance levels for the levels specified in subdivisions C 1 b (2) (a) through (d) of this section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(a) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the waterworks must report the filter number, the turbidity measurement, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must either produce a filter profile for the filter within seven days of the exceedance (if the waterworks is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

(b) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the waterworks must report the filter number, the turbidity, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must either produce a filter profile for the filter within seven days of the exceedance (if the waterworks is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

(c) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the waterworks must report the filter number, the turbidity measurement, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must conduct a self-assessment of the filter within 14 days of the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

(d) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the

waterworks must report the filter number, the turbidity measurement, and the date, or dates, on which the exceedance occurred. In addition, the waterworks must arrange for the conduct of a comprehensive performance evaluation by the commissioner or a third party approved by the commissioner no later than 30 days following the exceedance and have the evaluation completed and submitted to the commissioner no later than 90 days following the exceedance.

2. Disinfection information specified below shall be reported to the division within 10 days after the end of each month the waterworks serves water to the public. Information that shall be reported includes:

a. For each day, the lowest measurement of residual disinfectant concentration in mg/L in water entering the distribution system.

b. The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/L and when the division was notified of the occurrence.

c. The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 12 VAC 5-590-420 B.

(1) Number of instances where the residual disinfectant concentration is measured;

(2) Number of instances where the residual disinfectant concentration is not measured but HPC is measured;

(3) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

(4) Number of instances where no residual disinfectant concentration is detected and where HPC is greater than 500/mL;

(5) Number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/mL;

(6) For the current and previous month the system serves water to the public, the value of "V" in percent in the following formula:

$$V = \frac{c + d + e}{a + b} \times 100$$

a = the value in subdivision C 2 c (1) of this section

b = the value in subdivision C 2 c (2) of this section

c = the value in subdivision C 2 c (3) of this section

d = the value in subdivision C 2 c (4) of this section

e = the value in subdivision C 2 c (5) of this section

(7) If the division determines, based on site specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC

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by a certified laboratory within the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision C 2 c (1) through (6) of this section do not apply.

d. A waterworks owner need not report the data listed in subdivision C 2 a of this section if all data listed in subdivisions C 2 a through c of this section remain on file at the waterworks and the division determines that the waterworks owner has submitted all of the information required by subdivisions C 2 a through c of this section for the last 12 months.

3. Additional reporting requirements.

a. Each waterworks owner, upon discovering that a waterborne disease outbreak potentially attributable to that waterworks has occurred, shall report that occurrence to the division as soon as possible, but no later than by the end of the next business day.

b. If at any time the turbidity exceeds 5 NTU, the waterworks owner shall inform the division as soon as possible, but no later than the end of the next business day.

c. Additional reporting requirements for waterworks serving at least 10,000 people.

(1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a waterworks using conventional filtration treatment or direct filtration, the waterworks must inform the commissioner as soon as possible, but no later than the end of the next business day.

(2) If at any time the turbidity in representative samples of filtered water exceed the maximum level set by the commissioner in 12 VAC 5-590-420 B 2 d for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the waterworks must inform the commissioner as soon as possible, but no later than the end of the next business day.

d. If at any time the chlorine residual falls below 0.2 mg/L in the water entering the distribution system, the waterworks owner shall notify the division as soon as possible, but no later than by the end of the next business day. The waterworks owner also shall notify the division by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within four hours.

D. Reporting requirements for lead and copper. All waterworks owners shall report all of the following information to the appropriate field office ~~district engineer~~ in accordance with this section.

1. Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring.

a. *Except as provided in subdivision D 1 a (8) of this section*, a waterworks owner shall report the information specified below for all tap water samples *specified in*

12 VAC 5-590-370 B 6 a and for all water quality parameter samples specified in 12 VAC 5-590-370 B 6 b within the first 10 days following the end of each applicable monitoring period specified in 12 VAC 5-590-370 B 6 a, and b and e (i.e., every six months, annually, or every three years, or every nine years).

(1) The results of all tap samples for lead and copper including location or a location site code and the criteria under 12 VAC 5-590-370 B 6 a (1) (c), (d), (e), (f) and/or (g) under which the site was selected for the waterworks' sampling pool;

(2) ~~A certification that each first draw sample collected by the waterworks is one liter in volume and, to the best of their knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours. Documentation for each tap water lead sample or copper sample for which the waterworks owner requests invalidation pursuant to 12 VAC 5-590-370 B 6 a (6) (b);~~

(3) ~~Where residents collected samples, a certification that each tap sample collected by the residents was taken after the waterworks owner informed them of proper sampling procedures specified in 12 VAC 5-590-370 B 6 a (2) (b) [Reserved];~~

(4) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with 12 VAC 5-590-410 E 3), *unless the district engineer calculates the 90th percentile lead and copper levels under subdivision D 8 of this section;*

(5) With the exception of initial tap sampling conducted pursuant to 12 VAC 5-590-370 B 6 a (4) (a), the waterworks owner shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

(6) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under 12 VAC 5-590-370 B 6 b (2) through (5);

(7) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under 12 VAC 5-590-370 B 6 b (2) through (5);;

(8) *The waterworks owner shall report the results of all water quality parameter samples collected under 12 VAC 5-590-370 B (6) b (3) through (6) during each six-month monitoring period specified in 12 VAC 5-590-370 B (6) b (4) within the first 10 days following the end of the monitoring period unless the commissioner has specified a more frequent reporting requirement.*

b. ~~By the applicable date in 12 VAC 5-590-370 B 6 a (4) (a) for commencement of monitoring, the owner of each community waterworks which does not complete the targeted sampling pool with tier 1 sampling sites meeting~~

the criteria in 12 VAC 5-590-370 B 6 a (1) (e) shall send a letter to the appropriate field office justifying the selection of tier 2 and/or tier 3 sampling sites under 12 VAC 5-590-370 B 6 a (1) (d) and/or (e). The owner of a nontransient noncommunity waterworks, or a community waterworks meeting the criteria of 12 VAC 5-590-420 F 3 g (1) and (2), that does not have enough taps that can provide first-draw samples must either:

(1) Provide written documentation to the commissioner identifying standing times and locations for enough non-first-draw samples to make up the sampling pool under 12 VAC 5-590-370 B 6 a (2) (e) by the start of the first applicable monitoring period under 12 VAC 5-590-370 B 6 a (4) that commences after April 11, 2000, unless the commissioner has waived prior approval of non-first-draw sample sites selected by the waterworks owner pursuant to 12 VAC 5-590-370 B 6 a (2) (e); or

(2) If the commissioner has waived prior approval of non-first-draw sample sites selected by the waterworks owner, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to 12 VAC 5-590-370 B 6 a (2) (e) and include this information with the lead and copper tap sample results required to be submitted pursuant to subdivision D 1 a (1) of this section.

c. ~~By the applicable date in 12 VAC 5-590-370 B 6 a (4) (a) for commencement of monitoring, the owner of each nontransient, noncommunity waterworks which does not complete the sampling pool with tier 1 sampling sites meeting the criteria in 12 VAC 5-590-370 B 6 a (1) (f) shall send a letter to the appropriate field office justifying the selection of sampling sites under 12 VAC 5-590-370 B 6 a (1) (g). No later than 60 days after the addition of a new source or any change in water treatment, unless the commissioner requires earlier notification, a waterworks owner deemed to have optimized corrosion control under 12 VAC 5-590-420 C 2 b (3), a waterworks owner subject to reduced monitoring pursuant to 12 VAC 5-590-370 B 6 a (4) (d), or a waterworks owner subject to a monitoring waiver pursuant to 12 VAC 5-590-370 B 6 a (7), shall send written documentation to the commissioner describing the change. In those instances where prior approval of the treatment change or new source is not required, waterworks owners are encouraged to provide the notification to the commissioner beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.~~

d. ~~By the applicable date in 12 VAC 5-590-370 B 6 a (4) (a) for commencement of monitoring, the owner of each waterworks with lead service lines that is not able to locate the number of sites served by such lines required under 12 VAC 5-590-370 B 6 a (1) (b) (i) shall send a letter to the appropriate field office demonstrating why the owner was unable to locate a sufficient number of such sites based upon the information listed in 12 VAC 5-590-370 B 6 a (1) (b). The owner of any small waterworks applying for a monitoring waiver under 12 VAC 5-590-370 B 6 a (7) or subject to a waiver~~

~~granted pursuant to 12 VAC 5-590-370 B 6 a (7) (c), shall provide the following information to the commissioner in writing by the specified deadline:~~

~~(1) By the start of the first applicable monitoring period in 12 VAC 5-590-370 B 6 a (4), the owner of any small waterworks applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of 12 VAC 5-590-370 B 6 a (7) (a) and (b).~~

~~(2) No later than nine years after the monitoring previously conducted pursuant to 12 VAC 5-590-370 B 6 a (7) (b) or (d) (i), the owner of each small waterworks desiring to maintain its monitoring waiver shall provide the information required by 12 VAC 5-590-370 B 6 a (7) (d) (i) and (ii).~~

~~(3) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, the owner of each small waterworks with a monitoring waiver shall provide written notification to the commissioner, setting forth the circumstances resulting in the lead-containing and/or copper-containing materials being introduced into the waterworks and what corrective action, if any, the owner plans to remove these materials.~~

~~(4) By October 10, 2000, the owner of any small waterworks with a waiver granted prior to April 11, 2000, that has not previously met the requirements of 12 VAC 5-590-370 B 6 a (7) (b) shall provide the information required by that subdivision.~~

~~e. Each waterworks owner who requests that the commissioner reduce the number and frequency of sampling shall provide the information required under 12 VAC 5-590-370 B 6 a (4) (d). The owner of each ground water waterworks that limits water quality parameter monitoring to a subset of entry points under 12 VAC 5-590-370 B 6 b (3) (c) shall provide, by the commencement of such monitoring, written correspondence to the commissioner that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the waterworks.~~

2. Water supply (source water) monitoring reporting requirements.

a. A waterworks owner shall report the sampling results for all source water samples collected in accordance with 12 VAC 5-590-370 B 6 c within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in 12 VAC 5-590-370 B 6 c.

b. With the exception of the first round of source water sampling conducted pursuant to 12 VAC 5-590-370 B 6 c (2), the waterworks owner shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

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3. Corrosion control treatment reporting requirements. By the applicable dates under 12 VAC 5-590-420 C 2, waterworks owners shall report the following information:

a. For waterworks demonstrating that they have already optimized corrosion control, information required in 12 VAC 5-590-420 C 2 b (2) or (3).

b. For waterworks required to optimize corrosion control, the owner's recommendation regarding optimal corrosion control treatment under 12 VAC 5-590-420 C 1 a.

c. For waterworks required to evaluate the effectiveness of corrosion control treatments under 12 VAC 5-590-420 C 1 c, the information required by that paragraph.

d. For waterworks required to install optimal corrosion control designated by the commissioner under 12 VAC 5-590-420 C 1 d (1), a letter certifying that the owner has completed installing that treatment.

4. Water supply source water treatment reporting requirements. By the applicable dates in 12 VAC 5-590-420 D, waterworks owners shall provide the following information to the appropriate ~~field office~~ *district engineer*:

a. If required under 12 VAC 5-590-420 D 2 a, the owner's recommendation regarding source water treatment;

b. For waterworks required to install source water treatment under 12 VAC 5-590-420 D 2 b, a letter certifying that the waterworks has completed installing the treatment designated by the commissioner within 24 months after the commissioner designated the treatment.

5. Lead service line replacement reporting requirements. Waterworks owners shall report the following information to the appropriate ~~field office~~ *district engineer* to demonstrate compliance with the requirements of 12 VAC 5-590-420 E:

a. Within 12 months after a waterworks exceeds the lead action level in sampling referred to in 12 VAC 5-590-420 E 1, the owner shall demonstrate in writing to the appropriate ~~field office~~ *district engineer* that the owner has conducted a materials evaluation, including the evaluation in 12 VAC 5-590-370 B 6 a (1), to identify the initial number of lead service lines in the distribution system, and shall provide the appropriate ~~field office~~ *district engineer* with the waterworks' schedule for replacing annually at least 7.0% of the initial number of lead service lines in its distribution system.

b. Within 12 months after a waterworks exceeds the lead action level in sampling referred to in 12 VAC 5-590-420 E 1, and every 12 months thereafter, the waterworks owner shall demonstrate to the appropriate ~~field office~~ *district engineer* in writing that the waterworks owner has either:

(1) Replaced in the previous 12 months at least 7.0% of the initial lead service lines (or a greater number of lines specified by the commissioner under 12 VAC 5-590-420 E 6) in the distribution system, or

(2) Conducted sampling which demonstrates that the lead concentration in all service line samples from an

individual line(s), taken pursuant to 12 VAC 5-590-370 B 6 a (7) (c), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in 12 VAC 5-590-420 E 3 shall equal at least 7.0% of the initial number of lead lines identified under subdivision D 5 a of this section (or the percentage specified by the commissioner under 12 VAC 5-590-420 E 6).

c. The annual letter submitted to the appropriate field office under subdivision D 5 b of this section shall contain the following information:

(1) The number of lead service lines scheduled to be replaced during the previous year of the waterworks' replacement schedule;

(2) The number and location of each lead service line replaced during the previous year of the waterworks' replacement schedule;

(3) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

~~d. As soon as practicable, but in no case later than three months after a waterworks exceeds the lead action level in sampling referred to in 12 VAC 5-590-420 E 1, any waterworks owner seeking to rebut the presumption that it has control over the entire lead service line pursuant to 12 VAC 5-590-420 E 4 shall submit a letter to the appropriate field office describing the legal authority (e.g., state statutes, municipal ordinances, public service contracts or other applicable legal authority) which limits the waterworks owner's control over the service lines and the extent of the waterworks owner's control. The owner of any waterworks that collects lead service line samples following partial lead service line replacement required by 12 VAC 5-590-420 E shall report the results to the commissioner within the first 10 days of the month following the month in which the owner receives the laboratory results, or as specified by the commissioner. Waterworks owners shall also report any additional information as specified by the commissioner, and in a time and manner prescribed by the commissioner, to verify that all partial lead service line replacement activities have taken place.~~

6. Public education program reporting requirements. ~~By December 31st of each year, the owner of any waterworks that is subject to the public education requirements in 12 VAC 5-590-420 F shall submit a letter to the appropriate field office demonstrating that the waterworks owner has delivered the public education materials that meet the content requirements in 12 VAC 5-590-420 F 1 and 2 and the delivery requirements in 12 VAC 5-590-420 F 3. This information shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the owner delivered public education materials during the previous year. The owner shall submit the letter required by this paragraph annually for as long as it exceeds the lead action level.~~

a. The owner of any waterworks that is subject to the public education requirements in 12 VAC 5-590-420 F shall, within 10 days after the end of each period in which the owner is required to perform public education tasks in accordance with 12 VAC 5-590-420 F 3, send written documentation to the commissioner that contains:

(1) A demonstration that the waterworks owner has delivered the public education materials that meet the content requirements in 12 VAC 5-590-420 F 1 and 2 and the delivery requirements in 12 VAC 5-590-420 F 3; and

(2) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the waterworks owner delivered public education materials during the period in which the owner was required to perform public education tasks.

b. Unless required by the commissioner, a waterworks owner that previously has submitted the information required by subdivision D 6 (a) (2) of this section need not resubmit the information required by subdivision D 6 (a) (2) of this section, as long as there have been no changes in the distribution list and the owner certifies that the public education materials were distributed to the same list submitted previously.

7. Reporting of additional monitoring data. The owner of any waterworks which collects sampling data in addition to that required by this subpart shall report the results to the appropriate ~~field office~~ district engineer within the first 10 days following the end of the applicable monitoring period under 12 VAC 5-590-370 B 6 a, b and c during which the samples are collected.

8. Reporting of 90th percentile lead and copper concentrations where the district engineer calculates a waterworks 90th percentile concentrations. A waterworks owner is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by subdivision D 1 a (4) of this section if:

a. The commissioner has previously notified the waterworks owner that the district engineer will calculate the waterworks 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to subdivision D 8 (b) (1) of this section, and has specified a date before the end of the applicable monitoring period by which the waterworks owner must provide the results of lead and copper tap water samples;

b. The waterworks owner has provided the following information to the district engineer by the date specified in subdivision D 8 (a) of this section:

(1) The results of all tap samples for lead and copper including the location of each site and the criteria under 12 VAC 5-590-370 B 6 a (1) (c) through (g) under which the site was selected for the waterworks sampling pool, pursuant to subdivision D 1 a (1) of this section; and

(2) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

c. The district engineer has provided the results of the 90th percentile lead and copper calculations, in writing, to the waterworks owner before the end of the monitoring period.

E. Reporting requirements for disinfection byproducts. Waterworks must report the following information in accordance with subsection A of this section. (The field office may choose to perform calculations and determine whether the PMCL was violated, in lieu of having the waterworks report that information):

1. A waterworks monitoring for TTHM and HAA5 under the requirements of 12 VAC 5-590-370 B 3 b on a quarterly or more frequent basis must report:

- a. The number of samples taken during the last quarter.
- b. The location, date, and result of each sample taken during the last quarter.
- c. The arithmetic average of all samples taken in the last quarter.
- d. The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters.
- e. Whether, based on 12 VAC 5-590-390 C 2 b (2), the PMCL was violated.

2. A waterworks monitoring for TTHMs and HAA5 under the requirements of 12 VAC 5-590-370 B 3 b less frequently than quarterly (but at least annually) must report:

- a. The number of samples taken during the last year.
- b. The location, date, and result of each sample taken during the last monitoring period.
- c. The arithmetic average of all samples taken over the last year.
- d. Whether, based on 12 VAC 5-590-390 C 2 b (2), the PMCL was violated.

3. A waterworks monitoring for TTHMs and HAA5 under the requirements of 12 VAC 5-590-370 B 3 b less frequently than annually must report:

- a. The location, date, and result of the last sample taken.
- b. Whether, based on 12 VAC 5-590-390 C 2 b (2), the PMCL was violated.

4. A waterworks monitoring for chlorite under the requirements of 12 VAC 5-590-370 B 3 b must report:

- a. The number of entry point samples taken each month for the last three months.
- b. The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter.

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c. For each month in the reporting period, the arithmetic average of all samples taken in each three sample set taken in the distribution system.

d. Whether, based on 12 VAC 5-590-390 C 2 b (2) (c), the PMCL was violated, in which month and how many times it was violated each month.

5. A waterworks monitoring for bromate under the requirements of 12 VAC 5-590-370 B 3 b must report:

a. The number of samples taken during the last quarter.

b. The location, date, and result of each sample taken during the last quarter.

c. The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.

d. Whether, based on 12 VAC 5-590-390 C 2 b (2) (b), the PMCL was violated.

F. Reporting requirements for disinfectants. Waterworks must report the information specified below in accordance with subsection A of this section. (The field office may choose to perform calculations and determine whether the MRDL was violated, in lieu of having the waterworks report that information):

1. A waterworks monitoring for chlorine or chloramines under the requirements of 12 VAC 5-590-370 B 3 b must report:

a. The number of samples taken during each month of the last quarter.

b. The monthly arithmetic average of all samples taken in each month for the last 12 months.

c. The arithmetic average of all monthly averages for the last 12 months.

d. Whether, based on 12 VAC 5-590-410 C 2 b (3) (a), the MRDL was violated.

2. A waterworks monitoring for chlorine dioxide under the requirements of 12 VAC 5-590-370 B 3 b must report:

a. The dates, results, and locations of samples taken during the last quarter.

b. Whether, based on 12 VAC 5-590-410 C 2 b (3) (b), the MRDL was violated.

c. Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.

G. Reporting requirements for disinfection byproduct precursors and enhanced coagulation or enhanced softening. Waterworks must report the following information in accordance with subsection A of this section. (The field office may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the waterworks report that information):

1. A waterworks monitoring monthly or quarterly for TOC under the requirements of 12 VAC 5-590-370 B 3 b and required to meet the enhanced coagulation or enhanced

softening requirements in 12 VAC 5-590-420 H 2 b or c must report:

a. The number of paired (source water and treated water) samples taken during the last quarter.

b. The location, date, and results of each paired sample and associated alkalinity taken during the last quarter.

c. For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.

d. Calculations for determining compliance with the TOC percent removal requirements, as provided in 12 VAC 5-590-420 H 3 a.

e. Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in 12 VAC 5-590-420 H 2 a for the last four quarters.

2. A waterworks monitoring monthly or quarterly for TOC under the requirements of 12 VAC 5-590-370 B 3 b and meeting one or more of the alternative compliance criteria in 12 VAC 5-590-420 H 1 b or c must report:

a. The alternative compliance criterion that the system is using.

b. The number of paired samples taken during the last quarter.

c. The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.

d. The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in 12 VAC 5-590-420 H 1 b (2) or (3) or of treated water TOC for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (2).

e. The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (5) or of treated water SUVA for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (6).

f. The running annual average of source water alkalinity for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (3) and of treated water alkalinity for systems meeting the criterion in 12 VAC 5-590-420 H 1 c (1).

g. The running annual average for both TTHM and HAA5 for systems meeting the criterion in 12 VAC 5-590-420 H 1 b (3) or (4).

h. The running annual average of the amount of magnesium hardness removal (as CaCO₃, in mg/L) for systems meeting the criterion in 12 VAC 5-590-420 H 1 c (2).

i. Whether the system is in compliance with the particular alternative compliance criterion in 12 VAC 5-590-420 H 1 b or c.

H. Reporting of analytical results to the appropriate field office will not be required in instances where the state laboratory performs the analysis and reports same to that office.

I. Information to be included on the operation monthly report shall be determined by the division for each waterworks on an individual basis. Appendix G contains suggested monthly operation report requirements.

APPENDIX M. LEAD AND COPPER

LEAD AND COPPER

Table M1

Monitoring Frequency for Initial Sampling Requirements

PWS Size	Monitoring Type	Location	No. Samples	Frequency	
Large PWSs >100,000	Lead and Copper Water Quality Parameters Source Water	Taps	100	6 months	
		Distribution System Entry Points	25	Twice per 6 months	
	50,001-100,000	Lead and Copper Water Quality Parameters Source Water	Taps	1	6 months*
			Distribution System Entry Points	1	Twice per 6 months
		Lead and Copper Water Quality Parameters Source Water	Taps	60	6 months
			Distribution System Entry Points	10	Twice per 6 months
Medium PWSs 10,001-50,000	Lead and Copper If ALs Exceeded Water Quality Parameters Source Water	Taps	60	6 months	
		Distribution System Entry Points	10	Twice per 6 months	
	3,301-10,000	Lead and Copper Water Quality Parameters Source Water	Taps	1	6 months
			Distribution System Entry Points	1	Twice per 6 months
		Lead and Copper If ALs Exceeded Water Quality Parameters Source Water	Taps	40	6 months
			Distribution System Entry Points	3	Twice per 6 months
Small PWSs 501-3,300	Lead and Copper If ALs Exceeded Water Quality Parameters Source Water	Taps	1	6 months	
		Distribution System Entry Points	1	Twice per 6 months	
	101-500	Lead and Copper Water Quality Parameters Source Water	Taps	10	6 months
			Distribution System Entry Points	1	Twice per 6 months
		Lead and Copper Water Quality Parameters Source Water	Taps	1	6 months
			Distribution System Entry Points	1	Twice per 6 months
≤100	Lead and Copper** If ALs Exceeded Water Quality Parameters	Taps	5	6 months	
		Distribution System	1	Twice per 6 months	

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	Source Water Lead and Copper Water Quality Parameters	Entry Points	1 1	6 months Twice per 6 months
Nontransient Noncommunity Water Systems	Lead and Copper Water Quality Parameters	Taps Distribution System	No more than one per building per monitoring period	

*If system wants to attempt to demonstrate optimization based on difference between source water levels and 90% tap level. Otherwise, one sample per entry point required if an AL is exceeded.

**For lead and copper monitoring, 20% of the homes may be used in lieu of the required if there are less than 5 or 10 available sites, respectively.

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Table M2

Monitoring Frequency for Follow-up and Routine Sampling Requirements

PWS Size	Monitoring Type	Location	No. Samples	Frequency		
Large PWSs >100,000	Lead and Copper Water Quality Parameters	Taps	100	6 months		
		Distribution System	25	Twice per 6 months		
	Source Water	Entry Points	Lead and Copper	1	6 months*	
			Water Quality Parameters	1	Biweekly	
	50,001-100,000	Lead and Copper Water Quality Parameters	Taps	60	6 months	
			Distribution System	10	Twice per 6 months	
Source Water		Entry Points	Lead and Copper	1	6 months*	
			Water Quality Parameters	1	Biweekly	
Medium PWSs 10,001-50,000	Lead and Copper Water Quality Parameters	Taps	60	6 months		
		Distribution System	10	Twice per 6 months		
	Source Water	Entry Points	Lead and Copper	1	6 months*	
			Water Quality Parameters	1	Biweekly	
	3,301-10,000	Lead and Copper Water Quality Parameters	Taps	40	6 months	
			Distribution System	3	Twice per 6 months	
Source Water		Entry Points	Lead and Copper	1	6 months*	
			Water Quality Parameters	1	Biweekly	
Small PWSs 501-3,300	Lead and Copper Water Quality Parameters	Taps	20	6 months		
		Distribution System	2	Twice per 6 months		
	Source Water	Entry Points	Lead and Copper	1	6 months*	
			Water Quality Parameters	1	Biweekly	
	101-500	Lead and Copper Water Quality Parameters	Taps	10	6 months	
			Distribution System	1	Twice per 6 months	
		Source Water	Entry Points	Lead and Copper	1	6 months
				Water Quality Parameters	1	Biweekly
	<£100	Lead and Copper** Water Quality Parameters	Taps	5	6 months	
			Distribution System	1	Twice per 6 months	
		Source Water	Entry Points	Lead and Copper	1	6 months*
				Water Quality Parameters	1	Biweekly

Nontransient Noncommunity Water Systems	Lead and Copper Water Quality Parameters	Taps Distribution System	No more than one per building per monitoring period
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*If source water treatment installed; otherwise, see ~~reduced~~ *reduced* monitoring requirements.

**For lead and copper monitoring, 20% of the homes may be used in lieu of the required if there are less than 5 or 10 available sites, respectively.

LEAD AND COPPER

Table M3

Monitoring Frequency for Reduced Sampling Requirements

PWS Size	Monitoring Type	Reduced* Monitoring	Ultimate Reduced** Monitoring
Large PWSs >100,000	Lead and Copper Water Quality Parameters Points of Entry	50 per year 10 twice per 6 months	50 per 3 years 10 twice per year
	Lead and Copper Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
50,001-100,000	Lead and Copper Water Quality Parameters Points of Entry	30 per year 7 twice per 6 months	30 per 3 years 7 twice per year
	Lead and Copper Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
Medium PWSs 10,001-50,000	Lead and Copper Water Quality Parameters Points of Entry	30 per year 7 twice per 6 months	30 per 3 years 7 twice per year
	Lead and Copper Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
3,301-10,000	Lead and Copper Water Quality Parameters Points of Entry	20 per year 3 twice per 6 months	20 per 3 years 3 twice per year
	Lead and Copper Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
Small PWSs 501-3,300	Lead and Copper Water Quality Parameters Points of Entry	10 per year 2 twice per 6 months	10 per 3 years 2 twice per year
	Lead and Copper Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly
101-500	Lead and Copper Water Quality Parameters Points of Entry	5 per year 1 twice per 6 months	5 per 3 years 1 twice per year
	Lead and Copper Groundwater Supply	1 per 3 years	1 per 9 years

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≤£100	Surface Water Supply Water Quality Parameters	Annually Biweekly	1 per 9 years Biweekly
	Lead and Copper Water Quality Parameters Points of Entry	5 per year 1 twice per 6 months	5 per 3 years 1 twice per year
	Lead and Copper Groundwater Supply Surface Water Supply Water Quality Parameters	1 per 3 years Annually Biweekly	1 per 9 years 1 per 9 years Biweekly

Table M4

SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS¹

Monitoring Period	Parameters ²	Location	Frequency
Initial Monitoring	pH, alkalinity, orthophosphate or silica, ³ calcium, conductivity, temperature	Taps and at entry point(s) to distribution system	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, orthophosphate or silica, ³ calcium ⁴	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system ⁶	Biweekly No less frequently than every two weeks.
After State Specifies Parameter Values For Optimal Corrosion Control	pH, alkalinity, orthophosphate or silica, ³ calcium ⁴	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly No less frequently than every two weeks.
Reduced Monitoring	pH, alkalinity, orthophosphate or silica, ³ calcium ⁴	Taps	Every six months, annually ⁷ or every 3 years ⁸ at a reduced number of sites
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly No less frequently than every two weeks.

¹Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

²Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

³Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

⁴Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

⁵Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

⁶Groundwater systems may limit monitoring to representative locations throughout the system.

⁷Waterworks may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if they maintain the minimum values or range of values for water quality parameters reflecting optimal corrosion control treatment during three consecutive years of monitoring.

⁸Waterworks may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every three years if they have maintained the minimum values or range of values for water quality parameters reflecting optimal corrosion control treatment during three consecutive years of annual monitoring. Waterworks may accelerate the triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the Commissioner under 12 VAC 5-590-420 C 1 f as representing optimal corrosion control during two consecutive six-month periods.

VA.R. Doc. No. R03-173; Filed April 9, 2003, 2:08 p.m.



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TITLE 15. JUDICIAL

VIRGINIA STATE BAR

REGISTRAR'S NOTICE: The Virginia State Bar 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: 15 VAC 5-80. Regulations under The Virginia Consumer Real Estate Settlement Protection Act (amending 15 VAC 5-80-50).

Statutory Authority: § 6.1-2.25 of the Code of Virginia.

Effective Date: April 11, 2003.

Agency Contact: Mary Yancey Spencer, Deputy Executive Director, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219, telephone (804) 775-0575, FAX (804) 775-0501 or e-mail spencer@vsb.org.

Summary:

The amendments clarify the procedures for investigating and prosecuting violations of CRESPA and these regulations by attorney settlement agents. They will effect the following procedural changes:

1. Authorize the bar to dismiss unfounded CRESPA complaints;
2. Allow respondents to submit written responses to CRESPA complaints but prevent respondents from initiating hearings on CRESPA complaints;
3. Permit the bar to initiate a hearing on CRESPA violations that were rectified after receipt of a CRESPA complaint;
4. Set forth a concise statement of policy and procedure governing the CRESPA regulations and the conduct of CRESPA violations hearings;
5. Establish clear and convincing evidence as the standard of proof for CRESPA hearings; and
6. Clarify that a respondent's prior disciplinary record and prior record of CRESPA violations shall be furnished to the disciplinary board in the sanction stage of a CRESPA hearing.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:15 VA.R. 2253-2255 April 7, 2003, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-142; Filed April 11, 2003, 11:18 a.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Division of Energy Regulation

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 that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 20 VAC 5-312. Rules Governing Retail Access to Competitive Energy Services (amending 20 VAC 5-312-20).

Statutory Authority: §§ 12.1-13 and 56-593 of the Code of Virginia.

Effective Date: April 10, 2003.

Agency Contact: Tommy Oliver, Assistant Director, Division of Economics and Finance, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9295, FAX (804) 371-9935, toll-free 1-800-552-7945 or e-mail tolover@scc.state.va.us.

Summary:

The amendment requires that competitive service providers subject to the Virginia Electric Utility Restructuring Act maintain records identifying persons or entities performing promotional or marketing activities on behalf of, or in conjunction with, such competitive service providers.

AT RICHMOND, APRIL 9, 2003

COMMONWEALTH OF VIRGINIA

CASE NO. PUE-2002-00174

At the relation of the

STATE CORPORATION COMMISSION

Ex Parte: In the matter concerning the aggregation of retail electric customers under the provisions of the Virginia Electric Utility Restructuring Act

ORDER ADOPTING REVISED REGULATIONS

By Order dated March 18, 2002, the State Corporation Commission ("Commission") initiated this proceeding for the purpose of developing and refining policies, rules, and regulations for the provision of aggregation service.¹ We

¹ The Order directed the Staff to conduct an investigation concerning the following three topics: (i) licensing of aggregators, (ii) contractual relationships between aggregators and their customers, and (iii) the impact of incumbent electric utilities' relationships with aggregator affiliates on the development of effective competition within the Commonwealth.

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directed our Staff to conduct an investigation with respect to further refinement of the Commission's rules concerning aggregation, with input from a workgroup comprised of interested parties and stakeholders previously assembled in the Commission's proceeding that developed proposed rules governing retail access to competitive energy services.² Additionally, we directed our Staff to file a report on or before August 1, 2002, concerning the results of its investigation, together with any proposed changes to the Commission's Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules") 20 VAC 5-312-10 et seq.

On August 1, 2002, Staff filed its report ("Staff Report") outlining the issues examined in the course of its investigation along with the sole recommendation that 20 VAC 5-312-20 D of the Retail Access Rules be amended to require licensed suppliers and aggregators to maintain information in their books and records identifying persons or entities with whom they have marketing relationships. Subsequent to the Staff filing its Report, we issued an Order dated September 20, 2002, by which we directed interested parties to file comments in response to Staff's Report. We received comments from three parties.

After having considered the Staff's Report and the comments filed in response thereto, by Order dated November 1, 2002, the Commission directed the publication of Staff's proposed change to 20 VAC 5-312-20 D in the Virginia Register of Regulations and established a procedural schedule to receive comments on Staff's Report. In our November 1, 2002, Order, after considering comments attached to Staff's Report filed by workgroup participants, we also directed Staff to file two reports on or before July 1, 2004. One report would encompass the impact on the development of a competitive market, of incumbent-affiliated aggregators and their activities in affiliated local distribution companies' service territories. The second report would assess the impact of aggregation contracts (particularly exit fees) on the development of competitive retail markets in the Commonwealth.

In response to our November 1, 2002, Order, we received comments from one party, Dominion Retail Inc. ("Retail"). Retail's comments did not take issue with the adoption of Staff's proposed change to 20 VAC 5-312-20 D. Rather, Retail argued that the two July 1, 2004, reports required of Staff were unnecessary.

NOW THE COMMISSION, upon consideration of the comments filed by workgroup participants, Staff's Report, and comments filed in response thereto, is of the opinion and finds that Staff's proposed changes to 20 VAC 5-312-20 D are reasonable and should be adopted. Further, while Retail's arguments concerning the July 1, 2004, Staff Reports are outside the scope of comments requested by our November 1, 2002, Order, we would simply reiterate that both reports will be beneficial to our assessment of aggregation's impact on the development of a competitive retail generation market.

Accordingly, IT IS ORDERED THAT:

² Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing rules for retail access, Case No. PUE-2001-00013 (Commission Order adopting rules entered on June 19, 2001).

(1) The proposed amendments to 20 VAC 5-312-20 D are adopted as set forth in Attachment A to this Order.

(2) A copy of this Order and the rules attached hereto as Attachment A shall be forwarded promptly for publication in the Virginia Register of Regulations.

(3) This docket shall remain open for the receipt of Staff's Report due on or before July 1, 2004, and for further Orders of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:6 VA.R. 988-994 December 2, 2002, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-65; Filed April 10, 2003, 4:46 p.m.

* * * * *

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 that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 20 VAC 5-400. Telecommunications (repealing 20 VAC 5-400-180).

Title of Regulation: 20 VAC 5-417. Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers (adding 20 VAC 5-417-10 through 20 VAC 5-417-80).

Title of Regulation: 20 VAC 5-429. Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters (adding 20 VAC 5-429-10 through 20 VAC 5-429-60).

Statutory Authority: §§ 12.1-13 and 56-265.4:4 of the Code of Virginia.

Effective Date: April 10, 2003.

Agency Contact: Sheree King, Telecommunication Competition Specialists, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9392, FAX (804) 371-9069, toll-free 1-800-552-7945 or e-mail sking@scc.state.va.us.

Summary:

The Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers, 20 VAC 5-417 (Local Rules), contain certain provisions previously found in 20 VAC 5-400-180, which is repealed. The Local Rules are revised to incorporate orders subsequently issued by the

commission after approval of 20 VAC 5-400-180, changes in commission practice and procedures, and to bring the text into conformance with the requirements of the Virginia Register Form, Style and Procedure Manual. In addition, 20 VAC 5-417 incorporates changes in the Code of Virginia enacted by the General Assembly in the 2002 Session. Chapter 489 (House Bill 1021) of the 2002 Acts of Assembly provides that localities that operated an electric distribution system as of March 1, 2002, may obtain certification from the commission as competitive local exchange carriers.

The Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters, 20 VAC 5-429, ("Inter-Carrier Rules") (both chapters being referred to as the Final Rules) are, for the most part, text directly from specific rules found in 20 VAC 5-400-180. The chapter does reflect the provisions of Chapter 489 (House Bill 1021) of the 2002 Acts of Assembly. Additionally, 20 VAC 5-429 incorporates changes to bring the provisions into conformance with the requirements of the Virginia Register Form, Style and Procedure Manual and various housekeeping and ministerial changes.

The Final Rules reflect a number of changes suggested by parties who provided comments. In addition, the Final Rules reflect some clarifications, corrections, or simplifications that were identified during the review process and, in some instances, a return to the original language of an existing rule.

Revisions to the Local Rules include a requirement that applicants provide true and correct copies of their organizational documents, rather than certified copies; that applicants provide the financial records of the entity responsible for financing an applicant as evidence of an applicant's financial ability; and, that a new entrant submit initial tariffs prior to offering local exchange telecommunications services and shall not provide said services until the tariffs have been accepted and are effective.

With regard to the certification and regulation of localities (MLECs), revisions include a requirement that an MLEC file data with the Division of Communications to demonstrate that, in the aggregate, revenues associated with intrastate telecommunications services cover incremental and any required imputed or allocated costs; that such filings be made 60 days after the end of the MLEC's calendar or fiscal year; and that an MLEC maintain incremental cost studies.

Revisions to the Inter-Carrier Rules are minor. Definitions are revised to be consistent with the Local Rules and a definition of "porting" is added.

AT RICHMOND, APRIL 9, 2003

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC-2002-00115

Ex Parte: In the matter of rules governing competitive local exchange carriers, localities as competitive local exchange carriers, and local

inter-carrier matters

ORDER ADOPTING RULES

On October 15, 2002, the State Corporation Commission ("Commission") issued an Order for Notice and Comment and/or Requests for Hearing on Proposed Rules ("Notice Order") in the above referenced proceeding.

In the Notice Order, the Commission stated that it was seeking to revise the existing Rules Governing the Offering of Competitive Local Exchange Telephone Service, 20 VAC 5-400-180, to reflect evolving changes in the certification process and the regulation of competitive local exchange carriers ("CLECs"), legislation to permit certification of localities to provide local exchange telecommunications services, and compliance with the requirements of the Virginia Code Commission. The Commission proposed to repeal the existing rules and divide a majority of the provisions into two new chapters. The first new chapter, 20 VAC 5-417-10, et seq., would be titled Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers ("Proposed Local Exchange Rules"). The second chapter, 20 VAC 5-429-10, et seq., would be titled Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters ("Proposed Inter-Carrier Rules"). The purpose of establishing the two sets of rules was to separate the certification and regulation of CLECs from the interconnection requirements among carriers.

The proposed rules were attached to the Notice Order, and the Commission directed that public notice be given and that interested persons be afforded an opportunity to file written comments or to request a hearing.

In response to the Notice Order, the Commission received comments from the following: Allegiance Telecom of Virginia, Inc.; Alliance for Rural Telecommunications Infrastructure ("Alliance"); AT&T Communications of Virginia, LLC ("AT&T"); the City Of Bristol; Cox Virginia Telecom, Inc. ("Cox"); LeClair Ryan, P.C.; Professional Telecommunication Consultants, Inc. ("Professional Telecommunication Consultants"); United Telephone-Southeast, Inc., Central Telephone Company of Virginia, and Sprint Communications of Virginia, Inc. (collectively, "Sprint"); Virginia Cable Television Association ("VCTA"); Verizon Virginia Inc. and Verizon South Inc. (collectively, "Verizon"); and WorldCom Inc. ("WorldCom"). One party, Sprint, requested a hearing.

With regard to the Proposed Local Exchange Rules, the comments focused on a variety of issues. Among the comments received, VCTA and Verizon called for the clarification of existing definitions or for the addition of new definitions. Alliance, AT&T, Cox, Professional Telecommunications Consultants, and VCTA expressed concerns regarding bond and escrow account requirements. Verizon proposed adopting a requirement that prevents CLECs from entering into exclusive arrangements with premises owners. Sprint offered extensive comments on the provisions applying to Municipal Local Exchange Carriers ("MLECs"). Cox, VCTA, and Verizon also offered comments on MLEC requirements. WorldCom and Sprint proposed that the Commission eliminate the price ceiling requirements for CLECs. Other comments indicated a preference for existing

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language in certain situations, pointed out the potential administrative burdens created by some proposed rules, or made points of clarification.

Relatively fewer comments were received on the Proposed Inter-Carrier Rules. The comments received focused on, among other things, clarification of definitions and number portability charges.

NOW UPON CONSIDERATION of the comments filed herein, the Commission is of the opinion and finds that we should revise the Proposed Local Exchange Rules and the Proposed Inter-Carrier Rules. We find that a public hearing is not required. The final rules will provide an updated framework for the certification and regulation of CLECs. The Commission believes that without further delay we should adopt final rules to reflect necessary changes since the existing rules were adopted to provide for MLEC certification and to comply with the requirements of the Virginia Code Commission. We will, therefore, revise the proposed regulations and adopt them as final rules to be appended to this Order as Attachment 1 and Attachment 2.

We will direct that this Order and the final regulations be published in the [Virginia Register of Regulations](#).

The revised Proposed Local Exchange Rules reflect a number of changes suggested by the persons providing comments, as well as some clarifications, corrections, or simplifications that were identified as necessary during the review process. We note, however, that we do not adopt major policy changes from those policies noticed in the Proposed Local Exchange Rules and Proposed Inter-Carrier Rules. In addition, we return to the current language of the existing rules in several instances, i.e., with regard to Commission approval of alternative pricing structures, where we agree that the proposed rule was not an improvement over the existing requirement.

Among other revisions, to ensure that additional administrative burdens are not inadvertently placed on applicants for CLEC certification, we require applicants to provide true and correct, rather than certified, copies of their organizational documents, and we provide that an entity responsible for financing an applicant may submit financial records as evidence of an applicant's financial ability. We clarify that a new entrant shall submit initial tariffs prior to offering local exchange telecommunications services and shall not provide said services until the tariffs have been accepted and are effective.

With regard to MLECs, we find it appropriate to revise the Proposed Local Exchange Rules to focus on the requirements found in § 56-265.4:4 of the Code of Virginia ("Code"), the statute pursuant to which the rules are promulgated. We delete proposed provisions related to other sections of the Code that may stand alone and that need not be included in the final rules. However, we recognize that HB 2397, passed by the 2003 General Assembly, would provide the Commission with additional jurisdiction. In response to comments received, we provide that an MLEC shall file data with the Division of Communications to demonstrate that, in the aggregate, revenues associated with intrastate telecommunications services cover incremental and any required imputed or allocated costs, and such filings shall be

made 60 days after the end of the MLEC's calendar or fiscal year during which services began to be provided. We also provide that an MLEC shall maintain incremental cost studies.

The Commission did not incorporate all of the comments received into the final rules. Among other things, we find certain comments or suggestions to be beyond the scope of this rulemaking. We did not adopt some proposed definitions as they were unnecessary or beyond the scope of the rules to be promulgated pursuant to § 56-265.4:4 of the Code.

With regard to the proposed bond and escrow requirements, we find that such requirements are appropriate in today's market. We believe that such requirements should afford customers with some recourse should a CLEC have operational difficulties or unexpectedly cease to provide service. We note that should an applicant believe that it should not be required to provide a bond or escrow account, the applicant may request a waiver of the rules. Indeed, an applicant always has the option to request a waiver of any provision of the rules. Therefore, such an option renders certain comments and suggestions unnecessary.

Finally, questions were raised about cost studies, the determination of incremental costs, cross-subsidization, and the appropriate treatment of MLECs. The Commission finds that the final rules adopted herein implement the necessary pricing and safeguard requirements for MLECs and are reasonable and equitable. However, we recognize that the issues are complex and that the parties have very disparate positions. We believe that certain concerns raised do not necessitate further rule requirements but can be more appropriately addressed in separate proceedings as the rules contemplate. Indeed, there is an active proceeding regarding Bristol's pricing of local exchange telecommunications services¹ that should assist the Commission in determining the effectiveness of its rules. Moreover, if we find this approach not to be the best practice, the Commission may initiate a further rulemaking to amend the final rules adopted herein.

The revised Proposed Inter-Carrier Rules contain very minor changes, primarily to reflect definition changes necessary to be consistent with draft revised Proposed Local Exchange Rules. A definition of "porting" has been added to reflect a clarification concern raised by one party.

Accordingly, IT IS ORDERED THAT:

- (1) We hereby adopt as final the regulations appended hereto as Attachment 1 and Attachment 2.
- (2) A copy of this Order and the rules adopted herein shall be forwarded promptly to the Registrar of Regulations for publication in the Virginia Register of Regulations.
- (3) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.

¹ *Petition of United Telephone-Southeast, Inc., For declaratory judgment interpreting various sections of the Code of Virginia, for injunction prohibiting the City of Bristol from providing telecommunications services in violation of state law, and for other relief*, Case No. PUC-2002-00231.

AN ATTESTED COPY HEREOF shall be served by the Clerk of the Commission to: David W. Ogburn, Jr., Assistant General Counsel, Verizon Virginia Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219-2441; Eric M. Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Donald G. Owens, Esquire, Troutman Sanders LLP, 1111 East Main Street, Richmond, Virginia 23219; JoAnne L. Nolte, Esquire, The Conrad Firm, 1508 West Main Street, Richmond Virginia 23220; James B. Wright, Senior Attorney, Sprint Mid-Atlantic Telecom, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; Cliona M. Robb, Esquire, and E. Ford Stephens, Esquire, Christian & Barton, L.L.P., 1200 Building, Suite 1200, 909 East Main Street, Richmond, Virginia 23219-3095; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd 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; the members of the Municipal Electric Power Association of Virginia as set out in Appendix C; and the Commission's Office of General Counsel and Division of Communications.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:4 VA.R. 617-628 November 4, 2002, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

20 VAC 5-400-180. [No change from proposed.]

CHAPTER 417.
RULES GOVERNING THE CERTIFICATION AND
REGULATION OF COMPETITIVE LOCAL EXCHANGE
CARRIERS.

20 VAC 5-417-10. Definitions.

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

"Attestation" means a written statement regarding compliance with a requirement or condition contained in this chapter, signed by an officer, director, or comparable official of the applicant or new entrant.

"Casual user service" means a local exchange telecommunications service of a competitive local exchange carrier or municipal local exchange carrier that does not require a customer to actively subscribe or contract with the competitive local exchange carrier or municipal local exchange carrier to use the service. For example, these services may require alternate billing arrangements such as a calling card to use the service.

"Competitive local exchange carrier" ("CLEC") means an entity certificated to provide local exchange telecommunications services in Virginia after January 1, 1996, pursuant to § 56-265.4:4 [B] of the Code of Virginia. An incumbent local exchange carrier shall be considered a CLEC in any territory that is outside the territory it was certificated to serve as of December 31, 1995, for which it obtains a

certificate to provide local exchange telecommunications services on or after January 1, 1996.

"Customer" means any person, firm, partnership, corporation, or lawful entity that purchases local exchange telecommunications services.

"Incumbent local exchange carrier" or "incumbent" ("ILEC") means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.

"Interconnection" means the point of interface between local exchange carriers' networks. Interconnection can be achieved at different points of the network.

"Local exchange carrier" means a certificated provider of local exchange telecommunications services, whether an incumbent or new entrant.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.

"Locality" means a city, town, or county that operates an electric distribution system in Virginia.

"Municipal local exchange carrier" ("MLEC") means a locality [~~that~~ ~~is~~] certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 [B] of the Code of Virginia.

"New entrant" means a CLEC or an MLEC.

20 VAC 5-417-20. Application requirements for certification.

A. An original and 15 copies of an application for a certificate of public convenience and necessity shall be filed with the Clerk of the Commission.

1. The applicant shall deliver a copy of the application to the Division of Communications and a copy to the Division of Economics and Finance at the same time it is filed with the Clerk of the Commission.

2. A copy of all confidential information filed under seal with the Clerk of the Commission in connection with the application shall be provided by the applicant, at the time of filing, to the Division of Communications, the Division of Economics and Finance, and the Office of General Counsel pursuant to 5 VAC 5-20-170.

3. Any amendment or supplement to the application shall be filed in compliance with this section.

B. Notice of the application shall be given to all certificated local exchange carriers and other interested parties in Virginia in a form to be prescribed by the commission pursuant to an order.

C. The application shall identify the applicant including: (i) its name, address, telephone number, fax number, and website address, if any; (ii) the name, address, telephone number, fax number, type of entity (e.g., corporation, limited liability company), and website address of its parent or parents, if any; (iii) a list of its officers and directors or, if the applicant is not a

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corporation, a list of its principals or comparable officials; (iv) a toll-free telephone number for customer complaints and inquiries, if available; and (v) the name, address, telephone number, fax number, and e-mail address of the primary in-house regulatory contact.

D. An incorporated CLEC applicant shall demonstrate that it is organized under the laws of Virginia as a public service company by providing ~~[the following:]~~ (i) a [true and correct] copy of its articles of incorporation and all amendments thereto, ~~[certified by the Clerk of the Commission]~~, and (ii) a ~~[certificate of good standing. copy of the]~~ certificate ~~[or certificates shall be dated no more than 60 days prior to the filing date of the application and order issued by the commission]~~.

E. An unincorporated CLEC applicant shall demonstrate that it is authorized to do business in the Commonwealth of Virginia by providing the following:

1. In the case of an unincorporated entity formed under the laws of Virginia: (i) a [true and correct] copy of its articles of organization, certificate of limited partnership, or other organizational document or documents, and all amendments thereto ~~[, certified by the Clerk of the Commission or by the clerk of the court where filed]~~; and (ii) ~~[if the entity is of record in the office of the Clerk of the Commission, a certificate of the clerk confirming that the entity is current in the payment of all annual registration or similar fees and late payment penalties, if any, assessed against it. The a copy of the]~~ certificate ~~[or certificates shall be dated no more than 60 days prior to the filing date of the application and order issued by the commission]~~.

2. In the case of an unincorporated entity formed under the laws of a jurisdiction other than Virginia: (i) a copy of the certificate or statement of registration to do business in Virginia issued to it by the commission, ~~[certified by the Clerk of the Commission; and]~~ (ii) a [true and correct] copy of its articles ~~[or of]~~ organization, certificate of limited partnership, or other organizational document or documents, and all amendments thereto ~~[, certified by the secretary of state or other official having custody of business entity records in the jurisdiction of its formation; and (iii) a certificate of the Clerk of the Commission confirming that the entity is current in the payment of all annual registration or similar fees and late payment penalties, if any, assessed against it. The certificate or certificates shall be dated no more than 60 days prior to the filing date of the application]~~.

F. ~~[An MLEC applicant shall include a copy of its applicable city, town, or county charter.]~~

~~[F. G.]~~ An applicant shall be required to show its financial, managerial, and technical ability to render local exchange telecommunications services.

1. To demonstrate financial ability, each CLEC applicant shall, at a minimum, provide the following:

a. The ~~[applicant's or its parent's]~~ per books balance sheet ~~[and ,]~~ income statement ~~[, and]~~ statement of changes in financial position of the applicant or the entity responsible for the financing of the applicant, ~~[]~~ for the two

most recent annual periods. Audited financial statements shall be provided, if available, including notes to the financial statements and auditor's letter. Published financial information that includes Securities and Exchange Commission forms 10K and 10Q shall be provided, if available.

b. A continuous performance or surety bond in a minimum amount of \$50,000, in a form to be prescribed by the commission staff. The bond shall be provided to the Division of Economics and Finance within ~~[45]~~ 30 days of ~~[an application being deemed complete]~~ the issuance of the Order for Notice and Comment.

2. To demonstrate financial ability, each MLEC applicant shall, at a minimum, provide the following information:

a. The two most recent annual financial statements for the entity responsible for financing. Financial statements shall include a balance sheet, income statement, ~~[cash flow]~~ statement ~~[of changes in financial position]~~, notes to the financial statements, and auditor's letter.

b. Proof of a minimum bond (or other senior debt) rating of "BB" or an equivalent rating by a major rating agency, or a guarantee by a guarantor possessing a credit rating of "BB" or higher from a major rating agency. In lieu of such minimum bond rating or guarantee, the applicant shall submit other evidence that will demonstrate financial responsibility. This evidence may include, but not necessarily be limited to, letters of credit, irrevocable lines of credit, and surety or performance bonds.

3. To demonstrate managerial and technical ability, each CLEC applicant shall, at a minimum, provide the following information:

a. A description of its or its parent's history and experience of providing telecommunications or other relevant services, if any;

b. Any documentation that supports its technical abilities; and

c. The managerial and technical experience of each principal officer or member and appropriate senior management and technical personnel.

4. To demonstrate managerial and technical ability, each MLEC applicant shall, at a minimum, provide the following information:

a. A description of the locality's history of providing electric distribution services and other utility services, if any;

b. A description of its experience in providing telecommunications or other relevant services, if any;

c. A list of the geographic areas in which it has provided and is currently providing utility, telecommunications, or other relevant services; and

d. The managerial and technical experience of senior management and technical personnel.

5. The applicant shall provide a list of the states where the applicant, parent, or any affiliate holds authority to provide

local exchange telecommunications services, interexchange telecommunications services, or both, and where service is actually being provided, including the date service was commenced for each.

6. The applicant shall also provide a list of any state where authorization was previously held or service was provided and subsequently discontinued and the applicable dates.

7. The applicant shall provide a list of the states where applicant, parent, or any affiliate has had certification or authorization denied, suspended, terminated, or revoked. The list shall include the reason for such denial, suspension, or revocation and copies of any orders issued by a state commission or regulatory authority addressing such action.

[~~G. H.~~] Each application shall include an illustrative tariff or tariffs, which shall include, at a minimum, the applicant's proposed terms and conditions of service. Applicants that desire to have any of their services deregulated or detariffed shall file such a proposal in accordance with 20 VAC 5-417-50.

[~~H. I.~~] Each application shall include the applicant's proposed form of regulation for its services if such form of regulation differs from that set forth in 20 VAC 5-417-50.

[~~I. J.~~] A CLEC application shall be for statewide authority unless otherwise requested by the CLEC. If less than statewide authority is being requested, the CLEC shall identify the geographic area or areas [~~(e.g., list of exchanges)~~] for which the CLEC is requesting authority to provide service.

[~~J. K.~~] An MLEC application shall identify the geographic area or areas for which the MLEC is requesting authority to provide service. The applicant should consult § 15.2-2160 A of the Code of Virginia for determining the limits of its proposed service area.

[~~K. L.~~] An MLEC applicant shall provide an attestation that it will comply with the requirements in 20 VAC 5-417-40, MLEC requirements.

[~~L. The applicant M. All applicants~~] shall provide an attestation that [~~# they~~] will comply with the requirements in 20 VAC 5-417-30, conditions for new entrants.

[~~M. An MLEC applicant shall provide an attestation to the status of its electric distribution facilities in place as of March 1, 2002.~~]

N. The MLEC applicant shall provide a map of its electric distribution facilities [in place as of March 1, 2002]. The map should be in sufficient detail to identify the city, town, and county boundaries.

O. Upon request of the commission staff, an applicant shall provide such information with respect to any of its services or practices as may be relevant to the review of the application.

20 VAC 5-417-30. Conditions for new entrants.

A. A new entrant shall, either directly or through arrangements with others, provide the following:

1. Access to 911 and E911 services;

2. White page directory listings;

3. Access to telephone relay services;

4. Access to directory assistance;

5. Access to operator services;

6. Equal access to interLATA long distance carriers;

7. Free blocking of 900- and 700-type services so long as the same requirement applies to incumbent local exchange companies; and

8. Interconnection on a nondiscriminatory basis with other local exchange carriers.

[~~B. An MLEC shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits, or other permanent distribution facilities owned, leased, or operated by the MLEC unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities.~~]

~~C. B.~~] To the extent economically and technically feasible, the new entrant shall provide service to all customers in the same service classification in its designated geographic service areas in accordance with its tariff offerings.

[~~D. C.~~] The new entrant shall have procedures to prevent deceptive and unfair marketing practices.

[~~E. D.~~] The new entrant shall be subject to applicable commission rules and regulations, including but not limited to, service quality and billing standards or rules, the rules governing disconnection of local exchange telephone service (i.e., 20 VAC 5-413), and rules governing the discontinuance of local exchange telecommunications services (i.e., 20 VAC 5-423).

[~~F. E.~~] The new entrant shall comply with the applicable intraLATA toll dialing parity requirements of local exchange carriers as determined in Case No. PUC-1997-00009, Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Implementation of IntraLATA Toll Dialing Parity pursuant to the provisions of 47 USC § 251 (b) (3).

[~~G. F.~~] A new entrant shall, prior to collecting any customer deposits, establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association, savings bank, or credit union, which is unaffiliated with the applicant. The Division of Economics and Finance shall be notified of this arrangement at its inception and any subsequent change to the arrangement. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the staff or commission determines it is no longer necessary.

20 VAC 5-417-40. MLEC requirements.

A. An MLEC shall file data annually with the Division of Communications to demonstrate that, in the aggregate, revenues associated with intrastate telecommunications services cover the incremental and [any] required imputed or allocated costs of providing such telecommunications services

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except in circumstances where permitted by § 56-265.4:4 B 3 of the Code of Virginia. [The first filing shall be 60 days after the end of the MLEC's calendar or fiscal year during which the MLEC began providing intrastate telecommunications services and shall continue annually thereafter.]

B. An MLEC shall maintain [incremental] cost studies for each service offered demonstrating that the associated charges: (i) do not include any subsidies, unless approved by the commission; and (ii) take into account, by imputation or allocation, equivalent charges for all taxes, pole rentals, rights-of-way, licenses, and similar costs incurred by for-profit providers. The applicable study or studies shall be filed with the commission and the Division of Communications within 30 days of a complaint alleging that an individual local exchange service offering or offerings of an MLEC fails to comply with these requirements.

C. An MLEC shall maintain [~~account~~ accounting] records for the revenues, expenses, property, and source of investment dollars pertaining to its telecommunications services that are separate from the [~~account~~ accounting] records of its affiliated county, city, or town.

[~~D. An MLEC shall provide to the Division of Economics and Finance the annual published financial statements showing the results of operations of its provision of telecommunications services.~~

~~E. No MLEC shall acquire by eminent domain the facilities or other property of any telecommunications service provider in order to offer cable, telephone, data transmission, or other information, or online programming services.]~~

20 VAC 5-417-50. Regulation of new entrants providing local exchange telecommunications services.

A. Unless otherwise allowed by the commission, tariffs are required for all local exchange telecommunications service offerings except those that are comparable to "competitive" offerings of any ILEC that does not require tariffs.

B. A new entrant that has received certification to provide local exchange telecommunications services shall [, prior to offering such services,] submit its proposed initial tariffs to the Division of Communications. A new entrant shall not offer any local exchange telecommunications services until its tariffs have been accepted [~~for filing~~] by the Division of Communications [and are effective].

C. A new entrant may petition the commission to consider deregulation or detariffing treatment for any of its specific service offerings.

D. Unless otherwise allowed by the commission, prices for local exchange telecommunications services provided by a new entrant shall not exceed the highest of the comparable tariffed services provided by the incumbent local exchange carrier or carriers in the same local serving areas. Price ceilings shall be the highest tariffed rates as of January 1, 1996, for comparable services of any ILEC serving the local service area of the new entrant. Price ceilings for a new entrant shall be increased if the highest tariffed rate of an incumbent is raised through applicable regulatory procedures. Unless otherwise determined by the commission, price decreases for an incumbent's service, whether initiated by the

carrier or adopted by the commission, shall not require a corresponding decrease in the price ceilings applicable to the new entrant. Tariff changes [~~below~~ pursuant to] this price ceiling plan shall be implemented as follows:

1. Price decreases shall become effective on a minimum of one day's [written] notice to the Division of Communications.

2. Price increases below ceiling rates shall become effective after 30 days' [~~prior~~] written notice is provided to the Division of Communications and affected customers.

a. Written notice to affected customers shall be provided through bill inserts, bill messages, or direct mail.

b. Notice for price increases for a casual user or nonsubscriber service shall be provided through publication once as display advertising in newspapers having general circulation in the areas served by the new entrant. Display advertising shall only be used for notice for casual user or nonsubscriber services unless otherwise authorized by the commission.

c. A copy of the customer notice, the date or dates of such notification, and proof of publication, if applicable, shall be included with the notice to the Division of Communications.

d. A proposed rate increase below ceiling rates, if there are no current customers, shall not require customer notice. The notice to the Division of Communications shall include an attestation by the new entrant that it has no customers.

E. A new entrant may petition the commission for approval of pricing structures or rates that do not conform with the price ceilings. The new entrant shall provide appropriate documentation and rationale to support any request. The [~~petition shall include a public interest analysis~~ commission may permit such alternative pricing structures and rates unless there is a showing the public interest will be harmed].

F. The price ceiling requirements shall not apply to a new entrant's services: (i) that are comparable to services classified as competitive for the incumbent; or (ii) that have been provided regulatory treatment different than that specified by this chapter.

G. Tariff filings and revisions shall be submitted to the Director of the Division of Communications and shall include an original and two copies.

H. Tariffs for new services offered by a new entrant that are not comparable to services classified as competitive for the incumbent or for which the commission has not provided regulatory treatment different than that specified by this chapter shall be filed with 30 days' prior notice to the commission. Price decreases for these services shall become effective on a minimum of one day's notice to the commission. Price increases shall become effective after 30 days' prior notice to the Division of Communications and affected customers in the manner prescribed by subdivision D 2 of this section.

I. A new entrant may, pursuant to § 56-481.2 of the Code of Virginia, submit an alternative regulatory plan for the commission's consideration in the applicant's certification proceeding or at a later date if it desires regulation different from that specified in this section.

J. A new entrant providing local exchange telecommunications services shall not abandon or discontinue such services except as prescribed in 20 VAC 5-423, Rules Governing the Discontinuance of Local Exchange Telecommunications Services Provided by Competitive Local Exchange Carriers.

K. An MLEC may petition the commission for authority to include a subsidy in any of its local exchange services. The commission may approve such a subsidy if it is deemed to be in the public interest. Any commission approved subsidy may not result in a price for the service lower than the price for the same service charged by the ILEC provider in the area.

L. A new entrant requesting authority to expand its geographic service territory not covered by its existing certificate shall file a petition with the commission.

20 VAC 5-417-60. Reporting requirements for new entrants.

A. A new entrant shall provide the name, address, telephone number, fax number, and e-mail address of the person designated to receive all official mailings or notices from the Divisions of Economics and Finance, Communications, and Public Service Taxation. Updates to this information shall be provided to each division within 30 days of any change.

B. A new entrant shall comply with the following [~~financial~~ economic] reporting requirements:

1. At a minimum annually, or as deemed necessary by the staff or the commission, a new entrant shall be required to provide information to the Division of Economics and Finance that includes the number of access lines served [, reported by residential lines and business lines], number of customers, [reported by residential customers and business customers,] and Virginia intrastate revenue.

2. A new entrant shall, on an annual basis or upon request of the staff or the commission, specify to the Division of Economics and Finance the geographic areas served within Virginia. Such information shall include the identification of specific exchanges where service is provided or offered and the wire centers associated with all collocation arrangements.

C. A new entrant shall comply with the following tax reporting requirements:

1. A new entrant shall file all reports and provide all information required for the administration of tax statutes by the Division of Public Service Taxation. Information filed with the Division of Public Service Taxation shall include financial statements and other statements showing Virginia revenues. If available, audited financial statements shall be filed. A new entrant shall maintain records of all its real property and tangible personal property located in Virginia. Such records shall include the property's original cost and location by city, county, or town and district.

2. A new entrant shall remit the telecommunications relay surcharge prescribed by the commission pursuant to § 56-484.6 of the Code of Virginia and 20 VAC 5-415. The new entrant shall file all reports and make all payments as directed by the Division of Public Service Taxation.

D. If a new entrant establishes exchange boundaries that are not in conformance with the exchange boundaries of the incumbent local exchange carriers, maps depicting the new entrant's exchange boundaries shall be filed with the Division of Communications.

E. [~~A new entrant that~~ Should the commission determine that a new entrant] has a monopoly over any of its services, whether or not those services are telephone services, [~~if ordered by the commission, shall~~ it may order the new entrant to] file annually with the Division of Communications data to demonstrate that its revenues from local exchange telecommunications services cover the long run incremental costs of such services in the aggregate.

F. A new entrant shall, upon request of the commission staff, file additional information with respect to any of its services or practices.

20 VAC 5-417-70. [No change from proposed.]

20 VAC 5-417-80. Commission authority.

The commission may, in its discretion, waive or grant exceptions to any provision of this chapter and may also attach conditions or limitations to any certificate issued pursuant to this chapter and § 56-265.4:4 [~~B~~] of the Code of Virginia.

DOCUMENTS INCORPORATED BY REFERENCE [No change from proposed.]

CHAPTER 429.
RULES GOVERNING COMPENSATION, NUMBERING,
INTERCONNECTION, AND OTHER LOCAL INTER-
CARRIER MATTERS.

20 VAC 5-429-10. Definitions.

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

"Competitive local exchange carrier" ("CLEC") means an entity [other than a locality] certificated to provide local exchange telecommunications services in Virginia after January 1, 1996, pursuant to § 56-265.4:4 [~~B~~] of the Code of Virginia. An incumbent local exchange carrier shall be considered a CLEC in any territory that is outside the territory it was certificated to serve as of December 31, 1995, for which it obtains a certificate to provide local exchange telecommunications services on or after January 1, 1996.

"Incumbent local exchange carrier" or "incumbent" ("ILEC") means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.

Final Regulations

"Interconnection" means the point of interface between local exchange carriers' networks. Interconnection can be achieved at different points of the network.

"Interim number portability" means the service provided in lieu of true number portability. Interim solutions available from the ILEC, which include remote call forwarding and direct inward dialing, enable customers to change providers without the appearance of changing telephone numbers [~~τ~~] but rely on the incumbent's network to process some or all calls.

"Local exchange carrier" ("LEC") means a certificated provider of local exchange telecommunications services, whether an incumbent or new entrant.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.

"Locality" means a city, town, or county that operates an electric distribution system in Virginia.

"Municipal local exchange carrier" ("MLEC") means a locality [~~that is~~] certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 [~~B~~] of the Code of Virginia.

"Mutual exchange of traffic" means the reciprocal arrangement by which local exchange carriers terminate the local calls of other local exchange carriers' customers on their networks.

"New entrant" means a CLEC or an MLEC.

["Porting" means the act of moving an individual customer's telephone number from one local exchange carrier to another carrier.]

"Terminating compensation" means the payment or other exchange mechanism used by a local exchange carrier for terminating the local exchange traffic of another local exchange carrier.

"True number portability" means the technical capability of a CLEC to allow customers to retain their telephone number when they change providers (without a change in location) without reliance on calls being routed through the end office where the original NXX is assigned.

"Unbundling" means the process by which a local exchange telephone carrier's network is disaggregated into functional components.

20 VAC 5-429-20. [No change from proposed.]

20 VAC 5-429-30. [No change from proposed.]

20 VAC 5-429-40. Number portability and number assignment.

A. Consumers shall have the ability to retain the same telephone number if they remain in the same geographic area where the NXX is normally provided, regardless of their chosen local exchange carrier.

B. True number portability shall be made available when technically and economically feasible.

C. Interim number portability arrangements shall be utilized until true number portability is available.

D. To the extent feasible, the ILEC shall provide new entrants with reservations for a reasonably sufficient block of numbers for their use.

E. LECs shall not [~~under any circumstances,~~] charge for [~~the~~] porting [~~of~~] a customer's telephone number when the customer changes local exchange carriers.

20 VAC 5-429-50. [No change from proposed.]

20 VAC 5-429-60. [No change from proposed.]

VA.R. Doc. No. R03-56; Filed April 10, 2003, 4:48 p.m.



FORMS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been revised by the Department of Mines, Minerals and Energy. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Charlottesville office. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

Title of Regulation: **4 VAC 25-40. Safety and Health Regulations for Mineral Mining.**

FORMS

Permit/License Application, DMM-101 (rev. 9/99).

Notice of Application to Mine, DMM-103 (rev. 9/99).

Statement Listing the Names and Addresses of Adjoining Property Owners, DMM-103a (rev. 12/00; included in DMM-103).

Yearly Progress Report, DMM-105 (rev. 11/94).

Surety Bond, DMM-107 (rev. 9/99).

Legend, DMM-109 (rev. 9/99).

Relinquishment of Mining Permit, DMM-112 (rev. 9/99).

Request for Amendment, DMM-113 (rev. 7/99).

Consolidated Biennial Report of Waivered Counties, Cities and Towns, DMM-116 (rev. 6/90).

Biennial Waivered Counties, Cities and Towns Report of Individual Mining Companies, DMM-117 (rev. 6/90).

Consent for Right of Entry on Surface Mined Orphaned Land, DMM-120 (rev. 8/87).

Mineral Mining Annual Tonnage Report, DMM-146 (rev. ~~9/99~~ 10/02).

Mineral Mining Annual Report for Contractors, DMM-146C (eff. 10/02).

E & T Service Evaluation, DMM-152 (rev. ~~9/99~~ 3/03).

Request for Release of Mine Map, DMM-155/DM-MR-1 (rev. 9/99).

Notice of Operator Intent, DMM-156 (rev. 9/99).

License Renewal Application, DMM-157 (rev. 9/99).

Request Form, DMM-158 (eff. 9/00).

Permit Transfer Acceptance, DMM-161 (eff. 9/99).

Notarized Statement Maps/Map Legends, DMM-164 (eff. 10/02).

Department of Mines, Minerals and Energy
 Division of Mineral Mining
 900 Natural Resources Drive
 P. O. Box 3727
 Charlottesville, VA 22903-0723
 (434) 951-6210



**EDUCATION & TRAINING
 SERVICE EVALUATION**

Type of Training: Illness Foreman First Aid Annual Refresher New Miner General Mineral Miner

OMS Safety Meeting (type): _____
 Date: _____ Location: _____
 Instructor Name(s): 1. _____ 2. _____ 3. _____

Please rate the following areas and provide comments below:

COURSE/SERVICE PROVIDER: Circle the number from 1 = poor or strongly disagree to 5 = best or strongly agree.

- 1. Information was new -- I learned something new and/or useful 1 2 3 4 5
- 2. Up-to-date information provided 1 2 3 4 5
- 3. Quality of the content 1 2 3 4 5
- 4. Quality of the audio-visuals/hand-outs 1 2 3 4 5
- 5. Information organized efficiently 1 2 3 4 5
- 6. Information provided of sufficient length of time 1 2 3 4 5
- 7. Overall rating of the quality/helpfulness of information 1 2 3 4 5
- 8. Training helped improve my safety knowledge 1 2 3 4 5
- 9. Training will positively influence safety practices on the job 1 2 3 4 5

INSTRUCTOR/SERVICE PROVIDER:

- 10. Instructor was well organized and prepared 1 2 3 4 5
- 11. Instructor provided time for and responded to questions 1 2 3 4 5
- 12. Instructor was clear and understandable 1 2 3 4 5
- 13. Instructor was knowledgeable of the subject 1 2 3 4 5
- 14. Overall rating of the instructor/provider 1 2 3 4 5
- 15. Recommendation(s) to improve the training: _____

- 16. Which segment did you consider to be the most important? _____
- 17. Which segment did you consider to be the least important? _____
- 18. Related to your job, what other topics would you like to have offered? _____

OPTIONAL: Name: _____ Company: _____
 DM-152
 Revised 3/28/87

You may submit this notarized statement to us in place of the maps and map legends only if your maps have not changed.

**TO: DIVISION OF MINERAL MINING
 P.O. BOX 3727
 CHARLOTTESVILLE, VIRGINIA 22903**

RE: COMPANY NAME PERMIT NUMBER

I, THE UNDERSIGNED, HEREBY CERTIFY THAT NO CHANGES HAVE BEEN MADE IN THE DIFFERENT AREAS OR IN OTHER MAP FEATURES SINCE THE LAST ANNUAL PERMIT RENEWAL OR SINCE THE LAST AMENDMENT MAP THAT WAS SUBMITTED AND APPROVED BY THE DIVISION.

SIGNATURE DATE

NOTARIZATION

State of Virginia, County of _____, 20____
 Subscribed and sworn to, this ____ day of _____, 20____

Notary Public

My commission expires _____
 DM-164
 REV. 10/02

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Availability of the Final 2002 § 305(b) Water Quality Assessment and § 303(d) Report on Impaired Waters

The Virginia Department of Environmental Quality (DEQ) will release two water quality reports on May 2, 2003. These reports received comments from the public, the United States Environmental Protection Agency (EPA) and the United States Fish and Wildlife Service. In response to comments, the reports were revised and resubmitted to EPA in January 2003. EPA approved these revised reports.

The 2002 § 305(b) Water Quality Assessment is available for download at <http://www.deq.state.va.us/water/305b.html> and the 2002 § 303(d) Report on Impaired Waters is available for download at <http://www.deq.state.va.us/water/303d.html>. Both reports are also available on CD-ROM, at no charge (limit one per person), by calling (804) 698-4575.

Questions about these reports can be directed to Darryl M. Glover, DEQ Water Quality Monitoring and Assessment Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or via e-mail to dmglover@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) for the Lower Appomattox River Basin and its Tributaries

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for the Lower Appomattox River Basin and its tributaries. The lower Appomattox River TMDL includes those counties that drain to the Appomattox from Amelia County to the City of Hopewell (i.e., Amelia, Chesterfield, Dinwiddie, Nottoway, Powhatan, and Prince George Counties). The subject 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 standards for bacteria, benthics, dissolved oxygen and/or pH. The bacteria impairments addressed in the lower Appomattox Basin include a 2.68 square mile, a 7.44 mile and part of an 80.60 mile segment on the Appomattox River; 5.28 miles on Nibbs Creek; 3.99 miles on Flat Creek; 11.19 miles on Deep Creek; 7.22 miles on West Creek; and 1.61, 7.09, and 2.18 mile segments on Swift Creek. The dissolved oxygen and/or pH impairments include 16.54 miles on Deep Creek; 7 miles on Skinquarter Creek; 1.61 and 7.09 mile segments on Swift Creek; Swift Creek Reservoir; 20.36 miles on Winterpock Creek; and 3.97 miles on Winticomack Creek. The benthic impairment addresses 2.13 miles on an Un-named tributary to Deep Creek.

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 first public meeting on the development of the Lower Appomattox Basin TMDLs will be held on Wednesday, May

21, 2003, 7:30 p.m. at 10031 Iron Bridge Road in the Town of Chesterfield Police Department's Public Meeting Room. The building is located on the corner of Rt. 10 (Iron Bridge Rd.) and Lori Rd. (which is across from Rt. 655, Beach Rd.) in Chesterfield, Virginia.

The public comment period for this phase of the TMDL development will end on June 21, 2003. Information pertaining to TMDL development is available upon request or can be found on the DEQ's web site at <http://www.deq.state.va.us/TMDL>. Written comments should include the name, address, and telephone number of the person submitting the comments. Questions or information requests should be addressed to Denise Moyer, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5146, FAX (804) 527-5106, or e-mail damoyer@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) to Address Multiple Impairments in the Upper Appomattox River Basin and its Tributaries

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 impairments in the Upper Appomattox River Basin and its tributaries. The subject 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 standards for bacteria, dissolved oxygen and/or exceedance of nutrient. These impairments include: 40.85 miles on the Appomattox River; 5.5 miles on Spring Creek; 5.0 miles on Bush River; 1.54 miles on Sandy River; 7.35 miles on Little Sandy Creek; 4.98 miles on Marrowbone Creek; 9.94 miles on Briery Creek; 850 acres of Briery Lake; 3.82 miles on Horsepen Creek; 9.71 miles on Angola Creek and 9.08 miles on Saylers Creek. These impairments are located in Amelia, Appomattox, Buckingham, Cumberland, and Prince Edward Counties.

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 first public meeting on the development of the Upper Appomattox River Basin TMDLs will be held on Tuesday, May 20, 2003, at 7:30 p.m. in the Johns Auditorium, located on the campus of Hampden-Sydney College in Hampden-Sydney, Virginia. Driving directions are available at <http://www.hsc.edu/visitors>, and a campus map can be accessed at <http://www.hsc.edu/map>.

The public comment period for this phase of the TMDL development will end on June 19, 2003. A fact sheet on the development of the Upper Appomattox River Basin TMDLs is available upon request. Questions or information requests should be addressed to Ram K. Gupta, Ph.D. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Dr. Ram K. Gupta, Department of Environmental

Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, ext. 337, FAX (434) 582-5125, or e-mail at rkgupta@deq.state.va.us.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
and the
STATE WATER CONTROL BOARD**

**Consent Special Order
D.O. Allen Homes, Incorporated
Heritage @ Wyndhurst**

The Department of Environmental Quality, on behalf of the State Water Control Board, and D.O. Allen Homes, Incorporated, have agreed to a Consent Special Order in settlement of a civil enforcement action under the Virginia State Water Control Law permit regulation, 9 VAC 25-180-70, regarding construction activities at Heritage @ Wyndhurst. The department will consider written comments relating to this order for 30 days, until 5 p.m. on June 3, 2003. Comments must include commenter's name, address, and telephone number and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, DEQ – South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502.

The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may request copies from Mr. Waggoner by calling him at (434) 582-5120.

**Consent Special Order
David S. Wilson
Pine Grove Mobile Home Park**

The Department of Environmental Quality, on behalf of the State Water Control Board, and David S. Wilson have agreed to a Consent Special Order in settlement of a civil enforcement action under the Virginia State Water Control Law permit regulation 9 VAC 25-31 regarding the wastewater treatment plant at Pine Grove Mobile Home Park. The department will consider written comments relating to this order for thirty days, until 5 p.m. on June 3, 2003. Comments must include commenter's name, address, and telephone number and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, DEQ – South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502.

The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may request copies from Mr. Waggoner by calling him at (434) 582-5120.

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number 21 (2002), the Department of Social Services is currently reviewing the regulation 22 VAC 40-200, Foster Care--Guiding Principles, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 21 (2002) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until May 26, 2003, in care of Therese Wolf, Foster Care Policy Specialist, Department of Social Services, Division of Family Services, 730 East Broad Street, Richmond, VA 23219-1284, by e-mail to taw900@dss.state.va.us, or by facsimile to (804) 692-2370.

Periodic Review of Regulations

Pursuant to Executive Order Number 21 (2002), the Department of Social Services is currently reviewing the regulation 22 VAC 40-210, Foster Care--Assessing Client's Service Needs, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 21 (2002) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until May 26, 2003, in care of Therese Wolf, Foster Care Policy Specialist, Department of Social Services, Division of Family Services, 730 East Broad Street, Richmond, VA 23219-1284, by e-mail to taw900@dss.state.va.us, or by facsimile to (804) 692-2370.

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.

General Notices/Errata

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://register.state.va.us>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS -
RR08
PETITION FOR RULEMAKING - RR13

CALENDAR OF EVENTS

Symbol Key

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

BOARD OF ACCOUNTANCY

† **May 6, 2003 - 9 a.m.** -- Open Meeting

Holiday Inn-Richmond, 6531 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to discuss HUD cases.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail boa@boa.state.va.us.

May 6, 2003 - 10 a.m. -- Open Meeting

Holiday Inn-Richmond, 6531 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters requiring board action. A public comment period will be held at the beginning of the meeting. The meeting is subject to cancellation and the time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the board office at (804) 367-8505 or TTY (804) 367-9753 at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail boa@boa.state.va.us.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **May 15, 2003 - 9 a.m.** -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

A meeting to discuss issues related to Virginia agriculture and consumer services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail jknight@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

May 13, 2003 - 10 a.m. -- Public Hearing

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

September 2, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural or

Calendar of Events

horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act.

Statutory Authority: § 58.1-3230 of the Code of Virginia; Chapter 705 of the 2001 Acts of Assembly.

Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945, or e-mail lredford@vdacs.state.va.us.

* * * * *

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

August 1, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-360. Regulations for the Enforcement of the Virginia Commercial Feed Act.** The purpose of the proposed action is to amend the current regulation to incorporate the changes made to the commercial feed industry standards by the Association of American Feed Control Officials in the last decade and statutory changes made to Virginia's Commercial Feed Law in 1994.

Statutory Authority: § 3.1-828.4 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 371-1571 or e-mail jrogers@vdacs.state.va.us.

* * * * *

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

August 1, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-440. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine.** The purpose of the proposed regulatory action is to amend the regulation to (i) establish the fixed date of July 1 as the official reporting and payment date for acreage assessment, (ii) reduce penalties assessed on farm operators for the late payment or nonpayment of fees from \$10 to \$5.00 per acre, and (iii) eliminate the mandate for destruction of the cotton crop for nonpayment of fees and assessments by farm operators.

Statutory Authority: § 3.1-188.23 of the Code of Virginia.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793 or e-mail ffulgham@vdacs.state.va.us.

Consumer Affairs Advisory Committee

† **May 14, 2003 - 9:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Members of the committee will review the consumer education outreach efforts for the past six months and assist with planning for events in the remainder of 2003. Members 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 Evelyn A. Jez at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY, e-mail ejez@vdacs.state.va.us.

Virginia Sweet Potato Board

† **May 13, 2003 - 7 p.m.** -- Open Meeting
Little Italy Restaurant, 10227 Rogers Drive, Nassawadox, Virginia.

The board will hear and approve minutes of the last meeting and the presentation of the board's financial statement. The board will discuss and consider programs (promotion, research, and education), the annual budget, and other business that may be presented. 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 Butch Nottingham at least five days before the meeting date so that suitable arrangements can be made.

Contact: Butch Nottingham, Program Director, Department of Agriculture and Consumer Services, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

ALCOHOLIC BEVERAGE CONTROL BOARD

May 12, 2003 - 9 a.m. -- Open Meeting
† **May 27, 2003 - 9 a.m.** -- Open Meeting
June 9, 2003 - 9 a.m. -- Open Meeting
June 23, 2003 - 9 a.m. -- Open Meeting
† **July 14, 2003 - 9 a.m.** -- Open Meeting
† **July 28, 2003 - 9 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

A meeting to receive and discuss reports and activities from staff members. Other matters are not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442, e-mail wccolen@abc.state.va.us.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

May 5, 2003 - 10 a.m. -- Open Meeting

Department for the Aging, 1600 Forest Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY, e-mail jlhoneycutt@vdh.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

May 6, 2003 - 9 a.m. -- Open Meeting

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

A meeting of the Land Surveyors Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail APELSCIDLA@dpor.state.va.us.

May 8, 2003 - 9 a.m. -- Open Meeting

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

A meeting of the Certified Interior Designers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail APELSCIDLA@dpor.state.va.us.

June 5, 2003 - 9 a.m. -- Open Meeting

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

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail APELSCIDLA@dpor.state.va.us.

June 5, 2003 - 2:30 p.m. -- Open Meeting

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

An informal fact-finding conference of the Land Surveyor Section. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Ilona LaPaglia, Legal Assistant, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, (804) 367-9753/TTY, e-mail LaPaglia@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

June 6, 2003 - 10 a.m. -- Open Meeting

† July 11, 2003 - 10 a.m. -- Open Meeting

† August 1, 2003 - 10 a.m. -- Open Meeting


Science Museum of Virginia, 2500 West Broad Street, 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.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main Street, #221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY, e-mail rlfaia@aol.com.

Calendar of Events


VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

† **June 4, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail asbestos@dpor.state.va.us.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY


† **May 15, 2003 - 10 a.m.** -- Open Meeting
Ratcliffe Building, 1602 Rolling Hills Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Board of Directors will hold its quarterly business meeting. The public is invited to attend and provide input during the public comment session. Following the business meeting, the board will convene in closed session to review loan applications and recent lending decisions.

Contact: Kathy Wilmot, Assistive Technology Loan Fund Authority, P.O. Box K-091, Richmond, VA 23288, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (866) 835-5976, (804) 662-9000/TTY , e-mail Kathy.Wilmot@ATLFA.org.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council


May 28, 2003 - 9 a.m. -- Open Meeting
June 25, 2003 - 9 a.m. -- Open Meeting
† **July 30, 2003 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level Room 3, Richmond, Virginia. 

A monthly council meeting. For traveling directions, please call (804) 692-1100.


Contact: Alan G. Saunders, Director, Office of Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED


Statewide Rehabilitation Council for the Blind

† **June 7, 2003 - 10 a.m.** -- Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The council meets quarterly to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.


Contact: James G. Taylor, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail taylorjg@dbvi.state.va.us.

BOARD FOR BRANCH PILOTS


May 5, 2003 - 8:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Examination Administrators. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


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

May 5, 2003 - 10 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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

CEMETERY BOARD

May 21, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone

(804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail cemetery@dpor.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **May 13, 2003 - 10 a.m.** -- Open Meeting

Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business, including review of local Chesapeake Bay Preservation Area programs for the Northern Area.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

† **May 13, 2003 - 2 p.m.** -- Open Meeting

Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business, including review of local Chesapeake Bay Preservation Area programs for the Southern Area.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

CHILD DAY-CARE COUNCIL

† **May 8, 2003 - 8 a.m.** -- Open Meeting

Department of Social Services, Theater Row Building, 730 East Broad Street, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs and preschools/nursery schools. Public comment period will be at noon. Please call ahead for possible changes in meeting time.

Contact: Arlene Kasper, Program Development Consultant, Child Day-Care Council, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-2201, FAX (804) 692-2370, (800) 828-1120/TTY ☎

STATE CHILD FATALITY REVIEW TEAM

May 9, 2003 - 10 a.m. -- Open Meeting

Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿

The business portion of the meeting, from 10 to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Contact: Virginia Powell, Coordinator, State Child Fatality Review Team, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.

STATE BOARD FOR COMMUNITY COLLEGES

† **May 21, 2003 - 11:15 a.m.** -- Open Meeting

Northern Virginia Community College, Medical Education Campus, 6699 Springfield Center Drive, Springfield, Virginia. ♿ (Interpreter for the deaf provided upon request)

The State Board for Community Colleges will tour the Medical Education Campus of Northern Virginia Community College. No state board action will be taken.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

† **May 21, 2003 - 1:45 p.m.** -- Open Meeting

Northern Virginia Community College, Manassas Campus, 6901 Sudley Road, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

The State Board for Community Colleges will hold meetings of the Academic and Student Affairs Committee, the Audit Committee, and the Budget and Finance Committee at 1:45 p.m. At 3:15 p.m. the Facilities and the Personnel Committees will meet, and at 4:45 p.m. the Executive Committee will meet.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

† **May 22, 2003 - 9 a.m.** -- Open Meeting

Northern Virginia Community College, Manassas Campus, 6901 Sudley Road, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

COMPENSATION BOARD

† **May 21, 2003 - 11 a.m.** -- Open Meeting


Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Calendar of Events


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

DEPARTMENT OF CONSERVATION AND RECREATION

† **May 6, 2003 - 6:30 p.m.** -- Open Meeting
Jackson Elementary School, 4424 Fort Chiswell Road (U.S. Route 52), Cafeteria, Austinville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the New River Trail State Park Master Plan Advisory Committee to discuss park issues, opportunities and constraints.


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 rmunson@dcr.state.va.us.

† **May 7, 2003 - 6:30 p.m.** -- Open Meeting
Fairy Stone State Park, 967 Fairystone Lake Drive, Fayerdale Hall, Stuart, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Fairy Stone State Park Master Plan Advisory Committee to discuss park issues, opportunities and constraints.

Contact: Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rmunson@dcr.state.va.us.

Virginia Cave Board

May 31, 2003 - 1 p.m. -- Open Meeting
Department of Conservation and Recreation, Division of Natural Heritage, Conference Room, 203 Governor Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings begin at 11 a.m. A general business meeting will begin at 1 p.m.

Contact: Larry Smith, N.A. Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, FAX (804) 371-2674, e-mail lsmith@dcr.state.va.us.


Goose Creek Scenic River Advisory Board

† **May 13, 2003 - 1 p.m.** -- Open Meeting
Loudoun County Government Center, Lovettsville Room, Leesburg, Virginia.

A regular business meeting.

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

Virginia Soil and Water Conservation Board

† **May 15, 2003 - 9:30 a.m.** -- Open Meeting
Virginia Department of Forestry, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

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

BOARD FOR CONTRACTORS

May 6, 2003 - 9 a.m. -- Open Meeting
May 7, 2003 - 1:30 p.m. -- Open Meeting

May 13, 2003 - 9 a.m. -- Open Meeting

† **May 19, 2003 - 9 a.m.** -- Open Meeting

June 10, 2003 - 9 a.m. -- Open Meeting


June 17, 2003 - 9 a.m. -- Open Meeting

June 24, 2003 - 9 a.m. -- Open Meeting


† **July 15, 2003 - 9 a.m.** -- Open Meeting

† **July 22, 2003 - 9 a.m.** -- Open Meeting

† **July 29, 2003 - 9 a.m.** -- Open Meeting


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

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Earlyne Perkins, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0946, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail perkins@dpor.state.va.us.

May 28, 2003 - 9 a.m. -- Open Meeting

† **July 9, 2003 - 9 a.m.** -- Open Meeting

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

A regular meeting to address policy and procedural issues, review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session.


Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

May 7, 2003 - 1:30 p.m. -- Open Meeting


June 3, 2003 - 9 a.m. -- Open Meeting


July 1, 2003 - 9 a.m. -- Open Meeting

† **August 5, 2003 - 9 a.m.** -- Open Meeting


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

Informal fact-finding conferences for the Contractor Recovery Fund. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to this meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.


Contact: Victoria S. Traylor, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail perkins@dpor.state.va.us.

May 7, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Tradesman and Education Committee to consider items of interest relating to tradesmen, backflow workers, education and other appropriate matters relating to tradesmen and the Board for Contractors.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.


BOARD OF CORRECTIONS

May 20, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

Meetings of the following committees to discuss correctional matters to be brought before the full board:


- 10 a.m. - Liaison Committee
- 1 p.m. - Correctional Services Committee

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

May 21, 2003 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Administration Committee.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

May 21, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting of the full board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

BOARD OF COUNSELING


† May 15, 2003 - 10 a.m. -- Open Meeting
† May 16, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.state.va.us.

† May 30, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The Informal Conference Committee will meet to hold an informal conference pursuant to § 2.2-4019 of the Code of Virginia. The committee will meet in open and closed sessions.


Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Board of Counseling, 6603 W. Broad St., 6th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

† May 8, 2003 - 11 a.m. -- Open Meeting
General Assembly Building, House Room D, Richmond, Virginia.

A general business meeting.

Contact: Melissa Feeley, Assistant to the Director, Criminal Justice Services Board, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 786-0588, e-mail mfeeley@dcjs.state.va.us.

June 12, 2003 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

May 23, 2003 - 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 Criminal Justice Services Board intends to amend regulations entitled: **6 VAC 20-171. Regulations Relating to Private Security Services.** The purpose of the proposed action is to update minimum


Calendar of Events

training standards and improve licensing, registration, certification, training requirements, fees and procedures.


Statutory Authority: § 9.1-141 of the Code of Virginia.

Contact: Lisa R. Hahn, Private Security Services Chief, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-2356, FAX (804) 786-6344 or e-mail lhahn@dcjs.state.va.us.


DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

May 7, 2003 - 9:30 a.m. -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting of the board. Interpreter services, CART services and assistive listening system will be available. Public comment will be accepted.


Contact: Leslie Hutcheson Prince, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229, telephone (804) 662-9703, FAX (804) 662-9718, toll-free (800) 552-7917, (804) 662-9502/TTY , e-mail princelh@ddhh.state.va.us.

BOARD OF DENTISTRY


† **May 8, 2003 - 9 a.m.** -- Open Meeting
† **May 16, 2003 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A formal hearing will be conducted. No public comment will be received.


Contact: JeAnne Marshall, Administrative Assistant, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail JeAnne.Marshall@dhp.state.va.us.

† **May 16, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting to discuss regular board business. There will be a public comment period at the beginning of the meeting.

Contact: JeAnne Marshall, Administrative Assistant, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail JeAnne.Marshall@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

May 15, 2003 - 11 a.m. -- Open Meeting
June 19, 2003 - 11 a.m. -- Open Meeting
† **July 17, 2003 - 11 a.m.** -- Open Meeting
Department of General Services, 8th Street Office Building, 3rd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use D-B or Construction Management type contracts. Please contact Division of Engineering and Buildings to confirm 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

† **May 12, 2003 - 10 a.m.** -- Open Meeting
† **May 27, 2003 - 10 a.m.** -- Open Meeting
Crowne Plaza Hotel, 555 Canal Street, Richmond, Virginia.

A meeting of the Advisory Committee on Adult Education and Literacy. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html> for the latest information on the meeting arrangements time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

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.

† **May 16, 2003 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, PDS Room 2, Richmond, Virginia.

A meeting of the Subcommittee to Review State Operated Programs. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html> for the latest information on the meeting arrangements, time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made. Public comment will be received at this meeting.


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.

May 28, 2003 - 9 a.m. -- Open Meeting

June 25, 2003 - 9 a.m. -- Open Meeting

† **July 23, 2003 - 9 a.m.** -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION


General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 72 hours in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY


May 15, 2003 - 7 p.m. -- Public Hearing

Radford Public Library, 30 West Main Street, Radford, Virginia. 

A public hearing to receive comments on the technical merits of the permit amendment establishing a groundwater monitoring plan for the Radford Army Ammunition Plant industrial landfill. The public comment period closes on May 30, 2003.

Contact: Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail rbcole@deq.state.va.us.


† **May 20, 2003 - 7:30 p.m.** -- Open Meeting

Johns Auditorium, Hampden-Sydney College, Hampden-Sydney, Virginia. 

The first public meeting on the development of the Upper Appomattox River Basin TMDLs located in Amelia, Appomattox, Buckingham, Cumberland, and Prince Edward Counties.

Contact: Ram K. Gupta, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 583-5125, e-mail rkgupta@deq.state.va.us.

† **May 21, 2003 - 7:30 p.m.** -- Open Meeting


Town of Chesterfield, Police Department's Public Meeting Room, 10031 Iron Bridge Road, Chesterfield, Virginia. 

The first public meeting on the development of TMDLs for the Lower Appomattox River Basin and its tributaries located in Amelia, Chesterfield, Dinwiddie, Nottoway, Powhatan and Prince George Counties. The public comment period closes on June 21, 2003.

Contact: Denise Moyer, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5146, e-mail damoyer@deq.state.va.us.

Recycling Markets Development Council

May 13, 2003 - 10 a.m. -- Open Meeting


Henrico Training Center, 7701 East Parham Road, Richmond, Virginia. 

A regular meeting.


Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail gscoe@deq.state.va.us.

BOARD FOR GEOLOGY

† **July 29, 2003 - 9 a.m.** -- Open Meeting


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

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail geology@dpor.state.va.us.

GEORGE MASON UNIVERSITY

May 8, 2003 - 9 a.m. -- Open Meeting


George Mason University, Mason Hall, Lower Level, Fairfax, Virginia. 

A meeting of the Board of Visitors. Please call for agenda information.

Contact: Mary Roper, Secretary pro tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8707, e-mail mroper@gmu.edu.

STATE BOARD OF HEALTH

† **July 25, 2003 - 9 a.m.** -- Open Meeting

Department of Health, Main Street Station, 1500 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 


A general business and working meeting.

Contact: Rene Cabral-Daniels, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-3561.

DEPARTMENT OF HEALTH

Biosolids Use Regulations Advisory Committee

† **June 12, 2003 - 10 a.m.** -- Open Meeting

The Virginia Farm Bureau, 12580 West Creek Parkway, Richmond, Virginia. 

A meeting to discuss proposed revisions to the regulations including land application site management practices.

Calendar of Events

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.

State Emergency Medical Services Advisory Board

May 8, 2003 - 3 p.m. -- Open Meeting
Office of EMS, 1538 East Parham Road, Richmond, Virginia.

A meeting of the Regulation and Policy Committee.


Contact: David E. Cullen, Jr., Manager, Division of Enforcement and Compliance, Advisory Board of State Emergency Medical Services, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail dcullen@vdh.state.va.us.

May 9, 2003 - 1 p.m. -- Open Meeting
The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia.

A quarterly meeting.

Contact: Gary R. Brown, Director, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

June 20, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† May 20, 2003 - 9 p.m. -- Open Meeting
Radford University, Radford, Virginia.

A meeting of the Executive Committee. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.


† May 21, 2003 - 8:30 a.m. -- Open Meeting
Radford University, Cook Hall, Radford, Virginia.

Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. Those interested in making public


comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† May 19, 2003 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 


A regular business meeting.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhdcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† May 20, 2003 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting. The board may consider for approval and ratification mortgage loan commitments under its various programs, will review the authority's operations for the prior month, and consider such other matters and take such other actions as it 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 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

JAMESTOWN-YORKTOWN FOUNDATION

May 7, 2003 - 2 p.m. -- Open Meeting
Location to be determined.  (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee's Executive Committee. Public comment will not be heard.

Contact: Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail sruckman@jyf.state.va.us.

May 15, 2003 - 10 a.m. -- Open Meeting

May 16, 2003 - 8 a.m. -- Open Meeting

Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Semi-annual board and committee meetings. Specific schedule not yet confirmed. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

June 11, 2003 - Noon -- Open Meeting

The Library of Virginia, 800 East Broad Street, Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee. Public comment will not be heard.

Contact: Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail sruckman@jyf.state.va.us.

STATE BOARD OF JUVENILE JUSTICE

† **July 9, 2003 - 9 a.m.** -- Open Meeting

Department of Juvenile Justice, 700 Centre Building, 7th and Franklin Streets, 4th Floor, Richmond, Virginia. ♿

Committees of the Board for Secure Services and Nonsecure Services will meet at 9 a.m. to receive certification audit reports. The full board will meet at 10 a.m. to take certification action on the audited programs.

Contact: Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail carigndr@djj.va.state.us.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **May 15, 2003 - 10 a.m.** -- Open Meeting

Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general subcommittee meeting.

Contact: Beverley Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S.

13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us

† **June 19, 2003 - 10 a.m.** -- Open Meeting

J. Sargeant Reynolds Community College, North Run Business Park, 1630 E. Parham Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Beverley Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

STATE LIBRARY BOARD

June 16, 2003 - 8:15 a.m. -- Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Orientation Room;
Publications and Educational Services Committee, Conference Room B;
Records Management Committee, Conference Room C.

9:30 a.m. - Archival and Information Services Committee, Orientation Room;
Collection Management Services Committee, Conference Room B;
Legislative and Finance Committee, Conference Room C.

10:30 a.m. - 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.

COMMISSION ON LOCAL GOVERNMENT

† **May 12, 2003 - 10 a.m.** -- Open Meeting

Commission on Local Government, 900 East Main Street, Suite 103, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

Calendar of Events

LONGWOOD UNIVERSITY

† **May 10, 2003 - 2 p.m.** -- Open Meeting
Longwood University, 201 High Street, The Stallard Board Room (Lancaster 215), Farmville, Virginia.

A meeting to conduct routine business of the Executive Committee.

Contact: Jeanne Hayden, Administrative Staff Assistant, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

† **May 7, 2003 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia. (Interpreters for the deaf provided upon request)

A regular meeting to address complaints against licensees, review claims for damages from the Manufactured Housing Recovery Fund, and carry out other administrative functions of the manufactured housing licensing regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY, e-mail cmciver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

May 27, 2003 - 9:30 a.m. -- Open Meeting
June 24, 2003 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. (Interpreters for the deaf provided upon request)

A monthly commission meeting.

Contact: Kathy Leonard, Executive Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY, e-mail kleonard@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

May 13, 2003 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular business meeting.

Contact: Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY, e-mail nmalczew@dmas.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

May 23, 2003 - 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 adopt regulations entitled: **12 VAC 12-30-135. Demonstration Waiver Services.** The purpose of the proposed action is to establish family planning waiver program by extending Medicaid coverage for family planning services, annual gynecological exams, and testing for sexually transmitted diseases up to 24 months postpartum to women who received a Medicaid-reimbursed pregnancy-related service on or after October 1, 2002.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: § 32.1-325 of the Code of Virginia and Item 325 M of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until May 23, 2003, to Deborah Sprang, Policy Analyst, Policy Division, 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, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

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June 7, 2003 - 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 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (adding 12 VAC 30-70-425 and 12 VAC 30-70-426).

12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-20 and 12 VAC 30-80-30).

12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (adding 12 VAC 30-90-17 and 12 VAC 30-90-18).

The purpose of the proposed action is to promulgate permanent regulations to provide the authority to make supplemental payments to certain various provider types.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Items 325 CC, 325 DD and 325 RR of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until June 7, 2003, to William Lessard, Reimbursement Analyst, Division of

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, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

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July 5, 2003 - 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 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed action is to conform the Medicaid state plan's definition of unit dose pharmacy services to the same definition used by the Board of Pharmacy.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until July 5, 2003, to Maryanne McNeil, Pharmacy Manager, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

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July 5, 2003 - 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 30-120. Waiver Services.** The purpose of the proposed action is to modify existing waiver services to permit children who attain their sixth birthday to be automatically transitioned over to this waiver program from the mental retardation waiver program.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until July 5, 2003, to Sherry Confer, Policy Analyst, Division of LTC, 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, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

BOARD OF MEDICINE

May 6, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Athletic Training to discuss regulatory issues and other items that may be 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, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 7, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following board will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Acupuncture
1 p.m. - Advisory Board on Radiologic Technology - Canceled

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 8, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Occupational Therapy
1 p.m. - Advisory Board on Respiratory Care

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 9, 2003 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Physician Assistants to consider regulatory, legislative and disciplinary matters. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX

Calendar of Events

(804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 16, 2003 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

A meeting of the Legislative Committee to consider regulatory or legislative issues that may be 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, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† **May 16, 2003 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia.

The Ad Hoc Committee of the Virginia Board of Medicine for the Board of Health Professions Sanctions Reference Study will meet to study the analysis of the data collected.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7423, FAX (804) 662-7281, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

June 5, 2003 - 8 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

The board will conduct a general business meeting including consideration of regulatory, legislative and disciplinary matters as may be 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, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Informal Conference Committee

† **May 14, 2003 - 8:45 a.m.** -- Open Meeting

† **May 16, 2003 - 1:30 p.m.** -- Open Meeting

† **July 9, 2003 - 9:15 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

† **May 21, 2003 - 8:45 a.m.** -- Open Meeting

† **June 11, 2003 - 8:45 a.m.** -- Open Meeting

† **July 16, 2003 - 9 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

May 28, 2003 - 9:15 a.m. -- Open Meeting

† **June 25, 2003 - 9:15 a.m.** -- Open Meeting

Clarion Hotel, 3315 Orday Drive, Roanoke, Virginia.

† **July 31, 2003 - 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, Department of Health Professions, 6603 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.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

May 23, 2003 - 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 State Mental Health, Mental Retardation and Substance Abuse Services Board intends to amend regulations entitled: **12 VAC 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to amend the regulations to incorporate provisions to license providers of services funded by the Individual and Family Development Disabilities Support (IFDDS) Waiver.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.

Contact: Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or e-mail landerson@dmhmrsas.state.va.us.

STATE MILK COMMISSION

May 21, 2003 - 10:45 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, 2nd Floor Board Room, Richmond, Virginia. ☎

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendments, fiscal matters, and to review reports from agency staff. In addition, the agency will consider public comment and evidence in regard to a review of its regulations to ascertain if they should be retained, amended, repealed or if further study and analysis may be required. The commission offers anyone an opportunity to speak at the conclusion of the meeting. Those persons requiring special accommodations to participate in the meeting should contact Edward C. Wilson, Jr. at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

May 21, 2003 - 10:45 a.m. -- Public Hearing
Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, 2nd Floor Board Room, Richmond, Virginia ♿

A public hearing pursuant to Executive Order Number Twenty-One (2002), § 2.2-4017 of the Code of Virginia and agency regulation 2 VAC 15-11-100. The Virginia State Milk Commission intends to commence a review of 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130. This review is to determine if these regulations should be terminated, amended or retained in their current form. The review shall be guided by the principles specified in Executive Order Number Twenty-One. The commission seeks public comment on the regulation's interference in public enterprise and life, essential need for the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable. It is also requested that public comment address the regulation's effectiveness, efficiency, and cost of compliance. The commenter should provide name, mailing address, telephone number, and, if applicable, the organization represented, number and title of the specific regulation addressed, the commenter's interest in the regulation, a description on the need and justification for development, repeal, or amendment of the regulation, suggested language for a developed or amended regulation, a statement of impact on the commenter and/or other affected parties. This hearing will be conducted under the provisions of 2 VAC 15-20-125.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Virginia Coal Mine Safety Board

† May 8, 2003 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Room 219, US Route 23 South, Big Stone Gap, Virginia ♿ (Interpreter for the deaf provided upon request)

The purpose of the meeting is to review old board business, elect a new board chair and co-chair for 2003, review the Mine Safety Awards for 2002, review coal mine safety data for 2002, the tri-state initiative, and the Virginia mine mapping and information program. Requests for special accommodations should be made to the department at least seven days prior to the meeting. Comments or questions will be accepted at the end of the meeting.

Contact: Frank Linkous, Mine Chief, Department of Mines, Minerals and Energy, U.S. Route 23 South, Big Stone Gap,

VA 24219, telephone (276) 523-8224, (800) 828-1120/TTY ♿, e-mail fal@mme.state.va.us.

MOTOR VEHICLE DEALER BOARD

† May 12, 2002 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

- Dealer Practices Committee - 8:30 a.m.
- Licensing Committee - Immediately following Dealer Practices Committee.
- Advertising Committee - 9:30 a.m. or immediately after Licensing Committee, whichever is later.
- Transaction Recovery Fund Committee - Immediately following Advertising Committee.

The full board will meet at 10:30 a.m. or following Transaction Recovery Fund Committee. Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

Governor's Transportation Safety Board

† May 13, 2003 - 10:30 a.m. -- Open Meeting
DoubleTree Hotel, Charlottesville, Virginia.

The second annual TSB meeting and presentation of 2003 Governor's Transportation Safety Awards.

Contact: Audrey Odum, Administrative Assistant, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6631, (800) 272-9268/TTY ♿, e-mail dmvado@dmv.state.va.us.

Medical Advisory Board


May 14, 2003 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond Virginia ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.


Contact: J. C. Branche, R. N., Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, toll-free (800) 435-5137, (800) 272-9268/TTY ♿, e-mail dmj3b@dmv.state.va.us.


Calendar of Events

VIRGINIA MUSEUM OF FINE ARTS

May 6, 2003 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

A monthly meeting of the Executive Committee. Public comment will not be heard.


Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† May 21, 2003 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

The following committees will meet:

- 9 a.m. Exhibitions Committee - CEO 2nd Floor Conference Room
- 10:30 a.m. - Planning Committee - CEO 2nd Floor Conference Room
- 11:15 a.m. - Expansion Committee - CEO Parlor
- 2 p.m. - Education and Programs Committee - CEO 2nd Floor Conference Room
- 3:15 p.m. - Communications and Marketing Committee - CEO 2nd Floor Conference Room

Public comment will not be received.


Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† May 22, 2003 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

The following committees will meet:


- 8:30 a.m. - Buildings and Grounds Committee - CEO 2nd Floor Conference Room
- 9:30 a.m. - Collections Committee - Auditorium
- 11 a.m. - Finance Committee - Main Lobby, Conference Room


Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† May 22, 2003 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 


An annual meeting to present yearly reports to the full Board of Trustees. Part 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 18, 2003 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO Building Parlor, Richmond, Virginia. 

A meeting for staff to update the Expansion Committee. 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 19, 2003 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

An annual meeting of the Executive/Finance Committee to approve the museum's budget. 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.


VIRGINIA MUSEUM OF NATURAL HISTORY

† May 16, 2003 - 3 p.m. -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia. 


† June 9, 2003 - 10 a.m. -- Open Meeting
LeClair Ryan Consulting, 1010 First Union Building, 213 South Jefferson Street, Roanoke, Virginia. 

A meeting of the Executive Committee to discuss management and direction of museum.

Contact: Cindy Rorrer, Administrative Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY , e-mail crorrer@vmnh.org.


† May 17, 2003 - 10 a.m. -- Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia. 

A meeting of the Board of Trustees to include reports from all standing board committees.


Contact: Cindy Rorrer, Administrative Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY , e-mail crorrer@vmnh.org.

BOARD OF NURSING

May 12, 2003 - 9 a.m. -- Open Meeting
May 13, 2003 - 9 a.m. -- Open Meeting
May 15, 2003 - 9 a.m. -- Open Meeting
† July 14, 2003 - 9 a.m. -- Open Meeting
† July 16, 2003 - 9 a.m. -- Open Meeting
† July 17, 2003 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th 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

June 3, 2003 - 9 a.m. -- Open Meeting


June 9, 2003 - 9 a.m. -- Open Meeting

June 10, 2003 - 9 a.m. -- Open Meeting


June 24, 2003 - 9 a.m. -- Open Meeting

June 25, 2003 - 9 a.m. -- Open Meeting

June 26, 2003 - 9 a.m. -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

OLD DOMINION UNIVERSITY


May 12, 2003 - 3 p.m. -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia. 

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

June 17, 2003 - 1:30 p.m. -- Open Meeting


Old Dominion University, Webb University Center, Norfolk, Virginia. 

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received. Standing committees will meet on the two days prior to the full board meeting.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† May 23, 2003 - 10 a.m. -- Open Meeting

202 North 9th Street, 9th Floor Conference Room, Richmond, Virginia. 


The Guardianship Study Group will hear from practitioners who understand community support needs for people with developmental disabilities.

Contact: Katherine Lawson, Planning and Constituent Outreach Manager, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9376, FAX (804) 786-1118, toll-free (800) 846-4464, e-mail lawsonkw@vbpd.state.va.us.

BOARD OF PHARMACY

† May 8, 2003 - 9 a.m. -- Open Meeting

† May 22, 2003 - 9 a.m. -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, 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, 6603 W. Broad St., 5th Floor, Richmond, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313.

BOARD OF PHYSICAL THERAPY

† May 12, 2003 - 9 a.m. -- Open Meeting


Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, Virginia, 23230-1712 

The Legislative/Regulatory Committee will convene to review and amend current regulations.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg. , 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 18, 2003 - 10 a.m. -- Open Meeting


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

A meeting to conduct board business.

Contact: Eric Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olson@dpor.state.va.us.

Calendar of Events


VIRGINIA PUBLIC BROADCASTING BOARD

May 14, 2003 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A regular meeting.

Contact: James Roberts, Deputy Secretary of Administration, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail jroberts@gov.state.va.us.


VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

June 19, 2003 - 10 a.m. -- Open Meeting
1600 Forest Avenue, Suite 102, Richmond, Virginia. 


A regular quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Virginia Public Guardian and Conservator Advisory Board, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail traney@vdh.stat.va.us.


REAL ESTATE APPRAISER BOARD

May 13, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.


Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.

REAL ESTATE BOARD


May 7, 2003 - 10 a.m. -- Open Meeting
May 21, 2003 - 9 a.m. -- Open Meeting
May 22, 2003 - 9 a.m. -- Open Meeting
† May 29, 2003 - 9 a.m. -- Open Meeting
† June 16, 2003 - 1 p.m. -- Open Meeting
† July 31, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


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

Contact: Debbie Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail amaker@dpor.state.va.us.


May 7, 2003 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Education Committee to review education applications.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.


May 8, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to review fair housing cases.


Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

May 8, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

VIRGINIA RESOURCES AUTHORITY

† May 15, 2003 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 13th Floor, Suite 1350, 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 R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219,

telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

May 21, 2003 - 10 a.m. -- Open Meeting
Henrico County Government Center, 8600 Dixon Powers Drive, Human Resource Board Room, Richmond, Virginia.

A meeting to hear appeals of health department denials of septic tank permits and indemnification fund claims.

Contact: Susan C. Sherertz, Business Manager A, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main St., Room 117, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.


VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† May 27, 2003 - 11 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and for general business of the board. Meeting time is subject to change depending upon the agenda of the board.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

† June 20, 2003 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

A regular Family and Children's Trust Fund board meeting and a meeting of the Nominating Committee.

Contact: Nan McKenney, Executive Director, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869, e-mail fct900@dss.state.va.us.

† July 11, 2003 - 5 p.m. -- Open Meeting
Accomack, Virginia.

A quarterly meeting.

Contact: Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839, e-mail fj900@email1.dss.state.va.us.


† July 12, 2003 - 9 a.m. -- Open Meeting
Accomack, Virginia.

A quarterly meeting and retreat.


Contact: Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA

23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839, e-mail fj900@email1.dss.state.va.us.

BOARD OF SOCIAL WORK


May 9, 2003 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. 

A business meeting to discuss board and regulatory matters as well as give committee reports. Public comment will be heard at the beginning of the meeting.

Contact: Arnice Covington, Administrative Assistant, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail arnice.covington@dhp.state.va.us.


DEPARTMENT OF TECHNOLOGY PLANNING

Wireless E-911 Services Board

May 14, 2003 - 9 a.m. -- Open Meeting
† July 9, 2003 - 9 a.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the CMRS subcommittee in closed session.


Contact: Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

May 14, 2003 - 10 a.m. -- Open Meeting
† July 9, 2003 - 10 a.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting of the full board.

Contact: Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

May 14, 2003 - 9:30 a.m. -- Open Meeting
June 11, 2003 - 9:30 a.m. -- Open Meeting
† July 9, 2003 - 9:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, Richmond, Virginia. 

A regular monthly meeting of the Change Management Workgroup. Agenda and details available at www.cots.state.va.us.

Contact: Jenny Hunter, COTS Executive Director, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA


Calendar of Events

23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

May 15, 2003 - 3 p.m. -- Open Meeting

June 19, 2003 - 3 p.m. -- Open Meeting

† **July 17, 2003 - 3 p.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Lee Building, Rooms 101, 103, and 105, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting of the Security Workgroup. Agenda and more details can be found at www.cots.state.va.us.

Contact: Jenny Hunter, Executive Director, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

June 5, 2003 - 2 p.m. -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia.

A regular monthly meeting of the Executive Committee. Agenda and meeting information available at www.cots.state.va.us.

Contact: Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

VIRGINIA TOURISM AUTHORITY

Governor's Outdoor Resources Advisory Panel

† **May 12, 2003 - 2 p.m.** -- Open Meeting

Virginia Department of Forestry 

Items to be discussed include committee assignments for Marketing, Product Assessment, Development and Education. Public comments will be received at 3:30 p.m. Call for location details.

Contact: Rita McClenny, VP of Customer and Industry Relations, Virginia Tourism Authority, 901 E. Byrd St., Richmond, VA 23219, telephone (804) 371-8207, FAX (804) 786-1919, e-mail rmcclenny@virginia.org.

COMMONWEALTH TRANSPORTATION BOARD

May 14, 2003 - 2 p.m. -- Open Meeting

† **June 18, 2003 - 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: Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

May 15, 2003 - 9 a.m. -- Open Meeting

† **June 19, 2003 - 9 a.m.** -- Open Meeting


Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A monthly meeting 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: Sandra M. Mills, Agency Regulatory Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

TREASURY BOARD

May 21, 2003 - 9 a.m. -- Open Meeting


James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting.


Contact: Melissa Mayes, Treasury Board Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.state.va.us.

BOARD OF VETERINARY MEDICINE

† **May 21, 2003 - 8:30 a.m.** -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

In addition to routine board business, the board will entertain a discussion concerning the current activities of some online veterinary technician programs and their preceptorships, review outdated guidance documents on the board's interpretation of routine surgical closures and tooth extractions permissible to licensed veterinary technicians, consider acceptance of the American Association of Veterinary State Boards' Program for the Assessment of Veterinary Education Equivalence (PAVE), review/approve the final proposed regulations to replace the emergency regulations pertaining to voluntary practice by out-of-state licensees, handle correspondence, and hold formal hearings. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

VIRGINIA COMMONWEALTH UNIVERSITY


Governor Warner's DUI Task Force

† **May 9, 2003 - 10 a.m.** -- Open Meeting
Virginia State Police Training Academy. 


The Task Force will consider and approve final recommendations for their report to the Governor.

Contact: Gregory Brittingham, Staff Support, Virginia Commonwealth University, 1014 W. Franklin St., Richmond VA 23284, telephone (804) 827-1583, e-mail glbrittingha@vcu.edu.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **May 20, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The board will be proposing amendments to its regulations.

Contact: David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail wastemgt@dpor.state.va.us.

STATE WATER CONTROL BOARD

May 20, 2003 - 2 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.


June 6, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-760. James River (Richmond Regional West) Surface Water Management Area.** The purpose of the proposed action is to designate the James River near Richmond as a surface water management area. The area would encompass the James River upstream from the southeastern toe of the I-95 Bridge in the City of Richmond to the southwestern toe of the U.S. Route 522 Bridge in Goochland and Powhatan Counties. After designation, the requirements of the Surface Water Management Area Regulation (9 VAC 25-220) would apply.

Statutory Authority: § 62.1-246 of the Code of Virginia.


Contact: Terry Wagner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043, FAX (804) 698-4032, or e-mail: tdwagner@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

May 6, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

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

Contact: Ilona LaPaglia, Legal Assistant, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, e-mail LaPaglia@dpor.state.va.us.


June 19, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.


Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.


INDEPENDENT

VIRGINIA RETIREMENT SYSTEM


May 13, 2003 - Noon -- Open Meeting
† **May 20, 2003 - Noon** -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.


Contact: Darla Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

May 14, 2003 - 11 a.m. -- Open Meeting
Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.


Contact: Phyllis Henderson, Virginia Retirement System, 1111 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 phenderson@vrs.state.va.us.


Calendar of Events

May 14, 2003 - 3 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 


The following committees will meet:

- 3 p.m. - Benefits and Actuarial Committee
- 4 p.m. - 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, 2003 - 9 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Board of Trustees. No public comment will be received.

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.


† June 16, 2003 - 9 a.m. -- Open Meeting
Location to be determined.

The Board of Trustees will hold its annual retreat sometime during the week of June 16-20, 2003. This notice will be updated upon finalization of plans. No public comment will be received.

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.

LEGISLATIVE


VIRGINIA CODE COMMISSION

May 21, 2003 - 10 a.m. -- Open Meeting
General Assembly, 9th and Broad Streets, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to (i) review status of 2003 Code Commission legislation; (ii) review title revision outlines for Titles 3.1 (Agriculture, Horticulture and Food) and 37.1 (Institutions for the Mentally Ill; Mental Health Generally) of the Code of Virginia; (iii) review background and issues relating to Title 1 (General Provisions); (iv) appoint task forces for title revisions, if needed; (v) set meeting schedule for remainder of the year; and (vii) conduct any other business to come before the commission. A brief public comment period will be provided at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† June 2, 2003 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

May 5

Alzheimer's Disease and Related Disorders Commission
Branch Pilots, Board for

May 6

† Accountancy, Board of
- Enforcement Committee

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

- Land Surveyors Section

† Conservation and Recreation, Department of
- New River Trail State Park Master Plan Advisory
Committee

Contractors, Board for

Medicine, Board of

- Advisory Board on Athletic Training

Museum of Fine Arts, Virginia

- Executive Committee

Waterworks and Wastewater Works Operators, Board for

May 7

† Conservation and Recreation, Department of
- Fairy Stone State Park Master Plan Advisory Committee

Contractors, Board for

- Tradesman and Education Committee

Deaf and Hard-of-Hearing, Department for the

Jamestown-Yorktown Foundation

- Executive Committee

† Manufactured Housing Board, Virginia

Medicine, Board of

- Advisory Board on Acupuncture

Real Estate Board

- Education Committee

May 8

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

- Certified Interior Designers Section

† Child Day-Care Council

† Criminal Justice Services Board

† Dentistry, Board of

George Mason University

- Board of Visitors

Health, Department of
- State Emergency Medical Services Advisory Board
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
† Mines, Mineral and Energy, Department of
- Virginia Coal Mine Safety Board
† Pharmacy, Board of
- Special Conference Committee
Real Estate Board

May 9

Child Fatality Review Team, State
Health, Department
- State Emergency Medical Services Advisory Board
Medicine, Board of
- Advisory Board on Physician Assistants
Social Work, Board of
† Virginia Commonwealth University
- Governor Warner's DUI Task Force

May 10

† Longwood University
- Executive Committee

May 12

Alcoholic Beverage Control Board
† Education, Board of
- Advisory Committee on Adult Education and Literacy
† Local Government, Commission on
† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Franchise Law Committee
- Licensing Committee
- Transaction Recovery Fund Committee
Nursing, Board of
Old Dominion University
- Executive Committee
† Physical Therapy, Board of
- Legislative/Regulatory Committee
† Tourism Authority, Virginia

May 13

† Agriculture and Consumer Services, Department of
- Virginia Sweet Potato Board
† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
† Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board
Contractors, Board for
Environmental Quality, Department of
- Recycling Markets Development Council
Medical Assistance Services, Board of
† Motor Vehicles, Department of
- Governor's Transportation Safety Board
Nursing, Board of
Real Estate Appraiser Board
Retirement System, Virginia
- Optional Retirement Plan Advisory Board

May 14

† Agriculture and Consumer Services, Department of
- Consumer Affairs Advisory Committee
† Medicine, Board of
- Informal Conference Committee

Motor Vehicles, Department of
- Medical Advisory Board
Public Broadcasting Board, Virginia
Retirement System, Virginia
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee
Technology Planning, Department of
- Wireless E-911 Services Board
Technology Services, Council on
- Change Management Workgroup
Transportation Board, Commonwealth

May 15

† Agriculture and Consumer Services, Board of
† Assistive Technology Loan Fund Authority
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Counseling, Board of
Design-Build/Construction Management Review Board
Jamestown-Yorktown Foundation
- Board of Trustees
† Labor and Industry, Department of
- Virginia Apprenticeship Council
Nursing, Board of
† Resources Authority, Virginia
- Board of Directors
Retirement System, Virginia
- Board of Trustees
Technology Services, Council on
- Security Workgroup
Transportation Board, Commonwealth

May 16

† Counseling, Board of
† Dentistry, Board of
† Education, Board of
Jamestown-Yorktown Foundation
- Board of Trustees
† Medicine, Board of
- Board of Health Professions Sanctions Reference Study
Ad Hoc Committee
- Informal Conference Committee
- Legislative Committee
† Museum of Natural History, Virginia
- Executive Committee

May 17

† Museum of Natural History, Virginia
- Board of Trustees

May 19

† Contractors, Board for
† Housing and Community Development, Board of

May 20

Corrections, Board of
- Correctional Services Committee
- Liaison Committee
† Environmental Quality, Department of
† Higher Education for Virginia, State Council of
- Executive Committee
† Housing Development Authority, Virginia
- Board of Commissioners
† Retirement System, Virginia
- Optional Retirement Plan Advisory Committee
† Waste Management Facility Operators, Board for

Calendar of Events

May 21

Cemetery Board
Code Commission, Virginia
† Community Colleges, State Board for
- Academic and Student Affairs Committee
- Audit Committee
- Budget and Finance Committee
† Compensation Board
Corrections, Board of
- Administration Committee
† Environmental Quality, Department of
† Higher Education for Virginia, State Council of
† Medicine, Board of
- Informal Conference Committee
Milk Commission, State
† Museum of Fine Arts, Virginia
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Expansion Committee
- Planning Committee
Real Estate Board
† Sewage Handling and Disposal Appeal Review Board
Treasury Board
† Veterinary Medicine, Board of

May 22

† Community Colleges, State Board for
† Museum of Fine Arts, Virginia
- Buildings and Grounds Committee
- Collections Committee
- Finance Committee
- Board of Trustees
† Pharmacy, Board of
- Special Conference Committee
Real Estate Board

May 23

† People with Disabilities, Virginia Board for

May 27

† Alcoholic Beverage Control Board
† Education, Board of
- Advisory Committee on Adult Education and Literacy
Marine Resources Commission
† Small Business Financing Authority, Virginia

May 28

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Contractors, Board for
Education, Board of
Medicine, Board of
- Informal Conference Committee

May 29

† Real Estate Board

May 30

† Counseling, Board of

May 31

Conservation and Recreation, Department of
- Virginia Cave Board

June 2

† Freedom of Information Advisory Council, Virginia

June 3

Contractors, Board for

Nursing, Board of
- Special Conference Committee

June 4

† Asbestos, Lead, and Home Inspectors, Virginia Board for

June 5

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Medicine, Board of
Technology Services, Council on
- Executive Committee

June 6

Art and Architectural Review Board

June 7

† Blind and Vision Impaired, Department for the
- Statewide Rehabilitation Council for the Blind

June 9

Alcoholic Beverage Control Board'
† Museum of Natural History, Virginia
- Executive Committee
Nursing, Board of
- Special Conference Committee

June 10

Contractors, Board for
Nursing, Board of
- Special Conference Committee

June 11

Jamestown-Yorktown Foundation
- Steering Committee
† Medicine, Board of
- Informal Conference Committee
Technology Services, Council on
- Change Management Workgroup

June 12

† Health, Department of
- Biosolids Use Regulations Advisory Committee

June 16

† Library of Virginia, The
- Archival and Informational Services Committee
- Collection Management Services Committee
- Legislative and Finance Committee
- Library Board
- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee
† Real Estate Board
Retirement System, Virginia
- Board of Trustees

June 17

Contractors, Board for
Old Dominion University
- Board of Visitors

June 18

† Museum of Fine Arts, Virginia
- Expansion Committee
Polygraph Examiners Advisory Board
† Transportation Board, Commonwealth

June 19

Design-Build/Construction Management Review Board
† Labor and Industry, Department of
- Virginia Apprenticeship Council

Museum of Fine Arts, Virginia
- Executive/Finance Committee
Public Guardian and Conservator Advisory Board, Virginia
Technology Services, Council on
- Security Workgroup
† Transportation Board, Commonwealth
Waterworks and Wastewater Works Operators, Board for

June 20

Health Professions, Department of
- Intervention Program Committee
† Social Services, Department of
- Family and Children's Trust Fund

June 23

Alcoholic Beverage Control Board

June 24

Contractors, Board for
Marine Resources Commission
Nursing, Board of
- Special Conference Committee

June 25

At-Risk Youth and Families, Comprehensive Services for
Education, Board of
† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee

June 26

Nursing, Board of
- Special Conference Committee

July 1

Contractors, Board for

July 9

† Contractors, Board for
† Juvenile Justice, State Board of
† Medicine, Board of
- Informal Conference Committee
† Technology Planning, Department of
- Wireless E-911 Services Board
† Technology Services, Council on

July 11

† Art and Architectural Review Board
† Social Services, Department of

July 12

† Social Services, Department of

July 14

† Alcoholic Beverage Control Board
† Nursing, Board of

July 15

† Contractors, Board for

July 16

† Medicine., Board of
- Informal Conference Committee
† Nursing, Board of

July 17

† Design-Build/Construction Management Review Board
† Nursing, Board of
† Technology Services, Council on

July 22

† Contractors, Board for

July 23

† Education, Board of

July 25

† Health, State Board of

July 28

† Alcoholic Beverage Control Board

July 29

† Contractors, Board for
† Geology, Board for

July 30

† At-Risk Youth and Families, Comprehensive Services for

July 31

† Medicine, Board of
- Informal Conference Committee
† Real Estate Board

August 1

† Art and Architectural Review Board

August 5

† Contractors, Board for

PUBLIC HEARINGS

May 13

Agriculture and Consumer Services, Department of

May 15

Environmental Quality, Department of

May 20

Water Control Board, State

May 21

Milk Commission, State

June 12

Criminal Justice Services Board