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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2003 VAC Supplement includes final regulations published through *Virginia Register* Volume 19, Issue 24, dated August 11, 2003). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 55-10-10	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-10-20	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-10-30	Amended	20:5 VA.R. 454	12/17/03
1 VAC 55-20-320 emer	Amended	19:25 VA.R. 3829	10/1/03-9/30/04
Title 2. Agriculture			
2 VAC 5-320-10	Amended	20:10 VA.R. 1010	2/26/04
2 VAC 5-325-10 through 2 VAC 5-325-120	Added	20:9 VA.R. 886	12/15/03
2 VAC 5-360	Erratum	20:11 VA.R. 1387	--
2 VAC 5-360-10 through 2 VAC 5-360-100	Amended	20:9 VA.R. 889	2/12/04 *
2 VAC 5-360-110 through 2 VAC 5-360-140	Repealed	20:9 VA.R. 889	2/12/04 *
2 VAC 5-440-10 through 2 VAC 5-440-60	Amended	20:12 VA.R. 1471-1474	3/25/04
2 VAC 5-440-80	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440-90	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 20-30	Erratum	20:1 VA.R. 39	--
Title 4. Conservation and Natural Resources			
4 VAC 5-36-20	Amended	20:13 VA.R. 1604	4/7/04
4 VAC 5-36-50 through 4 VAC 5-36-150	Amended	20:13 VA.R. 1604-1621	4/7/04
4 VAC 5-36-170 through 4 VAC 5-36-210	Amended	20:13 VA.R. 1621-1632	4/7/04
4 VAC 5-36-220	Added	20:13 VA.R. 1632	4/7/04
4 VAC 15-30-40	Amended	19:25 VA.R. 3780	7/30/03
4 VAC 20-20-50	Amended	20:14 VA.R. 1709	3/1/04
4 VAC 20-252-50	Amended	20:10 VA.R. 1011	1/5/04
4 VAC 20-252-55	Amended	20:10 VA.R. 1011	1/5/04
4 VAC 20-252-60	Amended	20:10 VA.R. 1011	1/5/04
4 VAC 20-252-70	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-90	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-100	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-130	Amended	20:10 VA.R. 1012	1/5/04
4 VAC 20-252-150	Amended	20:10 VA.R. 1013	1/5/04
4 VAC 20-252-160	Amended	20:10 VA.R. 1014	1/5/04
4 VAC 20-490-35	Added	20:6 VA.R. 584	11/1/03
4 VAC 20-490-40	Amended	20:6 VA.R. 584	11/1/03
4 VAC 20-490-45	Added	20:6 VA.R. 584	11/1/03
4 VAC 20-620-30	Amended	20:4 VA.R. 342	10/15/03
4 VAC 20-620-40	Amended	20:4 VA.R. 342	10/15/03
4 VAC 20-650-10 through 4 VAC 20-650-40	Amended	20:6 VA.R. 585	11/1/03
4 VAC 20-720-20	Amended	20:6 VA.R. 585	11/1/03
4 VAC 20-720-20	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40	Amended	20:6 VA.R. 586	11/1/03

* Effective date changed in 20:11

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-720-40	Amended	20:10 VA.R. 1014	1/1/04
4 VAC 20-720-40	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	20:4 VA.R. 344-346	10/8/03
4 VAC 20-720-50 through 4 VAC 20-720-90	Amended	20:6 VA.R. 587-588	11/1/03
4 VAC 20-720-48 emer	Added	20:14 VA.R. 1714	3/1/04-3/31/04
4 VAC 20-720-50	Amended	20:10 VA.R. 1015	1/1/04
4 VAC 20-720-50	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-60	Amended	20:10 VA.R. 1015	1/1/04
4 VAC 20-720-60	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-80	Amended	20:10 VA.R. 1016	1/1/04
4 VAC 20-720-80	Amended	20:14 VA.R. 1712	3/1/04
4 VAC 20-752-20	Amended	19:25 VA.R. 3780	7/23/03
4 VAC 20-920-20	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-920-40	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-950-46	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-950-47	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-950-48	Amended	20:6 VA.R. 589	11/1/03
4 VAC 20-1070-10 through 4 VAC 20-1070-50	Added	19:25 VA.R. 3781	8/1/03
4 VAC 25-10-10 through 4 VAC 25-10-80	Amended	20:10 VA.R. 1016	2/26/04
4 VAC 25-31 (Forms)	Amended	20:2 VA.R. 135	--
4 VAC 25-31 (Forms)	Amended	20:5 VA.R. 487	--
4 VAC 25-31 (Forms)	Amended	20:15 VA.R. 1784-1792	--
4 VAC 25-130 (Forms)	Amended	20:1 VA.R. 33	--
4 VAC 25-130-700.5	Amended	20:10 VA.R. 1017	2/25/04
4 VAC 25-130-800.21	Amended	20:10 VA.R. 1017	2/25/04
Title 6. Criminal Justice and Corrections			
6 VAC 20-171-10	Amended	20:3 VA.R. 214	11/19/03
6 VAC 20-171-20	Amended	20:3 VA.R. 217	11/19/03
6 VAC 20-171-30	Amended	20:3 VA.R. 217	11/19/03
6 VAC 20-171-40	Repealed	20:3 VA.R. 217	11/19/03
6 VAC 20-171-50 through 6 VAC 20-171-130	Amended	20:3 VA.R. 217-221	11/19/03
6 VAC 20-171-140	Repealed	20:3 VA.R. 221	11/19/03
6 VAC 20-171-150	Repealed	20:3 VA.R. 222	11/19/03
6 VAC 20-171-170 through 6 VAC 20-171-200	Amended	20:3 VA.R. 222-223	11/19/03
6 VAC 20-171-220	Amended	20:3 VA.R. 224	11/19/03
6 VAC 20-171-230	Amended	20:3 VA.R. 225	11/19/03
6 VAC 20-171-240	Amended	20:3 VA.R. 226	11/19/03
6 VAC 20-171-250 through 6 VAC 20-171-280	Amended	20:3 VA.R. 227-229	11/19/03
6 VAC 20-171-300	Amended	20:3 VA.R. 230	11/19/03
6 VAC 20-171-310	Amended	20:3 VA.R. 231	11/19/03
6 VAC 20-171-320	Amended	20:3 VA.R. 232	11/19/03
6 VAC 20-171-325	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-330	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-340	Repealed	20:3 VA.R. 233	11/19/03
6 VAC 20-171-350 through 6 VAC 20-171-400	Amended	20:3 VA.R. 234-241	11/19/03
6 VAC 20-171-420	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-430	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-440	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-460	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-480	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-500	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-510	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-540	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-171-560	Amended	20:3 VA.R. 241	11/19/03
6 VAC 20-190	Erratum	20:8 VA.R. 850	--
6 VAC 20-190-10	Amended	20:4 VA.R. 346	12/3/03

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6 VAC 20-190-40	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-60	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-90	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-100	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-120	Amended	20:4 VA.R. 347	12/3/03
6 VAC 20-190-150	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-190-160	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-190-170	Amended	20:4 VA.R. 348	12/3/03
6 VAC 20-200	Repealed	20:4 VA.R. 348	12/3/03
6 VAC 20-220-10 through 6 VAC 20-220-80	Added	20:4 VA.R. 348-350	12/3/03
6 VAC 20-230-10 through 6 VAC 20-230-99 emer	Added	20:9 VA.R. 905-915	1/12/04-1/11/05
Title 7. Economic Development			
7 VAC 10-20-10	Amended	20:10 VA.R. 1018	2/15/04
7 VAC 10-20-120	Amended	20:10 VA.R. 1020	2/15/04
7 VAC 10-20-300	Amended	20:10 VA.R. 1020	2/15/04
Title 8. Education			
8 VAC 20-70-10	Amended	20:7 VA.R. 656	1/14/04
8 VAC 20-70-30	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-40	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-70	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-80	Amended	20:7 VA.R. 657	1/14/04
8 VAC 20-70-100 through 8 VAC 20-70-170	Amended	20:7 VA.R. 657-658	1/14/04
8 VAC 20-70-190	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-200	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-210	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-220	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-230	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-235	Added	20:7 VA.R. 658	1/14/04
8 VAC 20-70-240 through 8 VAC 20-70-270	Repealed	20:7 VA.R. 658	1/14/04
8 VAC 20-70-280	Amended	20:7 VA.R. 658	1/14/04
8 VAC 20-70-290	Amended	20:7 VA.R. 659	1/14/04
8 VAC 20-70-300	Amended	20:7 VA.R. 659	1/14/04
8 VAC 20-70-340 through 8 VAC 20-70-380	Amended	20:7 VA.R. 659-660	1/14/04
8 VAC 20-70-390	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-70-400 through 8 VAC 20-70-440	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-460	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-470	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-510	Amended	20:7 VA.R. 660	1/14/04
8 VAC 20-70-520	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-70-525	Added	20:7 VA.R. 660	1/14/04
8 VAC 20-70-530 through 8 VAC 20-70-1510	Repealed	20:7 VA.R. 660	1/14/04
8 VAC 20-680-10 emer	Added	20:7 VA.R. 675	11/7/03-11/6/04
Title 9. Environment			
9 VAC 5-10-20	Amended	20:6 VA.R. 590	1/1/04
9 VAC 5-20-21	Amended	20:12 VA.R. 1476	3/24/04
9 VAC 5-20-206 (G02)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-20-206 (C03)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-40	Erratum	19:25 VA.R. 3844	--
9 VAC 5-40-310	Erratum	20:15 VA.R. 1809	--
9 VAC 5-40-240	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-310	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-3260	Amended	20:12 VA.R. 1479	3/24/04
9 VAC 5-40-5200	Amended	20:12 VA.R. 1500	3/24/04
9 VAC 5-40-5220	Amended	20:12 VA.R. 1501	3/24/04
9 VAC 5-40-5700 through 9 VAC 5-40-5770	Added	20:12 VA.R. 1480	3/24/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-5800	Amended	20:8 VA.R. 808	1/29/04
9 VAC 5-40-5810	Amended	20:8 VA.R. 808	1/29/04
9 VAC 5-40-5820	Amended	20:8 VA.R. 810	1/29/04
9 VAC 5-40-5822	Amended	20:8 VA.R. 810	1/29/04
9 VAC 5-40-5824	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5850	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5855	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5860	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5870	Amended	20:8 VA.R. 811	1/29/04
9 VAC 5-40-5880	Amended	20:8 VA.R. 812	1/29/04
9 VAC 5-40-5890	Amended	20:8 VA.R. 812	1/29/04
9 VAC 5-40-5910	Amended	20:8 VA.R. 813	1/29/04
9 VAC 5-40-5920	Amended	20:8 VA.R. 813	1/29/04
9 VAC 5-40-6820 through 9 VAC 5-40-7230	Added	20:12 VA.R. 1480-1497	3/24/04
9 VAC 5-91-20 emer	Amended	20:12 VA.R. 1507	1/28/04-1/27/05
9 VAC 5-91-160 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-180 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-750 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-91-760 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-140-421 emer	Added	20:11 VA.R. 1222	1/12/04-1/11/05
9 VAC 5-140-550	Amended	20:12 VA.R. 1504	3/24/04
9 VAC 20-60-18	Amended	20:2 VA.R. 128	11/5/03
9 VAC 20-80	Erratum	19:26 VA.R. 3926	--
9 VAC 20-80-10	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-60	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-80	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-90	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-100	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-105	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-110	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-113	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-115	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-120	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-140 through 9 VAC 20-80-190	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-205	Added	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-210	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-240 through 9 VAC 20-80-280	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-300	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-310	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-330	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-340	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-360	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-370	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-400	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-470	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-485	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-500 through 9 VAC 20-80-530	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-550	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-570	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-580	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-600	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-620	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-640	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-650	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-670	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-730	Amended	19:25 VA.R. 3782	9/24/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-80-740	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80-760 through 9 VAC 20-80-790	Amended	19:25 VA.R. 3782	9/24/03
9 VAC 20-80, Appendices 5.1 through 5.6, 7.1 through 7.4, 9.1	Repealed	19:25 VA.R. 3782	9/24/03
9 VAC 20-170-70	Added	20:3 VA.R. 242	11/19/03
9 VAC 20-170-195	Added	20:3 VA.R. 243	11/19/03
9 VAC 25-260	Erratum	19:26 VA.R. 3926	--
9 VAC 25-260	Erratum	20:11 VA.R. 1387	--
9 VAC 25-260-5 through 9 VAC 25-260-30	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-50	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-140	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-150	Repealed	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-155	Amended	20:9 VA.R. 890	2/12/04
9 VAC 25-260-170	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-190 through 9 VAC 25-260-240	Repealed	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-300	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-310	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-320	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-340	Repealed	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-380 through 9 VAC 25-260-450	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-415	Added	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-260-470 through 9 VAC 25-260-540	Amended	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-280-10 through 9 VAC 25-280-90	Added	19:25 VA.R. 3785	2/12/04 *
9 VAC 25-580-10	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-50	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-130	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-270	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-290	Repealed	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-320	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-790	Erratum	20:12 VA.R. 1526	--
9 VAC 25-790-10 through 9 VAC 25-790-1000	Added	20:9 VA.R. 891	2/12/04
Title 10. Finance and Financial Institutions			
10 VAC 5-40-40	Added	20:14 VA.R. 1713	3/1/04
10 VAC 5-200-90	Added	20:2 VA.R. 128	9/11/03
Title 11. Gaming			
11 VAC 10-20-410 through 11 VAC 10-20-417 emer	Added	19:26 VA.R. 3913-3919	8/13/03-8/12/04
11 VAC 10-130-77	Amended	20:4 VA.R. 350	10/14/03
11 VAC 10-150-130	Amended	20:4 VA.R. 351	11/17/03
Title 12. Health			
12 VAC 5-218-10 through 12 VAC 5-218-60	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-220-200	Amended	20:2 VA.R. 129	11/5/03
12 VAC 5-400-10 through 12 VAC 5-400-90	Repealed	20:6 VA.R. 597	12/31/03
12 VAC 5-407-10 through 12 VAC 5-407-120	Added	19:26 VA.R. 3911	10/8/03
12 VAC 5-550-5	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-10	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-30	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-40	Repealed	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-70	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-90 through 12 VAC 5-550-120	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-125	Added	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-130	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-140	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-150	Amended	19:26 VA.R. 3912	10/8/03

* Notice of effective date published in 20:9 VA.R. 890.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-550-190	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-200	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-210	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-230 through 12 VAC 5-550-260	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-280 through 12 VAC 5-550-320	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-360 through 12 VAC 5-550-390	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-410	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-430 through 12 VAC 5-550-470	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-510	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-550-520	Amended	19:26 VA.R. 3912	10/8/03
12 VAC 5-581	Repealed	20:9 VA.R. 891	2/12/04
12 VAC 30-10-650 emer	Amended	20:10 VA.R. 1049	1/4/04-1/3/05
12 VAC 30-40-100	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-140	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-240	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-280	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-40-290	Amended	20:4 VA.R. 351	12/3/03
12 VAC 30-50-10	Amended	20:1 VA.R. 25	10/22/03
12 VAC 30-50-20	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-50	Amended	20:1 VA.R. 26	10/22/03
12 VAC 30-50-60	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-120	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-130	Amended	20:7 VA.R. 661	2/1/04
12 VAC 30-50-140	Amended	20:1 VA.R. 27	10/22/03
12 VAC 30-50-140	Amended	20:1 VA.R. 29	10/22/03
12 VAC 30-50-150	Amended	20:1 VA.R. 30	10/22/03
12 VAC 30-50-210 emer	Amended	20:8 VA.R. 836	1/4/04-1/3/05
12 VAC 30-50-210 emer	Amended	20:10 VA.R. 1054	1/4/04-1/3/05
12 VAC 30-50-530	Amended	20:1 VA.R. 28	10/22/03
12 VAC 30-50-226	Amended	20:7 VA.R. 661	2/1/04
12 VAC 30-50-420	Amended	20:7 VA.R. 664	2/1/04
12 VAC 30-50-430	Amended	20:7 VA.R. 664	2/1/04
12 VAC 30-50-510	Amended	20:7 VA.R. 667	2/1/04
12 VAC 30-60-61	Amended	20:7 VA.R. 669	2/1/04
12 VAC 30-60-143	Amended	20:7 VA.R. 669	2/1/04
12 VAC 30-60-147	Amended	20:7 VA.R. 673	2/1/04
12 VAC 30-70-201	Amended	20:5 VA.R. 455	1/4/04
12 VAC 30-70-291 emer	Amended	19:26 VA.R. 3920	8/13/03-8/12/04
12 VAC 30-70-301 emer	Amended	19:26 VA.R. 3921	8/13/03-8/12/04
12 VAC 30-70-331 emer	Amended	19:26 VA.R. 3922	8/13/03-8/12/04
12 VAC 30-70-425	Added	20:8 VA.R. 814	1/28/04
12 VAC 30-70-426	Added	20:8 VA.R. 814	1/28/04
12 VAC 30-80-20	Amended	20:8 VA.R. 815	1/28/04
12 VAC 30-80-30	Amended	20:8 VA.R. 817	1/28/04
12 VAC 30-80-40	Amended	20:2 VA.R. 132	11/6/03
12 VAC 30-80-40 emer	Amended	20:8 VA.R. 839	1/4/04-1/3/05
12 VAC 30-120-140 through 12 VAC 30-120-190	Amended	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-165	Added	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-195	Added	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-200	Repealed	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-201	Added	20:11 VA.R. 1178	3/11/04
12 VAC 30-120-350 emer	Amended	20:8 VA.R. 843	12/4/03-12/3/04
12 VAC 30-120-370 emer	Amended	20:8 VA.R. 845	12/15/03-12/14/04
12 VAC 30-120-380 emer	Amended	20:8 VA.R. 847	12/15/03-12/14/04
12 VAC 30-120-420 emer	Amended	20:8 VA.R. 847	12/15/03-12/14/04
12 VAC 30-120-700	Amended	19:25 VA.R. 3786	10/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-710	Amended	19:25 VA.R. 3789	10/1/03
12 VAC 30-120-720	Amended	19:25 VA.R. 3789	10/1/03
12 VAC 30-130-290 through 12 VAC 30-130-340 emer	Amended	20:10 VA.R. 1050-1054	1/4/04-1/3/05
12 VAC 30-130-335 emer	Added	20:10 VA.R. 1053	1/4/04-1/3/05
12 VAC 30-130-400 emer	Amended	20:10 VA.R. 1054	1/4/04-1/3/05
12 VAC 30-130-550	Repealed	20:7 VA.R. 673	2/1/04
12 VAC 30-130-565	Amended	20:7 VA.R. 673	2/1/04
12 VAC 30-130-570	Repealed	20:7 VA.R. 673	2/1/04
12 VAC 30-130-1000 emer	Added	20:8 VA.R. 840	1/4/04-1/3/05
12 VAC 30-135-10 through 12 VAC 30-135-90	Added	19:25 VA.R. 3789-3791	10/1/03
12 VAC 35-105	Erratum	19:25 VA. R. 3844	--
12 VAC 35-180-10	Amended	20:9 VA.R. 892	2/11/04
12 VAC-35-180-20	Repealed	20:9 VA.R. 894	2/11/04
12 VAC 35-180-30 through 12 VAC 35-180-110	Amended	20:9 VA.R. 894-899	2/11/04
12 VAC 35-180-130 through 12 VAC 35-180-150	Amended	20:9 VA.R. 899	2/11/04
Title 13. Housing			
13 VAC 5-21-10	Amended	19:25 VA.R. 3791	10/1/03
13 VAC 5-21-20	Amended	19:25 VA.R. 3792	10/1/03
13 VAC 5-21-31	Amended	19:25 VA.R. 3792	10/1/03
13 VAC 5-21-41	Amended	19:25 VA.R. 3793	10/1/03
13 VAC 5-21-51	Amended	19:25 VA.R. 3795	10/1/03
13 VAC 5-21-61	Amended	19:25 VA.R. 3795	10/1/03
13 VAC 5-21-70	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-10	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-40	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-50	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-60	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-90	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-31-110	Amended	19:25 VA.R. 3797	10/1/03
13 VAC 5-31-180	Amended	19:25 VA.R. 3797	10/1/03
13 VAC 5-31-190	Added	19:25 VA.R. 3797	10/1/03
13 VAC 5-51	Erratum	20:1 VA.R 39	--
13 VAC 5-51-11	Amended	19:25 VA.R. 3798	10/1/03
13 VAC 5-51-21	Amended	19:25 VA.R. 3798	10/1/03
13 VAC 5-51-31	Amended	19:25 VA.R. 3799	10/1/03
13 VAC 5-51-41	Amended	19:25 VA.R. 3799	10/1/03
13 VAC 5-51-51	Amended	19:25 VA.R. 3800	10/1/03
13 VAC 5-51-61	Amended	19:25 VA.R. 3801	10/1/03
13 VAC 5-51-71	Repealed	19:25 VA.R. 3801	10/1/03
13 VAC 5-51-81	Amended	19:25 VA.R. 3802	10/1/03
13 VAC 5-51-85	Added	19:25 VA.R. 3810	10/1/03
13 VAC 5-51-91	Amended	19:25 VA.R. 3812	10/1/03
13 VAC 5-51-101	Amended	19:25 VA.R. 3813	10/1/03
13 VAC 5-51-111	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-121	Amended	19:25 VA.R. 3814	10/1/03
13 VAC 5-51-129	Added	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-130	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-131	Amended	19:25 VA.R. 3815	10/1/03
13 VAC 5-51-132	Added	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-133	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-135	Amended	19:25 VA.R. 3816	10/1/03
13 VAC 5-51-136	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-140	Amended	19:25 VA.R. 3817	10/1/03
13 VAC 5-51-150	Amended	19:25 VA.R. 3818	10/1/03
13 VAC 5-51-155	Added	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-160	Repealed	19:25 VA.R. 3822	10/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-51-170	Repealed	19:25 VA.R. 3822	10/1/03
13 VAC 5-51-180	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-181	Repealed	19:25 VA.R. 3823	10/1/03
13 VAC 5-51-182	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-190	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-51-200	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-61-11 through 13 VAC 5-61-460	Repealed	19:25 VA.R. 3824	10/1/03
13 VAC 5-62	Erratum	20:2 VA.R. 140	--
13 VAC 5-62-10 through 13 VAC 5-62-480	Added	19:25 VA.R. 3824	10/1/03
13 VAC 5-62-260 L	Suspended	20:2 VA.R. 133	↑
13 VAC 5-62-260 M	Suspended	20:2 VA.R. 133	↑
13 VAC 5-62-260 N	Suspended	20:2 VA.R. 133	↑
13 VAC 5-80-10	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-20	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-30	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-40 through 13 VAC 5-80-140	Amended	19:25 VA.R. 3796	10/1/03
13 VAC 5-80-150	Repealed	19:25 VA.R. 3796	10/1/03
13 VAC 5-91-10	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-40	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-50	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-60	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-100	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-110	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-120	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-140	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-160	Amended	19:25 VA.R. 3825	10/1/03
13 VAC 5-91-180	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-200	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-210	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-230	Repealed	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-245	Added	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-250	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-260	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 5-91-270	Amended	19:25 VA.R. 3826	10/1/03
13 VAC 10-10-10	Amended	19:25 VA.R. 3826	8/1/03
13 VAC 10-10-20	Amended	19:25 VA.R. 3826	8/1/03
13 VAC 10-40-10	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-30 through 13 VAC 10-40-70	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-90	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-100	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-120	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-120	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-130	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-130	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-140	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-160	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-160	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-170	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-190 through 13 VAC 10-40-230	Amended	19:25 VA.R. 3827	8/1/03
13 VAC 10-40-190	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-210	Amended	20:3 VA.R. 244	9/25/03
13 VAC 10-40-230	Amended	20:3 VA.R. 244	9/25/03

1. Effective date suspended for further public comment.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 10-180-10	Amended	20:10 VA.R. 1021	1/12/04
13 VAC 10-180-50	Amended	20:10 VA.R. 1022	1/12/04
13 VAC 10-180-60	Amended	20:10 VA.R. 1023	1/12/04
Title 14. Insurance			
14 VAC 5-71 (Forms)	Added	20:11 VA.R. 1223	--
14 VAC 5-71-10	Amended	20:5 VA.R. 457	11/1/03
14 VAC 5-71-20	Amended	20:5 VA.R. 458	11/1/03
14 VAC 5-71-30	Repealed	20:5 VA.R. 459	11/1/03
14 VAC 5-71-31	Added	20:5 VA.R. 460	11/1/03
14 VAC 5-71-35	Added	20:5 VA.R. 463	11/1/03
14 VAC 5-71-40	Amended	20:5 VA.R. 464	11/1/03
14 VAC 5-71-60	Amended	20:5 VA.R. 464	11/1/03
14 VAC 5-71-70	Amended	20:5 VA.R. 465	11/1/03
14 VAC 5-71-80	Repealed	20:5 VA.R. 466	11/1/03
14 VAC 5-71-90	Amended	20:5 VA.R. 466	11/1/03
14 VAC 5-71-91	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-71-92	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-71-93	Added	20:5 VA.R. 467	11/1/03
14 VAC 5-310	Erratum	20:8 VA.R. 850	--
14 VAC 5-310-10	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-20	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-30	Amended	20:5 VA.R. 469	12/31/03
14 VAC 5-310-40	Amended	20:5 VA.R. 470	12/31/03
14 VAC 5-310-50	Amended	20:5 VA.R. 470	12/31/03
14 VAC 5-310-60	Repealed	20:5 VA.R. 472	12/31/03
14 VAC 5-310-70	Repealed	20:5 VA.R. 473	12/31/03
14 VAC 5-310-80	Amended	20:5 VA.R. 475	12/31/03
14 VAC 5-310-90	Amended	20:5 VA.R. 479	12/31/03
14 VAC 5-310-100	Amended	20:5 VA.R. 481	12/31/03
14 VAC 5-310-105	Added	20:5 VA.R. 482	12/31/03
14 VAC 5-310-110	Repealed	20:5 VA.R. 482	12/31/03
Title 16. Labor and Employment			
16 VAC 25-85-1904.12	Repealed	20:7 VA.R. 673	1/15/04
16 VAC 25-85-1904.29	Amended	20:7 VA.R. 673	1/15/04
16 VAC 25-145-10 through 16 VAC 25-145-50	Added	20:12 VA.R. 1505-1506	4/1/04
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-10 through 18 VAC 5-21-40 emer	Amended	20:9 VA.R. 915-921	12/15/03-12/14/04
18 VAC 5-21-170 emer	Amended	20:9 VA.R. 921	12/15/03-12/14/04
18 VAC 10-10-10	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 10-10-30	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 10-10-40	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 10-10-90	Amended	20:11 VA.R. 1190	4/24/04
18 VAC 15-10-10 through 18 VAC 15-10-90	Amended	20:11 VA.R. 1191-1192	4/24/04
18 VAC 15-30	Erratum	19:26 VA.R. 3926	--
18 VAC 25-10-10 through 18 VAC 25-10-90	Amended	20:11 VA.R. 1193-1195	4/24/04
18 VAC 30-20-10	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-150	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-170	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-240	Amended	20:8 VA.R. 821	1/28/04
18 VAC 30-20-280	Amended	20:8 VA.R. 821	1/28/04
18 VAC 41-10-10 through 18 VAC 41-10-60	Amended	20:11 VA.R. 1195-1196	4/24/04
18 VAC 41-10-80	Amended	20:11 VA.R. 1196	4/24/04
18 VAC 41-10-90	Amended	20:11 VA.R. 1196	4/24/04
18 VAC 47-10-10 through 18 VAC 47-10-90	Amended	20:11 VA.R. 1198	4/24/04
18 VAC 50-10-10 through 18 VAC 50-10-90	Amended	20:11 VA.R. 1200-1201	4/24/04

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 62-20-10 through 18 VAC 62-20-180	Added	20:12 VA.R. 1515-1518	2/2/04-2/1/05
18 VAC 65-20	Erratum	20:10 VA.R. 1060	--
18 VAC 65-20-10	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-50	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-70	Amended	20:8 VA.R. 822	1/28/04
18 VAC 65-20-170	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-350	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-400	Amended	20:8 VA.R. 823	1/28/04
18 VAC 65-20-440	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-570	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-580	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-590	Amended	20:8 VA.R. 824	1/28/04
18 VAC 65-20-700	Amended	20:8 VA.R. 824	1/28/04
18 VAC 70-10-10 through 18 VAC 70-10-90	Amended	20:11 VA.R. 1203-1204	4/24/04
18 VAC 76-40-10 emer	Added	19:25 VA.R. 3831	8/6/03-8/5/04
18 VAC 76-40-20 emer	Added	19:25 VA.R. 3831	8/6/03-8/5/04
18 VAC 76-40-30 emer	Added	19:25 VA.R. 3832	8/6/03-8/5/04
18 VAC 76-40-30 emer (Forms)	Added	19:25 VA.R. 3833	--
18 VAC 80-20-70	Amended	19:25 VA.R. 3827	10/1/03
18 VAC 85-20-10	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-22	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-30	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-120	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-121	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-131	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-140	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-150	Repealed	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-210	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-230	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-235	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-236	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-20-240	Amended	20:10 VA.R. 1042	2/25/04
18 VAC 85-110-50	Amended	20:10 VA.R. 1046	4/26/04
18 VAC 85-110-60	Amended	20:10 VA.R. 1047	4/26/04
18 VAC 100-10-10 through 18 VAC 100-10-90	Amended	20:11 VA.R. 1205-1206	4/24/04
18 VAC 120-10-100	Erratum	20:13 VA.R. 1644	--
18 VAC 120-10-100 through 18 VAC 120-10-180	Amended	20:11 VA.R. 1208-1209	4/24/04
18 VAC 130-10-10 through 18 VAC 130-10-90	Amended	20:11 VA.R. 1210-1211	4/24/04
18 VAC 135-10-10 through 18 VAC 135-10-90	Amended	20:11 VA.R. 1213-1214	4/24/04
18 VAC 140-20-105	Amended	20:8 VA.R. 825	1/28/04
18 VAC 140-20-150	Amended	20:8 VA.R. 826	1/28/04
18 VAC 145-10-10 through 18 VAC 145-10-90	Amended	20:11 VA.R. 1215-1217	4/24/04
18 VAC 155-10-5	Added	20:11 VA.R. 1217-1218	4/24/04
18 VAC 155-10-10 through 18 VAC 155-10-80	Amended	20:11 VA.R. 1218-1219	4/24/04
18 VAC 160-10-10 through 18 VAC 160-10-90	Amended	20:11 VA.R. 1220-1221	4/24/04
Title 19. Public Safety			
19 VAC 30-20-80	Amended	20:4 VA.R. 352	1/2/04
19 VAC 30-80-20	Amended	20:2 VA.R. 134	11/5/03
19 VAC 30-80-40	Added	20:2 VA.R. 134	11/5/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-10-20	Amended	20:10 VA.R. 1044	12/23/04
20 VAC 5-309-15	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-20	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-40	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-70	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-110	Amended	20:15 VA.R. 1782	3/12/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
20 VAC 5-309-140	Amended	20:15 VA.R. 1783	3/12/04
Title 21. Securities and Retail Franchising			
21 VAC 5-120-50	Amended	20:1 VA.R. 32	9/2/03
Title 22. Social Services			
22 VAC 30-20-90	Amended	20:7 VA.R. 674	1/15/04
22 VAC 30-30-10	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-20	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-30	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-31	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-40	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-50 through 22 VAC 30-30-120	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-130	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-131	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-140	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-141	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-160	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-170 through 22 VAC 30-30-210	Repealed	20:9 VA.R. 899	2/11/04
22 VAC 30-30-171	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-181	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-191	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-201	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-211	Added	20:9 VA.R. 899	2/11/04
22 VAC 30-30-220	Amended	20:9 VA.R. 899	2/11/04
22 VAC 30-30-230	Repealed	20:9 VA.R. 901	2/11/04
22 VAC 30-30-240	Repealed	20:9 VA.R. 901	2/11/04
22 VAC 30-30-241	Added	20:9 VA.R. 901	2/11/04
22 VAC 30-30-250	Amended	20:9 VA.R. 901	2/11/04
22 VAC 30-30-260	Added	20:9 VA.R. 901	2/11/04
22 VAC 30-30-270	Added	20:9 VA.R. 901	2/11/04
22 VAC 30-30-280	Added	20:9 VA.R. 901	2/11/04
22 VAC 40-190	Erratum	20:12 VA.R. 1526	--
22 VAC 40-190-10 through 22 VAC 40-190-70	Repealed	20:11 VA.R. 1178	4/1/04 *
22 VAC 40-191	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191-10 through 22 VAC 40-191-150	Added	20:11 VA.R. 1179-1188	4/1/04 *
22 VAC 40-250-10	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-250-20	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-260-10	Amended	20:8 VA.R. 827	2/1/04
22 VAC 40-260-20	Amended	20:8 VA.R. 828	2/1/04
22 VAC 40-270	Repealed	20:8 VA.R. 831	2/1/04
22 VAC 40-675-10 through 22 VAC 40-675-220	Added	20:8 VA.R. 832-835	2/1/04
22 VAC 40-705-60	Amended	20:5 VA.R. 483	1/1/04
22 VAC 40-705-130	Amended	20:5 VA.R. 483	1/1/04
22 VAC 40-730-115	Added	20:5 VA.R. 484	1/1/04
Title 24. Transportation and Motor Vehicles			
24 VAC 30-71	Erratum	20:7 VA.R. 678	--
24 VAC 30-71-10	Amended	20:4 VA.R. 353	12/3/03
24 VAC 30-71-20	Amended	20:4 VA.R. 353	12/3/03
24 VAC 30-71-30	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-50	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-70	Amended	20:4 VA.R. 354	12/3/03
24 VAC 30-71-80	Amended	20:4 VA.R. 354	12/3/03

* Effective date corrected in 20:12

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-71-90	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-100	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-110	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-120	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-130	Amended	20:4 VA.R. 355	12/3/03
24 VAC 30-71-150	Amended	20:4 VA.R. 357	12/3/03
24 VAC 30-71-160	Amended	20:4 VA.R. 357	12/3/03
24 VAC 30-71-170	Amended	20:4 VA.R. 362	12/3/03
24 VAC 30-380-10	Amended	20:13 VA.R. 1633	2/12/04
24 VAC 30-580-10 through 24 VAC 30-580-40	Amended	20:5 VA.R. 485-486	10/28/03

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 1. ADMINISTRATION

COMMISSION ON LOCAL GOVERNMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commission on Local Government intends to consider amending regulations entitled **1 VAC 50-10, Public Participation Guidelines**. The purpose of the proposed action is to update the public participation guidelines of the Commission on Local Government. The commission's current guidelines were adopted in 1984 and have not been reviewed since that date.

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

Statutory Authority: § 15.2-2903 of the Code of Virginia.

Public comments may be submitted until May 5, 2004.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 786-6508, FAX (804) 371-7090 or e-mail Ted.McCormack@dhcd.virginia.gov.

VA.R. Doc. No. R04-129; Filed March 12, 2004, 9:47 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commission on Local Government intends to consider amending regulations entitled **1 VAC 50-20, Organization and Regulations of Procedure**. The purpose of the proposed action is to update the regulations of the commission that are used by that body in the review of boundary change and governmental transition issues and in the conduct of its meetings and oral presentations and public hearings. The commission's current regulations were adopted in 1984.

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

Statutory Authority: § 15.2-2903 of the Code of Virginia.

Public comments may be submitted until May 5, 2004.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 786-6508, FAX (804) 371-7090 or e-mail Ted.McCormack@dhcd.virginia.gov.

VA.R. Doc. No. R04-130; Filed March 12, 2004, 9:46 a.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Conservation and Recreation intends to consider amending regulations entitled **4 VAC 5-15, Nutrient Management Training and Certification Regulations**. The purpose of the proposed action is to amend the Nutrient Management Training and Certification Regulations and their attendant forms including the criteria for nutrient management plan content and development procedures in order to bring the regulations and attendant documents into compliance as may be necessary with § 62.1-44.17:1.1 of the Code of Virginia and in the requirements set forth in 40 CFR Parts 9, 122, 123 and 412 as published in the Federal Register Volume 68, No. 29, dated February 12, 2003, or as may otherwise be necessary to protect water quality.

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

Statutory Authority: § 10.1-104.2 of the Code of Virginia.

Public comments may be submitted until May 13, 2004.

Contact: Leon E. App, Chief Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 804-786-2123, FAX (804) 786-6141 or e-mail regcord@dcr.state.va.us.

VA.R. Doc. No. R04-128; Filed March 11, 2004, 1:05 p.m.

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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the Potomac-Shenandoah Basin (9 VAC 25-720-50) to update the stream segment classifications, effluent limitations and waste load allocations that have changed to reflect new requirements or changing water quality conditions.

Notices of Intended Regulatory Action

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC 1313(e) of the Clean Water Act.

Public comments may be submitted until 5 p.m. on May 14, 2004.

Contact: Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841 or e-mail bhthomas@deq.state.va.us.

VA.R. Doc. No. R04-121; Filed March 3, 2004, 10:21 a.m.

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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the Rappahannock River Basin (9 VAC 25-720-70) to update the stream segment classifications, effluent limitations and waste load allocations that have changed to reflect new requirements or changing water quality conditions.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC 1313(e) of the Clean Water Act.

Public comments may be submitted until 5 p.m. on May 14, 2004.

Contact: Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841 or e-mail bhthomas@deq.state.va.us.

VA.R. Doc. No. R04-122; Filed March 3, 2004, 10:22 a.m.

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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the Roanoke River Basin (9 VAC 25-720-80) to update the stream segment classifications, effluent limitations and waste load allocations that have changed to reflect new requirements or changing water quality conditions.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC 1313(e) of the Clean Water Act.

Public comments may be submitted until 5 p.m. on May 14, 2004.

Contact: Jason R. Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone

(540) 562-6724, FAX (540) 562-6729 or e-mail jrhill@deq.state.va.us.

VA.R. Doc. No. R04-123; Filed March 3, 2004, 10:22 a.m.

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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the Tennessee-Big Sandy River Basin (9 VAC 25-720-90) to update the stream segment classifications, effluent limitations and waste load allocations that have changed to reflect new requirements or changing water quality conditions.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC 1313(e) of the Clean Water Act.

Public comments may be submitted until 5 p.m. on May 14, 2004.

Contact: Nancy Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899 or e-mail ntnorton@deq.state.va.us.

VA.R. Doc. No. R04-124; Filed March 3, 2004, 10:22 a.m.

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 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the New River Basin (9 VAC 25-720-130) to update the stream segment classifications, effluent limitations and waste load allocations that have changed to reflect new requirements or changing water quality conditions.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC 1313(e) of the Clean Water Act.

Public comments may be submitted until 5 p.m. on May 14, 2004.

Contact: Jason R. Hill, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6729 or e-mail jrhill@deq.state.va.us.

VA.R. Doc. No. R04-125; Filed March 3, 2004, 10:22 a.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 repealing regulations entitled **14 VAC 30-150, Land Use Permit Manual**, and promulgating regulations entitled **24 VAC 30-151, Land Use Permit Manual**. The purpose of the proposed action is to repeal the current regulation and to promulgate a replacement regulation. At present, based on the results of its review, VDOT's Local Assistance Division anticipates the following items to be included in the replacement regulation:

1. Reformat the regulation to eliminate redundant or obsolete text, rewrite the retained text, update new division names and work titles associated with a 2002 reorganization of the agency, and rearrange sections to improve readability and comprehension; this step should reduce the size of the regulation significantly (in its current form it is over 250 pages in length);
2. Add a section to define words and terms used in the regulation;
3. Update technical documents incorporated by reference;
4. Update policies and procedures (e.g., Utility Accommodation Policy, calculation and payment of fees, etc.);
5. Revise the regulation as needed to address treatment of subjects in a consistent manner with other VDOT regulations; and
6. Provide additional information on topics not addressed in the current regulations (e.g. Hazardous Materials/Waste Issues, Website addresses for forms, contacts, etc.).

If other revisions are suggested by internal or external parties during the APA amendment process, VDOT will address them at the appropriate step in the process.

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

Statutory Authority: § 33.1-12 of the Code of Virginia.

Public comments may be submitted until May 5, 2004.

Contact: Lynn D. Wagner, State Permit Manager, Local Assistance Division, Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219, telephone (804) 371-2910, FAX (804) 786-2603, or e-mail Lynn.Wagner@VirginiaDOT.org.

VA.R. Doc. No. R04-131; Filed March 12, 2004, 10:30 a.m.

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 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 2.2-4002 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

Titles of Regulations: **4 VAC 15-50. Game: Bear (amending 4 VAC 15-50-81).**

4 VAC 15-90. Game: Deer (amending 4 VAC 15-90-231 and 4 VAC 15-90-241).

4 VAC 15-240. Game: Turkey (amending 4 VAC 15-240-81 and 4 VAC 15-240-91).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Date: June 25, 2004 - 9 a.m.

Public comments may be submitted until June 25, 2004.

Notice to the Public:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulation opened March 25, 2004, and remains open until June 25, 2004. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be sent to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, Virginia 23230, and need to be received no later than June 18, 2004, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting or amending and adopting the proposed regulation, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Friday, June 25, 2004, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation, or any parts thereof, is advisable, in the form in which published or as amended after receipt of the public's

comments, the board may adopt regulation amendments as final at the June 25 meeting. The regulation or regulation amendment adopted may be either more liberal or more restrictive than that proposed and being advertised under this notice.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad St., Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail RegComments@dgif.state.va.us.

Summary:

The proposed amendments (i) provide for bear, deer or turkey tags to be located any place on the bear, deer or turkey hunting license by removing the requirement that the tags be located on the left margin of the license; (ii) clarify how a bear, deer or turkey tag is to be physically validated or "notched" when being used to check a bear, deer or turkey that has been legally killed; (iii) replace references to "Telecheck" with "automated harvest reporting system"; and (iv) provide for the forfeiture of a deer or turkey carcass to the Commonwealth when any deer or turkey that has not been checked is found in the possession of any person exempt from license requirements or from holding a license authorization number.

4 VAC 15-50-81. Validating tags and checking bear by licensee or permittee.

A. This section is effective July 1, 2004.

B. Any person killing a bear shall, before removing the carcass from the place of kill, validate an appropriate tag on their special license for hunting bear, deer, and turkey or special permit by ~~notching the designated area and completely removing the designated notch adjacent to the tag on the left margin of the license or permit area from the tag.~~ Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a bear tag from any special license for hunting bear, deer, and turkey or special permit prior to the killing of a bear. A bear tag that is mistakenly validated (notched) prior to the killing of a bear must be immediately voided by the licensee *or permittee* by writing, in ink, the word "VOID" on the line provided ~~adjacent to the notched on the license tag.~~

C. Upon killing a bear and validating (notching) a license tag or special permit, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag or special permit to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the carcass and validated (notched) license tag or special permit to the bear checking

station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator. At such time, the person checking the carcass will be given a game check card. The successful hunter shall then immediately record the game check card number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field. The game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.

D. It shall be unlawful for any person to destroy the identity (sex) of any bear killed unless and until the license tag or special permit is validated (notched) and checked as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required above, as long as the sex of the animal remains identifiable and all the parts of the carcass are present when the bear is checked at an authorized bear checking station. Any bear found in *the* possession of any person without a validated (notched) license tag or documentation that the bear has been checked at an authorized bear checking station as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-90-231. Validating tags and checking deer by licensee or permittee.

A. This section is effective July 1, 2004.

B. Any person killing a deer shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting bear, deer, and turkey, bonus deer permit, or special permit by ~~notching the designated area and completely removing the designated notch adjacent to the tag on the left margin of the license or permit area from the tag.~~ Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a deer tag from any special license for hunting bear, deer, and turkey, bonus deer permit, or special permit prior to the killing of a deer. A deer tag that is mistakenly validated (notched) prior to the killing of a deer must be immediately voided by the licensee *or permittee* by writing, in ink, the word "VOID" on the line provided ~~adjacent to the notched~~ *on the license tag.*

C. Upon killing a deer and validating (notching) a license tag, bonus deer permit or special permit, as provided above, the licensee or permittee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag, bonus deer permit or special permit to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed or report the kill through the department's ~~toll-free Telecheck automated harvest reporting system.~~ At such time, the person checking or reporting the carcass will be given a game check card *furnished by the department* or a ~~Telecheck~~ confirmation number *from the automated reporting system.* The successful hunter shall then immediately record the game check card number or ~~Telecheck~~ confirmation number, in ink, on the line

~~provided adjacent to~~ *on the license tag* that was validated (notched) in the field. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If the kill is reported using ~~Telecheck the automated harvest reporting system,~~ no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the ~~Telecheck automated harvest~~ reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the ~~Telecheck~~ confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

D. It shall be unlawful for any person to destroy the identity of the sex of any deer killed unless and until the license tag, bonus deer permit or special permit is validated (notched) and checked as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required above, as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is checked at a big game check station or reported through the ~~Telecheck automated harvest reporting system.~~ Any deer found in *the* possession of any person without a validated (notched) license tag or documentation that the deer has been checked (via a big game check station or ~~Telecheck the automated harvest reporting system~~) as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-90-241. Checking deer by persons exempt from license requirement or holding a license authorization number.

A. This section is effective July 1, 2004.

B. Upon killing a deer, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed or report the kill through the department's ~~toll-free Telecheck automated harvest reporting system.~~ At such time, the person checking or reporting the carcass shall be given a game check card furnished by the department or a ~~Telecheck~~ confirmation number *from the automated reporting system.* If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If the kill is reported using the ~~Telecheck automated harvest reporting system,~~ the

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successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the ~~Telecheck~~ confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the ~~Telecheck~~ *automated harvest* reported carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity (sex) of any deer killed until the deer is checked as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is checked at a big game check station or reported through the ~~Telecheck~~ *automated harvest reporting system*. *Any deer that has not been checked (via a big game check station or the automated harvest reporting system) as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.*

4 VAC 15-240-81. Validating tags and checking turkey by licensee.

A. This section is effective July 1, 2004.

B. Any person killing a turkey shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting *bear, deer and turkey* by ~~notching the designated area and completely removing the designated notch adjacent to the tag on the left margin of the license area from the tag.~~ Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a turkey tag from any special license for hunting bear, deer, and turkey prior to the killing of a turkey. A turkey tag that is mistakenly validated (notched) prior to the killing of a turkey must be immediately voided by the licensee by writing, in ink, the word "VOID" on the line provided ~~adjacent to the notched license on the tag.~~

C. Upon killing a turkey and validating (notching) a license tag, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or report their spring kill (as provided by 4 VAC 15-240-40) through the department's ~~toll-free Telecheck automated harvest reporting system.~~ At such time, the person checking or reporting the carcass will be given a game check card *furnished by the department* or a ~~Telecheck~~ confirmation number *from the automated harvest reporting system*. The successful hunter shall then immediately record the game check card number or ~~Telecheck~~ confirmation number, in ink, on the line provided

~~adjacent to~~ on the license tag that was validated (notched) in the field. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If a spring-season kill is reported using ~~Telecheck the automated harvest reporting system~~, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the ~~Telecheck automated harvest~~ reported spring carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the ~~Telecheck~~ confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

D. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed unless and until the license tag is validated (notched) and checked as required by this section. Any turkey found in the possession of any person without a validated (notched) license tag or documentation that the turkey has been checked (via a big game check station or ~~Telecheck the automated harvest reporting system~~) as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-240-91. Checking turkey by persons exempt from license requirement or holding a license authorization number.

A. This section is effective July 1, 2004.

B. Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever comes first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed or report their spring kill (as provided by 4 VAC 15-240-40) through the department's ~~toll-free Telecheck automated harvest reporting system.~~ At such time, the person checking or reporting the carcass shall be given a game check card furnished by the department or a ~~Telecheck~~ confirmation number *from the automated harvest reporting system*. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If a spring-season kill is reported using the ~~Telecheck automated harvest~~ reporting system, the successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the ~~Telecheck~~ confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the ~~Telecheck automated harvest~~ reported carcass is

transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed until the turkey is checked as required by this section. *Any turkey that has not been checked (via a big game check station or the automated harvest reporting system) as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.*

VA.R. Doc. Nos. R04-136, R04-137, R04-138; Filed March 30, 2004, 2:28 p.m.

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

REPROPOSED

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.

This regulatory action was initially proposed in 20:7 VA.R. 636-637 December 15, 2003. New proposed changes are shown in brackets.

Title of Regulation: 10 VAC 5-200. Payday Lending (adding 10 VAC 5-200-100).

Statutory Authority: §§ 6.1-458 and 12.1-13 of the Code of Virginia.

Public Hearing Date: Hearing will be scheduled if requested. Public comments may be submitted until May 5, 2004.

Agency Contact: E. J. Face, Jr., Commissioner, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 371-9659, FAX (804) 371-9416, or e-mail jface@scc.state.va.us.

Summary:

The proposed amendments govern the conduct of any business other than payday lending where a licensed payday lending business is conducted. The revised proposed amendments limit such other businesses to those that are financial in nature.

AT RICHMOND, MARCH 29, 2004

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2003-00054

Ex Parte: In re: proposed regulation relating to conduct of other business in payday lending offices

ORDER TO TAKE NOTICE OF REPROPOSED REGULATION

On November 14, 2003, the State Corporation Commission ("Commission") entered an Order to Take Notice of a proposed regulation relating to the conduct of other businesses in payday lending offices. The Commission's Order and the proposed regulation were published in the Virginia Register on December 15, 2003. The November 14, 2003 Order directed interested parties to comment or request a hearing on the proposed regulation on or before January 9, 2004.

The Commission received comments on the proposed regulation from Community Loans of America, Inc., Larry E. Hughes, Vice-President, Extol Corporation, Inc., dba Quick-Check: Cash Advance Service, and James Frauenberg of BCCi-Check\$mart. No requests for hearing were received.

Based on our interpretation of § 6.1-463 of the Code of Virginia, the Commission believes that the attached regulation, as modified, more accurately reflects the clear intent of the statute. Because our modification makes a material change to the proposed regulation, we will allow interested parties an additional opportunity to comment and/or request a hearing on the revised regulation.

Accordingly, IT IS ORDERED THAT:

- (1) The proposed payday lending regulation, entitled "Other business in payday lending offices," as modified, is appended hereto and made a part of the record herein.
- (2) Comments or requests for hearing on the revised proposed regulation must be submitted in writing to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before May 5, 2004. Requests for hearing shall state why a hearing is necessary and why such issues cannot be addressed adequately in written comments. All correspondence shall contain a reference to Case No. BFI-2003-00054. Interested persons desiring to submit comments or request a hearing electronically may do so by following the instructions available at the Commission's website: <http://www.state.va.us/scc/caseinfo/notice.htm>.
- (3) The revised proposed regulation shall be posted on the Commission's website at <http://www.state.va.us/scc/caseinfo.htm>.
- (4) An attested copy hereof, together with a copy of the revised proposed regulation, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions, who forthwith shall mail a copy of this Order, together with the proposed regulation, to all licensed payday lenders and other interested parties designated by the Bureau of Financial Institutions.

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10 VAC 5-200-100. Other business in payday lending offices.

A. This section governs the conduct of any business other than payday lending where a licensed payday lending business is conducted.

B. Upon the filing of a written application and payment of the fee required by law, and subject to approval by the commission and the imposition of such conditions as the commission deems necessary and in the public interest, other business may be conducted in a location where a licensed payday lending business is conducted if the commission determines that such other business is financial in nature, except the selling of insurance or the enrolling of borrowers under group insurance policies. The commission shall in its discretion determine whether a proposed other business is "financial in nature," and shall not be obliged to consider the meaning of this term under federal law. [~~Notwithstanding whether a proposed other business is financial in nature, the commission may approve, among other things, the following: (i) furnishing copy machine or facsimile services; (ii) selling stamps, prepaid telephone cards, photo IDs, or check cashing membership cards; (iii) selling lottery tickets, provided the seller is licensed to sell lottery tickets by the State Lottery Department; (iv) operating a cash dispensing only ATM; or (v) selling any other product or service with a price of less than \$5.00.~~ A business is financial in nature if it primarily deals with the offering of debt, money or credit, or services directly related thereto.]

C. Nothing contained herein shall apply to any nonfinancial other business conducted pursuant to any order of the commission entered on or before [~~November 30, 2003~~ the effective date of this regulation]. However, this subsection shall not be construed to authorize any person to begin engaging in such other business at payday lending locations where such other business was not conducted as of [~~November 30, 2003~~ the effective date of this regulation].

D. Written evidence of commission approval of each other business conducted by any payday lender licensee shall be maintained at each location where such other business is conducted.

VA.R. Doc. No. R04-47; Filed March 30, 2004, 12:36 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

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

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

Effective Date: March 26, 2004.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

Summary:

The amendments (i) change the recreational minimum size limit of flounder from 17-1/2 inches to 17 inches except for the Potomac River tributaries, which is changed from 17 inches to 16 inches, (ii) change the possession limit of summer flounder in any tidal waters of Virginia except the Potomac River tributaries from eight fish to six fish, (iii) change the possession limit in the Potomac River tributaries from six fish to three fish per person per day, and (iv) provide that harvests of flounder that exceed the possession limit in the Potomac River tributaries are presumed to be for commercial purposes.

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

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

B. The minimum size of Summer Flounder harvested by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be ~~17~~ 17 inches, total length, except that the minimum size of Summer Flounder harvested in the Potomac River tributaries shall be ~~17~~ 16 inches total length.

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

D. It shall be unlawful for any person to possess any Summer Flounder smaller than the designated minimum size limit.

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

4 VAC 20-620-60. Possession limit.

A. It shall be unlawful for any person fishing *in any tidal waters of Virginia, except the Potomac River tributaries*, with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess more than ~~eight~~ six Summer Flounder. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by ~~eight~~ six. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.

B. It shall be unlawful for any person fishing in the Potomac River tributaries with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess more than three Summer Flounder. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by three. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.

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

VA.R. Doc. No. R04-133; Filed March 26, 2004, 3:25 p.m.

* * * * *

Title of Regulation: 4 VAC 20-910. Pertaining to Scup (Porgy) (amending 4 VAC 20-910-45).

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

Effective Date: April 1, 2004.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

Summary:

The amendments establish the opening date of the scup harvest season as January 1 and modify the summer quota to maintain Virginia's compliance with the Atlantic States Marine Fisheries Commission's Fishery Management Plan for scup.

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4 VAC 20-910-45. Possession limits and harvest quotas.

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than 15,000 pounds of scup.
2. Land in Virginia more than a total of 15,000 pounds of scup during each consecutive seven-day landing period, with the first seven-day period beginning on ~~February~~ *January* 1.

B. When it is projected and announced that 85% of the coastwide quota for this period has been attained, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than a total of 1,000 pounds of scup.
2. Land in Virginia more than a total of 1,000 pounds of scup during each seven-day landing period, with the first seven-day landing period beginning upon the announcement that 85% of the coastwide quota has been projected to be attained.

C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 2,000 pounds of scup; except when it is announced that 70% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of scup, until such time that the coastwide quota for this period has been reached.

D. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to ~~7,724~~ *7,911* pounds.

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R04-135; Filed March 30, 2004, 11:25 a.m.

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Title of Regulation: **4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-45).**

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: April 1, 2004.

Agency Contact: Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

Summary:

The amendment establishes open recreational fishing seasons from January 1 through September 7 and from September 22 through November 30 of each year.

4 VAC 20-950-45. Recreational possession limits and seasons.

A. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 25 black sea bass. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for that boat or vessel and shall be equal to the number of persons on board legally eligible to fish, multiplied by 25. The captain or operator of the boat or vessel shall be responsible for that boat or vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

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

C. The open recreational fishing season shall be from January 1 through September ~~4~~ *7* and from September ~~4~~ *22* through November 30 of each year.

D. It shall be unlawful to possess black sea bass in Virginia for recreational purposes from September ~~2~~ *8* through September ~~15~~ *21* and from December 1 through December 31 of each year.

VA.R. Doc. No. R04-134; Filed March 30, 2004, 11:25 a.m.



TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

REGISTRAR'S NOTICE: The following regulatory actions are 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.

Titles of Regulations: Regulations for the Control and Abatement of Air Pollution (Rev. 103).

9 VAC 5-50. New and Modified Stationary Sources (amending 9 VAC 5-50-400, 9 VAC 5-50-410, adding 9 VAC 5-50-405).

9 VAC 5-60. Hazardous Air Pollutant Sources (amending 9 VAC 5-60-60, 9 VAC 5-60-90, 9 VAC 5-60-100; adding 9 VAC 5-60-65 and 9 VAC 5-60-95).

Statutory Authority: § 10.1-1308 of the Code of Virginia; §§ 110, 111, 123, 129, 171, 172 and 182 of the Clean Air Act; and 40 CFR Parts 51 and 60.

Effective Date: June 1, 2004.

Summary:

The amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2003. New standards in the federal regulations from 40 CFR Parts 60, 61 and 63 are incorporated into the regulations by reference.

In addition, three new sections entitled "authority to implement and enforce standards as authorized by EPA" are added. Each lists a series of documents that identify the Commonwealth's delegated authority to implement and enforce the standards designated in each article on behalf of EPA. These sections are added in response to ongoing internal and external interest regarding specific delegated authorities. These sections are for informational purposes only, and the listed documents are not enforceable in any way other than by EPA to the state.

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.

9 VAC 5-50-400. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (NSPSs), as promulgated in (40 CFR Part 60) and designated in 9 VAC 5-50-410 are, unless indicated otherwise, incorporated by reference into these the regulations of the board as amended by the word or phrase substitutions given in 9 VAC 5-50-420. The complete text of the subparts in

9 VAC 5-50-410 incorporated herein by reference is contained in 40 CFR Part 60. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-50-410 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~2002~~) (2003) in effect July 1, 2002 2003. In making reference to the Code of Federal Regulations, 40 CFR Part 60 means Part 60 of Title 40 of the Code of Federal Regulations; 40 CFR 60.1 means § 60.1 in Part 60 of Title 40 of the Code of Federal Regulations.

9 VAC 5-50-405. Authority to implement and enforce standards as authorized by EPA.

A. This article provides the legally enforceable mechanism to facilitate the Commonwealth's obligation to implement and enforce the federal NSPSs as state requirements.

B. The Commonwealth's delegated authority to implement and enforce the standards designated in 9 VAC 5-50-410 as authorized by EPA is identified in the documents specified in subdivisions 1 through 5 of this subsection. The Commonwealth's delegated authority extends only to the source categories and pollutants identified in the documents and is subject to the provisions, conditions, and limitations set forth in the following documents:

- 1. Letter from Daniel J. Snyder dated December 30, 1975.*
- 2. Federal Register notice dated February 26, 1976 (41 FR 8416).*
- 3. Letter from Thomas C. Voltaggio dated July 22, 1981.*
- 4. Federal Register notice dated August 27, 1981 (46 FR 43300).*
- 5. Letter from W. Ray Cunningham dated July 2, 1985.*

C. In its delegation notices and letters, EPA automatically delegated to the Commonwealth the authority to implement and enforce future NSPS requirements if the Commonwealth legally adopted the requirements, informed EPA that it intended to enforce the standards in accordance with the terms of the delegation, and met other conditions. The latest letter that the Commonwealth submitted to obtain authority to implement and enforce additional requirements is available for examination as provided in subsection D of this section.

D. Copies of the documents cited in subsections B and C of this section may be examined by the public at the central office of the Department of Environmental Quality, 629 East Main Street, Eighth Floor, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

E. The documents cited in subsection B of this section establish the terms of the delegation to the Commonwealth to implement and enforce the federal NSPSs as authorized by EPA. As such, the documents place requirements upon the Commonwealth, not the affected facilities; thus the documents are not being incorporated by reference into the regulations of the board but are being cited for information purposes only.

9 VAC 5-50-410. Designated standards of performance.

Subpart A--General Provisions.

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40 CFR 60.1 through 40 CFR 60.3, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11 through 40 CFR 60.15, 40 CFR 60.18 through 40 CFR 60.19

(applicability, definitions, units and abbreviations, notification and recordkeeping, performance tests, compliance, circumvention, monitoring requirements, modification, reconstruction, general control device requirements, and general notification and reporting requirements)

Subpart B--Not applicable.

Subpart C--Not applicable.

Subpart Ca--Reserved.

Subpart Cb--Not applicable.

Subpart Cc--Not applicable.

Subpart Cd--Not applicable.

Subpart Ce--Not applicable.

Subpart D--Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46

(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate, and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da--Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a

(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db--Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40b through 40 CFR 60.49b

(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Subpart Dc--Small Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40c through 40 CFR 60.48c

(industrial-commercial-institutional steam generating units which have a heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour)

Subpart E--Incinerators.

40 CFR 60.50 through 40 CFR 60.54

(incinerator units of more than 50 tons per day charging rate)

Subpart Ea--Municipal Waste Combustors for which Construction is Commenced after December 20, 1989, and on or before September 20, 1994

40 CFR 60.50a through 40 CFR 60.59a

(municipal waste combustor units with a capacity greater than 250 tons per day of municipal-type solid waste or refuse-derived fuel)

Subpart Eb--Large Municipal Combustors for which Construction is Commenced after September 20, 1994, or for which Modification or Reconstruction is Commenced after June 19, 1996

40 CFR 60.50b through 40 CFR 60.59b

(municipal waste combustor units with a capacity greater than 250 tons per day of municipal-type solid waste or refuse-derived fuel)

Subpart Ec--Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996

40 CFR 60.50c through 40 CFR 60.58c

(hospital/medical/infectious waste incinerators that combust any amount of hospital waste and medical/infectious waste or both)

Subpart F--Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64

(kilns, clinker coolers, raw mill systems, finish mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G--Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74

(nitric acid production units)

Subpart H--Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85

(sulfuric acid production units)

Subpart I--Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93

(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt; and the loading, transfer and storage systems associated with emission control systems)

Subpart J--Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106

(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K--Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka--Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

40 CFR 60.110a through 40 CFR 60.115a

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Kb--Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b

(storage vessels with capacity greater than or equal to 10,566 gallons)

Subpart L--Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123

(pot furnaces of more than 550 pound charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M--Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133

(reverberatory and electric furnaces of 2205 pound or greater production capacity and blast (cupola) furnaces of 550 pounds per hour or greater production capacity)

Subpart N--Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.

40 CFR 60.140 through 40 CFR 60.144

(basic oxygen process furnaces)

Subpart Na--Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.

40 CFR 60.140a through 40 CFR 60.145a

(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs)

Subpart O--Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154

(incinerators that combust wastes containing more than 10% sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2205 pounds per day municipal sewage sludge (dry basis))

Subpart P--Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166

(dryers, roasters, smelting furnaces, and copper converters)

Subpart Q--Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176

(roasters and sintering machines)

Subpart R--Primary Lead Smelters

40 CFR 60.180 through 40 CFR 60.186

(sintering machines, sintering machine discharge ends, blast furnaces, dross reverberatory furnaces, electric smelting furnaces and converters)

Subpart S--Primary Aluminum Reduction Plants.

40 CFR 60.190 through 40 CFR 60.195

(potroom groups and anode bake plants)

Subpart T--Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204

(reactors, filters, evaporators, and hot wells)

Subpart U--Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214

(evaporators, hot wells, acid sumps, and cooling tanks)

Subpart V--Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224

(reactors, granulators, dryers, coolers, screens, and mills)

Subpart W--Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234

(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate)

Subpart X--Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244

(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y--Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254

(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems)

Subpart Z--Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266

(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese,

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ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA--Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276

(electric arc furnaces and dust-handling systems that produce carbon, alloy or specialty steels)

Subpart AAa--Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a

(electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems that produce carbon, alloy, or specialty steels)

Subpart BB--Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285

(digester systems, brown stock washer systems, multiple effect evaporator systems, black liquor oxidation systems, recovery furnaces, smelt dissolving tanks, lime kilns, condensate strippers and kraft pulping operations)

Subpart CC--Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296

(glass melting furnaces)

Subpart DD--Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304

(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers, and all grain handling operations)

Subpart EE--Surface Coating of Metal Furniture.

40 CFR 60.310 through 40 CFR 60.316

(metal furniture surface coating operations in which organic coatings are applied)

Subpart FF--(Reserved)

Subpart GG--Stationary Gas Turbines.

40 CFR 60.330 through 40 CFR 60.335

(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

Subpart HH--Lime Manufacturing Plants.

40 CFR 60.340 through 40 CFR 60.344

(each rotary lime kiln)

Subparts II through JJ--(Reserved)

Subpart KK--Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 through 40 CFR 60.374

(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

Subpart LL--Metallic Mineral Processing Plants.

40 CFR 60.380 through 40 CFR 60.386

(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

Subpart MM--Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 through 40 CFR 60.397

(prime coat operations, guide coat operations, and top-coat operations)

Subpart NN--Phosphate Rock Plants.

40 CFR 60.400 through 40 CFR 60.404

(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

Subpart OO--(Reserved)

Subpart PP--Ammonium Sulfate Manufacture.

40 CFR 60.420 through 40 CFR 60.424

(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

Subpart QQ--Graphic Arts Industry: Publication Rotogravure Printing.

40 CFR 60.430 through 40 CFR 60.435

(publication rotogravure printing presses, except proof presses)

Subpart RR--Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 through 40 CFR 60.447

(pressure sensitive tape and label material coating lines)

Subpart SS--Industrial Surface Coating: Large Appliances.

40 CFR 60.450 through 40 CFR 60.456

(surface coating operations in large appliance coating lines)

Subpart TT--Metal Coil Surface Coating.

40 CFR 60.460 through 40 CFR 60.466

(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

Subpart UU--Asphalt Processing and Asphalt Roofing Manufacture.

40 CFR 60.470 through 40 CFR 60.474

(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

Subpart VV--Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 through 40 CFR 60.489

(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

Subpart WW--Beverage Can Surface Coating Industry.

40 CFR 60.490 through 40 CFR 60.496

(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

Subpart XX--Bulk Gasoline Terminals.

40 CFR 60.500 through 40 CFR 60.506

(total of all loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks)

Subparts YY through ZZ--(Reserved)

Subpart AAA--New Residential Wood Heaters.

40 CFR 60.530 through 40 CFR 60.539b

(wood heaters)

Subpart BBB--Rubber Tire Manufacturing Industry.

40 CFR 60.540 through 40 CFR 60.548

(each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation)

Subpart CCC--(Reserved)

Subpart DDD--Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

40 CFR 60.560 through 40 CFR 60.566

(for polypropylene and polyethylene manufacturing using a continuous process that emits continuously or intermittently; all equipment used in the manufacture of these polymers. For polystyrene manufacturing using a continuous process that emits continuously: each material recovery section. For poly(ethylene terephthalate) manufacturing using a continuous process that emits continuously: each polymerization reaction section; if dimethyl terephthalate is used in the process, each material recovery section is also an affected facility; if terephthalic acid is used in the process, each raw materials preparation section is also an affected facility. For VOC emissions from equipment leaks: each group of fugitive emissions equipment within any process unit, excluding poly(ethylene terephthalate) manufacture.)

Subpart EEE--(Reserved)

Subpart FFF--Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585

(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG--Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593

(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH--Synthetic Fiber Production Facilities.

40 CFR 60.600 through 40 CFR 60.604

(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III--Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

40 CFR 60.610 through 40 CFR 60.618

(each air oxidation reactor not discharging its vent stream into a recovery system and each combination of an air oxidation reactor or two or more air oxidation reactors and the recovery system into which the vent streams are discharged)

Subpart JJJ--Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625

(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds: petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks)

Subpart KKK--Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636

(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet

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gas service, and any device or system required by this subpart)

Subpart LLL--Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.648

(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

Subpart MMM--(Reserved)

Subpart NNN--Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

40 CFR 60.660 through 40 CFR 60.668

(each distillation unit not discharging its vent stream into a recovery system, each combination of a distillation unit or of two or more units and the recovery system into which their vent streams are discharged)

Subpart OOO--Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676

(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP--Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 through 40 CFR 60.685

(each rotary spin wool fiberglass insulation manufacturing line)

Subpart QQQ--VOC Emissions from Petroleum Refinery Wastewater Systems.

40 CFR 60.690 through 40 CFR 60.699

(individual drain systems, oil-water separators, and aggregate facilities in petroleum refineries)

Subpart RRR--Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

40 CFR 60.700 through 40 CFR 60.708

(each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, and each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged)

Subpart SSS--Magnetic Tape Coating Facilities.

40 CFR 60.710 through 40 CFR 60.718

(each coating operation and each piece of coating mix preparation equipment)

Subpart TTT--Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

40 CFR 60.720 through 40 CFR 60.726

(each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats)

Subpart UUU--Calciners and Dryers in Mineral Industries.

40 CFR 60.730 through 40 CFR 60.737

(each calciner and dryer at a mineral processing plant)

Subpart VVV--Polymeric Coating of Supporting Substrates Facilities.

40 CFR 60.740 through 40 CFR 60.748

(each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates)

Subpart WWW--Municipal Solid Waste Landfills.

40 CFR 60.750 through 40 CFR 60.759

(municipal solid waste landfills for the containment of household and RCRA Subtitle D wastes)

Subpart AAAA--Small Municipal Waste Combustors for which Construction is Commenced after August 30, 1999, or for which Modification or Reconstruction is Commenced after June 6, 2001

40 CFR 60.1000 through 40 CFR 60.1465

(municipal waste combustor units with a capacity less than 250 tons per day and greater than 35 tons per day of municipal solid waste or refuse-derived fuel)

Subpart BBBB-- Not applicable.

Subpart CCCC--Commercial/Industrial Solid Waste Incinerators for which Construction is Commenced after November 30, 1999, or for which Modification or Construction is Commenced on or after June 1, 2001

40 CFR 60.2000 through 40 CFR 60.2265

(an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility, or an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility)

Subpart DDDD-- Not applicable.

Appendix A--Test methods.

Appendix B--Performance specifications.

Appendix C--Determination of Emission Rate Change.

Appendix D--Required Emission Inventory Information.

Appendix E--(Reserved)

Appendix F--Quality Assurance Procedures.

Appendix G--(Not applicable)

Appendix H--(Reserved)

Appendix I--Removable label and owner's manual.

9 VAC 5-60-60. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (NESHAP), as promulgated in (40 CFR Part 61) and designated in 9 VAC 5-60-70 are, unless indicated otherwise, incorporated by reference into ~~these~~ the regulations of the board as amended by the word or phrase substitutions given in 9 VAC 5-60-80. The complete text of the subparts in 9 VAC 5-60-70 incorporated herein by reference is contained in 40 CFR Part 61. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-60-70 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~2002~~) (2003) in effect July 1, ~~2002~~ 2003. In making reference to the Code of Federal Regulations, 40 CFR Part 61 means Part 61 of Title 40 of the Code of Federal Regulations; 40 CFR 61.01 means § 61.01 in Part 61 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-65. Authority to implement and enforce standards as authorized by EPA.

A. This article provides the legally enforceable mechanism to facilitate the Commonwealth's obligation to implement and enforce the federal NESHAP as state requirements.

B. The Commonwealth's delegated authority to implement and enforce the standards designated in 9 VAC 5-50-70 as authorized by EPA is identified in the documents specified in subdivisions 1 through 7 of this subsection. The Commonwealth's delegated authority extends only to the source categories and pollutants identified in the documents, and is subject to the provisions, conditions, and limitations set forth in the following documents:

1. Letter from Daniel J. Snyder dated December 30, 1975.
2. Federal Register notice dated February 26, 1976 (41 FR 8416).
3. Letter from Thomas C. Voltaggio dated July 22, 1981.
4. Federal Register notice dated August 27, 1981 (46 FR 43300).
5. Letter from W. Ray Cunningham dated July 2, 1985.
6. Letter from Stanley L. Laskowski dated July 15, 1993.
7. Federal Register Notice dated October 20, 1993 (58 FR 54135).

C. In its delegation notices and letters, EPA automatically delegated to the Commonwealth the authority to implement and enforce future NESHAP requirements if the Commonwealth legally adopted the requirements, informed EPA that it intended to enforce the standards in accordance with the terms of the delegation, and met other conditions. The latest letter that the Commonwealth submitted to obtain authority to implement and enforce additional requirements is available for examination as provided in subsection D of this section.

D. Copies of the documents cited in subsections B and C of this section may be examined by the public at the central office of the Department of Environmental Quality, 629 East

Main Street, Eighth Floor, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

E. The documents cited in subsection B of this section establish the terms of the delegation to the Commonwealth to implement and enforce the federal NESHAP as authorized by EPA. As such, the documents place requirements upon the Commonwealth, not the affected facilities; thus, the documents are not being incorporated by reference into the regulations of the board but are being cited for information purposes only.

9 VAC 5-60-90. General.

The Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants for Source Categories (*Maximum Achievable Control Technologies, or MACTs*) as promulgated in (40 CFR Part 63) and designated in 9 VAC 5-60-100 are, unless indicated otherwise, incorporated by reference into ~~these~~ the regulations of the board as amended by the word or phrase substitutions given in 9 VAC 5-60-110. The complete text of the subparts in 9 VAC 5-60-100 incorporated herein by reference is contained in 40 CFR Part 63. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-60-100 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR ~~2002~~ 2003 in effect July 1, ~~2002~~ 2003. In making reference to the Code of Federal Regulations, 40 CFR Part 63 means Part 63 of Title 40 of the Code of Federal Regulations; 40 CFR 63.1 means ~~Section~~ § 63.1 in Part 63 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-95. Authority to implement and enforce standards as authorized by EPA.

A. This article provides the legally enforceable mechanism to facilitate the Commonwealth's obligation to implement and enforce the federal MACTs as state requirements.

B. The Commonwealth's delegated authority to implement and enforce the standards designated in 9 VAC 5-50-410 as authorized by EPA is identified in the documents specified in subdivisions 1 through 5 of this subsection. The Commonwealth's delegated authority extends only to the source categories and pollutants identified in the documents, and is subject to the provisions, conditions, and limitations set forth in the following documents:

1. Letter from W. Michael McCabe dated April 20, 1998.
2. Letter from W. Michael McCabe dated November 19, 1998.
3. Federal Register notice dated January 26, 1999 (64 FR 3938).
4. Letter from Judith M. Katz dated May 30, 2001.
5. Federal Register notice dated January 8, 2002 (67 FR 825).

C. In its delegation notices and letters, EPA automatically delegated to the Commonwealth the authority to implement and enforce future MACT requirements if the Commonwealth legally adopted the requirements, informed EPA that it intended to enforce the standards in accordance with the terms of the delegation, and met other conditions. The latest

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letter that the Commonwealth submitted to obtain authority to implement and enforce additional requirements is available for examination as provided in subsection D of this section.

D. Copies of the documents cited in subsections B and C of this section may be examined by the public at the central office of the Department of Environmental Quality, 629 East Main Street, Eighth Floor, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

E. The documents cited in subsection B of this section establish the terms of the delegation to the Commonwealth to implement and enforce the federal MACT as authorized by EPA. As such, the documents place requirements upon the Commonwealth, not the affected facilities; thus, the documents are not being incorporated by reference into the regulations of the board but are being cited for information purposes only.

9 VAC 5-60-100. Designated emission standards.

Subpart A--General Provisions.

40 CFR 63.1 through 40 CFR 63.11

(applicability, definitions, units and abbreviations, prohibited activities and circumvention, construction and reconstruction, compliance with standards and maintenance requirements, performance testing requirements, monitoring requirements, notification requirements, recordkeeping and reporting requirements, control device requirements)

Subpart B--Not applicable.

Subpart C--Not applicable.

Subpart D--Not applicable.

Subpart E--Not applicable.

Subpart F--Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry.

40 CFR 63.100 through 40 CFR 63.106

(chemical manufacturing process units that manufacture as a primary product one or more of a listed chemical; use as a reactant or manufacture as a product, by-product, or co-product, one or more of a listed organic hazardous air pollutant; and are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart G--Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

40 CFR 63.110 through 40 CFR 63.152

(all process vents, storage vessels, transfer operations, and wastewater streams within a source subject to Subpart F, 40 CFR 63.100 through 40 CFR 63.106)

Subpart H--Organic Hazardous Air Pollutants for Equipment Leaks.

40 CFR 63.160 through 40 CFR 63.182

(pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines,

valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or systems that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63)

Subpart I--Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

40 CFR 63.190 through 40 CFR 63.192

(emissions of designated organic hazardous air pollutants from processes specified in this subpart that are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart J--~~Reserved~~ Polyvinyl Chloride and Copolymers Production.

40 CFR 63.210 through 40 CFR 63.217

(production of PVC and copolymers)

Subpart K--Reserved.

Subpart L--Coke Oven Batteries.

40 CFR 63.300 through 40 CFR 63.313

(existing by-product coke oven batteries at a coke plant, and existing nonrecovery coke oven batteries located at a coke plant)

Subpart M--Perchloroethylene Dry Cleaning Facilities.

40 CFR 63.320 through 40 CFR 63.325

(each dry cleaning facility that uses perchloroethylene)

Subpart N--Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

40 CFR 63.340 through 40 CFR 63.347

(each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing)

Subpart O--Ethylene Oxide Commercial Sterilization and Fumigation Operations.

40 CFR 63.360 through 40 CFR 63.367

(sterilization sources using ethylene oxide in sterilization or fumigation operations)

Subpart P--Reserved.

Subpart Q--Industrial Process Cooling Towers.

40 CFR 63.400 through 40 CFR 63.406

(industrial process cooling towers that are operated with chromium-based water treatment chemicals)

Subpart R--Gasoline Distribution Facilities.

40 CFR 63.420 through 40 CFR 63.429

(bulk gasoline terminals and pipeline breakout stations)

Subpart S--Pulp and Paper Industry.

40 CFR 63.440 through 40 CFR 63.458

(processes that produce pulp, paper, or paperboard, and use the following processes and materials: kraft, soda, sulfite, or semi-chemical pulping processes using wood; or mechanical pulping processes using wood; or any process using secondary or nonwood fibers)

Subpart T--Halogenated Solvent Cleaning.

40 CFR 63.460 through 40 CFR 63.469

(each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride, perchlorethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, or chloroform)

Subpart U--Group I Polymers and Resins.

40 CFR 63.480 through 40 CFR 63.506

(elastomer product process units that produce butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon™, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polysulfide rubber, polybutadiene rubber/styrene butadiene rubber by solution, styrene butadiene latex, and styrene butadiene rubber by emulsion)

Subpart V--Reserved.

Subpart W--Epoxy Resins Production and Non-Nylon Polyamides Production.

40 CFR 63.520 through 40 CFR 63.527

(manufacturers of basic liquid epoxy resins and wet strength resins)

Subpart X--Secondary Lead Smelting.

40 CFR 63.541 through 40 CFR 63.550

(at all secondary lead smelters: blast, reveratory, rotary, and electric smelting furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive sources; and fugitive dust sources)

Subpart Y--Marine Tank Vessel Tank Loading Operations.

40 CFR 63.560 through 40 CFR 63.567

(marine tank vessel unloading operations at petroleum refineries)

Subpart Z--Reserved.

Subpart AA--Phosphoric Acid Manufacturing Plants.

40 CFR 63.600 through 40 CFR 63.610

(wet-process phosphoric acid process lines, evaporative cooling towers, rock dryers, rock calciners, superphosphoric acid process lines, purified acid process lines)

Subpart BB--Phosphate Fertilizers Production Plants.

40 CFR 63.620 through 40 CFR 63.631

(diammonium and monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings)

Subpart CC--Petroleum Refineries.

40 CFR 63.640 through 40 CFR 63.654

(storage tanks, equipment leaks, process vents, and wastewater collection and treatment systems at petroleum refineries)

Subpart DD--Off-Site Waste and Recovery Operations.

40 CFR 63.680 through 40 CFR 63.697

(operations that treat, store, recycle, and dispose of waste received from other operations that produce waste or recoverable materials as part of their manufacturing processes)

Subpart EE--Magnetic Tape Manufacturing Operations.

40 CFR 63.701 through 40 CFR 63.708

(manufacturers of magnetic tape)

Subpart FF--Reserved.

Subpart GG--Aerospace Manufacturing and Rework Facilities.

40 CFR 63.741 through 40 CFR 63.752

(facilities engaged in the manufacture or rework of commercial, civil, or military aerospace vehicles or components)

Subpart HH--Oil and Natural Gas Production Facilities.

40 CFR 63.760 through 40 CFR 63.779

(facilities that process, upgrade, or store hydrocarbon liquids or natural gas; ancillary equipment and compressors intended to operate in volatile hazardous air pollutant service)

Subpart II--Shipbuilding and Ship Repair (Surface Coating).

40 CFR 63.780 through 40 CFR 63.788

(shipbuilding and ship repair operations)

Subpart JJ--Wood Furniture Manufacturing Operations.

40 CFR 63.800 through 40 CFR 63.819

(finishing materials, adhesives, and strippable spray booth coatings; storage, transfer, and application of coatings and solvents)

Subpart KK--Printing and Publishing Industry.

40 CFR 63.820 through 40 CFR 63.831

(publication rotogravure, product and packaging rotogravure, and wide-web printing processes)

Subpart LL--Primary Aluminum Reduction Plants.

40 CFR 63.840 through 40 CFR 63.859

(each pitch storage tank, potline, paste production plant, or anode bulk furnace associated with primary aluminum production)

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Subpart MM--Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semichemical Pulp Mills.

40 CFR 63.860 through 40 CFR 63.868

(chemical recovery systems, direct and nondirect contact evaporator recovery furnace systems, lime kilns, sulfite combustion units, semichemical combustion units)

Subpart NN--Reserved.

Subpart OO--Tanks--Level 1.

40 CFR 63.900 through 40 CFR 63.907

(for off-site waste and recovery operations, fixed-roof tanks)

Subpart PP--Containers.

40 CFR 63.920 through 40 CFR 63.928

(for off-site waste and recovery operations, containers)

Subpart QQ--Surface Impoundments.

40 CFR 63.940 through 40 CFR 63.948

(for off-site waste and recovery operations, surface impoundment covers and vents)

Subpart RR--Individual Drain Systems.

40 CFR 63.960 through 40 CFR 63.966

(for off-site waste and recovery operations, inspection and maintenance of individual drain systems)

Subpart SS--Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

40 CFR 63.980 through 40 CFR 63.999

(closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process, when associated with facilities subject to a referencing subpart)

Subpart TT--Equipment Leaks--Control Level 1.

40 CFR 63.1000 through 40 CFR 63.1018

(control of air emissions from equipment leaks when associated with facilities subject to a referencing subpart)

Subpart UU--Equipment Leaks--Control Level 2.

40 CFR 63.1019 through 40 CFR 63.1039

(control of air emissions from equipment leaks when associated with facilities subject to a referencing subpart: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, closed vent systems and control devices)

Subpart VV--Oil-Water Separators and Organic-Water Separators.

40 CFR 63.1040 through 40 CFR 63.1049

(for off-site waste and recovery operations, oil-water separators and organic-water separator roofs and vents)

Subpart WW--Storage Vessels (Tanks)--Control Level 2.

40 CFR 63.1060 through 40 CFR 63.1066

(storage vessels associated with facilities subject to a referencing subpart)

Subpart XX--Reserved.

Subpart YY--Generic Maximum Achievable Control Technology Standards.

40 CFR 63.1100 through 40 CFR 63.1113

(acetal resins production, acrylic and modacrylic fibers production, hydrogen fluoride production, polycarbonate production)

Subpart ZZ--Reserved.

Subpart AAA--Reserved.

Subpart BBB--Reserved.

Subpart CCC--Steel Pickling--Hydrogen Chloride Process Facilities and Hydrochloric Acid Regeneration Plants.

40 CFR 63.1155 through 40 CFR 63.1174

(steel pickling facilities that pickle carbon steel using hydrochloric acid solution, hydrochloric acid regeneration plants)

Subpart DDD--Mineral Wool Production.

40 CFR 63.1175 through 40 CFR 63.1199

(cupolas and curing ovens at mineral wool manufacturing facilities)

Subpart EEE--Hazardous Waste Combustors.

40 CFR 63.1200 through 40 CFR 63.1213

(hazardous waste combustors)

Subpart FFF--Reserved.

Subpart GGG--Pharmaceutical Production.

40 CFR 63.1250 through 40 CFR 63.1261

(pharmaceutical manufacturing operations)

Subpart HHH--Natural Gas Transmission and Storage Facilities.

40 CFR 63.1270 through 40 CFR 63.1289

(natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user)

Subpart III--Flexible Polyurethane Foam Production.

40 CFR 63.1290 through 40 CFR 63.1309

(flexible polyurethane foam or rebond processes)

Subpart JJJ--Group IV Polymers and Resins.

40 CFR 63.1310 through 40 CFR 63.1335

(facilities which manufacture acrylonitrile butadiene styrene resin, styrene acrylonitrile resin, methyl methacrylate

butadiene styrene resin, polystyrene resin, poly(ethylene terephthalate) resin, or nitrile resin)

Subpart KKK--Reserved.

Subpart LLL--Portland Cement Manufacturing.

40 CFR 63.1340 through 40 CFR 63.1359

(kilns; in-line kilns/raw mills; clinker coolers; raw mills; finish mills; raw material dryers; raw material, clinker, or finished product storage bins; conveying system transfer points; bagging systems; bulk loading or unloading systems)

Subpart MMM--Pesticide Active Ingredient Production.

40 CFR 63.1360 through 40 CFR 63.1369

(pesticide active ingredient manufacturing process units, waste management units, heat exchange systems, and cooling towers)

Subpart NNN--Wool Fiberglass Manufacturing.

40 CFR 63.1380 through 40 CFR 63.1399

(glass melting furnaces, rotary spin wool fiberglass manufacturing lines producing bonded wool fiberglass building insulation or bonded heavy-density product)

Subpart OOO--Amino/Phenolic Resins Production.

40 CFR 63.1400 through 40 CFR 63.1419

(unit operations, process vents, storage vessels, equipment subject to leak provisions)

Subpart PPP--Polyether Polyols Production.

40 CFR 63.1420 through 40 CFR 63.1439

(polyether polyol manufacturing process units)

Subpart QQQ--Primary Copper Smelting.

40 CFR 63.1440 through 40 CFR 63.1-1459

(batch copper converters, including copper concentrate dryers, smelting furnaces, slag cleaning vessels, copper converter departments, and the entire group of fugitive emission sources)

Subpart RRR--Secondary Aluminum Production.

40 CFR 63.1500 through 40 CFR 63.1520

(scrap shredders; thermal chip dryers; scrap dryers/delacquering kilns/decoating kilns; group 2, sweat, dross-only furnaces; rotary dross coolers; processing units)

Subpart SSS--Reserved.

Subpart TTT--Primary Lead Smelting.

40 CFR 63.1541 through 40 CFR 63.1550

(sinter machines, blast furnaces, dross furnaces, process fugitive sources, fugitive dust sources)

Subpart UUU--Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

40 CFR 63.1560 through 40 CFR 63.1579

(petroleum refineries that produce transportation and heating fuels or lubricants, separate petroleum, or separate, crack, react, or reform an intermediate petroleum stream, or recover byproducts from an intermediate petroleum stream)

Subpart VVV--Publicly Owned Treatment Works.

40 CFR 63.1580 through 40 CFR 63.1595

(intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment)

Subpart WWW--Reserved.

Subpart XXX--Ferroalloys Production: Ferromanganese and Silicomanganese.

40 CFR 63.1620 through 40 CFR 63.1679

(submerged arc furnaces, metal oxygen refining processes, crushing and screening operations, fugitive dust sources)

Subpart YYY--Reserved.

Subpart ZZZ--Reserved.

Subpart AAAA--Reserved.

Subpart BBBB--Reserved.

Subpart CCCC--Manufacturing of Nutritional Yeast.

40 CFR 63.2130 through 40 CFR 63.2192

(fermentation vessels)

Subpart DDDD--Reserved.

Subpart EEEE--Reserved.

Subpart FFFF--Reserved.

Subpart GGGG--Solvent Extraction for Vegetable Oil Production.

40 CFR 63.2830 through 40 CFR 63.2872

(vegetable oil production processes)

Subpart HHHH--Wet-formed Fiberglass Mat Production.

40 CFR 63.2980 through 63.3079

(wet-formed fiberglass mat drying and curing ovens)

Subpart IIII--Reserved.

Subpart JJJJ--~~Reserved~~ *Paper and Other Web Coating.*

40 CFR 63.3280 through 40 CFR 63.3420

(web coating lines engaged in the coating of metal webs used in flexible packaging and in the coating of fabric substrates for use in pressure-sensitive tape and abrasive materials)

Subpart KKKK--Reserved.

Subpart LLLL--Reserved.

Subpart MMMM--Reserved.

Subpart NNNN--~~Reserved~~ *Surface Coating of Large Appliances.*

40 CFR 63.4080 through 40 CFR 63.4181

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(surface coating of a large appliance part or product, including cooking equipment; refrigerators, freezers, and refrigerated cabinets and cases; laundry equipment; dishwashers, trash compactors, and water heaters; and HVAC units, air-conditioning, air-conditioning and heating combination units, comfort furnaces, and electric heat pumps)

Subpart OOOO--~~Reserved~~ Printing, Coating, and Dyeing of Fabrics and Other Textiles.

40 CFR 63.4280 through 40 CFR 63.4371

(printing, coating, slashing, dyeing, or finishing of fabric and other textiles)

Subpart PPPP--Reserved.

Subpart QQQQ--~~Reserved~~ Surface Coating of Wood Building Products.

40 CFR 63.4680 through 40 CFR 63.4781

(finishing or laminating of wood building products used in the construction of a residential, commercial, or institutional building)

Subpart RRRR--~~Reserved~~ Surface Coating of Metal Furniture.

40 CFR 63.4880 through 40 CFR 63.4981

(application of coatings to substrate using spray guns and dip tanks)

Subpart SSSS--Surface Coating of Metal Coil.

40 CFR 63.5080 through 40 CFR 63.5209

(organic coating to surface of metal coil, including web unwind or feed sections, work stations, curing ovens, wet sections, and quench stations)

Subpart TTTT--Leather Finishing Operations.

40 CFR 63.5280 through 40 CFR 63.5460

(multistage application of finishing materials to adjust and improve the physical and aesthetic characteristics of leather surfaces)

Subpart UUUU--Cellulose Products Manufacturing.

40 CFR 63.5480 through 40 CFR 63.5610

(cellulose food casing, rayon, cellulosic sponge, cellophane manufacturing, methyl cellulose, hydroxypropyl methyl cellulose, hydroxypropyl cellulose, hydroxyethyl cellulose, and carboxymethyl cellulose manufacturing industries)

Subpart VVVV--Boat Manufacturing.

40 CFR 63.5680 through 40 CFR 63.5779

(resin and and gel coat operations, carpet and fabric adhesive operations, aluminum recreational boat surface coating operations)

Subpart WWWW--~~Reserved~~ Reinforced Plastic Composites Production.

40 CFR 63.5780 through 40 CFR 63.5935

(reinforced or nonreinforced plastic composites or plastic molding compounds using thermostat resins and gel coats that contain styrene)

Subpart XXXX--~~Reserved~~ Rubber Tire Manufacturing.

40 CFR 63.5980 through 63.6015

(producing of rubber tires and components including rubber compounds, sidewalls, tread, tire beads, tire cord and liners)

Subpart YYYY--Reserved.

Subpart ZZZZ--Reserved.

Subpart AAAAA--Reserved.

Subpart BBBBB--Semiconductor Manufacturing.

40 CFR 63.7180 through 63.7195

(semiconductor manufacturing process units used to manufacture p-type and n-type semiconductors and active solid-state devices from a wafer substrate)

Subpart CCCCC--Coke Ovens: Pushing, Quenching, and Battery Stacks.

40 CFR 63.7280 through 40 CFR 63.7352

(pushing, soaking, quenching, and battery stacks at coke oven batteries)

Subpart DDDDD--Reserved.

Subpart EEEEE--Reserved.

Subpart FFFFF--Integrated Iron and Steel Manufacturing.

40 CFR 63.7780 through 40 CFR 63.7852

(each sinter plant, blast furnace, and basic oxygen process furnace at an integrated iron and steel manufacturing facility)

Subpart GGGGG--Reserved.

Subpart HHHHH--Reserved.

Subpart IIIII--Reserved.

Subpart JJJJJ--Brick and Structural Clay Products Manufacturing.

40 CFR 63.8380 through 40 CFR 63.8515

(manufacture of brick, clay pipe, roof tile, extruded floor and wall tile, and other extruded, dimensional clay products)

Subpart KKKKK--Clay Ceramics Manufacturing.

40 CFR 63.8530 through 40 CFR 63.8665

(manufacture of pressed floor tile, pressed wall tile, other pressed tile, or sanitaryware)

Subpart LLLLL--Asphalt Processing and Asphalt Roof Manufacturing.

40 CFR 63.8680 through 40 CFR 63.8698

(preparation of asphalt flux at stand-alone asphalt processing facilities, petroleum refineries, and asphalt roofing facilities)

Subpart MMMMM--Flexible Polyurethane Foam Fabrication Operations.

40 CFR 63.8780 through 40 CFR 63.8830

(flexible polyurethane foam fabrication plants using flame lamination or loop slitter adhesives)

Subpart NNNNN--Hydrochloric Acid Production.

40 CFR 63.8980 through 40 CFR 63.9075

(HCl production facilities that produce a liquid HCl product)

Subpart OOOOO--Reserved.

Subpart PTTTT--Engine Test Cells and Stands.

40 CFR Subpart 63.9280 through 40 CFR 63.9375

(any apparatus used for testing uninstalled stationary or uninstalled mobile (motive) engines)

Subpart QQQQQ--Friction Materials Manufacturing Facilities.

40 CFR 63.9480 through 40 CFR 63.9579

(friction materials manufacturing facilities that use a solvent-based process)

Subpart RRRRR--Reserved.

Subpart SSSSS--Refractory Products Manufacturing.

40 CFR 63.9780 through 40 CFR 63.9824

(manufacture of refractory products, including refractory bricks and shapes, monolithics, kiln furniture, crucibles, and other materials for liming furnaces and other high temperature process units)

Subpart TTTTT--Reserved.

Subpart UUUUU--Reserved.

Subpart VVVVV--Reserved.

Subpart WWWW--Reserved.

Subpart XXXXX--Reserved.

Subpart YYYYY--Reserved.

Subpart ZZZZ--Reserved.

Appendix A--Test Methods.

Appendix B--Sources Defined for Early Reduction Provisions.

Appendix C--Determination of the Fraction Biodegraded (F subbio) in a Biological Treatment Unit.

Appendix D--Alternative Validation Procedure for EPA Waste and Wastewater Methods.

VA.R. Doc. No. R04-139; Filed March 31, 2004, 11:20 a.m.

Title of Regulation: 9 VAC 5-60. Hazardous Air Pollutant Sources (Rev. J03) (amending 9 VAC 5-60-120 through 9 VAC 5-60-180).

Statutory Authority: § 10.1-1308 of the Code of Virginia, § 112 of the Clean Air Act, and 40 CFR Parts 61 and 63.

Effective Date: July 1, 2004.

Agency Contact: Robert A. Mann, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, or e-mail ramann@deq.state.va.us.

Summary:

As required under the federal Clean Air Act, the federal § 112(j) rule applies if EPA misses a deadline for the promulgation of a standard established in the source category schedule for standards. In such a case, the owner of a major source in a source category for which EPA has failed to promulgate a standard is required to submit a Title V permit application 18 months after the missed promulgation deadline. If the applicable criteria for voluntary early reductions are met, then this alternative emission limit satisfies the requirements of § 112(j) provided that the emission reductions are achieved by the missed promulgation date.

The federal § 112(j) rule establishes requirements for the content of permit applications, contains provisions governing the establishment of the maximum achievable control technology (MACT)-equivalent emission limitations by a state, includes the criteria for the state to determine completeness, allows the applicant up to six months to revise and resubmit the application, and establishes compliance dates.

Article 3 (9 VAC 5-60-120 et seq.) of Part II of 9 VAC 5-60 is Virginia's equivalent to this federal rule. Adopted by the State Air Pollution Control Board on January 1, 2001, this regulation now needs to be updated to conform to recent changes in the federal regulations.

The amendments establish a new timetable for the submission of § 112(j) Part 2 applications, which is based on the timetable that EPA agreed to follow for promulgation of the remaining National Emission Standards for Hazardous Air Pollutants (NESHAP), and modify the content requirements for Part 2 applications. The amendments also establish revised procedures for requests for applicability determinations previously submitted under the § 112(j) rule, and for § 112(j) applications submitted by sources that previously obtained a case-by-case determination under CAA § 112(g).

Article 3.

Control Technology Determinations for Major Sources of Hazardous Air Pollutants (Rule 6-3).

9 VAC 5-60-120. Applicability.

A. The provisions of this article apply to any owner of an affected source within a source category or subcategory for which the administrator has failed to promulgate a MACT standard by the § 112(j) of the federal Clean Air Act deadline.

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

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C. The provisions of this article do not apply to research or laboratory activities.

D. If federal operating permit program applicability has been deferred for a source category, the provisions of this article shall not apply for sources in that category until those sources become subject to federal operating permit requirements.

E. The procedures in this article apply for each affected source only after the § 112(j) deadline for the source category or subcategory in question has passed, and only until such time as a generally applicable emission standard governing that source has been promulgated. Once a generally applicable emission standard governing that source has been promulgated, the owner of the affected source and the board are not required to take any further actions to develop an equivalent emission limitation under this article.

F. Any final equivalent emission limitation for an affected source that is issued by the board pursuant to this article prior to promulgation of a generally applicable emission standard governing that source shall be deemed an applicable federal requirement adopted pursuant to § 112(j) of the federal Clean Air Act. Each such equivalent emission limitation shall take effect upon issuance of the federal operating permit containing that limitation and shall remain applicable to the source until such time as it may be revised or supplanted pursuant to the procedures established by this article. Such a final equivalent emission limitation, and all associated requirements adopted pursuant to 9 VAC 5-60-140 F 2, are directly enforceable under federal law regardless of whether any permit in which they may be contained remains in effect.

9 VAC 5-60-130. Definitions.

A. For the purpose of 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 herein shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10), unless otherwise required by context.

C. Terms defined.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his authorized representative.

"Affected source" means the collection of equipment, activities, or both within a single contiguous area and under common control that is in a source category or subcategory under § 112(c) of the federal Clean Air Act for which the administrator has failed to promulgate a MACT standard by the § 112(j) deadline, and that is addressed by an applicable MACT emission limitation established pursuant to this article.

"Affected states" means all states (i) whose air quality may be affected and that are contiguous to the Commonwealth of Virginia, and (ii) whose air quality may be affected and that are within 50 miles of the major source for which a MACT determination is made in accordance with 40 CFR Part 63.

"Alternative emission limitation" means conditions established pursuant to § 112(i)(5) or § 112(i)(6) of the federal Clean Air Act by the administrator or the board.

"Alternative emission standard" means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner to the administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or combination thereof, established under 40 CFR Part 63 pursuant to § 112(h) of the federal Clean Air Act.

"Area source" means any stationary source of hazardous air pollutants that is not a major source.

"Available information" means, for purposes of conducting a MACT floor finding and identifying control technology options for ~~emission units~~ affected sources subject to the provisions of this article, any information that is available as of the date on which the first Part 2 MACT application is filed for a source in the relevant source category or subcategory, and, pursuant to the requirements of this article, is additional relevant information that can be expeditiously provided by the board or administrator, is submitted by the applicant or others prior to or during the public comment period on the equivalent emission limitation for that source under § 112(j) of the federal Clean Air Act, or information contained in the following information sources:

1. A relevant proposed regulation, including all supporting information.
2. Relevant background information documents for a draft or proposed regulation.
3. Any relevant regulation, information, or guidance collected by the board or administrator establishing a MACT floor finding or a case-by-case MACT determination.
4. Relevant data and information available from the Clean Air Control Technology Center developed pursuant to § 112(l)(3) of the federal Clean Air Act.
5. Relevant data and information contained in the Aerometric Informational Retrieval System (AIRS).
6. Any additional information that can be expeditiously provided by the board or administrator.
7. Any information provided by applicants in an application for a federal operating permit, permit modification, administrative amendment, or hazardous air pollutant new source review permit pursuant to the requirements of this article.
8. Any additional relevant information provided by the applicant.

"Case-by-case MACT determination" means a determination by the board, pursuant to the requirements of this article, which establishes a MACT emission limitation, MACT work practice standard, or other MACT requirements for an affected source subject to this article.

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

"Construction" means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner of an existing source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

"Control technology" means measures, processes, methods, systems, or techniques to limit the emission of hazardous air pollutants including, but not limited to, measures which:

1. Reduce the quantity, or eliminate emissions, of such pollutants through process changes, substitution of materials or other modifications;
2. Enclose systems or processes to eliminate emissions;
3. Collect, capture, or treat such pollutants when released from a process, stack, storage or fugitive emissions point;
4. Are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in 42 USC 7412(h); or
5. Are a combination of subdivisions 1 through 4 of this definition.

"Effective date" means:

1. With regard to an emission standard established under 40 CFR Part 63, the date of promulgation in the Federal Register of such standard; or
2. With regard to an alternative emission limitation or equivalent emission limitation determined by the administrator or board, the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of 40 CFR Part 63.

"Emission point" means any part or activity of a major source that emits or has the potential to emit, under current operational design, any hazardous air pollutant.

"Emission standard" means a national standard, limitation, prohibition, or other regulation promulgated in a subpart of 40 CFR Part 63 pursuant to § 112(d), § 112(f), or § 112(h) of the federal Clean Air Act and incorporated by reference in 9 VAC 5 Chapter 60 (9 VAC 5-60).

"Enhanced review" means a review process containing all administrative steps needed to ensure that the terms and conditions resulting from the review process can be

incorporated using federal operating permit program procedures.

"EPA" means the United States Environmental Protection Agency.

"Equivalent emission limitation" means an emission limitation, established under this article, which is equivalent to the emission standard that EPA would have promulgated under § 112(d) or § 112(h) of the federal Clean Air Act.

"Existing source" means any affected source that is not a new source.

"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.

"Federal operating permit program" means the operating permit system established pursuant to Title V of the federal Clean Air Act and regulations codified in Article 1 (9 VAC 5-80-50 et seq.), Article 2 (9 VAC 5-80-310 et seq.), Article 3 (9 VAC 5-80-360 et seq.), and Article 4 (9 VAC 5-80-710 et seq.) of Part II of 9 VAC 5 Chapter 80.

"Federally enforceable" means all limitations and conditions that are enforceable by the administrator and citizens under the federal Clean Air Act or that are enforceable under other statutes administered by the administrator. Federally enforceable limitations and conditions include, but are not limited to the following:

1. Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to § 112 of the federal Clean Air Act as amended in 1990.
2. New source performance standards established pursuant to § 111 of the federal Clean Air Act, and emission standards established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.
3. All terms and conditions in a federal operating permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable.
4. Limitations and conditions that are part of an approved implementation plan.
5. Limitations and conditions that are part of a federal construction permit issued under 40 CFR 52.21 or a new source review program permit issued under regulations approved by the EPA into the implementation plan.
6. Limitations and conditions that are part of a state operating permit where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:
 - a. The operating permit program has been submitted to and approved by EPA into a state implementation plan (SIP) under § 110 of the federal Clean Air Act;
 - b. The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits that do not conform to the operating permit program requirements and the

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requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA;

c. The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable";

d. The limitations, controls, and requirements in the permit in question are permanent, quantifiable, and otherwise enforceable as a practical matter; and

e. The permit in question was issued only after adequate and timely notice and opportunity for comment for EPA and the public.

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

8. Individual consent agreements that the EPA has legal authority to create.

"Fugitive emissions" means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under § 112 of the Clean Air Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

"Hazardous air pollutant" means any air pollutant listed in § 112(b) of the federal Clean Air Act, as amended by 40 CFR 63.60.

"Hazardous air pollutant new source review permit" means a document issued pursuant to Article 7 (9 VAC 5-80-1400 et seq.) of Part II of 9 VAC 5 Chapter 80 containing all federally enforceable conditions necessary to enforce the application and operation of any maximum achievable control technology or other control technologies such that the MACT emission limitation is met.

"Hazardous air pollutant new source review program" means a program for the preconstruction review and permitting of new stationary sources that emit hazardous air pollutants in accordance with Article 7 (9 VAC 5-80-1400 et seq.) of Part II of 9 VAC 5 Chapter 80, promulgated to implement the requirements of § 112 (relating to permits for hazardous air pollutants) of the federal Clean Air Act.

"Major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the board establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

"Maximum achievable control technology (MACT) emission limitation for existing sources" means the emission limitation reflecting the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reductions, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such a MACT standard applies. This limitation shall not be less stringent than the MACT floor.

"Maximum achievable control technology (MACT) emission limitation for new sources" means the emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such a MACT standard applies.

"Maximum achievable control technology (MACT) floor" means:

1. For existing sources:

a. The average emission limitation achieved by the best performing 12% of the existing sources (for which the administrator has emissions information), excluding those sources that have, within 18 months before the emission standard is proposed or within 30 months before such standard is promulgated, whichever is later, first achieved a level of emission rate or emission reduction which complies, or would comply if the source is not subject to such standard, with the lowest achievable emission rate (as defined in 9 VAC 5-80-2010) applicable to the source category and prevailing at the time, in the category or subcategory, for categories and subcategories of stationary sources with 30 or more sources; or

b. The average emission limitation achieved by the best performing five sources (for which the administrator has or could reasonably obtain emissions information) in the category or subcategory, for a category or subcategory of stationary sources with fewer than 30 sources;

2. For new sources, the emission limitation achieved in practice by the best controlled similar source.

"Maximum achievable control technology (MACT) standard" means:

1. An emission standard;

2. An alternative emission standard;

3. An alternative emission limitation; or

4. An equivalent emission limitation established pursuant to § 112 of the federal Clean Air Act that applies to the collection of equipment, activities, or both, regulated by such standard or limitation.

A MACT standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the administrator or board establishes for new or existing sources to which such standard or limitation applies. Every MACT standard established pursuant to § 112 of the federal Clean Air Act includes Subpart A of 40 CFR Part 63, as provided by 40 CFR 63.1(a)(4), and all applicable appendices of 40 CFR Part 63 or of other parts of Title 40 of the Code of Federal Regulations that are referenced in that standard.

"Minor new source review (MNSR) permit" means a document issued pursuant to Article 6 (9 VAC 5-80-1100 et seq.) of Part II of 9 VAC 5 Chapter 80 containing all federally enforceable conditions necessary to enforce the application and operation of any best achievable control technology or other requirements such that the applicable requirements are met.

"New affected source" means the collection of equipment, activities, or both, that if constructed after the issuance of a permit for the source pursuant to 9 VAC 5-60-140, is subject to the applicable MACT emission limitation for new sources. Each permit shall define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

1. Emission reduction impacts of controlling individual sources versus groups of sources;
2. Cost effectiveness of controlling individual equipment;
3. Flexibility to accommodate common control strategies;
4. Cost and benefits of emissions averaging;
5. Incentives for pollution prevention;
6. Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
7. Feasibility and cost of monitoring; and
8. Other relevant factors.

"New source" means any affected source the construction or reconstruction of which is commenced after the administrator first proposes a MACT standard under 40 CFR Part 63 establishing an emission standard applicable to such source.

"New source review program" means a program for the preconstruction review and permitting of new stationary sources or expansions to existing ones in accordance with Article 6 (9 VAC 5-80-1100 et seq.), Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.), or Article 9 (9 VAC 5-80-2000 et seq.) of Part II of 9 VAC 5 Chapter 80 promulgated to implement the requirements of §§ 110(a)(2)(c), 112 (relating to permits for hazardous air pollutants), 165 (relating to permits in prevention of significant deterioration areas), and 173 (relating to permits in nonattainment areas) of the federal Clean Air Act.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant,

including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state and federally enforceable. Fugitive emissions count in determining the potential to emit of a stationary source.

"Reconstruction," unless otherwise defined in a MACT standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:

1. The fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable new source; and
2. It is technologically and economically feasible for the reconstructed source to meet the MACT standards established by the administrator (or the board) pursuant to § 112 of the Clean Air Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to MACT standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

"Research or laboratory activities" means activities whose primary purpose is to conduct research and development into new processes and products where such activities are operated under the close supervision of technically trained personnel and are not engaged in the manufacture of products for commercial sale in commerce, except in a de minimis manner, and where the source is not in a source category, specifically addressing research or laboratory activities, that is listed pursuant to § 112(c)(7) of the federal Clean Air Act.

"Section 112(j) deadline" or "*§ 112(j) deadline*" means the date 18 months after the date by which a MACT standard is scheduled to be promulgated under 40 CFR Part 63, except that for all major sources listed in the source category schedule for which a MACT standard is scheduled to be promulgated by November 15, 1994, the § 112(j) deadline is November 15, 1996, and for all major sources listed in the source category schedule for which a MACT standard is scheduled to be promulgated by November 15, 1997, the § 112(j) deadline is December 15, 1999.

"Similar source" means that equipment or collection of equipment that, by virtue of its structure, operability, type of emissions and volume and concentration of emissions, is substantially equivalent to the new affected source and employs control technology for control of emissions of hazardous air pollutants that is practical for use on the new affected source.

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

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9 VAC 5-60-140. Approval process for new and existing emission units affected sources.

A. The requirements of subdivisions 1 and 2 of this subsection apply to major sources that include, as of the § 112(j) deadline, one or more sources in a category or subcategory for which the administrator has failed to promulgate an emission standard under 40 CFR Part 63 on or before an applicable § 112(j) deadline. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued to the source pursuant to the requirements of this article, shall apply to such sources.

1. The owner shall submit an application for a federal operating permit or for a revision to an existing federal operating permit or a pending federal operating permit meeting the requirements of 9 VAC 5-60-150 A by the § 112(j) deadline if the owner can reasonably determine that one or more sources at the major source belong in the category or subcategory subject to this article.

2. If an application was not submitted under subdivision A 1 of this section and if notified by the board, the owner shall submit an application for a federal operating permit or for a revision to an existing federal operating permit or a pending federal operating permit meeting the requirements of 9 VAC 5-60-150 A within 30 days after being notified in writing by the board that one or more sources at the major source belong to such category or subcategory.

3. The requirements in this subdivision apply when the owner has obtained a federal operating permit that incorporates a case-by-case MACT determination by the board under the hazardous air pollutant new source review program or has submitted a federal operating permit application for a revision that incorporates a case-by-case MACT determination under the hazardous air pollutant new source review program, but has not submitted an application for a federal operating permit revision that addresses the emission limitation requirements of this article.

a. When the owner has a federal operating permit that incorporates a case-by-case MACT determination by the board under the hazardous air pollutant new source review program, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a federal operating permit revision within 30 days of the § 112(j) deadline or within 30 days of being notified in writing by the board that one or more sources at the major source belong in such category or subcategory. Using the procedures established in subsection E of this section, the board ~~shall~~ *will* determine whether the emission limitations prescribed pursuant to the prior case-by-case MACT determination under the hazardous air pollutant new source review program are substantially as effective as the emission limitations which the board would otherwise prescribe pursuant to this article for the source in question. If the board determines that the emission limitations previously prescribed to effectuate the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this

article for the source, then the board ~~shall~~ *will* retain the existing emission limitations in the permit as the emission limitations to effectuate this article. The federal operating permit applicable to that source shall be revised accordingly. If the board does not retain the existing emission limitations in the permit as the emission limitations to effectuate this article, the MACT requirements of this article are satisfied upon issuance of a revised federal operating permit incorporating any additional requirements of this article.

b. When the owner has submitted a federal operating permit application that incorporates a case-by-case MACT determination by the board under the hazardous air pollutant new source review program, but has not received the permit incorporating the hazardous air pollutant new source review program requirements, the owner shall continue to pursue a federal operating permit that addresses the emission limitation requirements of the hazardous air pollutant new source review program. Within 30 days of issuance of that federal operating permit, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a change to the existing federal operating permit. Using the procedures established in subsection E of this section, the board ~~shall~~ *will* determine whether the emission limitations prescribed pursuant to the prior case-by-case MACT determination under the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this article for the source in question. If the board determines that the emission limitations previously prescribed to effectuate the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this article for the source, then the board ~~shall~~ *will* retain the existing emission limitations in the permit as the emission limitations to effectuate this article. The federal operating permit applicable to that source shall be revised accordingly. If the board does not retain the existing emission limitations in the permit as the emission limitations to effectuate this article, the MACT requirements of this article are satisfied upon issuance of a revised federal operating permit incorporating any additional requirements of this article.

B. The requirements of this subsection apply to sources that do not meet the criteria in subsection A of this section on the § 112(j) deadline and are, therefore, not subject to this article on that date, but where events occur subsequent to the § 112(j) deadline that would bring the source under the requirements of this article, and the source does not have a federal operating permit that addresses the requirements of this article.

1. When one or more sources in a category or subcategory subject to the requirements of this article are installed at a major source, or result in the source becoming a major source due to the installation, and the installation does not invoke the hazardous air pollutant new source review program requirements, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A within 30 days of startup of the source. This application

shall be reviewed using the procedures established in subsection E of this section. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

2. The requirements in this subdivision apply when one or more sources in a category or subcategory subject to this article are installed at a major source, or result in the source becoming a major source due to the installation, and the installation does require emission limitations to be established and permitted under the hazardous air pollutant new source review program, and the owner has not submitted an application for a federal operating permit revision that addresses the emission limitation requirements of this article. In this case, the owner shall apply for and obtain a federal operating permit that addresses the emission limitation requirements of the hazardous air pollutant new source review program. Within 30 days of issuance of that federal operating permit, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a revision to the existing federal operating permit. Using the procedures established in subsection E of this section, the board ~~shall~~ *will* determine whether the emission limitations prescribed pursuant to the prior case-by-case MACT determination under the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe pursuant to this article for the source in question. If the board determines that the emission limitations previously prescribed to effectuate the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this article for the source, then the board ~~shall~~ *will* retain the existing emission limitations in the permit as the emission limitations to effectuate this article. The federal operating permit applicable to that source shall be revised accordingly. If the board does not retain the existing emission limitations in the permit as the emission limitations to effectuate this article, the MACT requirements of this article are satisfied upon issuance of a revised federal operating permit incorporating any additional requirements of this article.

3. The owner of an area source that, due to a relaxation in any federally enforceable emission limitation (such as a restriction on hours of operation), increases its potential to emit hazardous air pollutants such that the source becomes a major source that is subject to this article, shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a federal operating permit or for an application for a federal operating permit revision within 30 days after the date that such source becomes a major source. This application shall be reviewed using the procedures established in subsection E of this section. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

4. After December 1, 2002, if the administrator establishes a lesser quantity emission rate under § 112(a)(1) of the federal Clean Air Act that results in an area source

becoming a major source that is subject to this article, then the owner of such a major source shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a federal operating permit or for a change to an existing federal operating permit or pending federal operating permit on or before the date six months after the date that such source becomes a major source. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

C. The requirements of this subsection apply to major sources that include one or more sources in a category or subcategory for which the administrator fails to promulgate an emission standard under 40 CFR Part 63 on or before an applicable § 112(j) deadline, and the owner has a permit meeting the requirements of this article, and where changes occur at the major source to equipment, activities, or both, subsequent to the § 112(j) deadline.

1. If the federal operating permit already provides the appropriate requirements that address the events that occur under this subsection subsequent to the § 112(j) deadline, then the source shall comply with the applicable new source MACT or existing source MACT requirements as specified in the permit, and the requirements of this article are thus satisfied.

2. If the federal operating permit does not contain the appropriate requirements that address the events that occur under this subsection subsequent to the § 112(j) deadline, then the owner shall submit an application for a revision to the existing federal operating permit that meets the requirements of 9 VAC 5-60-150 A. The application shall be submitted within 30 days of beginning construction and shall be reviewed using the procedures established in subsection E of this section. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

D. Provisions concerning requests for applicability determination for MNSR permits are as follows:

1. An owner who is unsure of whether one or more sources at a major source belong in a category or subcategory for which the administrator has failed to promulgate an emission standard under 40 CFR Part 63 may, on or before an applicable § 112(j) deadline, request an applicability determination from the board by submitting an application meeting the requirements of 9 VAC 5-60-150 A by the applicable deadlines specified in subsection A, B, or C of this section.

2. In addition to meeting the requirements of subsections A, B, and C of this section, the owner of a new affected source may submit an application for a MNSR permit before construction, pursuant to 9 VAC 5-60-160.

E. Provisions concerning permit application review are as follows:

1. ~~Within 24 months after an owner submits a Part 1 MACT application meeting the requirements of 9 VAC 5-60-150 A, the owner shall submit a Part 2 MACT application meeting~~

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~~the requirements of 9 VAC 5-60-150 B. Part 2 MACT applications shall be reviewed by the board according to procedures established in 9 VAC 5-60-170. The resulting MACT determination shall be incorporated into the source's federal operating permit according to procedures established under the federal operating permit program and any other regulations approved under the federal operating permit program in the Commonwealth of Virginia. Each owner who is required to submit to the board a Part 1 MACT application that meets the requirements of 9 VAC 5-60-150 A for one or more sources in a category or subcategory subject to § 112(j) of the federal Clean Air Act shall also submit to the board a timely Part 2 MACT application for the same sources that meets the requirements of 9 VAC 5-60-150 B. Each owner shall submit the Part 2 MACT application for the sources in a particular category or subcategory no later than the applicable date specified in Table 6-3A. The submission date specified in Table 6-3A for Miscellaneous Organic Chemical Manufacturing shall apply to sources in each of the source categories listed in Table 6-3B. When the owner is required by this article to submit an application meeting the requirements of 9 VAC 5-60-150 A by a date that is after the date for a Part 2 MACT application for sources in the category or subcategory in question established by Table 6-3A, the owner shall submit a Part 2 MACT application meeting the requirements of 9 VAC 5-60-150 B within 60 additional days after the applicable deadline for submission of the Part 1 MACT application. Part 2 MACT applications will be reviewed by the board according to procedures established in 9 VAC 5-60-170. The resulting MACT determination will be incorporated into the source's federal operating permit according to procedures established under the federal operating permit program and any other regulations approved under the federal operating permit program.~~

2. Notwithstanding subdivision 1 of this subsection, the owner may request either an applicability determination or an equivalency determination by the board as provided in subdivisions 2 a and b of this subsection.

~~a. As specified in subdivision D 1 of this section, an owner may request, through submittal of an application pursuant to 9 VAC 5-60-150 A, a determination by the board of whether one or more sources at a major source belong in a category or subcategory for which the administrator has failed to promulgate an emission standard under 40 CFR Part 63. If the applicability determination is positive, the owner shall comply with the applicable provisions of this article. The owner shall submit a Part 2 MACT application within 24 months after being notified of the positive applicability determination. If the applicability determination is negative, then no further action by the owner is necessary. Each owner who submitted a request for an applicability determination pursuant to subdivision D 1 of this section on or before May 15, 2002, which remains pending before the board on March 29, 2004, and who still wishes to obtain such a determination, shall resubmit that request by July 1, 2004, or by the date which is 60 days after the administrator publishes in the Federal Register a proposed emission standard for the category or subcategory in question, whichever is later. Each request for an applicability~~

~~determination that is resubmitted under this subdivision shall be supplemented to discuss the relation between the sources in question and the applicability provision in the proposed emission standard for the category or subcategory in question, and to explain why there may still be uncertainties that require a determination of applicability. The board will take action upon each properly resubmitted and supplemented request for an applicability determination within an additional 60 days after the applicable deadline for the resubmitted request. If the applicability determination is positive, the owner shall submit a Part 2 MACT application meeting the requirements of 9 VAC 5-60-150 B by the date specified for the category or subcategory in question in Table 6-3A. If the applicability determination is negative, then no further action by the owner is necessary.~~

b. As specified in subsections A and B of this section, an owner ~~may request, through submittal of~~ who has submitted an application meeting the requirements of 9 VAC 5-60-150 A, ~~may request~~ a determination by the board of whether emission limitations ~~prescribed~~ adopted pursuant to a prior case-by-case MACT determination under the hazardous air pollutant new source review program that apply to one or more sources at a major source in a relevant category or subcategory are substantially as effective as the emission limitations that the board would otherwise ~~prescribe~~ adopt pursuant to ~~this article~~ § 112(j) of the federal Clean Air Act for the source in question. Such a request shall be submitted by the date for the category or subcategory in question specified in Table 6-3A. Any owner who previously submitted such a request under a prior version of this subdivision need not resubmit the request. Each request for an equivalency determination under this subdivision, regardless of when it was submitted, will be construed in the alternative as a complete application for an equivalent emission limitation under § 112(j) of the federal Clean Air Act. The process for determination by the board of whether the emission limitations in the prior case-by-case MACT determination are substantially as effective as the emission limitations that the board would otherwise ~~prescribe~~ adopt under this article shall ~~§ 112(j) of the federal Clean Air Act~~ will include the opportunity for full public, EPA, and affected state review prior to a final determination. If the board determines that the emission limitations in the prior case-by-case MACT determination are substantially as effective as the emission limitations that the board would otherwise ~~prescribe~~ adopt under this article § 112(j) of the federal Clean Air Act, then the board shall ~~prescribe~~ will adopt the existing emission limitations in the permit as the emission limitations to effectuate this article § 112(j) of the federal Clean Air Act for the source in question. If more than three years remain on the current federal operating permit, the owner shall submit an application for a federal operating permit revision to make any conforming changes in the permit required to ~~prescribe~~ adopt the existing emission limitations as the ~~MACT~~ § 112(j) of the federal Clean Air Act MACT emission limitations ~~of this article~~. If less than three years remain on the current federal operating permit, any required conforming changes shall will be made when the

permit is renewed. If the board determines that the emission limitations in the prior case-by-case MACT determination under the hazardous air pollutant new source review program are not substantially as effective as the emission limitations that the board would otherwise ~~prescribe~~ *adopt* for the source in question under ~~this article, the owner shall comply with the applicable provisions of this article. The owner shall submit a Part 2 MACT application within 24 months of being notified of such a negative determination. A negative § 112(j) of the federal Clean Air Act, the board will make a new MACT determination and adopt a federal operating permit incorporating an appropriate equivalent emission limitation under § 112(j) of the federal Clean Air Act. Such a determination under this section constitutes final action for purposes of judicial review under § 40.1-1318 of the Air Pollution Control Law of Virginia the federal operating permit program provisions.~~

3. Within 60 days of submittal of the Part 2 MACT application, the board ~~shall~~ *will* notify the owner in writing whether the application is complete or incomplete. The Part 2 MACT application shall be deemed complete on the date it was submitted unless the board notifies the owner in writing within 60 days of the submittal that the Part 2 MACT application is incomplete. A Part 2 MACT application is complete if it is sufficient to begin processing the application for a federal operating permit addressing the requirements of this article. In the event that the board disapproves a permit application or determines that the application is incomplete, the owner shall revise and resubmit the application to meet the objections of the board. The board ~~shall~~ *will* specify a reasonable period in which the owner is required to remedy the deficiencies in the disapproved or incomplete application. This period may not exceed six months from the date the owner is first notified that the application has been disapproved or is incomplete.

4. Following submittal of a Part 1 or Part 2 MACT application, the board may request additional information from the owner. The owner shall respond to such requests in a timely manner.

5. If the owner has submitted a timely and complete application as required by this section, any failure to have a federal operating permit addressing the requirements of this article shall not be a violation of this article, unless the delay in final action is due to the failure of the applicant to submit, in a timely manner, information required or requested to process the application. Once a complete application is submitted, the owner shall not be in violation of the requirement to have a federal operating permit addressing the requirements of this article.

F. The federal operating permit shall contain an equivalent emission limitation (or limitations) for the relevant category or subcategory determined on a case-by-case basis by the board, or, if the applicable criteria in subpart D of 40 CFR Part 63 are met, the federal operating permit may contain an alternative emission limitation. For the purposes of the preceding sentence, early reductions made pursuant to § 112(i)(5)(A) of the federal Clean Air Act shall be achieved not later than the date on which the MACT standard should

have been promulgated according to the source category schedule for standards.

1. The federal operating permit shall contain an emission standard or emission limitation that is equivalent to existing source MACT and an emission standard or emission limitation that is equivalent to new source MACT for control of emissions of hazardous air pollutants. The MACT emission standards or limitations shall be determined by the board and shall be based on the degree of emission reductions that can be achieved if the control technologies or work practices are installed, maintained, and operated properly. The permit shall also specify the affected source and the new affected source. If construction of a new affected source or reconstruction of an affected source commences after a federal operating permit meeting the requirements of this article has been issued for the source, the new source MACT compliance dates shall apply.

2. The federal operating permit shall specify any notification, operation and maintenance, performance testing, monitoring, and reporting and recordkeeping requirements. In developing the federal operating permit, the board ~~shall~~ *will* consider and specify the appropriate provisions of subpart A of 40 CFR Part 63. The federal operating permit shall also include the information in subdivisions 2 a through c of this subsection.

a. In addition to the MACT emission limitation required by subdivision F 1 of this section, additional emission limits, production limits, operational limits or other terms and conditions necessary to ensure practicable enforceability of the MACT emission limitation;

b. Compliance certifications, testing, monitoring, reporting and recordkeeping requirements that are consistent with requirements established pursuant to the federal operating permit program and subsection H of this section; and

c. Compliance dates by which the owner shall be in compliance with the MACT emission limitation and all other applicable terms and conditions of the permit.

(1) The owner of an affected source subject to the requirements of this subdivision shall comply with the emission limitations by the date established in the source's federal operating permit. In no case shall such compliance date be later than three years after the issuance of the permit for that source, except where the board issues a permit that grants an additional year to comply in accordance with § 112(i)(3)(B) of the federal Clean Air Act, or unless otherwise specified in § 112(i) of the federal Clean Air Act, or in subpart D of 40 CFR Part 63.

(2) The owner of a new affected source, as defined in the federal operating permit meeting the requirements of this article, that is subject to the requirements of this article shall comply with a new source MACT level of control immediately upon startup of the new affected source.

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G. The board shall will issue a federal operating permit meeting the requirements of this article within 18 months after submittal of the complete Part 2 MACT application.

H. In accordance with § 114(a)(3) of the federal Clean Air Act, monitoring shall be capable of demonstrating continuous compliance for each compliance period during the applicable reporting period. Such monitoring data shall be of sufficient quality to be used as a basis for directly enforcing all applicable requirements established under this article, including emission limitations.

I. Provisions concerning MACT emission limitations are as follows:

1. The owner of affected sources subject to subsections A, B, and C of this section shall comply with all requirements of this article that are applicable to affected sources, including the compliance date for affected sources established in subdivision F 2 c (1) of this section.
2. The owner of new affected sources subject to subdivision C 1 of this section shall comply with all requirements of this article that are applicable to new affected sources, including the compliance date for new affected sources established in subdivision F 2 c (2) of this section.

TABLE 6-3A.
SECTION 112(j) PART 2 APPLICATION DUE DATES.

Due date	MACT standard
10/30/03	Combustion Turbines. Lime Manufacturing. Site Remediation. Iron and Steel Foundries. Taconite Iron Ore Processing. Miscellaneous Organic Chemical Manufacturing (MON). ¹ Organic Liquids Distribution. Primary Magnesium Refining. Metal Can (Surface Coating). Plastic Parts and Products (Surface Coating). Chlorine Production. Miscellaneous Metal Parts and Products (Surface Coating) (and Asphalt/Coal Tar Application-Metal Pipes). ²
4/28/04	Industrial Boilers, Institutional/ Commercial Boilers and Process Heaters. ³ Plywood and Composite Wood Products. Reciprocating Internal Combustion Engines. ⁴ Auto and Light-Duty Truck (Surface Coating).
8/13/05	Industrial Boilers, Institutional/ Commercial Boilers, and Process Heaters. ⁵ Hydrochloric Acid Production. ⁶

¹ Covers 23 source categories; see Table 6-3B.

² Two source categories.

³ Includes all sources in the three categories Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters that burn no hazardous waste.

⁴ Includes engines greater than 500 brake horsepower.

⁵ Includes all sources in the three categories Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters that burn hazardous waste.

⁶ Includes furnaces that produce acid from hazardous waste at sources in the category Hydrochloric Acid Production.

TABLE 6-3B.
MISCELLANEOUS ORGANIC NESHAP (MON) SOURCE CATEGORIES.

Manufacture of Paints, Coatings, and Adhesives.
Alkyd Resins Production.
Maleic Anhydride Copolymers Production.
Polyester Resins Production.
Polymerized Vinylidene Chloride Production.
Polymethyl Methacrylate Resins Production.
Polyvinyl Acetate Emulsions Production.
Polyvinyl Alcohol Production.
Polyvinyl Butyral Production.
Ammonium Sulfate Production-Caprolactam By-Product Plants.
Quaternary Ammonium Compounds Production.
Benzyltrimethylammonium Chloride Production.
Carbonyl Sulfide Production.
Chelating Agents Production.
Chlorinated Paraffins Production.
Ethylidene Norbornene Production.
Explosives Production.
Hydrazine Production.
OBPA/1,3-Diisocyanate Production.
Photographic Chemicals Production.
Phthalate Plasticizers Production.
Rubber Chemicals Manufacturing.
Symmetrical Tetrachloropyridine Production.

9 VAC 5-60-150. Application content for case-by-case MACT determinations.

A. The Part 1 application for a case-by-case MACT determination shall contain the following information:

1. The name and address (physical location) of the major source;
2. A brief description of the major source and an identification of the relevant source category;
3. An identification of the types of emissions points belonging to the relevant source category; and
4. An identification of any affected sources for which a hazardous air pollutant new source review program MACT determination has been made.

B. The following provisions govern the Part 2 application for a case-by-case MACT determination shall contain the following information:

1. ~~For a new affected source, the anticipated date of startup of operation; In compiling a Part 2 MACT application, the owner may cross-reference specific information in any prior submission by the owner to the board, but in cross-referencing such information the owner may not presume favorable action on any prior application or request that is still pending. In compiling a Part 2 MACT application, the owner may also cross-reference any part of a proposed emission standard for any category or subcategory that includes sources to which the Part 2 application applies.~~
2. ~~The hazardous air pollutants emitted by each affected source, and an estimated total uncontrolled and controlled emission rate for hazardous air pollutants from the affected source; The Part 2 application for a MACT determination shall contain the following information:~~

~~3. Any existing federal, state, or local limitations or requirements applicable to the affected source;~~

~~4. For each affected emission point or group of emission points, an identification of control technology in place;~~

~~5. Information relevant to establishing the MACT floor, and, at the option of the owner, a recommended MACT floor; and~~

~~6. Any other information reasonably needed by the board including, at the discretion of the board, information required pursuant to subpart A of 40 CFR Part 63.~~

a. For a new affected source, the anticipated date of startup of operation.

b. Each emission point or group of emission points at the affected source that is part of a category or subcategory for which a Part 2 MACT application is required and each of the hazardous air pollutants emitted at those emission points. When the administrator has proposed an emission standard for a category or subcategory, such information may be limited to those emission points and hazardous air pollutants that would be subject to control under the proposed standard.

c. Any existing federal, state, or local limitations or requirements governing emissions of hazardous air pollutants from those emission points that are part of a category or subcategory for which a Part 2 application is required.

d. For each identified emission point or group of affected emission points, an identification of control technology in place.

e. Any additional emission data or other information specifically requested by the board.

C. The Part 2 application for a MACT determination may, but is not required to, contain the following information:

1. Recommended emission limitations for the affected source and support information consistent with 40 CFR 63.52(f). The owner may recommend a specific design, equipment, work practice, or operational standard, or combination thereof, as an emission limitation;

2. A description of the control technologies that shall apply to meet the emission limitations including technical information on the design, operation, size, estimated control efficiency, and any other information deemed appropriate by the board, and identification of the affected sources to which the control technologies shall be applied; and

3. Relevant parameters to be monitored and frequency of monitoring to demonstrate continuous compliance with the MACT emission limitation over the applicable reporting period.

9 VAC 5-60-160. Preconstruction review procedures for new affected sources subject to 9 VAC 5-60-140 C 1.

A. The review process for new affected sources is as follows:

1. If the board requires an owner to obtain or revise a federal operating permit before construction of the new affected source, or when the owner chooses to obtain or

revise a federal operating permit before construction, the owner shall follow the administrative procedures established under the federal operating permit program before construction of the new affected source.

2. If an owner is not required to obtain or revise a federal operating permit before construction of the new affected source (and has not elected to do so), but the new affected source is covered by any preconstruction or pre-operation review requirements established pursuant to the hazardous air pollutant new source review program, then the owner shall comply with those requirements. If the new affected source is not subject to the hazardous air pollutant new source review program, the board will issue a MNSR permit in accordance with the MNSR permit procedures supplemented by the procedures set forth in subsections B through H of this section before construction or operation of the new affected source.

3. Regardless of the review process, the case-by-case MACT determination will be consistent with the principles established in 9 VAC 5-60-170. The application for the applicable new source review permit or a federal operating permit, permit modification, or administrative amendment, whichever is applicable, will include the documentation required by 9 VAC 5-60-150.

B. The board will provide for an enhanced review of MNSR permits used to implement case-by-case MACT determinations in accordance with the following review procedures and compliance requirements:

1. The board will notify the owner in writing as to whether the application for a case-by-case MACT determination is complete or whether additional information is required.

2. The board will approve an applicant's proposed control technology, or the board will notify the owner in writing of its intention to disapprove a control technology.

3. The owner may present in writing, within a time frame specified by the board, additional information, considerations, or amendments to the application before the board's issuance of a final disapproval.

4. The board will issue a preliminary approval or issue a disapproval of the application taking into account additional information received from the owner.

5. A determination to disapprove any application will be in writing and will specify the grounds on which the disapproval is based.

6. Approval of an applicant's proposed control technology will be set forth in a MNSR permit as described in 9 VAC 5-60-140 F.

C. The board will provide opportunity for public comment on the preliminary MNSR permit prior to issuance, including, at a minimum:

1. Availability for public inspection, in at least one location in the area affected, of the information submitted by the owner and of the board's tentative determination;

2. A period for submittal of public comment of at least 30 days;

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3. A notice by prominent advertisement in the area affected of the location of the source information and analysis specified in 9 VAC 5-60-140 F. The form and content of the notice ~~shall~~ *will* be substantially equivalent to that found in 9 VAC 5-80-270 or 9 VAC 5-80-670; and

4. An opportunity for a public hearing if one is requested. The board will give at least 30 days' notice in advance of any hearing.

D. The board will send copies of the preliminary permit (in time for comment) and final permit required by subsection C of this section to the administrator through the appropriate regional office, to affected states, and to all other state and local air pollution control agencies having jurisdiction in the region in which the new source would be located. The board will provide EPA with a review period for the final permit of at least 45 days, and will not issue the final MNSR permit until EPA objections are satisfied.

E. An owner of a major source that is subject to a case-by-case MACT determination shall comply with notification, operation and maintenance, performance testing, monitoring, reporting, and recordkeeping requirements established under 9 VAC 5-60-140 F 2, under the federal operating permit program, and at the discretion of the board, under Subpart A of 40 CFR Part 63. The board will provide the EPA with the opportunity to review compliance requirements for consistency with requirements established pursuant to the federal operating permit program during the review period under subsection D of this section.

F. If the board requires a new source review permit for a new source case-by-case MACT determination under this article, such requirement ~~shall~~ *will* not necessitate a determination under Subpart E of 40 CFR Part 63.

9 VAC 5-60-170. Maximum achievable control technology (MACT) determinations for affected sources subject to case-by-case determination of equivalent emission limitations.

A. The board ~~shall~~ *will* determine whether the Part 1 and Part 2 MACT application is complete or an application for a MNSR permit is approvable. In either case, when the application is complete or approvable, the board ~~shall~~ *will* establish hazardous air pollutant emissions limitations equivalent to the limitations that would apply if an emission standard had been issued in a timely manner under § 112(d) or (h) of the federal Clean Air Act. The board ~~shall~~ *will* establish these emissions limitations consistent with the following requirements and principles:

1. Emission limitations ~~shall~~ *will* be established for the equipment and activities within the affected sources within a source category or subcategory for which the deadline in § 112(j) of the federal Clean Air Act has passed.

2. Each emission limitation for an existing affected source ~~shall~~ *will* reflect the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction and any nonair quality health and environmental impacts and energy requirements,

determines is achievable by affected sources in the category or subcategory for which the deadline in § 112(j) of the federal Clean Air Act has passed. This limitation ~~shall~~ *will* not be less stringent than the MACT floor, which ~~shall~~ *will* be established by the board according to the requirements of § 112(d)(3)(A) and (B) of the federal Clean Air Act and ~~shall~~ *will* be based upon available information.

3. Each emission limitation for a new affected source ~~shall~~ *will* reflect the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction and any nonair quality health and environmental impacts and energy requirements, determines is achievable. This limitation ~~shall~~ *will* not be less stringent than the emission limitation achieved in practice by the best controlled similar source that ~~shall~~ *will* be established by the board according to the requirements of § 112(d)(3) of the federal Clean Air Act. This limitation ~~shall~~ *will* be based upon available information.

4. The board ~~shall~~ *will* select a specific design, equipment, work practice, or operational standard, or combination thereof, when it is not feasible to prescribe or enforce an equivalent emission limitation due to the nature of the process or pollutant. It is not feasible to prescribe or enforce a limitation when the administrator determines that hazardous air pollutants cannot be emitted through a conveyance designed and constructed to capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any federal, state, or local law, or the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

5. Nothing in this article ~~shall~~ *will* prevent the board from establishing an emission limitation more stringent than required by federal regulations.

B. The owner shall submit additional copies of its Part 1 and Part 2 MACT application for a federal operating permit, permit revision, or MNSR permit, whichever is applicable, to the EPA at the same time the material is submitted to the board.

9 VAC 5-60-180. Requirements for case-by-case determination of equivalent emission limitations after promulgation of a subsequent MACT standard.

A. If the administrator promulgates a MACT standard that is applicable to one or more affected source within a major source before the date a federal operating permit application under this subsection is approved, the permit ~~shall~~ *will* contain the promulgated standard rather than the emission limitation determined under 9 VAC 5-60-140, and the owner shall comply with the promulgated standard by the compliance date in the promulgated standard.

B. If the administrator promulgates a MACT standard under § 112(d) or § 112(h) of the federal Clean Air Act that is applicable to a source after the date a federal operating permit is issued pursuant to 9 VAC 5-60-140 or 9 VAC 5-60-160, the board ~~shall~~ *will* incorporate requirements of that standard in the permit upon its next renewal. The board ~~shall~~ *will* establish a compliance date in the revised federal operating

permit that assures that the owner shall comply with the promulgated standard within a reasonable time, but not longer than eight years after such standard is promulgated or eight years after the date by which the owner was first required to comply with the emission limitation established by the federal operating permit, whichever is earlier. However, in no event shall ~~will~~ the period for compliance for existing sources be shorter than that provided for existing sources in the promulgated standard.

C. Notwithstanding the requirements of subsections A and B of this section, the requirements of subdivisions 1 and 2 of this subsection apply.

1. If the administrator promulgates a MACT standard under § 112 (d) or (h) of the federal Clean Air Act that is applicable to an affected source after the date a federal operating permit application is approved under 9 VAC 5-60-140 or 9 VAC 5-60-160, the board is not required to change the emission limitation in the federal operating permit to reflect the promulgated standard if the board determines that the level of control required by the emission limitation in the federal operating permit is substantially as effective as that required by the promulgated standard pursuant to 40 CFR 63.1 (e).

2. If the administrator promulgates an emission standard under § 112(d) or (h) of the federal Clean Air Act that is applicable to an affected source after the date a permit application is approved under 9 VAC 5-60-140 or 9 VAC 5-60-160, and the level of control required by the promulgated standard is less stringent than the level of control required by any emission limitation in the prior MACT determination, the board is not required to incorporate any less stringent emission limitation of the promulgated standard in the federal operating permit and may in its discretion consider any more stringent provisions of the MACT determination to be applicable legal requirements when issuing or revising such a federal operating permit.

VA.R. Doc. No. R04-140; Filed March 31, 2004, 11:20 a.m.

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The following regulations filed by the State Water Control Board are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 9 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007 B, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action, forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007 F, and (iv) conducts at least one public hearing on the proposed general permit.

Due to its length, 9 VAC 25-151 is not being published. However, in accordance with § 2.2-4031 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the State Water Control Board (see contact information below) and is accessible on the Virginia Register of Regulations website at <http://register.state.va.us/vol20/welcome.htm> or <http://register.state.va.us/vol20/iss16/f9v25151full.doc>.

Title of Regulation: 9 VAC 25-151. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water Associated with Industrial Activity (amending 9 VAC 25-151-10 and 9 VAC 25-151-40 through 9 VAC 25-151-370; adding 9 VAC 25-151-65).

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act; 40 CFR Parts 122, 123 and 124.

Effective Date: July 1, 2004.

Agency Contact: Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032, or e-mail brtuxford@deq.state.va.us.

Summary:

This regulation reissues the existing general permit for industrial activity storm water discharges that will expire on June 30, 2004, and is modeled after the 2000 United States EPA multisector industrial storm water general permit. The significant revisions to the regulation are as follows:

1. Added TMDL language authorizing coverage only if the SWPPP that is developed incorporates and is consistent with any TMDL requirements, if applicable.
2. Deleted the "No Exposure Exemption" provision because it was superseded by the no exposure exemption in the EPA 1999 Phase 2 storm water regulation, which was incorporated into the VPDES Permit Regulation in September 2000.
3. Modified the monitoring periods for "Benchmark Monitoring" from twice a year in the second and fourth years of the permit, to once annually in each year of the permit. Also, required the monitoring data to be maintained on site with the SWPPP.
4. Modified the "Benchmark Monitoring Waiver" provision to require the permittee to submit waiver requests to the department, along with the supporting monitoring data and a certification statement that the discharges that the waiver request covers will remain as clean or better than when the monitoring occurred.
5. Added a special condition requiring the permittee to select, install, implement and maintain BMPs to minimize pollutants in storm water runoff and meet water quality standards. If the permittee's discharge causes water quality standards violations or significant downstream impacts, the

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board may take enforcement action or require an individual permit, or both.

6. Extensively reduced the "Special Pollution Prevention Plan Requirements" for EPCRA 313 facilities to be consistent with EPA's 2000 MSGP.

7. Modified the benchmark monitoring parameters for Sector C (Chemical and Allied Products) and Sector U (Food and Kindred Products) by combining "TKN" and "Nitrate + Nitrite Nitrogen" into "Total Nitrogen," and setting a benchmark concentration of 2.2 mg/L.

8. Added additional benchmark monitoring to Sector G (Metal Mining), consistent with EPA's 2000 MSGP.

9. Added effluent limitations to Sectors K (Hazardous Waste TSD Facilities) and Sector L (Landfills), consistent with EPA's 2000 MSGP.

10. Added coverage for SIC 4499 (limited to facilities that are engaged in dismantling ships, marine salvaging, and marine wrecking - ships for scrap) to Sector N (Scrap Recycling and Waste Recycling Facilities). Added specific SWPPP requirements for those facilities, and benchmark monitoring requirements.

11. Clarified coverage requirements for Sector O (Steam Electric Generating Facilities) to state that "heat capture/heat recovery/combined cycle generating facilities" are not covered by this permit.

The substantive changes between the proposed and final regulation are as follows:

1. Required that the benchmark monitoring waiver certification for inactive and unstaffed sites and the pollutant-by-pollutant benchmark monitoring waiver certification be submitted to the department, as well as maintained with the SWPPP.

2. Modified the "Water Quality Protection" special condition by removing the reference to "significant downstream impacts," and replacing it with "downstream pollution (as defined in § 62.1-44.3 of the Code of Virginia)," and added the following action that the board may take: "may require the permittee to include and implement appropriate controls in the SWPPP to correct the problem."

3. Added a section on "Deadlines for Plan Preparation and Compliance" to the permit (Part III, Storm Water Pollution Prevention Plan) to clarify that facilities covered by the existing permit who are renewing coverage have until August 30, 2004, to update and implement changes to their SWPPP, and that facilities that are seeking new coverage under the permit must have the SWPPP prepared and implemented before they submit the registration statement.

4. Modified the "Routine Facility Inspections," the "Comprehensive Site Compliance Evaluation," and the "Signature and Plan Review - Required Modifications" sections of the permit (Part III, Storm Water Pollution Prevention Plan) to allow the director to grant (in writing) an extension to the deadlines specified in the permit for the permittee to make corrections when deficiencies are found during inspections.

5. Modified the "Structural Controls - Other Controls" section of the permit (Part III, Storm Water Pollution Prevention Plan) to allow equivalent measures to be used in place of velocity dissipation devices, and the "Sector N - Vessel Breaking/Scrapping Activities" section of the permit (Part IV, Sector Specific Permit Requirements) to allow equivalent measures to be used in place of fixed/floating platforms, and in place of containerizing scrap metals and pollutants.

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

VA.R. Doc. No. R03-96; Filed March 31, 2004, 11:26 a.m.

* * * * *

Title of Regulation: **9 VAC 25-180. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities (amending 9 VAC 25-180-10, 9 VAC 25-180-20, 9 VAC 25-180-40, 9 VAC 25-180-50, 9 VAC 25-180-55, 9 VAC 25-180-60, 9 VAC 25-180-70; adding 9 VAC 25-180-65).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act; and 40 CFR Parts 122, 123 and 124.

Effective Date: July 1, 2004.

Agency Contact: Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032, or e-mail brtuxford@deq.state.va.us.

Summary:

This regulation reissues the existing general permit for construction activity storm water discharges that will expire on June 30, 2004. This draft is modeled after the United States EPA construction storm water general permit. Certain provisions were modified to make them conform to similar requirements in the Virginia Erosion and Sediment Control Regulation, which is administered by the Department of Conservation and Recreation.

The significant revisions to the regulation are as follows:

1. Added TMDL language authorizing coverage only if the SWPPP that is developed incorporates and is consistent with any TMDL requirements, if applicable.

2. Changed deadline for submitting registration statement from "two days prior to commencing construction" to "prior to commencing construction," and added language that a mailed registration statement is considered to be submitted once it is postmarked.

3. Added a special condition that requires the permittee to select, install, implement and maintain BMPs to minimize pollutants and meet water quality standards. If the permittee's discharge causes water quality standards violations or significant downstream impacts, the board may take enforcement action and/or require an individual permit.

4. Added a provision allowing the operator to "finally stabilize" a definable area, then mark this on the SWPPP, and no further SWPPP or inspection requirements apply to that area.

5. Modified the "Maintenance of Controls" section to require sediment to be removed from sediment traps or sedimentation ponds when the design capacity has been reduced by 25% (previous requirement was 50%).

6. Added an "Inspections" provision allowing linear construction activities (e.g., utility line installation, pipeline construction) to be inspected using "representative" inspections.

The substantive changes between the proposed and final regulation are as follows:

1. Added a requirement to the registration statement that the applicant include a list of the permanent BMPs (both structural and nonstructural) that will be installed at the site.

2. Modified the "Water Quality Protection" special condition by removing the reference to "significant downstream impacts," and replacing it with "downstream pollution (as defined in § 62.1-44.3 of the Code of Virginia)," and added the following action that the board may take: "may require the permittee to include and implement appropriate controls in the SWPPP to correct the problem."

3. Modified the inspection section to require inspections to be conducted within 48 hours of the end of any runoff producing storm event (instead of a 0.5-inch rainfall event), and removed the requirement to measure the rainfall on site using a rain gauge.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:6 VA.R. 552-569 December 1, 2003, with the changes identified below. Pursuant to § 2.2-4031 A of the Code of Virginia, the adopted regulation is not published at length; however, the sections that have changed since publication of the proposed are set out.

9 VAC 25-180-10 through 9 VAC 25-180-40. [No change from proposed.]

9 VAC 25-180-50. Authorization to discharge.

A. Any operator governed by this general permit is authorized by this to discharge to surface waters of the Commonwealth of Virginia provided that the operator files ~~the~~ a complete and accurate registration statement ~~of~~ in accordance with 9 VAC 25-180-60 ~~and~~, any fees required by 9 VAC 25-20, complies with the requirements of 9 VAC 25-180-70, and provided that:

1. The operator shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B;
2. The operator shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges;

3. Prior to commencing construction, the operator shall obtain ~~prior~~ approval of an erosion and sediment control plan from the locality in which the construction activity is to occur or from another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations~~[;]~~ (4 VAC 50-30) ~~[;]~~ unless the operator receives an "agreement in lieu of a plan" from the locality, or is exempt from the requirement to submit an erosion and sediment control plan by 4 VAC 50-30 ~~[;]~~];

4. Storm water discharges which the director determines cause, may reasonably be expected to cause, or contribute to a violation of water quality standards are not covered by this permit; ~~[and]~~

5. The storm water discharge authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit ~~[; and]~~

6. Discharges to waters for which a "total maximum daily load" (TMDL) allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) has been established by the board and approved by EPA are not eligible for coverage under this permit unless the storm water pollution prevention plan (SWPPP) developed by the operator incorporates measures and controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the SWPPP must incorporate any conditions applicable to discharges from the construction site that are necessary for consistency with the assumptions and requirements of the TMDL. If a specific wasteload allocation has been established that would apply to discharges from the construction site, the operator must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation.

B. This permit may also be used to authorize storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located on-site or off-site provided that:

1. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
3. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

C. Support activities located off-site are not required to be covered under this general permit. Discharges of storm water from off-site support activities may be authorized under

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another VPDES permit. Where storm water discharges from off-site support activities are not authorized under this general permit, the land area of the off-site support activity need not be included in determining the total land disturbance acreage of the construction activity seeking general permit coverage.

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

E. The board may waive the otherwise applicable requirements in this general permit regulation for a storm water discharge from small construction activity where storm water controls are not needed based on a "total maximum daily load" (TMDL) established by ~~DEQ~~ *the board* and approved by EPA that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this section, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. In order to obtain this waiver, prior to the commencement of construction the operator must certify to the board that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by a TMDL, or within the drainage area addressed by an equivalent analysis.

9 VAC 25-180-55. [No change from proposed.]

9 VAC 25-180-60. Registration statement; ~~notice of termination.~~

A. Deadlines for submitting registration statement.

1. Except as provided in subdivision 3 of this subsection, operators must submit a complete *and accurate* registration statement in accordance with the requirements of this section ~~at least two days~~ prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

2. For storm water discharges from construction projects where the operator changes, *including instances where an operator is added* after a registration statement has been submitted, the new operator must submit a *complete and accurate* registration statement ~~at least two days before~~ prior to assuming operational control over site specifications or commencing work on-site.

3. *In order to continue permit coverage*, operators of ongoing ~~small~~ construction activity projects as of ~~December 4, 2002~~ *July 1, 2004*, who ~~propose to be covered by this general permit that received authorization to discharge for those projects under the construction storm water general permit issued in 1999~~ must:

a. Submit a complete *and accurate* registration statement by ~~January 3, 2003~~ *July 1, 2004*; and

b. ~~Prepare and comply with a~~ *Update their* storm water pollution prevention plan ~~in accordance~~ *to comply* with the requirements of this general permit within 30 days after the date of coverage under this general permit.

4. *Effective date of permit coverage. The operator of a construction activity is authorized to discharge storm water from those construction activities under the terms and conditions of this permit immediately upon submission of a complete and accurate registration statement to DEQ, but in no event earlier than the effective date of this permit, except as noted in subdivision 3 of this subsection. For the purposes of this regulation, a registration statement that is mailed is considered to be submitted once it is postmarked. Operators are not authorized to discharge if the registration statement is incomplete or incorrect, or if the discharge(s) was not eligible for coverage under this permit.*

5. *Late notifications. Operators are not prohibited from submitting registration statements after initiating clearing, grading, excavation activities, or other construction activities. When a late registration statement is submitted, authorization for discharges occurs no earlier than the submission date of the registration statement. The department reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occurs between the commencement of construction and discharge authorization.*

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

1. Name, mailing address and telephone number of the construction activity operator (*NOTE: The permit will be issued to this operator, and the certification in subdivision [~~42~~ 13] of this subsection must be signed by the appropriate person associated with this operator*);

2. Name and location of the construction activity and all off-site support activities to be covered under the permit. If a street address is unavailable, provide latitude and longitude;

3. Status of the activity: federal, state, public, or private;

4. ~~Statement indicating if storm water runoff is discharged to a municipal separate storm sewer system (MS4)~~ *Nature of the construction project (e.g., commercial, industrial, residential, agricultural, oil and gas, etc.);*

5. Name of the ~~water body~~ receiving water(s);

6. ~~If the discharge from the construction activity or is through a municipal separate storm sewer system (MS4), the name of the municipal operator of the storm sewer;~~

~~7.~~ *7. Estimated project start date and completion date;*

~~8.~~ *8. Total land area of development and estimated area to be disturbed by construction activity (to the nearest quarter acres acre);*

~~9.~~ *9. Total land area of development, if [~~is~~ Whether] the area to be disturbed by the construction activity is [~~is~~] part*

of a larger common plan of development or sale (acres) [2 ;]

9- 10. A topographic map or other map that clearly shows the location of the construction activity, the area to be disturbed (including off-site support activities), and the receiving stream or streams for the storm water discharges.

10. ~~Statement indicating if~~ NOTE: A storm water pollution prevention plan (SWPPP) has been ~~must be~~ prepared in accordance with the requirements of the VPDES General Permit for Storm Water Discharges from Construction Activities: *prior to submitting this registration statement. By signing this registration statement you are certifying that the SWPPP has been prepared;*

11. ~~Statement indicating if an erosion and sediment control plan for the construction activity is required by the Erosion and Sediment Control Regulation (4 VAC 50-30). If a plan is required, indicate if one has been approved by an appropriate state or local plan approving authority.~~

11. *The location of where the SWPPP may be viewed, and the name and phone number of a contact person (NOTE: The contact person should be a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer, responsible land disturber (RLD), or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality); and*

[12. *A list of the permanent BMPs (both structural and nonstructural) that will be installed at the construction activity site. For each BMP that will be installed, include the following information:*

- a. *Type of permanent BMP to be installed;*
- b. *Geographic location (county - state Hydrologic Unit Code);*
- c. *Waterbody the BMP will discharge into;*
- d. *Number of acres that will be treated (to the nearest quarter acre).]*

[~~12- 13.]~~ The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

C. The registration statement shall be signed in accordance with ~~9 VAC 25-31-140~~ 9 VAC 25-180-70, Part III K.

D. *Where to submit. The registration statement shall be submitted to the DEQ regional office that serves the area where the construction activity is located.*

9 VAC 25-180-65. Termination of permit coverage.

~~C. Notice of termination. A. Requirements. When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated or where the operator of the construction site has changed, The operator of the facility shall construction activity may only submit a notice of termination within 30 days after final stabilization has been achieved or when he is no longer the operator one or more of the following conditions have been met:~~

1. *Final stabilization has been achieved on all portions of the site for which the operator is responsible;*
2. *Another operator has assumed control over all areas of the site that have not been finally stabilized;*
3. *Coverage under an alternative VPDES permit has been obtained; or*
4. *For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.*

The notice of termination must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates seven days after the notice of termination is submitted. For the purposes of this regulation, a notice of termination that is mailed is considered to be submitted once it is postmarked.

B. ~~Notice of termination. The operator shall submit a notice of termination which shall contain the following information:~~

1. Name, mailing address and telephone number of the construction activity operator.
2. Name and location of the construction activity. If a street address is unavailable, provide latitude and longitude.
3. The VPDES storm water general permit number.
4. ~~A statement indicating which of these circumstances applies. The basis for submission of the notice of termination, including:~~

- a. ~~The operator of [the] site has changed; or Final stabilization has been achieved on all portions of the site for which the operator is responsible;~~
- b. ~~The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated and Another operator has assumed control over all areas of the site that have not been finally stabilized;~~
- c. *Coverage under an alternative VPDES permit has been obtained; or*
- d. *For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.*

5. The following certification: "I certify under penalty of law that all storm water discharges from the identified construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer

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~~the operator of the construction activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with this general permit, and that discharging pollutants in storm water to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit." "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."~~

C. The notice of termination shall be signed in accordance with ~~9 VAC 25-31-110~~ 9 VAC 25-180-70, Part III K.

D. Where to submit. The notice of termination shall be submitted to the DEQ regional office that serves the area where the construction activity is located.

9 VAC 25-180-70. General permit.

Any operator whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES Permit Regulation (9 VAC 25-31).

General Permit No.: VAR10

Effective Date: ~~June 30, 1999~~ July 1, 2004

Expiration Date: June 30, 2004 2009

Modification Date: ~~December 4, 2002~~

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES

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

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to that, operators of construction activities (those sites or common plans of development or sale that will result in the disturbance of one or more acres of total land area) with storm water discharges from these construction activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Pollution Prevention Plan, and Part III - Conditions Applicable To All VPDES Permits as set forth herein.

PART I DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from construction activities.

2. This permit also authorizes storm water discharges from off-site support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:

a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;

b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

c. Appropriate controls and pollution prevention measures for the discharges from the support activity areas are identified in the storm water pollution prevention plan required for the construction activity under Part II D of this permit.

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

B. Limitation on coverage.

1. Post-construction discharges. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Post-construction industrial storm water discharges may need to be covered by a separate VPDES permit.

2. Discharges mixed with nonstorm water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition of nonstorm water discharges) and are in compliance with Part II D 5 (Nonstorm water discharges discharge management).

3. Discharges covered by another permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III X.

4. TMDL limitation. Discharges to waters for which a "total maximum daily load" (TMDL) allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) has been established by the board and approved by EPA are not eligible for coverage under this permit unless the storm water pollution prevention plan (SWPPP) developed by the

operator incorporates measures and controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the SWPPP must incorporate any conditions applicable to discharges from the construction site that are necessary for consistency with the assumptions and requirements of the TMDL. If a specific wasteload allocation has been established that would apply to discharges from the construction site, the operator must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation.

C. Commingled discharges. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. Prohibition of nonstorm water discharges.

1. Except as provided in Parts I A 2, I C and I D 2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II D 5 (Nonstorm water discharges):

- a. Discharges from fire fighting activities;
- b. Fire hydrant flushings;
- c. Waters used to wash vehicles where detergents are not used;
- d. Water used to control dust;
- e. Potable water sources, including waterline flushings;
- f. Water used for hydrostatic testing of new pipeline construction;
- g. Routine external building wash down which does not use detergents;
- h. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; ~~air conditioning condensate;~~
- i. Uncontaminated *air conditioning* or compressor condensate;
- j. Uncontaminated ground water or spring water; ~~and~~
- k. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- l. Uncontaminated excavation dewatering, and
- m. Landscape irrigation.

E. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharges from a facility the construction site shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility site. *This permit does not relieve the permittee of the reporting requirements of 40 CFR*

Part 110 (2002), 40 CFR Part 117 (2002) and 40 CFR Part 302 (2002) or § 62.1-44.34:19 of the Code of Virginia.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (~~1998~~2002), 40 CFR Part 117 (~~1998~~2002) or 40 CFR Part 302 (~~1998~~2002) occurs during a 24-hour period:

1. The permittee is required to notify the department in accordance with the requirements of Part III G as soon as he has knowledge of the discharge;

2. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner of the MS4; ~~and in addition;~~

3. The storm water pollution prevention plan required under Part II D of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. ~~This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.~~

F. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. ~~Notice of Termination of permit coverage.~~

~~1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a notice of termination that is signed in accordance with Part III K. The operator of the construction activity may only submit a notice of termination after one or more of the following conditions have been met:~~

~~a. Final stabilization has been achieved on all portions of the site for which the operator is responsible;~~

~~b. Another operator has assumed control over all areas of the site that have not been finally stabilized;~~

~~c. Coverage under an alternative VPDES permit has been obtained; or~~

~~d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.~~

~~2. The notice of termination must be submitted within 30 days of one of the conditions in Part I G 1 being met. Authorization to discharge terminates seven days after the notice of termination is submitted.~~

~~3. The notice of termination shall be signed in accordance with Part III K of this permit.~~

~~2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted. Coverage under the permit will be deemed terminated two days after the operator submits the notice of termination to the department.~~

H. Water quality protection. The permittee must select, install, implement and maintain best management practices (BMPs)

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at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. If there is evidence indicating that the storm water discharges authorized by this permit are causing, have the reasonable potential to cause, or are contributing to an excursion above an applicable water quality standard, or are causing ~~[significant downstream impacts]~~ downstream pollution (as defined in § 62.1-44.3 of the Code of Virginia), the board may take appropriate enforcement action [, may require the permittee to include and implement appropriate controls in the SWPPP to correct the problem,] and/or [may] require the permittee to obtain an individual permit in accordance with 9 VAC 25-31-170 B 3.

PART II STORM WATER POLLUTION PREVENTION PLAN

A storm water pollution prevention plan (SWPPP) shall be developed *and implemented* for the construction activity covered by this permit. ~~Storm water pollution prevention plans SWPPPs shall be prepared in accordance with good engineering practices. The plan SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan SWPPP shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at from the construction site, and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.~~

The ~~storm water pollution prevention plan SWPPP~~ requirements of this general permit may be fulfilled by incorporating by reference other state, tribal or local plans such as an erosion and sediment control (ESC) plan, a spill prevention control and countermeasure (SPCC) plan developed for the site under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the ~~storm water pollution prevention plan SWPPP~~ requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, the referenced plan must be approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations (4 VAC 50-30) prior to the commencement of construction. All plans incorporated by reference into the ~~storm water pollution prevention plan SWPPP~~ become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the ~~storm water pollution prevention plan SWPPP~~ of Part II D, the permittee must develop the missing elements and include them in the required ~~storm water pollution prevention plan SWPPP~~.

Once a definable area has been finally stabilized, the operator may mark this on the SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth disturbing activities around one of three buildings in a complex are done and the area is finally stabilized; one mile of

a roadway or pipeline project is done and finally stabilized, etc.).

The operator must implement the SWPPP as written from commencement of construction activity until final stabilization is complete.

A. Deadlines for ~~plan~~ SWPPP preparation and compliance.

~~1. For small construction activities that have begun on or before December 4, 2002, the storm water pollution prevention plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the date of coverage under this permit.~~

~~2. For industrial activity construction activities that have begun after June 30, 1999, and small construction activities that have begun after December 4, 2002,~~

~~1. The plan SWPPP shall be prepared prior to submittal of the registration statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.~~

~~3. 2. For ongoing construction activity involving a change of operator, the new operator shall accept and maintain the existing storm water pollution prevention plan SWPPP, or prepare and implement a new storm water pollution prevention plan SWPPP prior to taking over operations at the site.~~

B. Signature ~~and~~, plan review *and making plans available*.

~~1. The plan SWPPP shall be signed in accordance with Part III K and be.~~

~~2. The SWPPP shall be retained, along with a copy of this permit on-site at the facility which generates the storm water discharge in accordance with Part III B of this permit. 2. construction site from the date of commencement of construction activity The permittee shall make plans available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge which discharges through a municipal separate storm sewer system to the operator of the municipal system from the date of project initiation to the date of final stabilization. Permittees with day-to-day operation control over [plan SWPPP] implementation shall have a copy of the plan available at a central location on-site for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the [plan] that is required to be kept on-site [SWPPP] must be made available, in its entirety, to the department for review at the time of an on-site inspection.~~

~~3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within seven days of such notification the permittee shall make the required changes and shall submit to the~~

department a written certification that the requested changes have been made. The director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

3. The permittee shall make [~~plans~~ SWPPPs] available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer system receiving discharges from the site.

C. Keeping plans current ~~Maintaining an updated SWPPP.~~

1. The permittee shall amend the ~~plan~~ SWPPP whenever there is a change in design, construction, operation, or maintenance, ~~which that~~ has a significant effect on the ~~potential for the~~ discharge of pollutants to surface waters and ~~which that~~ has not ~~otherwise~~ been previously addressed in the ~~plan~~ or if the ~~storm water pollution prevention plan~~ proves to be SWPPP.

2. The SWPPP must be amended if during inspections or investigations by site staff, or by local, state or federal officials, it is determined that the discharges are causing water quality exceedances, or the SWPPP is ineffective in eliminating or significantly minimizing pollutants ~~from~~ sources identified under Part II D 1 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges from construction activities in storm water discharges from the construction site.

3. Based on the results of an inspection, the SWPPP must be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within seven calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as described in Part II D 3 b.

4. The SWPPP must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. The [~~plan~~ SWPPP] shall be amended in accordance with Part II E to identify any new contractor that will implement a measure of the plan.

D. [~~Storm water~~] pollution prevention plan contents of plan. The ~~storm water pollution prevention plan~~ SWPPP shall include the following items:

1. Site and activity description. Each [~~plan~~ SWPPP] shall provide a description of pollutant sources and other the following information as indicated:

- a. A description of the nature of the construction activity, including the function of the project (e.g., low density residential, shopping mall, highway, etc.);
- b. A description of The intended sequence and timing of major activities which that disturb soils for major portions of at the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation).

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other construction activities including off-site borrow and fill areas covered by the plan;

d. An estimate of the runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site.

e. A description of existing vegetation at the site.

f. d. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.

g. e. The name of the Identification of the nearest receiving waters and the ultimate receiving waters, and areal extent of wetland acreage at the site at or near the construction site that will receive discharges from disturbed areas of the project;

h. f. The location and description on any discharge associated with industrial activity other than construction, including at the site. This includes storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is that are covered by this permit.

h. g. A site map indicating:

- (1) Drainage patterns Directions of storm water flow and approximate slopes or contours anticipated after major grading activities;
- (2) Areas of soil disturbance and areas of the site which will not be disturbed;
- (3) The location Locations of major structural and nonstructural controls identified in the plan SWPPP, including those that will be permanent controls that will remain after construction activities have been completed;
- (4) The location of areas Locations where stabilization practices are expected to occur including the types of vegetative cover;
- (5) Surface waters water bodies (including wetlands);
- (6) Locations where storm water is discharged discharges to a surface water with an outline of the drainage area for each discharge point;
- (7) Existing and planned paved areas and buildings;
- (8) Locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed;
- (9) (7) Locations of off-site material, waste, borrow or equipment storage areas covered by the plan; and
- (10) (8) Locations of other potential pollution sources as described in Part II D 1 f, such as vehicle fueling, storage of chemicals, sanitary waste facilities, etc.; and
- (9) Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

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~~Two site maps may be developed, one indicating preconstruction site conditions and the second indicating final site conditions. The two maps should be on the same scale.~~

2. ~~Controls to reduce pollutants. Each plan~~ *The SWPPP* shall include a description of ~~appropriate controls and all pollution control~~ measures that will be implemented as *part of the construction activity* to control pollutants in storm water discharges ~~at the construction site. For each major activity identified in the project description, the [plan] will [SWPPP] shall clearly describe for each major activity identified in the site plan appropriate control measures and, the timing general sequencing during the construction process that in which the measures will be implemented, and which operator is responsible for the control measure's implementation. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization.) The description and implementation of controls shall address the following minimum components:~~

a. ~~Erosion and sediment controls.~~

~~(1) Short- and long-term goals and criteria.~~

~~(a) The construction phase erosion and sediment controls shall be designed to retain sediment on-site to the maximum extent practicable.~~

~~(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.~~

~~(c) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in the street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).~~

~~(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.~~

~~(e) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).~~

~~(f) Off site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this permit are considered a part of the project and shall be addressed in the plan.~~

~~(2) (1) Stabilization practices. The storm water pollution prevention [plan SWPPP] shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices for the site. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.~~

~~(a) A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be maintained and included in the [plan SWPPP].~~

~~(b) Except as provided in Part 22.1-2-2 a (2)-(a) (1) (c), (d) and (e), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.~~

~~(c) Where the initiation of stabilization measures by the seventh day after construction activity temporary or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.~~

~~(d) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of the site.~~

~~(e) In drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within seven days after construction activity has temporarily or permanently ceased, final vegetative stabilization measures shall be initiated as soon as practicable.~~

~~(2) Structural practices. The [plan SWPPP] shall include a description of structural practices to divert flows from exposed soils, ~~store retain/detain~~ flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be [placed located] on upland [oils soils] to the degree attainable. The~~

~~installation of these devices may be subject to § 404 of the CWA. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.~~

(a) *Sediment basins:* For common drainage locations that serve an area with three or more acres [*disturbed*] at one time, a temporary (or permanent) sediment basin providing 3,618 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,618 cubic feet of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design.

(b) For drainage locations which serve three or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. ~~Where neither the sediment basin nor equivalent controls are attainable due to site limitations. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.~~

~~(b)~~ (c) For drainage locations serving less than three acres, smaller sediment basins or sediment traps or both should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all downslope boundaries, and for those side slope boundaries deemed appropriate as dictated by individual site conditions, of the construction area unless a sediment basin providing storage for 3,618 cubic feet of storage per acre drained is provided. ~~The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.~~

b. Management practices.

(1) *All control measures must be properly selected, installed, and maintained in accordance with manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or*

incorrectly, the permittee must replace or modify the control for site situations as soon as practicable.

(2) *If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.*

(3) *Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source in storm water discharges.*

~~b.~~ c. *Storm water management.*

(1) ~~The [*plan SWPPP*] shall include a description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the storm water pollution prevention plan. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to § 404 of the Clean Water Act. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges from construction activities have been eliminated from the site. Postconstruction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves need authorization under a separate VPDDES permit. Such measures must be designed and installed in accordance with applicable local and/or state requirements.~~

(1) (2) Such ~~practices~~ *measures* may include, but are not limited to: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; storm water wetlands; sand filters; bioretention systems; water quality structures; and sequential systems (which combine several practices). The [~~pollution prevention plan~~ *SWPPP*] shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) (3) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel ~~as necessary~~ to provide a nonerosive flow velocity ~~flow~~ from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., *no significant changes in the hydrological regime of the receiving water*).

~~e.~~ d. *Other controls.*

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(1) ~~The SWPPP shall describe measures to prevent the discharge of solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the state, except as authorized by a Clean Water Act § 404 permit.~~

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The [plan SWPPP] shall ensure and demonstrate compliance with applicable state or local waste disposal, sanitary sewer or septic system regulations.

(4) The [plan SWPPP] shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and for spill prevention and response.

(5) The [plan SWPPP] shall include a description of pollutant sources from areas other than ~~the permitted construction activity~~ (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) ~~that contribute to the permitted discharge, and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.~~

~~d. e. Approved Applicable state or local plans programs.~~

~~(1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is The SWPPP shall be consistent with all applicable state or local requirements specified in applicable sediment for soil and erosion site plans or site permits, or control and storm water management site plans or site permits approved by state or local officials. (2) Storm water pollution prevention plans must be updated including updates to the SWPPP as necessary to remain consistent with reflect any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials for which the permittee receives written notice revisions to applicable state or local requirements for soil and erosion control.~~

3. Maintenance of controls.

a. The storm water pollution prevention plan SWPPP must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II D 4 identify BMPs that are not operating effectively,

maintenance shall be performed before the next anticipated storm event, or as necessary soon as practicable to maintain the continued effectiveness of storm water controls. ~~If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.~~

b. ~~If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, the situation shall be documented in the SWPPP and alternative BMPs shall be implemented as soon as practicable.~~

c. ~~Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 25%.~~

4. Inspections. ~~Facility personnel who are familiar with the construction activity, the BMPs and the storm water pollution prevention plan shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. Inspections by qualified personnel must be conducted of all areas of the site disturbed by construction activity, and areas used for storage of materials that are exposed to storm water. "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer, responsible land disturber (RLD), or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality, and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.~~

a. ~~These Inspections shall be conducted at least once every 14 calendar days and within 48 hours of the end of [a any runoff producing] storm event [that is 0.5 inches or greater]. [-Rainfall shall be measured using an appropriate rain gauge located on site such that the rainfall measurement is representative of the precipitation from the storm event. The amount of precipitation (in inches), the individual taking the measurement, and the date and time of the measurement shall be documented in a log to be kept with the SWPPP.] Where areas have been finally or temporarily stabilized or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or frozen ground exists) such inspections shall be conducted at least once every month.~~

a. b. ~~Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected Inspectors must look for evidence of, or the potential for, pollutants entering the drainage storm water conveyance system. Erosion and sediment control measures identified in the [plan SWPPP] shall be observed to ensure that they are operating correctly proper operation. Where Discharge locations or points are accessible, they where accessible shall be inspected~~

to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

c. Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in Part II D 4 b. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected on the same frequencies as other construction projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 miles above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. The conditions of the controls along each inspected 0.25-mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25-mile segment to either the end of the next 0.25-mile segment, or to the end of the project, whichever occurs first. Inspection locations must be listed in the report required by Part II D 4 e.

b. d. Based on the results of the inspection, the site and activity description identified in the plan in accordance with Part II D 1 of this permit and pollution prevention measures identified in the [plan SWPPP] in accordance with Part II D 2 of this permit shall be revised as appropriate within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.

e. e. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the [storm water pollution prevention plan SWPPP], and actions taken in accordance with Part II D 4 b d of the permit shall be made and retained as part of the [storm water pollution prevention plan SWPPP] in accordance with Part III B of this permit. Major observations should include:

- (1) The location(s) of discharges of sediment or other pollutants from the site;*
- (2) Location(s) of BMPs that need to be maintained;*
- (3) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and*

(4) Location(s) where additional BMPs are needed that did not exist at the time of inspection; and

(5) Corrective action required including any changes to the SWPPP that are necessary and implementation dates.

~~Such~~ The reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III K of this permit.

~~5. Nonstorm water discharges discharge management. Except for flows from fire fighting activities, The SWPPP shall identify all allowable sources of nonstorm water discharges listed in Part I D 2 of this permit that are combined with storm water discharges from the construction activity at the site must be identified in the plan, except for flows from fire fighting activities. The [plan SWPPP] shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water components of the discharge.~~

~~E. Contractors:~~

~~1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractors or subcontractors that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part II E 2 of this permit in accordance with Part III K of this permit. All certifications must be included in the storm water pollution prevention plan.~~

~~2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part II E 1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:~~

~~"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges from the construction activity identified as part of this certification."~~

~~The certification must include the name and title of the person providing the signature in accordance with Part III K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.~~

PART III CONDITIONS APPLICABLE TO ALL VPDES PERMITS

[NOTE: Monitoring is not required for this permit. If you choose to monitor your storm water discharges or BMPs, you must comply with the requirements of subsections A, B, and C, as appropriate.]

A. Monitoring.

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

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2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

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

B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

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

C. Reporting monitoring results.

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

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

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

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

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

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

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

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

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

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

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

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

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

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

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

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

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

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

J. Notice of planned changes.

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

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

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

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

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

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

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

K. Signatory requirements.

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

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of

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making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

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

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

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

c. The written authorization is submitted to the department.

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

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

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

including the possibility of fine and imprisonment for knowing violations."

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

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

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

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

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

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

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

the operation is necessary to achieve compliance with the conditions of this permit.

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

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

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

U. Bypass.

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

2. Notice.

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

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

3. Prohibition of bypass.

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

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

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

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

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

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit

effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

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

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

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

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

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

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

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

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

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

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

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

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

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

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to

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identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

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

- a. The current permittee notifies the department at least ~~two~~ 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

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

NOTICE: The forms used in administering 9 VAC 25-180, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Department of Environmental Quality, Water Division, Permit Application Fee (rev. ~~6/30/99~~ 7/02).

~~Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement [for - Construction Activity] Storm Water Discharges [from Construction Activities], (VAR10), SWGP99-004 REG SWGP-VAR10-RS (rev. 12/02 7/04).~~

~~Virginia Pollutant Discharge Elimination System (VPDES) General Permit Notice of Termination [for - Construction Activity] Storm Water Discharges [from Construction Activities], (VAR10), SWGP99-004 NOT SWGP-VAR10-NOT (rev. 12/02 7/04).~~

VA.R. Doc. No. R03-97; Filed March 31, 2004, 11:22 a.m.

Title of Regulation: 9 VAC 25-190. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (amending 9 VAC 25-190-10, 9 VAC 25-190-20, 9 VAC 25-190-50, 9 VAC 25-190-60 and 9 VAC 25-190-70).

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act; and 40 CFR Parts 122, 123 and 124.

Effective Date: July 1, 2004.

Agency Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or e-mail mbgregory@deq.state.va.us.

Summary:

This regulatory action reissues the general permit that expires on June 30, 2004. It will continue the existence of the general permit that establishes limitations and monitoring requirements for point source discharges from nonmetallic mineral mining facilities. As with an individual VPDES permit, the effluent limits in the general permit are set to protect the quality of the waters receiving the discharges. Only minor changes were made to the existing regulation in order to update it.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:6 VA.R. 569-583 December 1, 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. R03-73; Filed March 31, 2004, 11:21 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14 VAC 5-321. Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits (adding 14 VAC 5-321-10 through 14 VAC 5-321-60).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: July 1, 2004.

Agency Contact: Jarrett D. Goodwin, Principal Insurance Analyst, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9365, FAX (804) 371-9511, toll-free 1-800-552-7945, or e-mail jgoodwin@scc.state.va.us.

Summary:

The regulation authorizes life insurers to use the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in determining reserve liabilities and nonforfeiture benefits for certain life insurance policies. 14 VAC 5-321-20 defines significant terms. 14 VAC 5-321-30 makes use of the 2001 CSO Mortality Table mandatory for policies issued on and after January 1, 2009, and authorizes insurers to elect to use the table prior to that time for policies issued on and after July 1, 2004. Provisions at 14 VAC 5-321-40 require that actuarial opinions concerning use of the 2001 CSO Mortality Table be based on an asset adequacy analysis. This section also addresses use of the tables when establishing rates for smokers and nonsmokers. Provisions at 14 VAC 5-321-50 explain the relationship and application of rules at 14 VAC 5-319 when using the 2001 CSO Mortality Table. 14 VAC 5-321-60 addresses the use of gender-blended tables. Promulgation of the regulation, which is based on a model regulation adopted in 2002 by the National Association of Insurance Commissioners, is anticipated by § 38.2-3130 and other cited sections of Title 38.2 of the Code of Virginia. Technical revisions modified the proposed rules to clearly give insurers the option of using the tables on and after the July 1, 2004, effective date.

AT RICHMOND, MARCH 17, 2004

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2003-00272

Ex Parte: In the matter of Adopting Rules
Governing Use of the 2001 CSO Mortality
Table in Determining Reserve Liabilities
And Nonforfeiture Benefits

ORDER ADOPTING RULES

By Order to Take Notice entered herein January 6, 2004, all interested persons were ordered to take notice that subsequent to March 12, 2004, the Commission would consider the entry of an order adopting rules proposed by the Bureau of Insurance entitled "Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits," to be designated as Chapter 321 of Title 14 of the Virginia Administrative Code, and which set forth new rules at 14 VAC 5-321-10 through 14 VAC 5-321-60, unless on or before March 12, 2004, any person objecting to the adoption of the proposed rules filed a request for a hearing on the proposed rules with the Clerk of the Commission. The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed rules on or before March 12, 2004.

The proposed rules create a new chapter in the Virginia Administrative Code (14 VAC 5-321) that authorizes life insurers to use the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in determining reserve liabilities and nonforfeiture benefits for certain life insurance policies. This

new chapter is based on a model regulation adopted in 2002 by the National Association of Insurance Commissioners.

Monumental Life Insurance Company ("Monumental") filed its comments on the proposed rules with the Clerk on January 27, 2004. Monumental recommended that the new table be permitted for use as of July 1, 2004, the effective date of the proposed rules, rather than January 1, 2005, as set forth in the proposed rules at 14 VAC 5-321-30 A, 14 VAC 5-321-40 A, 14 VAC 5-321-40 B, and 14 VAC 5-321-60 A.

On March 11, 2004, the Bureau received a comment letter from the American Council of Life Insurers, which stated its support of the proposed rules and recommended their adoption.

The Bureau has reviewed the comments and recommends that, in accordance with Monumental's comment letter, the proposed rules be modified at 14 VAC 5-321-30 A, 14 VAC 5-321-40 A, 14 VAC 5-321-40 B, and 14 VAC 5-321-60 A by deleting the date of January 1, 2005, and inserting July 1, 2004, in its place.

THE COMMISSION, having considered the proposed rules, the filed comments, and the Bureau's response to and recommendation regarding the filed comments, is of the opinion that the attached rules, which reflect the recommendation of the Bureau, should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The rules entitled "Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits," to be designated as Chapter 321 of Title 14 of the Virginia Administrative Code, which set forth new rules at 14 VAC 5-321-10 through 14 VAC 5-321-60, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective July 1, 2004.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the adoption of the rules by mailing a copy of this Order, including a copy of the attached rules, to all persons licensed or authorized by the Commission pursuant to Title 38.2 of the Code of Virginia to write or reinsure any form of life insurance, and certain interested parties designated by the Bureau of Insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations and shall make available this Order and the attached rules on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>.

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

Final Regulations

CHAPTER 321.
USE OF THE 2001 CSO MORTALITY TABLE IN
DETERMINING RESERVE LIABILITIES AND
NONFORFEITURE BENEFITS.

14 VAC 5-321-10. Authority.

This chapter is promulgated by the commission, pursuant to § 38.2-223 of the Code of Virginia and in accordance with §§ 38.2-3130, 38.2-3131, 38.2-3206, 38.2-3207, 38.2-3208, 38.2-3209, and 38.2-4120 of the Code of Virginia and 14 VAC 5-319-40, to approve, recognize, permit, and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table by and for insurers transacting the business of insurance in this Commonwealth.

14 VAC 5-321-20. Definitions.

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

"2001 CSO Mortality Table" means that mortality table, which is included in the Proceedings of the NAIC (2nd Quarter 2002), consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. The 2001 CSO Mortality Table may be accessed via the American Academy of Actuaries' website, http://www.actuary.org/life/cso_0702.htm.

"2001 CSO Mortality Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

"2001 CSO Mortality Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

"Commission" means the State Corporation Commission.

"Composite mortality tables" means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

"NAIC" means the National Association of Insurance Commissioners.

"Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

14 VAC 5-321-30. 2001 CSO Mortality Table.

A. At the election of the insurer for any one or more specified plans of insurance and subject to the conditions stated in this chapter, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after [January July] 1, [2005 2004], and before the date specified in

subsection B of this section to which subsections A and B of 14 VAC 5-319-40 and subdivision 3 of § 38.2-3130 and § 38.2-3209 of the Code of Virginia are applicable. If the insurer elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes.

B. Subject to the conditions stated in this chapter, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which subdivision 3 of § 38.2-3130 and § 38.2-3209 of the Code of Virginia and subsections A and B of 14 VAC 5-319-40 are applicable.

14 VAC 5-321-40. Conditions.

A. For policies issued on or after [January July] 1, [2005 2004], with each plan of insurance with separate rates for smokers and nonsmokers an insurer may use:

1. Composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;
2. Smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by § 38.2-3141 of the Code of Virginia and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values, and amounts of paid-up nonforfeiture benefits; or
3. Smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

B. For policies issued on or after [January July] 1, [2005 2004], with plans of insurance without separate rates for smokers and nonsmokers the composite mortality tables shall be used.

C. For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the insurer for each such plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of 14 VAC 5-321-50 and 14 VAC 5-319 relative to use of the select and ultimate form.

D. When the 2001 CSO Mortality Table is the minimum reserve standard for any plan for an insurer, any actuarial opinion in the annual statement filed with the commission shall be based on an asset adequacy analysis that meets the standards and satisfies requirements for an asset adequacy analysis performed pursuant to § 38.2-3127.1 B of the Code of Virginia and rules governing actuarial opinions and memoranda at 14 VAC 5-310.

14 VAC 5-321-50. Applicability of the 2001 CSO Mortality Table to 14 VAC 5-319.

A. The 2001 CSO Mortality Table may be used in applying rules at 14 VAC 5-319, concerning life insurance reserves, in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table in 14 VAC 5-321-30.

1. When applying 14 VAC 5-319-30 B 2, the net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table.

2. When determining "contract segmentation method" as defined by 14 VAC 5-319-10, all calculations are made using the 2001 CSO mortality rate, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in subdivision 4 of this subsection. The value of " $q_{x+k+t-1}$ " is the valuation mortality rate for deficiency reserves in policy year $k+t$, but using the unmodified select mortality rates if modified select mortality rates are used in the computation of deficiency reserves.

3. When applying 14 VAC 5-319-40 A, the 2001 CSO Mortality Table is the minimum standard for basic reserves.

4. When applying 14 VAC 5-319-40 B, the 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in subdivisions 1 c, 1 d, 2, and 3 of 14 VAC 5-319-40 B. In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by regulation or necessary to be in compliance with relevant Actuarial Standards of Practice.

5. When applying 14 VAC 5-319-50 C, the valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table.

6. When applying 14 VAC 5-319-50 E 4, the calculations specified in 14 VAC 5-319-50 E shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

7. When applying 14 VAC 5-319-50 F 4, the calculations specified in 14 VAC 5-319-50 F shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

8. When applying 14 VAC 5-319-50 G 2, the calculations specified in 14 VAC 5-319-50 G shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

9. When applying 14 VAC 5-319-60 A 1 b, the one-year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table.

B. Nothing in this section shall be construed to expand the applicability of 14 VAC 5-319 to include life insurance policies excepted from regulation pursuant to 14 VAC 5-319-30 B.

14 VAC 5-321-60. Gender-blended tables.

A. For any ordinary life insurance policy delivered or issued for delivery in this Commonwealth on and after [~~January~~ July] 1, [~~2005~~ 2004], that utilizes the same premium rates and charges for male and female lives or is issued in circumstances where applicable law does not permit distinctions on the basis of gender, a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may, at the option of the insurer for each plan of insurance, be substituted for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by this subsection.

B. When applying subsection A of this section, the insurer may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002.

C. It shall not, in and of itself, be a violation of § 38.2-508 or § 38.2-508.2 of the Code of Virginia concerning respectively, unfair discrimination and discrimination prohibited, for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

DOCUMENT INCORPORATED BY REFERENCE

2001 CSO Mortality Table, December 2002, National Association of Insurance Commissioners.

VA.R. Doc. No. R04-82; Filed March 22, 2004, 12:30 p.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Agricultural Stewardship Act Guidelines

On February 9, 2004, the Department of Agriculture and Consumer Services published for public comment proposed revised Agricultural Stewardship Act Guidelines in The Virginia Register of Regulations (Volume 20, Issue 11, beginning at page 1357). The agency received no comment on these proposed revisions. I have adopted these proposed revised Agricultural Stewardship Act Guidelines; they will take effect on June 7, 2004.

/s/ J. Carlton Courter, III
Commissioner of Agriculture and Consumer Services
Date: March 23, 2004

STATE WATER CONTROL BOARD

Consent Special Order for RPM & Associates, Inc.

The Department of Environmental Quality, on behalf of the State Water Control Board, and RPM & Associates, Inc., 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 of a Food Lion in Victoria, Virginia. The department will consider written comments relating to this order for 30 days. Comments must include the name, address, and telephone number of the commenter and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, Department of Environmental Quality, 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. Copies may be requested from Mr. Waggoner at (434) 582-5120.

Consent Special Order for the Town of Keysville

The Department of Environmental Quality, on behalf of the State Water Control Board, and the Town of Keysville have agreed to an amended 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 and sewage conveyance lines owned by the town. The department will consider written comments relating to this order for 30 days. Comments must include name, address, and telephone number and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, Department of Environmental Quality, 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. Copies may be requested from Mr. Waggoner at (434) 582-5120.

Consent Special Order for the Town of South Boston

The Department of Environmental Quality, on behalf of the State Water Control Board, and the Town of South Boston 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 owned by the town. The department will consider written comments relating to this order for 30 days. Comments must include name, address, and telephone number and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, Department of Environmental Quality, 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. Copies may be requested from Mr. Waggoner at (434) 582-5120.

Proposed Consent Special Order for the Town of Surry

The State Water Control Board proposes to issue a consent special order to the Town of Surry to resolve certain alleged violations of environmental laws and regulations occurring at their facility at 11463 Rolfe Highway in Surry County, Virginia. The proposed order requires corrective action and payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295; or sent to the email address of felupini@deq.state.va.us. All comments received by email must include the commenter's name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order for Upton Enterprises Inc. / Ted and Goldie Upton/Stony Creek Convenience Store

The State Water Control Board proposes to issue a consent special order to Ted and Goldie Upton of Upton Enterprises Inc. doing business as Stony Creek Convenience Store-Underground Storage Tank Facility No. 4036918 to resolve certain alleged violations of environmental laws and regulations occurring at their facility at 12427 Sussex Drive in Stony Creek, Virginia. The proposed order requires corrective action and payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen

Allen, VA 23060-6295; or sent to the email address of felupini@deq.state.va.us. All comments received by email must include the commenter's name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in the *Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://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
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

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 5, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Room 395, Richmond, Virginia.♿

A meeting to conduct informal fact-finding conferences.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

May 6, 2004 - 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 including complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at (804) 367-8505 or TDD (804) 367-9753 at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

May 20, 2004 - 7 p.m. -- Open Meeting
May 21, 2004 - 8:30 a.m. -- Open Meeting
Brandermill Inn, 13550 Harbour Pointe Parkway, Board Room, Midlothian, Virginia.♿ (Interpreter for the deaf provided upon request)

A working session for board members and staff to discuss strategic planning. No routine board business will be discussed. No public comment will be taken.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Winegrowers Advisory Board

April 20, 2004 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.♿

The advisory board agenda items will include committee reports and a report from a representative of the Alcoholic Beverage Control Board, hearing and approval of minutes of the last board meeting, and presentation of the board's financial statement. The board will hear grant proposals for fiscal year 2005. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Mary Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary Davis-Barton, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122, e-mail mdavis-barton@vdacs.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

April 19, 2004 - 9 a.m. -- Open Meeting
May 3, 2004 - 9 a.m. -- Open Meeting
May 17, 2004 - 9 a.m. -- Open Meeting
June 7, 2004 - 9 a.m. -- Open Meeting
June 21, 2004 - 9 a.m. -- Open Meeting
† July 6, 2004 - 9 a.m. -- Open Meeting
† July 19, 2004 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.♿

A meeting of the executive staff 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, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, e-mail wccolen@abc.state.va.us.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

April 26, 2004 - 10 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 8, 2004 - 10 a.m. -- Open Meeting
Ratcliffe Building, 1602 Rolling Hills Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A business meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 554-3402, (804) 662-9333/TTY ☎, e-mail jlhoneycutt@vdh.virginia.gov.

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

April 29, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Architects 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 804-367-8514 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.virginia.gov.

May 4, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Professional Engineers 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 804-367-8514 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.virginia.gov.

May 6, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Landscape Architects 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 804-367-8514 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.virginia.gov.

May 11, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

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 804-367-8514 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.virginia.gov.

May 13, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

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 804-

Calendar of Events

367-8514 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.virginia.gov.

June 9, 2004 - 2 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

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.virginia.gov.

June 10, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the full board 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 804-367-8514 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.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

May 7, 2004 - 10 a.m. -- Open Meeting
June 4, 2004 - 10 a.m. -- Open Meeting
† July 2, 2004 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms at www.dgs.state.va.us. Request Submittal Form #DGS-30-905 or DGS Submittal Instructions Form #DGS-30-906.

Contact: Richard L. Ford, AIA Chairman, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail rford@comarchs.com.

VIRGINIA COMMISSION FOR THE ARTS

April 20, 2004 - 10 a.m. -- Open Meeting
Ferrum College, Franklin Hall, Ferrum, Virginia. ♿

April 22, 2004 - 10 a.m. -- Open Meeting
Wayside Theater, Middletown, Virginia. ♿

April 27, 2004 - 10 a.m. -- Open Meeting
Northern Virginia Community College, Alexandria, Virginia.

May 4, 2004 - 10 a.m. -- Open Meeting
Chrysler Museum of Art, Norfolk, Virginia.

May 6, 2004 - 10 a.m. -- Open Meeting
May 11, 2004 - 10 a.m. -- Open Meeting
May 12, 2004 - 10 a.m. -- Open Meeting
Cultural Arts Center at Glen Allen, Glen Allen, Virginia. ♿

A meeting to review grant applications and recommend funding to arts organizations for the 2004-2005 fiscal year.

Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail peggy.baggett@arts.virginia.gov.

May 13, 2004 - 10 a.m. -- Open Meeting
The Marquee, 3015 Cutshaw Avenue, Richmond, Virginia. ♿

A meeting to review grant applications from Virginia elementary and secondary schools in the categories of Arts Curriculum Development Grants and Artist Residency Grants.

Contact: Sharon Wilson, Grants Officer, Arts Education, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail sharon.wilson@arts.virginia.gov.

May 18, 2004 - 10 a.m. -- Open Meeting
The Marquee, 3015 Cutshaw Avenue, Richmond, Virginia. ♿

A meeting to review applications from Virginia performing artists for inclusion in the 2005-2006 Tour Directory.


Contact: Sharon Wilson, Grants Officer, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail sharon.wilson@arts.virginia.gov.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS


† May 6, 2004 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

A meeting to conduct an informal fact-finding conference.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.virginia.gov.

May 19, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupation Regulation, 3600
West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

Contact: David Dick, Executive Director, Virginia Board for
Asbestos, Lead, and Home Inspectors, 3600 W. Broad St.,
Richmond, VA 23230, telephone (804) 367-8507, FAX (804)
367-6128, (804) 367-9753/TTY , e-mail
asbestos@dpor.virginia.gov.

VIRGINIA AVIATION BOARD

† **April 20, 2004 - 6 p.m.** -- Open Meeting

† **April 21, 2004 - 9 a.m.** -- Open Meeting

OMNI Charlottesville Hotel, 235 West Main Street,
Charlottesville, Virginia. 


A regular bimonthly meeting. Applications for state funding
will be presented to the board and other matters of interest
to the Virginia aviation community. Individuals with
disabilities should contact Carolyn Toth 10 days prior to the
meeting if assistance is needed.

Contact: Carolyn Toth, Office Manager/Administrative
Assistant, Virginia Aviation Board, 5702 Gulfstream Rd.,
Richmond, VA 23250, telephone (804) 236-3637, FAX (804)
236-3635, e-mail Carolyn.Toth@doav.virginia.gov.


BOARD FOR BARBERS AND COSMETOLOGY

April 26, 2004 - 9 a.m. -- Open Meeting

June 14, 2004 - 9 a.m. -- Open Meeting


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

A general business meeting including consideration of
regulatory issues as may be presented on the agenda. The
meeting is open to the public; however, a portion of the
board's business may be discussed in closed session.
Public comment will be heard at the beginning of the
meeting. 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: William H. Ferguson, II, Executive Director, Board
for Barbers and Cosmetology, 3600 W. Broad St., Richmond,
VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-
6295, (804) 367-9753/TTY , e-mail
barberscosmo@dpor.virginia.gov.


BOARD FOR BRANCH PILOTS

May 3, 2004 - 8:30 a.m. -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk,
Virginia. 

A meeting of the examination administrators to conduct
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 804-367-8514 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
Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail branchpilots@dpor.virginia.gov.

May 3, 2004 - 10 a.m. -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk,
Virginia.

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 interpreter services should contact the
department at least 10 days prior to the meeting so that
suitable arrangements can be made. The department fully
complies with the Americans with Disabilities Act.


Contact: Mark N. Courtney, Executive Director, Board for
Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail branchpilots@dpor.virginia.gov.

CEMETERY BOARD

April 21, 2004 - 9 a.m. -- Open Meeting

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


A meeting to conduct board business.

Contact: Karen W. O'Neal, Regulatory Programs
Coordinator, Department of Professional and Occupational
Regulation, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail Karen.O'Neal@dpor.virginia.gov.

CHARITABLE GAMING BOARD

NOTE: CHANGE IN MEETING DATE AND LOCATION

June 15, 2004 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, RF&P
Forum Room, Richmond, Virginia. 

A general meeting. An agenda will be posted on the agency
website.


Contact: Frances C. Jones, Office Manager, Charitable
Gaming Board, 101 N. 14th St., 17th Floor, Richmond, VA
23219, telephone (804) 786-3014, FAX (804) 786-1079,
e-mail Frances.Jones@dpg.virginia.gov.

Calendar of Events

STATE CHILD FATALITY REVIEW TEAM

May 14, 2004 - 10 a.m. -- Open Meeting

† July 13, 2004 - 10 a.m. -- Open Meeting


Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. 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, Manager, Fatality Review and Surveillance Programs, Department of Health, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail Virginia.Powell@vdh.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES


May 19, 2004 - 1:30 p.m. -- Open Meeting

Christanna Campus, Southside Virginia Community College, 109 Campus Drive, Albemarle, Virginia.  (Interpreter for the deaf provided upon request)


Committees will meet as follows: Academic and Student Affairs, Audit, and Budget and Finance will meet at 1:30 p.m.; Facilities and Personnel Committees will meet at 3 p.m.

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 20, 2004 - 8:30 a.m. -- Open Meeting


Meherrin Ruritan Club, U.S. Route 301 South, Emporia, 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


April 23, 2004 - 11 a.m. -- Open Meeting

Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting to determine salaries and expenses of constitutional officers per § 15.2-1636.8 of the Code of Virginia.

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 cindy.waddell@scb.virginia.gov.

† May 19, 2004 - 11 a.m. -- Open Meeting

Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 


A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State and Local Advisory Team

† May 6, 2004 - 9:30 a.m. -- Open Meeting

Henrico County Training Center, 7701 Parham Rd., Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting pursuant to §§ 2.2-5201 through 2.2-5203 of the Code of Virginia. A public comment period is scheduled.

Contact: Therese Wolf, Policy Specialist, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 786-7522, e-mail therese.wolf@dss.virginia.gov.

BOARD OF CONSERVATION AND RECREATION

April 29, 2004 - 10 a.m. -- Open Meeting


Lake Anna State Park, Visitor's Center, 6800 Lawyers Road, Spotsylvania, Virginia.

A regular business meeting.

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


DEPARTMENT OF CONSERVATION AND RECREATION

April 19, 2004 - 2 p.m. -- Open Meeting

James City County Government Complex, 101 Mount Bay Road, Building C, Board Room, James City County, Virginia. 

Virginia's natural resource agencies are in the process of working with local stakeholders to develop Chesapeake Bay nutrient and sediment reduction tributary strategies for each of Virginia's five major Chesapeake Bay basins. Draft strategies will be available for a 30-day public comment period beginning April 1. Copies of the draft strategies and information on submitting comments can be found at www.naturalresources.virginia.gov beginning in April. A series of public meetings will be held in the basins.

Contact: Leon E. App, Chief 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.

April 20, 2004 - 10 a.m. -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788
Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to review public input and finalize goals, objectives and the park purpose statement, as well as review recommendations for future developments for the master plan.

Contact: Anne L. Reeder, Park Manager, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

† April 27, 2004 - 6:30 p.m. -- Open Meeting
York River Baptist Church, 8201 Croaker Road, Williamsburg, Virginia.


A meeting of the York River State Park Master Planning Committee to discuss park issues, opportunities, and constraints.

Contact: Robert S. 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 6, 2004 - 10:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 11th Floor Conference Room, Richmond, Virginia.

The annual meeting of the Virginia Recreational Trails Fund Advisory Committee to determine recommendations on awards for the Virginia Recreational Trails Fund grant round that closed March 1, 2004.

Contact: Jerry Cassidy, Grants Administrator, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-3218, FAX (804) 371-7899, e-mail jcassidy@dcr.state.va.us.

May 6, 2004 - 7 p.m. -- Open Meeting
Henrico County Government Complex, Human Services Building, 8600 Dixon Powers Drive, 2nd Floor Board Room, Richmond, Virginia. 

A public meeting to receive comments on the Department of Conservation and Recreation's notice of intent to amend the department's nutrient management training and certification regulations. The public comment period closes at 5 p.m. on May 13, 2004.


Contact: Leon E. App, Chief 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 regcord@dcr.state.va.us.

May 12, 2004 - 1 p.m. -- Open Meeting
Parks and Recreation Offices, 215 Depot Court, Mickie Gordon Room, Leesburg, Virginia. 

A regular meeting of the Goose Creek Scenic River Advisory Committee.


Contact: Leon E. App, Chief 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.

May 18, 2004 - 10 a.m. -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788
Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to finalize its work on park goals and objectives and purpose statement as well as potential future park development.


Contact: Anne L. Reeder, Park Manager, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

June 22, 2004 - 7 p.m. -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788
Twin Lakes Road, Green Bay, Virginia. 

A meeting to review and adopt recommended draft planning concepts, which include plan components and future developments.

Contact: Anne L. Reeder, Park Manager, 788 Twin Lakes Road, Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

Virginia Scenic River Board

April 22, 2004 - 11 a.m. -- Open Meeting
Virginia State University, Jones Dining Hall, Hayden Street, Petersburg, Virginia. 

A regular business meeting.

Contact: Leon E. App, Chief 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 26, 2004 - 9:30 a.m. -- Open Meeting
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia.

A regular meeting.

Contact: Leon E. App, Chief 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

April 20, 2004 - 9 a.m. -- Open Meeting

April 22, 2004 - 9 a.m. -- Open Meeting

April 27, 2004 - 9 a.m. -- Open Meeting

April 28, 2004 - 9 a.m. -- Open Meeting

May 5, 2004 - 1:30 p.m. -- Canceled

May 11, 2004 - 9 a.m. -- Open Meeting

May 13, 2004 - 9 a.m. -- Open Meeting

Calendar of Events

May 18, 2004 - 9 a.m. -- Open Meeting


June 1, 2004 - 9 a.m. -- Open Meeting

June 8, 2004 - 9 a.m. -- Open Meeting

June 15, 2004 - 9 a.m. -- Open Meeting

† **June 22, 2004 - 9 a.m.** -- Open Meeting


† **June 29, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


† **May 27, 2004 - 10 a.m.** -- Open Meeting

City of Virginia Beach, Department of Economic Development,
222 Central Park Avenue, Suite 1000, Virginia Beach,
Virginia.


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: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

May 5, 2004 - 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 conduct committee business. The department fully complies with the Americans with Disabilities Act.


Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

May 25, 2004 - 9 a.m. -- Open Meeting

† **July 6, 2004 - 9 a.m.** -- Open Meeting


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

A regular scheduled 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. The department fully complies with the Americans with Disabilities Act.


Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

BOARD OF CORRECTIONAL EDUCATION

April 23, 2004 - 10 a.m. -- Open Meeting


James Monroe Building, 101 North 14th Street, 7th Floor,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.


Contact: Patty Ennis, Board Clerk, Department of Correctional Education, 101 N. 14th Street, 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

BOARD OF COUNSELING


† **June 3, 2004 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street,
Board Room 4, Richmond, Virginia. 


A meeting of the Credential Review Committee to review applicant's credentials for licensure.

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.virginia.gov.

† **June 4, 2004 - 9:30 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A business 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.virginia.gov.

CRIMINAL JUSTICES SERVICES BOARD

May 13, 2004 - 9 a.m. -- Public Hearing

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

April 23, 2004 - 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 adopt regulations entitled **6 VAC 20-210, Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries**. The purpose of the proposed action is to comply with §§ 19.2-310.2:1 and 19.2-310.3:1 of the Code of Virginia, effective January 1, 2003, permitting DNA analysis upon arrest for all violent felonies and certain burglaries.

Statutory Authority: §§ 19.2-310.2:1 and 19.2-310.3:1 of the Code of Virginia.

Contact: Katya Newton, Counsel for Division of Forensic Science, Department of Criminal Justice Services, 700 N. 5th St., Richmond, VA 23219, telephone (804) 786-6848, FAX (804) 786-6857 or e-mail knewton@dfs.state.va.us.

May 13, 2004 - 11 a.m. -- Open Meeting

June 10, 2004 - 11 a.m. -- Open Meeting

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


A general business meeting.

Contact: Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, 8th Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.


BOARD OF DENTISTRY

† **April 23, 2004 - 9 a.m.** -- Open Meeting

† **May 7, 2004 - 11 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Classroom A, Richmond, Virginia. 

† **May 21, 2004 - 9 a.m.** -- Open Meeting


Comfort Inn, 6560 Lisdale Court, Springfield, Virginia. 

† **June 4, 2004 - 9 a.m.** -- Open Meeting

† **June 11, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A Special Conference Committee will hold informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

† **May 7, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board will meet to hold a formal hearing. There will not be a public comment period.


Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


May 20, 2004 - 11 a.m. -- Open Meeting

June 17, 2004 - 11 a.m. -- Open Meeting

† **July 15, 2004 - 11 a.m.** -- Open Meeting

Department of General Services, Eighth Street Office Building, 3rd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction management type contracts. Contact the Division of Engineering and Building to confirm the meeting.

Contact: Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/, or e-mail rbishton@dgs.state.va.us.


BOARD OF EDUCATION

April 28, 2004 - 9 a.m. -- Open Meeting

April 29, 2004 - 9 a.m. -- Open Meeting

May 26, 2004 - 9 a.m. -- Open Meeting

June 23, 2004 - 9 a.m. -- Open Meeting


General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. 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>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 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.

† **July 15, 2004 - 8:30 a.m.** -- Open Meeting

† **July 16, 2004 - 8:30 a.m.** -- Open Meeting

Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the State Special Education Advisory Committee. 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>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in 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, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

Calendar of Events

DEPARTMENT OF EDUCATION


Advisory Board on Teacher Education and Licensure

April 19, 2004 - 9 a.m. -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. 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>. This site will contain the latest information on the meeting arrangements and will note any last minute changes in time or location. 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, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

April 28, 2004 - 9 a.m. -- Open Meeting
American Red Cross, 352 Church Avenue, SW, Roanoke, Virginia. 

A quarterly meeting to provide information on training and development.

Contact: Jeb Wallace, ITT Industries Night Vision, 7635 Plantation Road, Roanoke, VA 24019, telephone (540) 362-7371, FAX (540) 362-5408.

DEPARTMENT OF EMPLOYMENT DISPUTE RESOLUTION


NOTE: CHANGE IN MEETING DATE

April 29, 2004 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia.

A quarterly meeting of the Virginia Administrative Dispute Resolution Act Council.

Contact: Claudia Farr, Director, Department of Employment Dispute Resolution, 830 E. Main St., Suite 400, Richmond, VA 23219, telephone (804) 786-7994, e-mail vadra@edr.virginia.gov.


DEPARTMENT OF ENVIRONMENTAL QUALITY

April 21, 2004 - 7 p.m. -- Public Hearing
Northampton Branch Library, 936 Big Bethel Road, Hampton, Virginia. 

A public hearing on the draft solid waste permit amendment for the Bethel Sanitary Landfill to create module XI and revise modules I and X, as well as the facility's groundwater monitoring plan. The public comment period closes on May 6, 2004.

Contact: Rachel Borum, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail rcorum@deq.state.va.us.


VIRGINIA FIRE SERVICES BOARD

† April 19, 2004 - 1 p.m. -- Open Meeting
Virginia Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

The following committees will meet:


Committee on Fire Education and Training - 1 p.m.
Committee on Fire Prevention and Control - 2:30 p.m.
Combined meeting: Committee on Finance and Committee on Administration and Policy - 3:30 p.m.
VFSB members will attend a reception hosted by VFSB member James Garner on the evening of Monday, April 19, 2004. No official business will be discussed.

Contact: Jennifer Cole, VFSB Clerk, Virginia Fire Services Board, 101 North 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.

† April 20, 2004 - 9 a.m. -- Open Meeting
Virginia Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

Please contact Jennifer Cole for more information.


Contact: Jennifer Cole, VFSB Clerk, Virginia Fire Services Board, 101 North 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.

May 12, 2004 - 10:30 a.m. -- Open Meeting
State Forestry Building, Fontaine Business Park, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Code Change and Development subcommittee.

Contact: Jennifer Cole, VFSB Clerk, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.


VIRGINIA GEOGRAPHIC INFORMATION NETWORK ADVISORY BOARD

† May 6, 2004 - 1 p.m. -- Open Meeting
110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. 


A regular business meeting.

Contact: William Shinar, VGIN Coordinator, Virginia Information Technologies Agency, 110 South 7th St., Richmond, VA 23219, telephone (804) 786-8175, e-mail bill.shinar@vgin.virginia.gov.

BOARD FOR GEOLOGY

April 20, 2004 - 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, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail david.dick@dpor.virginia.gov.

STATE BOARD OF HEALTH

April 26, 2004 - 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 Board of Health intends to repeal regulations entitled **12 VAC 5-210, Charges and Payment Requirements by Income Levels**, and amend regulations entitled **12 VAC 5-200, Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals**. The purpose of the proposed action is to review the system of eligibility and charges for medical services provided by local health departments.

Statutory Authority: §§ 32.1-11 and 32.1-12 of the Code of Virginia.

Contact: James Burns, M.D., Deputy Commissioner for Public Health, Department of Health, 107 Governor St., 13th Floor, Richmond, VA 23219, telephone (804) 864-7001, FAX (804) 864-7022 or e-mail jim.burns@vdh.virginia.gov.

April 29, 2004 - 9 a.m. -- Open Meeting
Richmond area.

A quarterly meeting of the board to discuss state health issues.

Contact: Margot Fritts, Office of Health Policy and Planning, Department of Health, 109 Governors St., 10th Floor, Richmond, VA 23219, telephone (804) 864-7428, FAX (804) 864-7440, e-mail margot.fritts@vdh.virginia.gov.

May 11, 2004 - 7 p.m. -- Public Hearing
Eastern Shore of Virginia Chamber of Commerce and Tourism Commission, 19056 Industrial Parkway, Melfa, Virginia.

May 18, 2004 - 7 p.m. -- Public Hearing
Mecklenburg County Courthouse, 393 Washington Street, Boydton, Virginia.

May 19, 2004 - 7 p.m. -- Public Hearing
Winchester Medical Center, 1840 Amherst Street, Meeting Room 3, Winchester, Virginia.


May 21, 2004 - 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 Board of Health intends to repeal regulations entitled **12 VAC 5-500, Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps**, and adopt regulations entitled **12 VAC 5-501, Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps**. The purpose of the proposed action is to repeal the existing regulations governing migrant labor camps (12 VAC 5-500) and promulgate new regulations (12 VAC 5-501).

Statutory Authority: § 32.1-211 of the Code of Virginia.


Contact: Gary L. Hagy, Director, Division of Food and Environmental Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7455, FAX (804) 864-7475 or e-mail gary.hagy@vdh.virginia.org.

DEPARTMENT OF HEALTH

May 14, 2004 - 10:30 a.m. -- Open Meeting
Children's Hospital, 2924 Brook Road, Auditorium, Richmond, Virginia. 

A quarterly meeting of the Advisory Committee for the Virginia Early Hearing Detection and Intervention Program, formerly known as the Virginia Newborn Hearing Screening Program.


Contact: Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, e-mail pat.dewey@vdh.virginia.gov.

† May 20, 2004 - 10:30 a.m. -- Open Meeting
109 Governor Street, Fifth Floor Conference Room, Richmond, Virginia. 

A meeting of the Sewage Handling and Disposal Regulations Advisory Committee to advise the State Health Commissioner on new onsite solutions.

Contact: Donna Tiller, Executive Secretary, Department of Health, 109 Governor Street, 5th Floor, Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7476, e-mail donna.tiller@vdh.virginia.gov.

State Emergency Medical Services Advisory Board

May 14, 2004 - 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, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail gary.brown@vdh.virginia.gov.

Calendar of Events

DEPARTMENT OF HEALTH PROFESSIONS

June 11, 2004 - 9 a.m. -- Open Meeting


Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program (HPIP).


Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

† July 12, 2004 - 9 a.m. -- Open Meeting


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

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.virginia.gov.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† May 17, 2004 - 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 steve.calhoun@dhcd.virginia.gov.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Wireless E-911 Service Board

† May 12, 2004 - 9 a.m. -- Open Meeting

† July 14, 2004 - 9 a.m. -- Open Meeting


110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 

A meeting of the Wireless E-911 Service Board Subcommittee. A request will be made to hold the meeting in closed session.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, e-mail steve.marzolf@vita.virginia.gov.

May 12, 2004 - 10 a.m. -- Open Meeting

† July 14, 2004 - 10 a.m. -- Open Meeting


110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 

A regular meeting.


Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, e-mail steve.marzolf@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION

May 5, 2004 - Noon -- Open Meeting


The Library of Virginia, 800 East Broad Street, Conference Rooms A and B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Steering Committee.


Contact: Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY , e-mail sruckman@jyf.state.va.us.

May 13, 2004 - 10 a.m. -- Open Meeting


May 14, 2004 - 8 a.m. -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)


A semiannual meeting of the Board of Trustees and its committees. Specific schedule not yet confirmed. An opportunity for public comment will be provided on the May 14 business session agenda.

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 2, 2004 - 2 p.m. -- Open Meeting

McGuire Woods, One James Center, 901 East Cary Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee.

Contact: Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY , e-mail sruckman@jyf.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board


April 21, 2004 - 10 a.m. -- Public Hearing
State Corporation Commission, Tyler Building, 1300 East Main Street, Courtroom A, Richmond, Virginia.

April 23, 2004 - 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 Labor and Industry intends to repeal regulations entitled **16 VAC 25-175-1926.950 (c) (1), Clearances**, and adopt regulations entitled **16 VAC 25-155, Virginia Construction Industry General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment**. The purpose of the proposed action is to provide construction electrical transmission workers with safety protection identical to general industry electrical transmission workers.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.


Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418 or e-mail rlc@doli.state.va.us.

April 21, 2004 - 10 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, Second Floor, Courtroom A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to immediately follow public hearing.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail rlc@doli.state.va.us.

THE LIBRARY BOARD


June 14, 2004 - 10:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A meeting to discuss matters pertaining to the Library of Virginia and The Library Board. Committees of the board will meet as follows:

8:15-9:15 a.m. - Public Library Development Committee, Publications and Educational Services Committee, Records Management Committee

9:30-10:30 a.m. - Archival and Information Services Committee, Collection Management Services Committee, Legislative and Finance Committee


10:30 a.m. - Library board meeting

Contact: Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, Virginia 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.


COMMISSION ON LOCAL GOVERNMENT

† May 3, 2004 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia. 

A regular meeting to consider such matters as may be presented.


Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY , e-mail ted.mccormack@dhcd.virginia.gov.

LONGWOOD UNIVERSITY

† April 21, 2004 - 9:30 a.m. -- Open Meeting
Wachovia, James Center, 1021 East Cary Street, 2nd Floor Board Room, Richmond, Virginia. 

A meeting of the Administration, Finance and Facilities Committee to conduct routine business.


Contact: Jeanne Hayden, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail jhayden@longwood.edu.

† May 8, 2004 - 2 p.m. -- Open Meeting
Longwood University, 201 High Street, Lancaster 319, Farmville, Virginia. 


A meeting of the Executive Committee to conduct routine business.

Contact: Jeanne S. Hayden, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, FAX (434) 395-2821, e-mail jhayden@longwood.edu.


VIRGINIA MANUFACTURED HOUSING BOARD

† May 20, 2004 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to address complaints and claims against manufactured housing licensees and to carry out administrative actions of the Manufactured Housing Licensing and Transaction Recovery Regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail Curtis.McIver@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

April 27, 2004 - 9:30 a.m. -- Open Meeting
May 25, 2004 - 9:30 a.m. -- Open Meeting
June 22, 2004 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

A monthly commission meeting.

Contact: Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail jmccroskey@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

June 4, 2004 - 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**. The purpose of the proposed action is to change the reimbursement methodology for Type One hospitals to conform to changes created by revisions to 42 CFR 438.6

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

Public comments may be submitted until June 4, 2004, to Steven E. Ford, Manager, Division of Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, e-mail Steve.Ford@dmas.virginia.gov.

Contact: Brian M. McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, (804) 786-1680 or e-mail Brian.McCormick@dmas.virginia.gov.

† **July 13, 2004 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. ♿

A quarterly 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 nancy.malczewski@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

April 21, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ♿

A meeting of the Pharmacy and Therapeutics Committee.

Contact: Adrienne T. Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail adrienne.fegans@dmas.virginia.gov.

May 11, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ♿

A meeting of the Pharmacy Liaison Committee to discuss current DMAS pharmacy issues and programs.

Contact: Javier Menendez, RPh, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-2196, (800) 343-0634/TTY ☎, e-mail jmenendez@dmas.virginia.gov.

† **May 18, 2004 - 4 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ♿

A meeting of the Medicaid Physicians Advisory Committee to discuss physician issues in the Medicaid system.

Contact: Chris Schroeder, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail cschroed@dmas.virginia.gov.

May 19, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ♿

A meeting of the Medicaid Transportation Advisory Committee to discuss issues and concerns about Medicaid transportation with the committee and the community.

Contact: Donna Garrett, Administrative Assistant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0194, FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail donna.garrett@dmas.virginia.gov.

† **June 22, 2004 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Board Room, Richmond, Virginia. ♿

A meeting of the PDL Implementation Advisory Group.

Contact: Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail adrienne.fegans@dmas.virginia.gov.

Drug Utilization Review Board

May 6, 2004 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services 600 E. Broad Street, 13th Floor Board Room Richmond, Virginia. ♿

A regular meeting.

Contact: Javier Menendez, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300 Richmond, VA 23219, telephone (804) 786-2196, (800) 343-0634/TTY ☎, e-mail jmenende@dmas.virginia.gov.

BOARD OF MEDICINE

April 22, 2004 - 8 a.m. -- Open Meeting

June 24, 2004 - 8 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items 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.virginia.gov.

April 22, 2004 - 1 p.m. -- Open Meeting

† **June 24, 2004 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

The Credentials Committee will meet to consider applicants for licensure matters of the board. 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.virginia.gov.

† **May 4, 2004 - 9 a.m.** -- Open Meeting

Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

† **May 5, 2004 - 9 a.m.** -- Open Meeting

May 14, 2004 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

† **May 12, 2004 - 9:15 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **May 26, 2004 - 9 a.m.** -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

An informal conference committee 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. 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.virginia.gov.

May 27, 2004 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Legislative Committee will consider regulatory 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.virginia.gov.

† **July 16, 2004 - 8:30 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Legislative Committee will consider regulatory 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.virginia.gov.

Advisory Board on Acupuncture

May 18, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. 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.virginia.gov.

Advisory Board on Athletic Training

May 20, 2004 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. 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.virginia.gov.

Advisory Board on Occupational Therapy

May 19, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

Calendar of Events

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.virginia.gov.

Advisory Board on Physician Assistants

May 20, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. 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.virginia.gov.

Advisory Board on Radiologic Technology

May 18, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technology. 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.virginia.gov.

Advisory Board on Respiratory Care

May 19, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of 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.virginia.gov.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Substance Abuse Services Council

† **April 28, 2004 - 10 a.m.** -- Open Meeting
Richmond Behavioral Health Authority, 107 South 5th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Mary Nash Shawver, MS, MEd, Planning Coordinator, Office of Substance Abuse Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0825, FAX (804) 786-4320, e-mail mshawver@dmhmrsas.state.va.us.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 22, 2004 - 10 a.m. -- Open Meeting
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia. ♿

A regular meeting. There will be a public comment period.

Contact: Marlene A. Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, e-mail mbutler@dmhmrsas.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Virginia Gas and Oil Board

† **April 20, 2004 - 9 a.m.** -- Open Meeting
Virginia Highlands Community College, Southwest Virginia Higher Education Center, Abingdon, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the board. The purpose of the meeting is to conduct general board business as well as to hear any petitions brought before the board. Anyone requiring special accommodations should contact the DMME-DGO at least seven days prior to the meeting.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, 230 Charwood Dr., Abingdon, VA 24212, telephone (276) 676-5423, (800) 828-1120/TTY ☎, e-mail bob.wilson@dmme.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES


Medical Advisory Board

June 11, 2004 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)


A general business meeting.


Contact: Jacquelin Branche, R. N., Division Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond VA 23269-0001, telephone (804) 497-7188, FAX (804) 367-1604, toll-free (800) 435-5137, (800) 272-9268/TTY ☎, e-mail dmvj3b@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS


April 20, 2004 - 9 a.m. -- Open Meeting
Lewis Ginter Botanical Garden, Robins Room, 1800 Lakeside Avenue, Richmond, Virginia. 


A meeting for trustees and staff to discuss governance issues. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

May 4, 2004 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, MDR Payne Room, Richmond, Virginia. 

A meeting for staff to update the Executive Committee. Public comment will not be received.


Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

† May 19, 2004 - 9:30 -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, CEO 2nd Floor Conference Room, Richmond, Virginia. 

The following committees will meet:

- 10:30 a.m. - Nominating Committee
- 11 a.m. - Planning Committee
- 2:15 p.m. - Legislative Committee
- 3 p.m. - Education and Programs Committee
- 3:45 p.m. - Communications and Marketing Committee

Public comment will not be received.


Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† May 20, 2004 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Auditorium, Richmond, Virginia. 

The following committees will meet:


- 8:30 a.m. - Buildings and Grounds Committee
- 11 a.m. - Finance Committee


Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


† May 20, 2004 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, Auditorium, 200 N. Boulevard, Richmond, Virginia 23220 

The annual meeting of the Board of Trustees for staff to update the full board. 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, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


June 17, 2004 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, Auditorium, Richmond, Virginia. 

A meeting for staff to update the Executive/Finance Committee. Public comment will not be received.


Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


BOARD OF NURSING

April 19, 2004 - 9 a.m. -- Open Meeting
April 20, 2004 - 9 a.m. -- Open Meeting
April 29, 2004 - 9 a.m. -- Open Meeting
June 3, 2004 - 9 a.m. -- Open Meeting
June 7, 2004 - 9 a.m. -- Open Meeting
June 8, 2004 - 9 a.m. -- Open Meeting
June 9, 2004 - 9 a.m. -- Open Meeting
June 10, 2004 - 9 a.m. -- Canceled
June 15, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

June 16, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, 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 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.virginia.gov.

May 17, 2004 - 9 a.m. -- Open Meeting
May 19, 2004 - 9 a.m. -- Open Meeting
May 20, 2004 - 9 a.m. -- Open Meeting
† July 19, 2004 - 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: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor,

Calendar of Events

Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

May 18, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A general business meeting including committee reports, consideration of regulatory action, and disciplinary case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

April 21, 2004 - 9 a.m. -- Open Meeting
† **June 23, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail nursebd@dhp.virginia.gov.

BOARD FOR OPTICIANS

† **July 9, 2004 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St. Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.virginia.gov.

BOARD OF PHARMACY

April 20, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

April 22, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A Special Conference Committee will meet to discuss disciplinary matters. Public comment will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

† **April 21, 2004 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting of an informal conference committee for approval of a pilot program application. Public comment will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 3, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A regular meeting. The board fully complies with the Americans with Disabilities Act.

Contact: Eric Olson, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail olson@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

June 7, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor Conference Room 5W, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Judy Spiller, Executive Secretary, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY ☎, e-mail judy.spiller@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

April 27, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, Virginia ♿

A formal hearing pursuant to § 2.2-4020 of the Code of Virginia. The board will meet in open and closed session.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6603 W. Broad St., 5th Floor, Richmond, VA

23230, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail coun@dhp.virginia.gov.

NOTE: CHANGE IN MEETING TIME

April 27, 2004 - 10:30 a.m. -- Open Meeting

† **July 13, 2004 - 9:30 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 Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

May 20, 2004 - 10 a.m. -- Open Meeting

1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail traney@vda.virginia.gov.

REAL ESTATE APPRAISER BOARD

† **May 5, 2004 - 10 a.m.** -- Open Meeting

† **June 2, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES

Commonwealth Neurotrauma Initiative Advisory Board

June 16, 2004 - 9:30 a.m. -- Open Meeting

Virginia 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.

Contact: Kristie Chamberlain, CNI Program Specialist, Department of Rehabilitative Services, 8004 Franklin Farms

Dr., Box K300, Richmond, VA 23288-0300, telephone (804) 662-7154, FAX (804) 662-7154, toll-free (800) 552-5019, (804) 464-9950/TTY ☎, e-mail chambekl@drs.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

May 19, 2004 - 10 a.m. -- Open Meeting

Henrico County Health Department, 8600 Dixon Powers Drive, Human Services Board Room, Richmond, Virginia.

A meeting to hear appeals of the health department denials of septic tank permits.

Contact: Susan C. Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7476, e-mail susan.sherertz@vdh.virginia.gov.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

April 21, 2004 - Noon -- 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 general business of the board. Meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

May 21, 2004 - 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 Board of Social Services intends to amend regulations entitled **22 VAC 40-745, Assessment in Adult Care Residences**. The purpose of the proposed action is to establish general standards for the assessment of applicants to and residents of assisted living facilities. It should be noted that adult care residences are now called assisted living facilities. Through the assessment process, public funds can be more appropriately utilized by ensuring that individuals receive the level of care and services they need.

Statutory Authority: §§ 63.2-217 and 63.2-1732 of the Code of Virginia


Contact: Marjorie Marker, Family Services Specialist, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7536, FAX (804) 726-7894, or e-mail marjorie.marker@dss.virginia.gov.


Calendar of Events

BOARD OF SOCIAL WORK


† **April 23, 2004 - 8:15 a.m.** -- Open Meeting
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 6th Floor, Board Room, Richmond, Virginia. 

A meeting to review continuing education audit documentation submitted by licensees in regard to 2003 licensure renewal.

Contact: Benjamin Foster, Deputy Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail Benjamin.foster@dhp.virginia.gov.

April 30, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 2, Richmond, Virginia 23230 

A formal conference to hear possible violations of the laws and regulations governing the practice of social work.


Contact: Evelyn B. Brown, Executive Director, 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 evelyn.brown@dhp.virginia.gov.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

April 23, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Professional Soil Scientists and Wetland Professionals intends to amend 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).

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Contact: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail soilscientist@dpor.virginia.gov.


VIRGINIA TOBACCO SETTLEMENT FOUNDATION

April 20, 2004 - 3 p.m. -- Open Meeting
Sully Governmental Center, 4900 Stonecroft Boulevard, Chantilly, Virginia.


A meeting of the North Regional Advisory Board to review proposals.

Contact: Lisa Brown, Grants Program Administrator, Virginia Tobacco Settlement Foundation, 620 Herndon Parkway, Suite 200, Herndon, VA 20170, telephone (703) 481-9823, FAX (703) 481-9857, e-mail lbrown@tsf.state.va.us.

VIRGINIA TOURISM AUTHORITY


† **April 27, 2004 - 2:30 p.m.** -- Open Meeting
Hotel Roanoke, 110 Shenandoah Avenue, Roanoke, Virginia. 

A regular meeting for an advertising update and an electronic marketing report.

Contact: Winston Evans, Virginia Tourism Corporation, 901 E. Byrd St., Richmond, VA 23219, telephone (804) 371-8174, FAX (804) 786-1919, (804) 371-0327/TTY , e-mail wevans@virginia.org.

TREASURY BOARD

Virginia Public Building Authority

† **April 19, 2004 - 11:30 a.m.** -- Open Meeting
101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 


A board meeting.

Contact: Richard T. Byrne II, Public Finance Analyst, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23218-1879, telephone (804) 225-4931, FAX (804) 225-3187, e-mail rick.byrne@trs.state.va.us.

NOTE: CHANGE IN MEETING TIME

April 21, 2004 - 8 a.m. -- Open Meeting

May 19, 2004 - 9 a.m. -- Open Meeting


Department of the Treasury, 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.

VETERANS SERVICES FOUNDATION


May 12, 2004 - 11 a.m. -- Open Meeting


Location to be announced. 

A regular meeting of the Board of Trustees. The location will be announced closer to the meeting date.

Contact: Geneva M. Claybrook, Executive Services Manager, P.O. Box 6129, Roanoke, VA 24017-0129, telephone (540) 857-6974, FAX (540) 857-6954, e-mail gclaybrook@vccc1.us.

STATE WATER CONTROL BOARD

April 22, 2004 - 1:30 p.m. -- Open Meeting
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

May 3, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality Valley Regional Office, 411 Early Road, Harrisonburg, Virginia. 

May 4, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia. ☎

May 5, 2004 - 1:30 p.m. -- Open Meeting
Department of Environmental Quality West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ☎

May 6, 2004 - 1:30 p.m. -- Open Meeting
Department of Environmental Quality Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia. ☎

A meeting to receive comments from the public on the State Water Control Board's intent to amend 9 VAC 25-720-50 B of the Potomac-Shenandoah Basin, 9 VAC 25-720-70 B of the Rappahannock Basin, 9 VAC 25-720-80 B of the Roanoke Basin, 9 VAC 25-720-90 B of the Tennessee-Big Sandy Basin, and 9 VAC 25-720-130 B of the New River Basin. These portions of the regulation (9 VAC 25-720) contain stream segment classifications, effluent limitations including water-quality-based effluent limitations, and waste load allocations that are not a component of total maximum daily loads. The proposed amendment is needed to establish a standard format for data presentation, update the data and information contained in these portions of the regulation to reflect the advances in technology, changing water quality conditions, and provide consistency with VPDES permits. Draft amendments have not been developed. The Notice of Intended Regulatory Actions appear in the Virginia Register on March 22, 2004, and the public comment period will close on May 14, 2004.

Contact: Charles Martin, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4522, e-mail chmartin@deq.state.va.us.

April 23, 2004 - 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 Water Control Board intends to repeal regulations entitled **9 VAC 25-400, Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed**. The purpose of the proposed action is to eliminate 9 VAC 25-400 and concurrently adopt a reformatted **9 VAC 25-401, Sewage Treatment in the Dulles Area Watershed regulation**.

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

Contact: Thomas A. Faha, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846 or e-mail tafaha@deq.state.va.us.

April 28, 2004 - 10 a.m. -- Open Meeting

May 26, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ☎

A meeting of the ad hoc committee established to assist in the development of water quality standards to protect the Chesapeake Bay from nutrient enrichment and sedimentation.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, toll-free 800-592-5482 or (804) 698-4021/TTY ☎

† **May 4, 2004 - 10 a.m.** -- Open Meeting

† **June 15, 2004 - 10 a.m.** -- Open Meeting

† **July 6, 2004 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ☎

A meeting of the advisory committee assisting in the development of amendments to the State Water Control Board Nutrient Enriched Waters Policy.

Contact: John M. Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, FAX (804) 698-4116, e-mail jmkennedy@deq.state.va.us.

May 7, 2004 - 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 Water Control Board intends to amend regulations entitled **9 VAC 25-590, Petroleum Underground Storage Tank Financial Responsibility Requirements**. The purpose of the proposed action is to propose administrative changes, incorporate ways to reduce the cost of compliance with the existing requirements and such other amendments necessary in response to public comment.

Statutory Authority: §§ 62.1-44.34:9 and 62.1-44.34:12 of the Code of Virginia.

Contact: Renee Hooper, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4018 or e-mail rthooper@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

May 12, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor Conference Room, Richmond, Virginia. ☎


May 25, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled **18 VAC 160-20, Board for Waterworks and Wastewater Works Operators 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.


Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Calendar of Events


Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, or e-mail David.Dick@dpor.virginia.gov.

June 22, 2004 - 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, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.virginia.gov.

THE COLLEGE OF WILLIAM AND MARY


April 26, 2004 - 2 p.m. -- Open Meeting
Verizon Communications, 1515 North Courthouse Road, Arlington, Virginia  (Interpreter for the deaf provided upon request)

The ad hoc committee will meet to continue their review of the Board of Visitors bylaws and meeting structure. The meeting is open to the public but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

INDEPENDENT


STATE LOTTERY BOARD

April 28, 2004 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, 13th Floor, Richmond, Virginia. 

A regular meeting. There will be an opportunity for public comment shortly after the meeting is convened.


Contact: Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7905, e-mail fferguson@valottery.state.va.us.


BOARD FOR PROTECTION AND ADVOCACY

† April 26, 2004 - 3:30 p.m. -- Open Meeting
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Priorities Committee. Public comment will be accepted at the start of the meeting. If you wish to provide public comment via telephone, contact Lisa Shehi at 1-800-552-3962 or via e-mail at shehilm@vopa.state.va.us no later than April 20, 2004. If interpreter services or other


accommodations are required, please contact Ms. Shehi no later than Tuesday, April 20.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail shehilm@vopa.state.va.us.


† April 26, 2004 - 5 p.m. -- Open Meeting
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Policy Committee. Public comment will be accepted at the start of the meeting. If you wish to provide public comment via telephone, contact Lisa Shehi at 1-800-552-3962 or via e-mail at shehilm@vopa.state.va.us no later than April 20, 2004. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Tuesday, April 20.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail shehilm@vopa.state.va.us.


† April 26, 2004 - 7 p.m. -- Open Meeting
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the ad hoc Community Incidents Committee. Public comment will be accepted at the start of the meeting. If you wish to provide public comment via telephone, contact Lisa Shehi at 1-800-552-3962 or via e-mail at shehilm@vopa.state.va.us no later than April 20, 2004. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Tuesday, April 20.


Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail shehilm@vopa.state.va.us.

April 27, 2004 - 9 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A full board meeting. Public comment will be accepted at the start of the meeting. If you wish to provide public comment via telephone, contact Lisa Shehi at 1-800-552-3962 or via e-mail at shehilm@vopa.state.va.us no later than April 20, 2004. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Tuesday, April 20.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail shehilm@vopa.state.va.us.

† **April 27, 2004 - Noon** -- Open Meeting


Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Nominating Committee to consider nominations for officers for the Board of Directors to be voted on at the July 2004 meeting. Public comment will be accepted at the start of the meeting. If you wish to provide public comment via telephone, contact Lisa Shehi at 1-800-552-3962 or via e-mail at shehilm@vopa.state.va.us no later than April 19, 2004. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Monday, April 19.


Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail shehilm@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

May 4, 2004 - Noon -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

The regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.


Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.

April 21, 2004 - 11 a.m. -- Open Meeting


May 19, 2004 - 11 a.m. -- Open Meeting

Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia.

The regular meeting of the Investment Advisory Committee of the VRS Board of Trustees. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 East Main Street, 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.

May 19, 2004 - 2:30 p.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 


Meetings of the following committees:

2:30 p.m. - Benefits and Actuarial Committee


4 p.m. - Administration and Personnel Committee

No public comment will be received at the meeting.


Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-

free (888) 827-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.

May 19, 2004 - 4 p.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 


A meeting of the Audit and Compliance Committee. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.


May 20, 2004 - 9 a.m. -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 


A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.

June 1, 2004 - 8:30 a.m. -- Open Meeting

Location to be determined. 


Board of Trustees annual retreat.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION


May 19, 2004 - 10 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A meeting to establish a workplan, hear from the RFP Subcommittee, and conduct any other business that may come before the commission. A brief public comment period is scheduled at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

June 16, 2004 - 10 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 


A meeting to continue with the revisions of Titles 1, 3.1 and 37.1 and to conduct any other business that may come

Calendar of Events

before the commission. A brief public comment period is scheduled at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† **May 26, 2004 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A full commission meeting.

Contact: Mitchell P. Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 19

Alcoholic Beverage Control Board
Conservation and Recreation, Department of
Education, Department of
- Advisory Board on Teacher Education and Licensure
† Fire Services Board, Virginia
Nursing, Board of
† Treasury Board

April 20

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Arts, Virginia Commission for the
† Aviation Board, Virginia
Conservation and Recreation, Department of
Contractors, Board for
† Fire Services Board, Virginia
Geology, Board for
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Museum of Fine Arts, Virginia
Nursing, Board of
Pharmacy, Board of
Tobacco Settlement Foundation, Virginia

April 21

† Aviation Board, Virginia
Cemetery Board
Labor and Industry, Department of
- Safety and Health Codes Board
† Longwood University
Medical Assistance Services, Department of
- Pharmacy and Therapeutics Committee
Nursing and Medicine, Joint Boards of
† Pharmacy, Board of
Retirement System, Virginia
Small Business Financing Authority, Virginia

Treasury Board

April 22

Arts, Virginia Commission for the
Conservation and Recreation, Department of
- Virginia Scenic River Board
Contractors, Board for
Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse
Services, State Board
Pharmacy, Board of
Water Control Board, State

April 23

Compensation Board
Correctional Education, Board of
† Dentistry, Board of
† Social Work, Board of

April 26

Alzheimer's Disease and Related Disorders Commission
Barbers and Cosmetology, Board for
† Protection and Advocacy, Board for
William and Mary, The College of

April 27

Arts, Virginia Commission for the
† Conservation and Recreation, Department of
Contractors, Board for
Marine Resources Commission
† Protection and Advocacy, Board for
Psychology, Board of
† Tourism Authority, Virginia

April 28

Contractors, Board for
Education, Board of
Emergency Planning Committee, Local - Roanoke Valley
Lottery Board, State
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- Substance Abuse Services Council
Water Control Board, State

April 29

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Conservation and Recreation, Board of
Education, Board of
Employment Dispute Resolution, Department of
- Virginia Administrative Dispute Resolution Act Council
Health, Board of
Nursing, Board of

April 30

Social Work, Board of

May 3

Alcoholic Beverage Control Board
Branch Pilots, Board for
† Local Government, Commission on
Water Control Board, State

May 4

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the
† Medicine, Board of
Museum of Fine Arts, Virginia

Retirement System, Virginia
† Water Control Board, State

May 5

† Accountancy, Board of
Contractors, Board for
Jamestown-Yorktown Foundation
† Medicine, Board of
† Real Estate Appraiser Board
Water Control Board, State

May 6

Accountancy, Board of
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the
† Asbestos, Lead, and Home Inspectors, Virginia Board for
† Conservation and Recreation, Department of
† Geographic Information Network Advisory Board
Medical Assistance Services, Department of
- Drug Utilization Review Board
† At-Risk Youth and Families, Comprehensive Services for
- State and Local Advisory Team
Water Control Board, State

May 7

Art and Architectural Review Board
† Dentistry, Board of

May 8

† Longwood University

May 11

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the
Contractors, Board for
Medical Assistance Services, Department of
- Pharmacy Liaison Committee

May 12

Arts, Virginia Commission for the
Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Committee
Fire Services Board, Virginia
Information Technologies Agency, Virginia
- Wireless E-911 Service Board
† Medicine, Board of
Veterans Service Foundation

May 13

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the
Contractors, Board for
Criminal Justice Services Board
Jamestown-Yorktown Foundation

May 14

Child Fatality Review Team, State
Health, Department of
- State Emergency Medical Services Advisory Board
- Advisory Committee for the Virginia Early Hearing
Detection and Intervention Program
Jamestown-Yorktown Foundation
Medicine, Board of

May 17

Alcoholic Beverage Control Board
† Housing and Community Development, Board of
Nursing, Board of

May 18

Arts, Virginia Commission for the
Conservation and Recreation, Department of
Contractors, Board for
† Medical Assistance Services, Department of
- Medicaid Physicians Advisory Committee
Medicine, Board of
- Advisory Board on Acupuncture
- Advisory Board of Radiologic Technology
Nursing, Board of

May 19

Asbestos, Lead, and Home Inspectors, Virginia Board for
Code Commission, Virginia
Community Colleges, State Board for
† Compensation Board
Medical Assistance Services, Department of
- Medicaid Transportation Advisory Committee
Medicine, Board of
- Advisory Board of Occupational Therapy
- Advisory Board on Respiratory Care
† Museum of Fine Arts, Virginia
Nursing, Board of
Retirement System, Virginia
Sewage Handling and Disposal Appeal Review Board
Treasury Board

May 20

Accountancy, Board of
Community Colleges, State Board for
Design-Build/Construction Management Review Board
† Health, Department of
† Manufactured Housing Board, Virginia
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
† Museum of Fine Arts, Virginia
Nursing, Board of
Public Guardian and Conservator Advisory Board, Virginia
Retirement System, Virginia

May 21

Accountancy, Board of
† Dentistry, Board of

May 25

Contractors, Board for
Marine Resources Commission

May 26

† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Education, Board of
† Medicine, Board of
† Technology and Science, Joint Commission on
Water Control Board, State

May 27

† Contractors, Board for
Medicine, Board of

June 1

Contractors, Board for
Retirement System, Virginia

Calendar of Events

June 2

Jamestown-Yorktown Foundation
† Real Estate Appraiser Board

June 3

† Counseling, Board of
Nursing, Board of
Polygraph Examiners Advisory Board

June 4

Art and Architectural Review Board
† Counseling, Board of
† Dentistry, Board of

June 7

Alcoholic Beverage Control Board
Nursing, Board of
Professional and Occupational Regulation, Board for

June 8

Alzheimer's Disease and Related Disorders Commission
Contractors, Board for
Nursing, Board of

June 9

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Nursing, Board of

June 10

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Criminal Justice Services Board

June 11

† Dentistry, Board of
Health Professions, Department of
- Intervention Program Committee
Motor Vehicles, Department of
- Medical Advisory Board

June 14

Barbers and Cosmetology, Board for
Library Board, The

June 15

† Charitable Gaming Board
Contractors, Board for
Nursing, Board of
† Water Control Board, State

June 16

Code Commission, Virginia
Nursing, Board of
Rehabilitative Services, Department of
- Commonwealth Neurotrauma Initiative Advisory Board

June 17

Design-Build/Construction Management Review Board
Museum of Fine Arts, Virginia

June 21

Alcoholic Beverage Control Board

June 22

Conservation and Recreation, Department of
† Contractors, Board for
Marine Resources Commission
† Medical Assistance Services, Department of
Waterworks and Wastewater Works Operators, Board for

June 23

Education, Board of
† Nursing and Medicine, Joint Boards of

June 24

Medicine, Board of

June 29

† Contractors, Board for

July 2

† Art and Architectural Review Board

July 6

† Alcoholic Beverage Control Board
† Contractors, Board for
† Water Control Board, State

July 9

† Opticians, Board for

July 12

† Hearing Aid Specialists, Board for

July 13

† Child Fatality Review Team, State
† Medical Assistance Services, Board of
† Psychology, Board of

July 14

† Information Technologies Agency, Virginia
- Wireless E-911 Service Board

July 15

† Design-Build/Construction Management Review Board
† Education, Board of

July 16

† Education, Board of
† Medicine, Board of

July 19

† Alcoholic Beverage Control Board
† Nursing, Board of

PUBLIC HEARINGS

April 21

Environmental Quality, Department of
Labor and Industry, Department of
- Safety and Health Codes Board

May 11

Health, State Board of

May 12

Waterwork and Wastewater Works Operators, Board for

May 13

Criminal Justice Services Board

May 18

Health, State Board of

May 19

Health, State Board of