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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 11, dated February 9, 2004). 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1 VAC 55-20-10	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-20	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-30	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-40	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-50	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-60 through 1 VAC 55-20-90	Amended	20:20 VA.R. 2159-2161	7/16/04
1 VAC 55-20-110	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-120	Repealed	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-130	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-160	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-210	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-230 through 1 VAC 55-20-260	Amended	20:20 VA.R. 2161-2162	7/16/04
1 VAC 55-20-280	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-290	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-300	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-320 through 1 VAC 55-20-410	Amended	20:20 VA.R. 2162-2164	7/16/04
1 VAC 55-20-420	Repealed	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-430	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-450	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-460	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20 (Forms)	Amended	20:20 VA.R. 2164	--
1 VAC 75-40-10 through 1 VAC 75-40-60	Added	20:25 VA.R. 3082	9/22/04
Title 2. Agriculture			
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2 VAC 5-440-80	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440-90	Repealed	20:12 VA.R. 1474	3/25/04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 5-440 (Forms)	Amended	20:12 VA.R. 1474	--
2 VAC 20-30	Erratum	20:25 VA.R. 3111	--
2 VAC 20-30-20	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-30	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-40	Amended	20:23 VA.R. 2541	8/26/04
Title 3. Alcoholic Beverages			
3 VAC 5-30	Erratum	21:1 VA.R. 44	--
3 VAC 5-40	Erratum	21:1 VA.R. 44	--
3 VAC 5-70	Erratum	21:1 VA.R. 44	--
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 15-40-280	Amended	21:1 VA.R. 24	10/20/04
4 VAC 15-50-81	Amended	20:23 VA.R. 2542	8/25/04
4 VAC 15-50-91	Amended	20:23 VA.R. 2543	8/25/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-90-231	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-241	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-81	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-91	Amended	20:23 VA.R. 2545	8/25/04
4 VAC 15-260-10	Amended	20:25 VA.R. 3082	7/28/04
4 VAC 15-320-100	Amended	21:1 VA.R. 24	9/20/04
4 VAC 20-20-50	Amended	20:14 VA.R. 1709	3/1/04
4 VAC 20-270-20	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-270-30	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-270-30	Amended	20:26 VA.R. 3191	8/6/04
4 VAC 20-320-10	Amended	20:26 VA.R. 3191	8/6/04
4 VAC 20-320-70	Amended	20:26 VA.R. 3192	8/6/04
4 VAC 20-320-80	Amended	20:26 VA.R. 3192	8/6/04
4 VAC 20-490-10 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-20 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35 emer	Repealed	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-40 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-40	Amended	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-45 emer	Repealed	20:18 VA.R. 2025	5/1/04-5/30/04
4 VAC 20-490-45	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-564-10 through 4 VAC 20-564-50 emer	Added	20:25 VA.R. 3096	8/16/04-9/3/04
4 VAC 20-620-50	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-620-60	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-720-20	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-48 emer	Added	20:14 VA.R. 1714	3/1/04-3/31/04
4 VAC 20-720-50	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-60	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-80	Amended	20:14 VA.R. 1712	3/1/04
4 VAC 20-750-10	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-750-20	Repealed	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-30	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-40	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-910-45	Amended	20:16 VA.R. 1864	4/1/04
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 20-950-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-1040-20	Amended	20:19 VA.R. 2060	5/1/04
4 VAC 25-20-20	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-30	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-40	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-50	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-70	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-90	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-100	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-110	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-140	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-190	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-200	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-210	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-220	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-250	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-255	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-259	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-390	Amended	20:23 VA.R. 2549	8/25/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-20-410	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-430	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-31 (Forms)	Amended	20:15 VA.R. 1784-1792	--
4 VAC 25-31 (Forms)	Amended	21:1 VA.R. 28	--
4 VAC 25-35-10 through 4 VAC 25-35-40	Amended	20:23 VA.R. 2549-2550	8/25/04
4 VAC 25-35-75	Added	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-80	Amended	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-100	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-110	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-120	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-125-10 through 4 VAC 25-125-40	Added	20:23 VA.R. 2552-2553	8/25/04
4 VAC 25-130-801.17	Amended	20:23 VA.R. 2625	10/12/04
4 VAC 25-130-801.18	Amended	20:23 VA.R. 2626	10/12/04
4 VAC 25-130 (Forms)	Amended	20:19 VA.R. 2081-2083	--
4 VAC 25-130 (Forms)	Amended	21:2 VA.R. 225	--
Title 6. Criminal Justice and Corrections			
6 VAC 20-190-10	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-50	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-150	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-160	Amended	21:2 VA.R. 128	11/3/04
6 VAC 20-210-10 through 6 VAC 20-210-110	Added	20:23 VA.R. 2554-2555	8/26/04
6 VAC 20-240-10 through 6 VAC 20-240-140 emer	Added	20:25 VA.R. 3097-3102	8/23/04-8/22/05
6 VAC 35-160-10 through 6 VAC 35-160-390	Added	20:23 VA.R. 2555-2562	8/25/04
Title 8. Education			
8 VAC 20-340-10	Amended	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-20	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-30	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-670-10 through 8 VAC 20-670-440	Added	20:24 VA.R. 2892-2898	9/10/04
8 VAC 40-130-10	Amended	20:23 VA.R. 2562	7/26/04
8 VAC 40-130-25	Amended	20:23 VA.R. 2563	7/26/04
Title 9. Environment			
9 VAC 5-20-21	Amended	20:12 VA.R. 1476	3/24/04
9 VAC 5-20-204	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-204	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-205	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-205	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-206 (Rev. G02)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-20-206 (Rev. C03)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-30-10	Amended	20:24 VA.R. 2898	9/8/04
9 VAC 5-30-30 through 9 VAC 5-30-50	Amended	20:24 VA.R. 2898-2900	9/8/04
9 VAC 5-30-55	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-60	Amended	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-65	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-70	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-30-80	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-40-240	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-310	Erratum	20:15 VA.R. 1809	--
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
9 VAC 5-40-6820 through 9 VAC 5-40-7230	Added	20:12 VA.R. 1480-1497	3/24/04
9 VAC 5-40-6840	Erratum	20:18 VA.R. 2027	--
9 VAC 5-50-400	Amended	20:16 VA.R. 1865	6/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-50-405	Added	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-410	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-60-60	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-65	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-90	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-91	Added	20:24 VA.R. 2900	9/8/04
9 VAC 5-60-95	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-100	Amended	20:16 VA.R. 1872	6/1/04
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	20:16 VA.R. 1877-1889	7/1/04
9 VAC 5-80-2250 through 9 VAC 5-80-2300	Added	20:23 VA.R. 2566-2567	7/1/04
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 5-140-550	Amended	20:12 VA.R. 1504	3/24/04
9 VAC 20-60-18	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-18	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-60-262	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-270	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-315	Amended	20:23 VA.R. 2570	7/1/04
9 VAC 20-60-1260	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1270	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1280	Amended	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1283	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1284	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1285	Amended	20:23 VA.R. 2574	7/1/04
9 VAC 20-60-1286	Added	20:23 VA.R. 2575	7/1/04
9 VAC 20-90-10	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-30	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-50	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-60	Amended	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-65	Added	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-70	Amended	20:23 VA.R. 2578	7/1/04
9 VAC 20-90-90	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-100	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-110	Amended	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-115	Added	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-117	Added	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-120	Amended	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-130	Added	20:23 VA.R. 2583	7/1/04
9 VAC 20-110-90	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-110-110	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 25-20-10 through 9 VAC 25-20-80	Amended	20:23 VA.R. 2584-2586	7/1/04
9 VAC 25-20-100 through 9 VAC 25-20-130	Amended	20:23 VA.R. 2586-2591	7/1/04
9 VAC 25-20-140	Repealed	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-142	Added	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-145	Added	20:23 VA.R. 2592	7/1/04
9 VAC 25-31-10	Amended	21:2 VA.R. 128	11/3/04
9 VAC 25-31-30	Amended	21:2 VA.R. 139	11/3/04
9 VAC 25-31-100	Amended	21:2 VA.R. 140	11/3/04
9 VAC 25-31-130	Amended	21:2 VA.R. 158	11/3/04
9 VAC 25-31-170	Amended	21:2 VA.R. 160	11/3/04
9 VAC 25-31-200	Amended	21:2 VA.R. 162	11/3/04
9 VAC 25-71-10	Amended	21:2 VA.R. 165	11/3/04
9 VAC 25-71-60	Amended	21:2 VA.R. 166	11/3/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-101-30	Amended	21:2 VA.R. 166	11/3/04
9 VAC 25-101-35	Added	21:2 VA.R. 167	11/3/04
9 VAC 25-101-40	Amended	21:2 VA.R. 167	11/3/04
9 VAC 25-101-45	Added	21:2 VA.R. 170	11/3/04
9 VAC 25-101-50	Amended	21:2 VA.R. 170	11/3/04
9 VAC 25-101-60	Amended	21:2 VA.R. 172	11/3/04
9 VAC 25-101-70	Amended	21:2 VA.R. 172	11/3/04
9 VAC 25-151-10	Amended	20:16 VA.R. 1889	7/1/04
9 VAC 25-151-40 through 9 VAC 25-151-370	Amended	20:16 VA.R. 1889-1890	7/1/04
9 VAC 25-151-65	Added	20:16 VA.R. 1889	7/1/04
9 VAC 25-151-140	Amended	21:2 VA.R. 173	11/3/04
9 VAC 25-151-150	Amended	21:2 VA.R. 175	11/3/04
9 VAC 25-151-160	Amended	21:2 VA.R. 179	11/3/04
9 VAC 25-151-180	Amended	21:2 VA.R. 179	11/3/04
9 VAC 25-151-230	Amended	21:2 VA.R. 181	11/3/04
9 VAC 25-151-280	Amended	21:2 VA.R. 182	11/3/04
9 VAC 25-180-10	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-20	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-40	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-50	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-55	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-60	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-65	Added	20:16 VA.R. 1893	7/1/04
9 VAC 25-180-70	Amended	20:16 VA.R. 1894	7/1/04
9 VAC 25-180 (Forms)	Amended	20:16 VA.R. 1906	--
9 VAC 25-190-10	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-20	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-50	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-60	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-70	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-191-10 through 9 VAC 25-191-50	Added	21:2 VA.R. 183-198	11/3/04
9 VAC 25-192-10	Amended	21:2 VA.R. 199	11/3/04
9 VAC 25-192-20	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-30	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-40	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-50	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-60	Amended	21:2 VA.R. 201	11/3/04
9 VAC 25-192-70	Amended	21:2 VA.R. 202	11/3/04
9 VAC 25-400-10	Repealed	20:25 VA.R. 3083	9/22/04
9 VAC 25-401-10 through 9 VAC 25-401-50	Added	20:25 VA.R. 3083	9/22/04
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 25-590-60	Erratum	20:17 VA.R. 1984	--
9 VAC 25-630-10	Amended	21:2 VA.R. 211	11/3/04
9 VAC 25-630-20	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-630-30	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-630-50	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-720-50	Amended	20:24 VA.R. 2903	9/8/04
9 VAC 25-720-60	Amended	20:24 VA.R. 2910	9/8/04
9 VAC 25-720-90	Amended	20:24 VA.R. 2918	9/8/04
9 VAC 25-720-130	Amended	20:24 VA.R. 2920	9/8/04
9 VAC 25-770	Erratum	20:24 VA.R. 2981	--

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-770-10 through 9 VAC 25-770-180	Added	20:23 VA.R. 2593-2596	8/25/04
9 VAC 25-790	Erratum	20:12 VA.R. 1526	--
Title 10. Finance and Financial Institutions			
10 VAC 5-40-40	Added	20:14 VA.R. 1713	3/1/04
10 VAC 5-200-100	Added	20:22 VA.R. 2403	6/15/04
Title 11. Gaming			
11 VAC 10-20-190	Amended	20:23 VA.R. 2598	8/25/04
11 VAC 10-20-200	Amended	20:25 VA.R. 3083	9/23/04
11 VAC 10-20-220	Amended	20:23 VA.R. 2596	8/25/04
11 VAC 10-20-240 emer	Amended	20:25 VA.R. 3102	7/28/04-7/27/05
11 VAC 10-45	Erratum	20:25 VA.R. 3112	--
11 VAC 10-45-10 through 11 VAC 10-45-70	Added	20:22 VA.R. 2413-2417	9/27/04
Title 12. Health			
12 VAC 5-90-10	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-40	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-80	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-90	Amended	20:21 VA.R. 2234	7/28/04
12 VAC 5-90-100	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-110	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-160	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-180	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-225	Added	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-280 through 12 VAC 5-90-360	Added	20:21 VA.R. 2238	7/28/04
12 VAC 5-125-10 through 12 VAC 5-125-120 emer	Added	20:21 VA.R. 2252-2264	6/1/04-5/31/05
12 VAC 5-200-10 through 12 VAC 5-200-50	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-70	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-80 through 12 VAC 5-200-190	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-105	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-210	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-220	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-230	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-270	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-280	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-290	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-10	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-20	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-220-10	Amended	20:26 VA.R. 3193	9/27/04
12 VAC 5-220-160	Amended	20:26 VA.R. 3196	9/27/04
12 VAC 5-220-230	Amended	20:26 VA.R. 3197	9/27/04
12 VAC 5-220-385	Amended	20:26 VA.R. 3198	9/27/04
12 VAC 5-371-110	Amended	20:26 VA.R. 3200	9/27/04
12 VAC 30-40-235	Added	20:19 VA.R. 2060	8/1/04
12 VAC 30-40-280	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-290	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-345	Amended	20:22 VA.R. 2422	9/25/04
12 VAC 30-50-130 emer	Amended	20:23 VA.R. 2630	7/1/04-6/30/05
12 VAC 30-50-140	Amended	20:19 VA.R. 2062	7/1/04
12 VAC 30-50-150	Amended	20:19 VA.R. 2063	7/1/04
12 VAC 30-50-180	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-50-210 emer	Amended	20:19 VA.R. 2075	5/11/04-1/3/05
12 VAC 30-60-40	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-60-61 emer	Amended	20:23 VA.R. 2632	7/1/04-6/30/05
12 VAC 30-60-320	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-70-271	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-70-291	Amended	20:22 VA.R. 2403	8/11/04

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12 VAC 30-70-291 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-301	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-301 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-331	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-391 emer	Amended	20:24 VA.R. 2969	9/1/04-8/31/05
12 VAC 30-80-20	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-80-30	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-80-190 emer	Amended	20:26 VA.R. 3203	9/1/04-8/31/05
12 VAC 30-80-190 emer	Amended	20:26 VA.R. 3204	9/1/04-8/31/05
12 VAC 30-80-200	Added	20:19 VA.R. 2071	7/1/04
12 VAC 30-90-29	Amended	21:2 VA.R. 223	11/3/04
12 VAC 30-90-264	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-90-271	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-130-620	Amended	20:19 VA.R. 2061	8/1/04
12 VAC 30-130-860 through 12 VAC 30-130-890 emer	Amended	20:23 VA.R. 2633-2638	7/1/04-6/30/05
12 VAC 30-130-1000 emer	Amended	20:19 VA.R. 2077	5/11/04-1/3/05
12 VAC 30-141-500 emer	Amended	20:17 VA.R. 1974	6/1/04-5/31/05
Title 13. Housing			
13 VAC 5-51-134 emer	Added	20:24 VA.R. 2970	7/8/04-7/7/05
13 VAC 5-62-260	Amended	20:25 VA.R. 3084	9/8/04
Title 14. Insurance			
14 VAC 5-90-10 through 14 VAC 5-90-50	Amended	20:25 VA.R. 3090-3091	8/4/04
14 VAC 5-90-30	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-55	Added	20:25 VA.R. 3091	8/4/04
14 VAC 5-90-60 through 14 VAC 5-90-180	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-90-60	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-70	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-130	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-170	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90 (Forms)	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-321-10 through 14 VAC 5-321-60	Added	20:16 VA.R. 1906-1909	7/1/04
14 VAC 5-335-10 through 14 VAC 5-335-60	Added	20:21 VA.R. 2240-2242	1/1/05
Title 16. Labor and Employment			
16 VAC 25-40-10	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-20	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-50	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910	Erratum	21:1 VA.R. 44	--
16 VAC 25-90-1910, Appendix C of Subpart T of Part 1910	Added	20:19 VA.R. 2073	7/1/04
16 VAC 25-90-1910.103	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.217	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.219	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.268	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.401	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-90-1910.402	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-175-1926	Erratum	21:1 VA.R. 44	--
16 VAC 25-90-1926.307	Amended	20:26 VA.R. 3202	10/15/04
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 15-30-420	Amended	20:24 VA.R. 2924	9/8/04
18 VAC 15-30-820	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 15-30 (Forms)	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 30-20-80	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-150	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-160	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-290 emer	Added	20:23 VA.R. 2638	8/25/04-8/24/05

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18 VAC 30-20-320	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 41-30-10 through 18 VAC 41-30-250 emer	Added	20:23 VA.R. 2639-2650	7/1/04-6/30/05
18 VAC 41-40-10 through 18 VAC 41-40-260	Added	20:19 VA.R. 2074	7/1/04
18 VAC 41-50-10 through 18 VAC 41-50-220 emer	Added	20:23 VA.R. 2651-2662	7/1/04-6/30/05
18 VAC 45-10-10 through 18 VAC 45-10-40	Amended	20:25 VA.R. 3093-3094	11/8/04
18 VAC 45-10-60 through 18 VAC 45-10-90	Amended	20:25 VA.R. 3094-3095	11/8/04
18 VAC 60-20-17 emer	Added	20:23 VA.R. 2663	8/25/04-8/24/05
18 VAC 60-20-20 emer	Amended	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20-91 emer	Added	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20 (Forms) emer	Amended	20:24 VA.R. 2972	7/15/04-7/14/05
18 VAC 62-20	Erratum	21:1 VA.R. 44	--
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 62-20-40 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 62-20-90 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 65-20-15 emer	Added	20:24 VA.R. 2973	7/15/04-7/14/05
18 VAC 65-30-50	Amended	20:21 VA.R. 2242	7/28/04
18 VAC 76-40-10	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-20	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-30	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40 (Forms)	Amended	20:21 VA.R. 2243	7/28/04
18 VAC 80-10-10 through 18 VAC 80-10-90	Amended	20:23 VA.R. 2628-2629	10/9/04
18 VAC 85-15-10	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-20	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-30	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-20-22	Amended	20:20 VA.R. 2165	7/14/04
18 VAC 85-20 (Forms)	Amended	20:20 VA.R. 2165	--
18 VAC 85-80-61 emer	Added	20:25 VA.R. 3105	7/27/04-7/26/05
18 VAC 85-120-10 through 18 VAC 85-120-150	Amended	20:23 VA.R. 2599-2601	8/25/04
18 VAC 85-120-75	Added	20:24 VA.R. 2928	9/8/04
18 VAC 85-120 (Forms)	Amended	20:24 VA.R. 2928	9/8/04
18 VAC 90-15-10	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-15-20	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-15-30	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-20-10 emer	Amended	20:22 VA.R. 2424	6/24/04-6/23/05
18 VAC 90-20-10	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-30	Amended	20:20 VA.R. 2166	7/14/04
18 VAC 90-20-35	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-40	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-50	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-60	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-65	Added	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-95	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-120	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-140	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-160	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-170	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-181 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-182 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-183 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-190	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-200	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-220	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-230	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-270	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-280	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-300 emer	Amended	20:22 VA.R. 2425	6/24/04-6/23/05

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18 VAC 90-20-300	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-310 through 18 VAC 90-20-360	Repealed	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-390	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-410	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-460	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20 (Forms)	Amended	20:24 VA.R. 2930	9/8/04
18 VAC 90-25-10 through 18 VAC 90-25-100	Added	20:24 VA.R. 2931-2934	9/8/04
18 VAC 90-25 (Forms)	Amended	20:24 VA.R. 2934	9/8/04
18 VAC 90-30-80 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-100 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-110 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-120 emer	Amended	20:24 VA.R. 2975	7/15/04-7/14/05
18 VAC 95-20-471 emer	Added	20:25 VA.R. 3105	7/28/04-7/27/05
18 VAC 105-20-41 emer	Added	20:24 VA.R. 2975	8/25/04-8/24/05
18 VAC 110-20-10 through 18 VAC 110-20-40	Amended	20:23 VA.R. 2602-2604	8/25/04
18 VAC 110-20-15 emer	Added	20:24 VA.R. 2976	7/15/04-7/14/05
18 VAC 110-20-60	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-70	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-80	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-90	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-105	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-110	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-120	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-121	Added	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-130 through 18 VAC 110-20-220	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-240	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-250	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-280	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-285	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-330	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-350	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-355	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-360	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-370	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-380	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-410	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-412	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-415	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-420	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-440	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-450	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-460	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-470	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-480	Repealed	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-490	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-500	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-510	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-530	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-540	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-550	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-555	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-590	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-680 through 18 VAC 110-20-710	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-720	Amended	20:18 VA.R. 2021	7/1/04
18 VAC 112-20-10	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-20	Repealed	20:24 VA.R. 2935	9/8/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 112-20-26 emer	Added	20:23 VA.R. 2664	8/25/04-8/24/05
18 VAC 112-20-40	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-50	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-60	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-65	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-70	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-80	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-90	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-100	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-110	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-120	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-130	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20 (Forms)	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-15-10 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-20 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-30 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-20-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-105	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-106	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-107	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-50-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-90	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-95	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-96	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-97	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-60-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-115	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-116	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-117	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 120-10-100	Erratum	20:13 VA.R. 1644	--
18 VAC 125-15-10 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-20 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-30 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 135-20-80	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-120	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-140	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-370	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 140-20-171 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 145-30-10 through 18 VAC 145-30-160	Added	20:20 VA.R. 2167-2170	7/14/04
18 VAC 145-30 (Forms)	Amended	20:20 VA.R. 2170	--
18 VAC 150-20-10	Amended	20:24 VA.R. 2966	10/23/04
18 VAC 150-20-15 emer	Added	20:23 VA.R. 2666	8/25/04-8/24/05
18 VAC 150-20 (Forms)	Amended	20:24 VA.R. 2967	10/23/04
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-15	Amended	20:15 VA.R. 1781	3/12/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
20 VAC 5-309-140	Amended	20:15 VA.R. 1783	3/12/04
20 VAC 5-419-10 through 20 VAC 5-419-40	Amended	20:24 VA.R. 2939-2942	7/21/04
20 VAC 5-425-10 through 20 VAC 5-425-50	Added	20:23 VA.R. 2611-2613	7/1/04
Title 22. Social Services			
22 VAC 15-20-10 through 22 VAC 15-20-380	Repealed	20:24 VA.R. 2942-2943	11/1/04
22 VAC 15-50-10 through 22 VAC 15-50-70	Repealed	20:24 VA.R. 2943	10/1/04
22 VAC 15-51-10 through 22 VAC 15-51-80	Added	20:24 VA.R. 2943-2948	10/1/04
22 VAC 30-50-30	Amended	20:18 VA.R. 2022	6/18/04
22 VAC 40-32	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-80-10	Amended	20:24 VA.R. 2948	11/1/04
22 VAC 40-80-30 through 22 VAC 40-80-60	Amended	20:24 VA.R. 2950-2951	11/1/04
22 VAC 40-80-80 through 22 VAC 40-80-210	Amended	20:24 VA.R. 2951-2955	11/1/04
22 VAC 40-80-220	Repealed	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-230	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-240	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-260	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-270	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-290	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-300	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-310	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-330	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-340	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-350	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-360	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-370	Amended	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-375	Added	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-380	Repealed	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-390 through 22 VAC 40-80-520	Added	20:24 VA.R. 2959-2964	11/1/04
22 VAC 40-180 (Forms)	Amended	20:21 VA.R. 2265-2268	--
22 VAC 40-190	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191-40	Amended	20:22 VA.R. 2404	9/1/04
22 VAC 40-191-50	Amended	20:22 VA.R. 2407	9/1/04
22 VAC 40-290-10	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-293-10	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-293-20	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-295-10 through 22 VAC 40-295-170	Added	20:23 VA.R. 2614-2620	9/1/04
22 VAC 40-300	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-310	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-320	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-330-10	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-330-20	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-340-10	Amended	20:23 VA.R. 2621	9/1/04
22 VAC 40-350	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-360	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-370	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-380	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-390	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-420	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-430	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-440	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-450	Repealed	20:23 VA.R. 2613	9/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-460	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-490	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-500	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-510	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-520	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-530	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-550	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-580	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-590	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-610	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-620	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-650	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-740-10 through 22 VAC 40-740-60	Amended	20:20 VA.R. 2175-2178	8/1/04
22 VAC 40-740 (Forms)	Amended	20:20 VA.R. 2178	--
22 VAC 40-750	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-760	Repealed	20:23 VA.R. 2614	9/1/04
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70	Repealed	20:25 VA.R. 3092	9/22/04
24 VAC 20-100-10	Amended	20:21 VA.R. 2246	7/1/04
24 VAC 20-100-130	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-160	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-190 through 24 VAC 20-100-220	Amended	20:21 VA.R. 2247-2248	7/1/04
24 VAC 20-100-290 through 24 VAC 20-100-330	Amended	20:21 VA.R. 2248-2249	7/1/04
24 VAC 20-100-350	Amended	20:21 VA.R. 2249	7/1/04
24 VAC 20-100-370 through 24 VAC 20-100-460	Amended	20:21 VA.R. 2249-2250	7/1/04
24 VAC 20-100-490 through 24 VAC 20-100-540	Amended	20:21 VA.R. 2250-2251	7/1/04
24 VAC 20-100-550	Added	20:21 VA.R. 2251	7/1/04
24 VAC 20-100 (Forms)	Amended	20:21 VA.R. 2251	7/1/04
24 VAC 30-380-10	Amended	20:13 VA.R. 1633	2/12/04

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Agriculture and Consumer Services has WITHDRAWN the Notice of Intended Regulatory Action for 2 VAC 5-60, Rules and Regulations Governing the Operation of Livestock Markets, which was published in 16:26 VA.R. 3386 September 11, 2000.

Contact: Larry Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3501, FAX (804) 371-2945.

VA.R. Doc. No. R00-272; Filed September 24, 2004, 1:49 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Agriculture and Consumer Services has WITHDRAWN the Notice of Intended Regulatory Action for 2 VAC 5-140, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia, which was published in 16:26 VA.R. 3386 September 11, 2000.

Contact: Larry Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3501, FAX (804) 371-2945.

VA.R. Doc. No. R00-274; Filed September 24, 2004, 1:49 p.m.

TITLE 8. EDUCATION

LONGWOOD UNIVERSITY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that Longwood University intends to consider repealing regulations entitled **8 VAC 50-10, Motor Vehicle Parking and Traffic Rules and Regulations**. The purpose of the proposed action is to repeal the regulation as it has been determined that the regulation should become a guidance document.

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

Statutory Authority: § 23-188 of the Code of Virginia.

Public comments may be submitted until November 22, 2004.

Contact: Jennifer Conkwright, Administrative Staff Assistant, Longwood University, 201 High St., Farmville, VA 23909-1899, telephone (434) 395-2019, FAX (434) 395-2635 or e-mail conkwrightjg@longwood.edu.

VA.R. Doc. No. R05-35; Filed September 28, 2004, 8:15 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION 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 Air Pollution Control Board intends to consider amending regulations entitled **9 VAC 5-40, Existing Stationary Sources**. The purpose of the proposed action is to reduce emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_x) from open burning and special incineration devices in Virginia's emissions control areas in order to attain and maintain the federal health-based air quality standard for ozone and nitrogen oxides.

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

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

Public comments may be submitted until 5 p.m. on November 10, 2004.

Contact: Mary L. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510 or e-mail mlmajor@deq.virginia.gov.

VA.R. Doc. No. R05-24; Filed September 15, 2004, 11:20 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled **9 VAC 20-85, Regulation Governing Management of Coal**

Notices of Intended Regulatory Action

Combustion By-Products. The purpose of the proposed action is to include (i) provisions for fossil fuel combustion products; (ii) the possibility of eliminating the regulation and placing all provisions of the regulation into the Virginia Solid Waste Management Regulations (VSWMR), or removing the provisions addressing coal ash from the VSWMR and consolidating the provisions in this regulation; and (iii) additional issues that are identified during the NOIRA comment period, the technical advisory committee meetings, and during the public comment period.

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

Statutory Authority: §§ 10.1-1402 and 10.1-1408.1 et seq. of the Code of Virginia, 42 USC 6941 et seq., and 40 CFR Part 257.

Public comments may be submitted until 5 p.m. on November 15, 2004.

Contact: Michael Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4327, or e-mail: mjdieter@deq.virginia.gov.

VA.R. Doc. No. R05-25; Filed September 16, 2004, 11:44 a.m.

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 25-194, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Car Wash Facilities**. The purpose of the proposed action is to reissue the existing general VPDES permit for car wash facilities that expires on October 15, 2007.

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

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

Public comments may be submitted until 5 p.m. on October 20, 2004.

Contact: George Cosby, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032 or e-mail gecosby@deq.virginia.gov.

VA.R. Doc. No. R05-05; Filed August 27, 2004, 8:38 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 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the state's Antidegradation Policy (9 VAC 25-260-30), part of the Water Quality Standards, by designating portions of

the Cowpasture River and Simpson Creek as Exceptional State Waters.

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 and federal Clean Water Act (33 USC § 1251 et seq.), 40 CFR Part 131.

Public comments may be submitted until 5 p.m. on November 15, 2004.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwgregory@deq.virginia.gov.

VA.R. Doc. No. R05-26; Filed September 15, 2004, 11:20 a.m.



TITLE 11. GAMING

CHARITABLE GAMING BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Charitable Gaming Board intends to consider amending regulations entitled **11 VAC 15-22, Charitable Gaming Rules and Regulations**. The 2003 General Assembly created the Department of Charitable Gaming and the Charitable Gaming Board to replace the former Charitable Gaming Commission. The current Charitable Gaming Rules and Regulations were adopted by the former commission effective January 1, 1998, and include many references to the commission, which no longer exists, as well as to statutes that have since been amended. The goals of the amended regulations will be to simplify and clarify the regulations while also making them consistent with current statutes.

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

Statutory Authority: §§ 2.2-2546 and 18.2-340.19 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on October 20, 2004.

Contact: Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219-3684, telephone (804) 786-1681, FAX (804) 786-1079 or e-mail Clyde.Cristman@dcg.virginia.gov.

VA.R. Doc. No. R05-07; Filed August 23, 2004, 10:42 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Charitable Gaming Board intends to

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consider amending regulations entitled **11 VAC 15-31, Supplier Regulations**. The 2003 General Assembly created the Department of Charitable Gaming and the Charitable Gaming Board to replace the former Charitable Gaming Commission. The current Supplier Regulations were adopted by the former commission effective January 1, 1998, and include many references to the commission, which no longer exists, as well as to statutes that have since been amended. The goals of the amended regulations will be to simplify and clarify the regulations while also making them consistent with current statutes.

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

Statutory Authority: §§ 2.2-2546 and 18.2-340.34 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on October 20, 2004.

Contact: Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219-3684, telephone (804) 786-1681, FAX (804) 786-1079 or e-mail Clyde.Cristman@dcg.virginia.gov.

VA.R. Doc. No. R05-08; Filed August 23, 2004, 10:43 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider repealing regulations entitled **12 VAC 5-190, State Plan for the Provision of Children's Specialty Services**; and adopting regulations entitled **12 VAC 5-191, State Plan for the Children with Special Health Care Needs Program**. The purpose of the proposed action is to replace the current State Plan for the Provision of Children's Specialty Services with the State Plan for the Children with Special Health Care Needs Program.

The current regulations do not adequately address the existing model for providing services to children with special health care needs. With the expansion of publicly financed health care coverage for children with special health care needs, the growth of managed care delivery systems, and a federal emphasis on developing systems of care that provide family-centered care coordination and services, the Virginia Department of Health (VDH) discontinued the diagnosis-based, clinic direct service, Children's Specialty Services Program starting in 2000. Based upon results from a 1999 comprehensive needs assessment with families of children with special health care needs, changing federal emphasis, and examination of successful service delivery models, the state Children with Special Health Care Needs Program now

contracts with local entities to manage five regional Centers of Excellence known as Care Connection for Children Centers. The sixth center is managed by the Children with Special Health Care Needs Program. Care Connection for Children Centers are affiliated with major hospitals and universities with the capacity to provide pediatric specialty care. These centers provide care coordination, including family-to-family support and health insurance benefits counseling, to any resident of Virginia under age 21 with a chronic physical condition. In addition, the Children with Special Health Care Needs Program continues to administer a limited pool of funds to assist with payment of services for uninsured and underinsured children with special health care needs. The new regulations will amend the state plan to meet the program's expanded and modified model of care and to address program requirements for access to the pool of funds, which is not an entitlement and subject to availability of funds.

VDH continues to operate child development clinics across the state, another service under the Children with Special Health Care Needs Program. The Children with Special Health Care Needs Program also administers the state-mandated Bleeding Disorders (Hemophilia) Program. The replacement regulations will provide a state plan for administration, eligibility, and scope of these two programs.

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

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

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

Contact: Bob Swander, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7649 or e-mail bob.swander@vdh.virginia.gov.

VA.R. Doc. No. R05-21; Filed September 13, 2004, 3:51 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Care (OB/GYN Rates)**. The purpose of the proposed action is to increase the rates of reimbursement paid for obstetric/gynecological services by 34%.

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

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

Public comments may be submitted until October 20, 2004, to Steve Ford, Manager, Division of Provider Reimbursement,

Notices of Intended Regulatory Action

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov or brian.mccormick@dmas.virginia.gov.

VA.R. Doc. No. R05-06; Filed August 20, 2004, 10:03 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Care (Increase Emergency Room Physician Fees)**. The purpose of the proposed action is to (i) add language providing that certain physician procedure codes be increased by 2.0% above the normal calculated amounts; (ii) update old references to the federal funding agency; (iii) remove outdated or time-limited text that is no longer needed; and (iv) consider other technical corrections as may be appropriate.

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

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

Public comments may be submitted until October 20, 2004, to Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov or brian.mccormick@dmas.virginia.gov.

VA.R. Doc. No. R05-10; Filed August 26, 2004, 9:50 a.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled **12 VAC 35-210, Regulations to Govern Temporary Leave from State Mental Health and State Mental Retardation Facilities**. The purpose of the proposed action is to promulgate a new regulation to govern practices related to temporary absences or leave from state mental health and mental retardation facilities under § 37.1-98 B of the Code of Virginia.

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

Statutory Authority: §§ 37.1-10 and 37.1-98 of the Code of Virginia.

Public comments may be submitted until November 19, 2004.

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252, FAX (804) 371-0092 or e-mail wendy.brown@co.dmhmrmas.virginia.gov.

VA.R. Doc. No. R05-30; Filed September 20, 2004, 11:50 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled **18 VAC 85-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set out the decision to delegate at the time of a probable cause determination the types of cases that may be delegated and the individuals who may be designated as agency subordinates.

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

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

Public comments may be submitted until 5 p.m. on October 20, 2004.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9512 or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R05-01; Filed September 1, 2004, 9:40 a.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled **18 VAC 90-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding to an agency subordinate.

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

Notices of Intended Regulatory Action

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

Public comments may be submitted until 5 p.m. on October 20, 2004.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512 or e-mail jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R05-03; Filed September 1, 2004, 9:45 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled **18 VAC 90-20, Regulations of the Board of Nursing**. As a special fund agency, the Board of Nursing is mandated to levy fees sufficient to cover all expenses for the administration and operation of the board and the Department of Health Professions. Therefore, action must be taken to address the current and projected shortfall in the nurse aide budget.

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

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

Public comments may be submitted until 5 p.m. on October 20, 2004.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512 or e-mail jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R05-09; Filed August 26, 2004, 10:36 a.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Motor Vehicles intends to consider repealing regulations entitled **24 VAC 20-120, Commercial Driver Training School Regulations** and adopting regulations entitled **24 VAC 20-121, Driver Training School Regulations**. The purpose of the proposed action is to ensure that graduates of Class A (commercial vehicle training) and Class B (passenger vehicle training) driver training schools licensed by the Department of Motor Vehicles (DMV) are adequately prepared to safely and independently operate motor vehicles on the public roadways. The overall goals are to (i) strengthen DMV training school standards and develop additional standards to ensure that the instruction provided is uniform and meets all established requirements; (ii) strengthen DMV's oversight process to ensure that reviews

of training documentation are consistent, evaluation of school curricula are expanded, and school audits are more comprehensive and less burdensome on driver training course providers; and (iii) implement additional changes intended to ensure that consistently high quality instruction is provided across the driver training school system and that the learning environment for younger students is safe, secure and peer-oriented.

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

Statutory Authority: §§ 46.2-203 and 46.2-1703 of the Code of Virginia.

Public comments may be submitted until November 3, 2004.

Contact: Marc Copeland, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23269-0001, telephone (804) 435-5137, FAX (804) 367-6631 or e-mail commish@dmv.state.va.us.

VA.R. Doc. No. R05-19; Filed September 13, 2004, 1:49 p.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 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-180. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-10, 13 VAC 10-180-50, 13 VAC 10-180-60, 13 VAC 10-180-90; adding 13 VAC 10-180-110).

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

Public Hearing Date: November 1, 2004 - 10 a.m.

Public comments may be submitted until November 1, 2004.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, or e-mail judson.mckellar@vhda.com.

Summary:

The proposed amendments (i) revise documentation requirements to certify the existence of a revitalization area; (ii) require a market study to be submitted with all tax credit reservation applications; (iii) revise documentation requirements for evidence of proper zoning; (iv) delete the point category for credit requests below \$1 million; (v) add points for water conservation and energy saving features; (vi) delete the point category for certain roofing products; (vii) delete the point category for "hard to develop" projects; (viii) revise the point category that penalizes developers that do not build a development as represented in the application; (ix) add provisions for submitting requests to the authority to find qualified contracts; (x) add a provision to provide for compliance requirements during the extended use period; (xi) lower the threshold score; (xii) exempt elderly rehabilitation developments with project-based subsidy from the maximum credit limitations placed on elderly developments in each tax credit pool; (xiii) delete the limitation on the amount of credits available for reservation to developments in older central cities; and (xiv) make other miscellaneous administrative clarification changes.

13 VAC 10-180-10. Definitions.

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

"Applicant" means an applicant for credits under this chapter and also means the owner of the development to whom the credits are allocated.

"Credits" means the low-income housing tax credits as described in § 42 of the IRC.

"Elderly housing" means any development intended to provide housing for elderly persons as an exemption to the provisions regarding familial status under the United States Fair Housing Act (42 USC § 3601 et seq.).

"IRC" means the Internal Revenue Code of 1986, as amended, and the rules, regulations, notices and other official pronouncements promulgated thereunder.

"IRS" means the Internal Revenue Service.

"Low-income housing units" means those units which are defined as "low income units" under § 42 of the IRC.

"Low-income jurisdiction" means any city or county in the Commonwealth with an area median income at or below the Virginia nonmetro area median income established by the U.S. Department of Housing and Urban Development ("HUD").

~~"Older central cities" include the following jurisdictions: Alexandria, Arlington, Bristol, Charlottesville, Danville, Falls Church, Fredericksburg, Hampton, Harrisonburg, Hopewell, Lynchburg, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, Staunton, Waynesboro and Winchester.~~

"Principal" means any person (including any individual, joint venture, partnership, limited liability company, corporation, nonprofit organization, trust, or any other public or private entity) that (i) with respect to the proposed development will own or participate in the ownership of the proposed development or (ii) with respect to an existing multi-family rental project has owned or participated in the ownership of such project, all as more fully described hereinbelow. The person who is the owner of the proposed development or multi-family rental project is considered a principal. In determining whether any other person is a principal, the following guidelines shall govern: (i) in the case of a partnership that is a principal (whether as the owner or otherwise), all general partners are also considered principals, regardless of the percentage interest of the general partner; (ii) in the case of a public or private corporation or organization or governmental entity that is a principal (whether as the owner or otherwise), principals also include the president, vice president, secretary, and treasurer and other officers who are directly responsible to the board of directors or any equivalent governing body, as well as all directors or other members of the governing body and any stockholder having a 25% or more interest; (iii) in the case of a limited liability company that is a principal (whether as the owner or otherwise), all members are also considered principals,

regardless of the percentage interest of the member; (iv) in the case of a trust that is a principal (whether as the owner or otherwise), all persons having a 25% or more beneficial ownership interest in the assets of such trust; (v) in the case of any other person that is a principal (whether as the owner or otherwise), all persons having a 25% or more ownership interest in such other person are also considered principals; and (vi) any person that directly or indirectly controls, or has the power to control, a principal shall also be considered a principal.

"Qualified application" means a written request for tax credits which is submitted on a form or forms prescribed or approved by the executive director together with all documents required by the authority for submission and meets all minimum scoring requirements.

"Qualified low-income buildings" or "qualified low-income development" means the buildings or development which meets the applicable requirements in § 42 of the IRC to qualify for an allocation of credits thereunder.

~~"Revitalization area" means any area that the governing body of any city or county may by resolution designate within such city or county if such governing body shall in such resolution make the following determinations with respect to such area for which the chief executive officer (or the equivalent) of the local jurisdiction in which the development is to be located certifies as follows: (i) either (a) the area is blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions-dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty or inadequate design, quality or condition or (b) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; and (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area. The area within a redevelopment project, conservation project, or rehabilitation district established by the city or county pursuant to Chapter 1 (§ 36-1 et seq.) of Title 36 of the Code of Virginia or any area within a qualified census tract as defined in § 42(d)(5)(c)(ii) of the IRC shall be deemed to be designated as a revitalization area without adoption of the above described resolution of the city or county any such certification. Any such revitalization area must either (i) have established boundaries at least a year old at the time applications are submitted and include discussions from the locality of the type of developments that will be encouraged, the potential sources of funding, and services to be offered in the area; or (ii) be subject to a plan using Hope VI funds from HUD. A comprehensive plan does not qualify as documentation certification of a revitalization area.~~

13 VAC 10-180-50. Application.

Prior to submitting an application for reservation, applicants shall submit on such form as required by the executive director, the letter for authority signature by which the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located to provide such officers a reasonable opportunity to comment on the developments. When scoring the applications, the executive director will award points to those applications that submit the form within the deadlines established by the executive director and subtract points from those applications that fail to submit the form by such deadlines.

Application for a reservation of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information (*including, without limitation, a market study that shows adequate demand for the housing units to be produced by the applicant's proposed development*) as may be requested by the authority in order to comply with the IRC and this chapter and to make the reservation and allocation of the credits in accordance with this chapter. ~~Any applicant proposing a development intended to provide housing for elderly persons as an exemption to the provisions regarding familial status under the United States Fair Housing Act (elderly housing) shall submit a market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by the applicant's proposed development with the application for reservation.~~ The executive director may reject any application from consideration for a reservation or allocation of credits if in such application the applicant does not provide the proper documentation or information on the forms prescribed by the executive director.

The application should include a breakdown of sources and uses of funds sufficiently detailed to enable the authority to ascertain what costs will be incurred and what will comprise the total financing package, including the various subsidies and the anticipated syndication or placement proceeds that will be raised. The following cost information, if applicable, needs to be included in the application to determine the feasible credit amount: site acquisition costs, site preparation costs, construction costs, construction contingency, general contractor's overhead and profit, architect and engineer's fees, permit and survey fees, insurance premiums, real estate taxes during construction, title and recording fees, construction period interest, financing fees, organizational costs, rent-up and marketing costs, accounting and auditing costs, working capital and operating deficit reserves, syndication and legal fees, development fees, and other costs and fees. All applications seeking credits for rehabilitation of existing units must provide for contractor construction costs of at least \$7,500 per unit.

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, (ii) lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the

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application that the development will be held for occupancy by low-income persons or families or (iii) right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site for a period extending at least four months beyond any application deadline established by the executive director, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site. A contract that permits the owner to continue to market the property, even if the applicant has a right of first refusal, does not constitute the requisite site control required in clause (iii) above. No application shall be considered for a reservation or allocation of credits unless such evidence is submitted with the application and the authority determines that the applicant owns, leases or has the right to acquire or lease the site of the proposed development as described in the preceding sentence. In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture (Rural Development), the site control document does not need to be approved by all partners of the seller if the general partner of the seller executing the site control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.

Each application shall include, in a form or forms required by the executive director, a certification of previous participation listing all developments receiving an allocation of tax credits under § 42 of the IRC in which the principal or principals have or had an ownership or participation interest, the location of such developments, the number of residential units and low-income housing units in such developments and such other information as more fully specified by the executive director. Furthermore, for any such development, the applicant must indicate whether the appropriate state housing credit agency has ever filed a Form 8823 with the IRS reporting noncompliance with the requirements of the IRC and that such noncompliance had not been corrected at the time of the filing of such Form 8823. The executive director may reject any application from consideration for a reservation or allocation of credits unless the above information is submitted with the application. If, after reviewing the above information or any other information available to the authority, the executive director determines that the principal or principals do not have the experience, financial capacity and predisposition to regulatory compliance necessary to carry out the responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development or the ability to fully perform all the duties and obligations relating to the proposed development under law, regulation and the reservation and allocation documents of the authority or if an applicant is in substantial noncompliance with the requirements of the IRC, the executive director may reject applications by the applicant. No application will be accepted from any applicant with a principal that has or had an ownership or participation interest in a development at the time the authority reported such development to the IRS as no longer in compliance and no

longer participating in the federal low-income housing tax credit program.

Each application shall include, in a form or forms required by the executive director, a certification that the design of the proposed development meets all applicable amenity and design requirements required by the executive director for the type of housing to be provided by the proposed development.

The application should include pro forma financial statements setting forth the anticipated cash flows during the credit period as defined in the IRC. The application shall include a certification by the applicant as to the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to each building or development. The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance of the proposed development with the IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of credits requested by the application and certifying, among other things, that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

Each applicant shall commit in the application to provide relocation assistance to displaced households, if any, at such level required by the director.

If an applicant submits an application for reservation or allocation of credits that contains a material misrepresentation or fails to include information regarding developments involving the applicant that have been determined to be out of compliance with the requirements of the IRC, the executive director may reject the application or stop processing such application upon discovery of such misrepresentation or noncompliance and may prohibit such applicant from submitting applications for credits to the authority in the future.

In any situation in which the executive director deems it appropriate, he may treat two or more applications as a single application.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The executive director may prescribe such deadlines for submission of applications for reservation and allocation of credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such reservations and allocations. If the executive director determines that an applicant for a reservation of credits has failed to submit one or more mandatory attachments to the application by the reservation application deadline, he may allow such applicant an opportunity to submit such attachments within a certain time established by the executive director with a ten-point scoring penalty per item.

After receipt of the applications, if necessary, the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located and shall provide such officers a reasonable opportunity to comment on the developments.

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable rules and regulations.

The authority may consider and approve, in accordance herewith, both the reservation and the allocation of credits to buildings or developments which the authority may own or may intend to acquire, construct and/or rehabilitate.

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

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

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

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and
2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will

materially participate, directly or indirectly, in the proposed development as a for-profit entity.

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

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools (nonprofit pools) of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such

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situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefore in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for the inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$650,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

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

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

1. Readiness.

a. Written evidence satisfactory to the authority of unconditional approval by local authorities of the plan of development or site plan for the proposed development or that such approval is not required. (40 points; applicants receiving points under this subdivision 1 a are not eligible for points under subdivision 5 a below)

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

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

completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)

2. Housing needs characteristics.

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

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

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points)

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

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

c. Documentation in a form approved by the authority from the ~~local government officials~~ *that chief executive officer (or the equivalent) of the local jurisdiction in which the development is to be located (including the certification described in the definition of revitalization area in 13 VAC 10-180-10) that the area in which the proposed development is to be located is a revitalization area and the proposed development is an integral part of the ~~planned~~ local government's plan for revitalization of the area.* (25 points)

d. If the proposed development is located in a Difficult Development Area as defined by HUD or is in an Enterprise Zone or a Housing Revitalization Zone designated by the state. (5 points)

e. Commitment by the applicant to give leasing preference to individuals and families (i) on public

housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant or (ii) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points; Applicants receiving points under this subdivision may not require an annual minimum income requirement for prospective tenants that exceeds the greater of \$3,600 or 2.5 times the portion of rent to be paid by such tenants.)

f. Any of the following: (i) firm financing commitment(s) from the local government, local housing authority, Federal Home Loan Bank affordable housing funds, or the Rural Development for a below-market rate loan or grant; (ii) a resolution passed by the locality in which the proposed development is to be located committing such financial support to the development in a form approved by the authority; or (iii) a commitment to donate land, buildings or waive tap fee waivers from the local government. (The amount of such financing or dollar value of local support will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

g. Any development subject to (i) HUD's Section 8 or Section 236 programs or (ii) Rural Development's 515 program, at the time of application. (20 points)

h. Any development receiving (i) a real estate tax abatement on the increase in the value of the development or (ii) new project-based subsidy from HUD or Rural Development for the greater of 5 units or 10% of the units of the proposed development. (10 points)

3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the lowest gross square footage per unit for a given unit type established by the executive director divided by the highest gross square footage per unit for a given unit type established by the executive director minus the lowest gross square footage per unit for a given unit type established by the executive director. If the average actual gross square footage per unit for a given unit type is less than the lowest gross square footage per unit for a given unit type established by the executive director or greater than the highest gross square footage per unit for a given unit type established by the executive director, the lowest or highest, as the case may be, gross square footage per unit for a given unit type established by the executive director shall be used in the above calculation

rather than the actual gross square footage per unit for a given unit type.)

~~b. Lower amount of credit request. (50 points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000. Developments financed with tax exempt bonds will receive an automatic 25 points under this scoring category.)~~

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

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

(a) If 2-bedroom units have 1.5 bathrooms and 3-bedroom units have 2 bathrooms. (15 points multiplied by the percentage of units meeting these requirements)

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

(c) Brick covering 30% or more of the exterior walls. (20 points times the percentage of exterior walls covered by brick)

(d) If all kitchen and laundry appliances meet the EPA's Energy Star qualified program requirements. (5 points)

~~(e) If all roofing products meet the EPA's Energy Star qualified program requirements. (5 points)~~

(f) (e) If all the windows meet the EPA's Energy Star qualified program requirements. (5 points)

~~(g)~~ (f) If every unit in the development is heated and air conditioned with either (i) heat pump units with both a SEER rating of 14.0 or more and a HSPF rating of 9.0 or more or thru-the-wall heat pump equipment that has an EER rating of 12.0 or more or (ii) air conditioning units with a SEER rating of 14.0 or more, combined with a gas furnace with an AFUE rating of 90% or more. (10 points)

~~(h)~~ (g) If the development has a minimum STC (sound transmission class) rating of 52 for the floor construction between units. (3 points)

(h) If the water expense is submetered (the tenant will pay monthly or bimonthly bill). (5 points)

(i) If each bathroom contains only low-flow faucets and showerheads as defined by the authority. (3 points)

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

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

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

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

(d) If all entrance doors to each unit have two eye viewers, one at 48 inches and the other at standard height. (1 point)

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

(a) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (3 points)

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

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 e b of this section is 60 points.

~~d. Any proposed 50 unit or less development that meets at least three of the following criteria: (i) sets maximum rents on all units at or below 25% of the gross income of households at or below 50% of the area median income (without vouchers or rental assistance); (ii) restricts at least 20% of the units for occupancy by households with incomes at or below 40% of the area median income; (iii) requires at least 60% of the developer's fee to pay development costs; and (iv) has below market rate financial assistance from local, state or federal government. (20 points)~~

e. c. Any nonelderly development in which the greater of 5 units or 10% of the units (i) provide federal project-based rent subsidies or equivalent assistance in order to ensure occupancy by extremely low-income persons; (ii) conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act; and (iii) are actively marketed to people with special needs in accordance with a plan submitted as part of the application for credits (if special needs includes mobility impairments, the units described above must include roll-in showers and roll-under sinks and ranges). (50 points)

f. d. Any nonelderly development in which the greater of 5 units or 10% of the units (i) have rents within HUD's Housing Choice Voucher (HCV) payment standard; (ii) conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act; and (iii) are actively marketed to people with mobility impairments including HCV holders in accordance with a plan

submitted as part of the application for credits. (30 points)

g. e. Any nonelderly development in which 4.0% of the units (i) conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act and (ii) are actively marketed to people with mobility impairments in accordance with a plan submitted as part of the application for credits. (15 points)

~~(h) Beginning January 1, 2005, f. Any development located within one-half mile of a commuter rail, light rail or subway station or one-quarter mile of one or more public bus lines or other public transportation usable by development occupants. (10 points)~~

4. Tenant population characteristics.

a. Commitment by the applicant to give a leasing preference to individuals and families with children in developments that will have no more than 20% of its units with one bedroom or less. (15 points; plus 0.75 points for each percent of the low-income units in the development with three or more bedrooms up to an additional 15 points for a total of no more than 30 points under this subdivision a)

b. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points times the number of certified occupied units divided by the greater of (i) the number of certified occupied units or (ii) the number of units of the proposed development)

5. Sponsor characteristics.

a. Evidence that the principal or principals, as a group or individually, for the proposed development have developed at least three tax credit developments that contain at least three times the number of housing units in the proposed development. (50 points; applicants receiving points under this subdivision 5 a are not eligible for points under subdivision 1 a above)

b. Evidence that the principal or principals for the proposed development have developed at least one tax credit development that contains at least the number of housing units in the proposed development. (10 points)

c. Any applicant that includes a principal that was a principal in a development at the time the authority reported such development to the IRS for an uncorrected major violation of health, safety and building codes. (minus 50 points for a period of three years after the violation has been corrected)

d. ~~Beginning January 1, 2003,~~ Any applicant that includes a principal that was a principal in a development at the time the authority reported such development to the IRS for noncompliance that has not been corrected by the time a Form 8823 is filed by the authority. (minus 15 points for a period of three years after the time the authority filed Form 8823, unless the executive director determines that such principal's attempts to correct such noncompliance was prohibited by a court, local

government or governmental agency, in which case, no negative points will be assessed to the applicant)

e. ~~Beginning January 1, 2003,~~ Any applicant that includes a principal that is or was a principal in a development that (i) did not build a development as represented in the application for credit (minus ~~20~~ *two times the number of points assigned to the item or items not built*, for a period of three years after *the last Form 8609 is issued* for the development ~~is placed in service~~, in addition to any other penalties the authority may seek under its agreements with the applicant), or (ii) has a reservation of credits terminated by the authority (minus 10 points a period of three years after the credits are returned to the authority).

f. ~~Beginning January 1, 2005,~~ Any applicant that includes a management company in its application that is rated unsatisfactory by the executive director or if the ownership of any applicant includes a principal that is or was a principal in a development that hired a management company to manage a tax credit development after such management company received a rating of unsatisfactory from the executive director during the extended use period of such development. (minus 25 points)

g. Evidence that a US Green Building Council LEED certified design professional participated in the design of the proposed development. (10 points)

h. Evidence that the proposed development's architect has completed the Fair Housing Accessibility First program offered by HUD or an equivalent organization and the certificate is attached with the architect's certification. (5 points)

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (180 points multiplied by the percentage by which the total amount of the per unit credit amount of the proposed development is less than the applicable standard per unit credit amount established by the executive director, negative points will be assessed using the percentage by which the total amount of the per unit credit amount of the proposed development exceeds the applicable standard per unit credit amount established by the executive director.)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (75 points multiplied by the percentage by which the total amount of the per unit cost of the proposed development is less than the applicable standard per unit cost amount established by the executive director.)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivisions 3 e b and 6 above, all credit amounts shall include any credits previously allocated to the development, and the per unit credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

7. Bonus points.

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision a may not receive points under subdivision b below. (The product of (i) 50 points multiplied by (ii) the percentage of housing units in the proposed development both rent restricted to and occupied by households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points (50 points for proposed developments in low-income jurisdictions) multiplied by (ii) the percentage of housing units in the proposed development rent restricted to households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

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

d. Participation by a local housing authority or qualified nonprofit organization (substantially based or active in the community with at least a 10% ownership interest in the

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general partnership interest of the partnership) and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such local housing authority or qualified nonprofit organization or to a wholly owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for-profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancing of the development. Applicants receiving points under this subdivision d may not receive bonus points under subdivision c above. (60 points; plus 5 points if the local housing authority or qualified nonprofit organization submits a homeownership plan satisfactory to the authority in which the local housing authority or qualified nonprofit organization commits to sell the units in the development to tenants.)

In calculating the points for subdivisions 7 a and b above, any units in the proposed development required by the locality to exceed 60% of the area median gross income will not be considered when calculating the percentage of low-income units of the proposed development with incomes below those required by the IRC in order for the development to be a qualified low-income development, provided that the locality submits evidence satisfactory to the authority of such requirement.

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application that is assigned a total number of points less than a threshold amount of ~~375~~ 350 points (~~300~~ 275 points for developments financed with tax-exempt bonds) shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

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

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and, if any, to the appropriate tier within such pool and shall be ranked within such pool or tier, if any. The amount of credits made available to each pool will be determined by the executive director. Available credits will include unreserved per capita dollar amount credits from the current calendar year under § 42(h)(3)(C)(i) of the IRC, any unreserved per capita credits from previous calendar years, and credits returned to the authority prior to the final ranking of the applications and may include up to 15% of next calendar year's per capita credits as shall be determined by the executive director. Those applications assigned more points shall be ranked higher than those applications assigned fewer points. However, if any set-asides established by the executive director cannot be satisfied after ranking the applications

based on the number of points, the executive director may rank as many applications as necessary to meet the requirements of such set-aside (selecting the highest ranked application, or applications, meeting the requirements of the set-aside) over applications with more points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the Commonwealth, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the highest combination of points from subdivision 7 above, and each application so selected shall receive (in order based upon the number of such points, beginning with the application with the highest number of such points) a reservation of credits. If two or more of the tied applications receive the same number of points from subdivision 7 above and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) a reservation of credits.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage

loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

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

Not more than 20% of the credits in any pool may be reserved to developments intended to provide elderly housing, unless the feasible credit amount, as determined by the executive director, of the highest ranked elderly housing development in any pool exceeds 20% of the credits in such pool, then such elderly housing development shall be the only elderly housing development eligible for a reservation of credits from such pool. However, if credits remain available for reservation after all eligible nonelderly housing developments receive a reservation of credits, such remaining credits may be made available to additional elderly housing developments. *The above limitation of credits available for elderly housing shall not include elderly housing developments with project-based subsidy that are submitted as rehabilitation developments or assisted living facilities licensed under Chapter 17 of Title 63.2 of the Code of Virginia.*

~~Beginning January 1, 2005, the amount of credits available for reservation to developments in older central cities from any pool established by the executive director to serve a geographic area of the state shall be limited to an amount equal to the older central city's percentage share of households paying more than 35% of income for rent in the pool in which the older central city appears. However, notwithstanding the limitation of this paragraph, all applications with a letter of support from the chief executive officer of an older central city will be eligible for a reservation of credits.~~

The above limitation of credits available for elderly housing shall not include assisted living facilities licensed under Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may move the proposed development and the credits available to another pool. If any credits remain in any pool after moving proposed developments and credits to another pool, the executive director may for developments that meet the requirements of § 42(h)(1)(E) of the IRC only, reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application with additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development, or developments. However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

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

Notwithstanding anything contained herein, the total amount of credits that may be awarded in any credit year after credit year 2001 to any applicant or to any related applicants for one or more developments shall not exceed 15% of Virginia's per capita dollar amount of credits for such credit year (the "credit cap"). However, if the amount of credits to be reserved in any such credit year to all applications assigned a total number of points at or above the threshold amount set forth above shall be less than Virginia's dollar amount of credits available for such credit year, then the authority's board of commissioners may waive the credit cap to the extent it deems necessary to reserve credits in an amount at least equal to such dollar amount of credits. Applicants shall be deemed to be related if any principal in a proposed development or any person or entity related to the applicant or principal will be a principal in any other proposed development or developments. For purposes of this paragraph, a principal shall also include any person or entity who, in the determination of the executive director, has exercised or will exercise, directly or indirectly, substantial control over the applicant or has performed or will perform (or has assisted or will assist the applicant in the

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performance of), directly or indirectly, substantial responsibilities or functions customarily performed by applicants with respect to applications or developments. For the purpose of determining whether any person or entity is related to the applicant or principal, persons or entities shall be deemed to be related if the executive director determines that any substantial relationship existed, either directly between them or indirectly through a series of one or more substantial relationships (e.g., if party A has a substantial relationship with party B and if party B has a substantial relationship with party C, then A has a substantial relationship with both party B and party C), at any time within three years of the filing of the application for the credits. In determining in any credit year whether an applicant has a substantial relationship with another applicant with respect to any application for which credits were awarded in any prior credit year, the executive director shall determine whether the applicants were related as of the date of the filing of such prior credit year's application or within three years prior thereto and shall not consider any relationships or any changes in relationships subsequent to such date. Substantial relationships shall include, but not be limited to, the following relationships (in each of the following relationships, the persons or entities involved in the relationship are deemed to be related to each other): (i) the persons are in the same immediate family (including, without limitation, a spouse, children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nieces, and nephews) and are living in the same household; (ii) the entities have one or more common general partners or members (including related persons and entities), or the entities have one or more common owners that (by themselves or together with any other related persons and entities) have, in the aggregate, 5.0% or more ownership interest in each entity; (iii) the entities are under the common control (e.g., the same person or persons and any related persons serve as a majority of the voting members of the boards of such entities or as chief executive officers of such entities) of one or more persons or entities (including related persons and entities); (iv) the person is a general partner, member or employee in the entity or is an owner (by himself or together with any other related persons and entities) of 5.0% or more ownership interest in the entity; (v) the entity is a general partner or member in the other entity or is an owner (by itself or together with any other related persons and entities) of 5.0% or more ownership interest in the other entity; or (vi) the person or entity is otherwise controlled, in whole or in part, by the other person or entity. In determining compliance with the credit cap with respect to any application, the executive director may exclude any person or entity related to the applicant or to any principal in such applicant if the executive director determines that (i) such person or entity will not participate, directly or indirectly, in matters relating to the applicant or the ownership of the development to be assisted by the credits for which the application is submitted, (ii) such person or entity has no agreement or understanding relating to such application or the tax credits requested therein, and (iii) such person or entity will not receive a financial benefit from the tax credits requested in the application. A limited partner or other similar investor shall not be determined to be a principal and shall be excluded from the determination of related persons or entities unless the executive director shall determine that such limited

partner or investor will, directly or indirectly, exercise control over the applicant or participate in matters relating to the ownership of the development substantially beyond the degree of control or participation that is usual and customary for limited partners or other similar investors with respect to developments assisted by the credits. If the award of multiple applications of any applicant or related applicants in any credit year shall cause the credit cap to be exceeded, such applicant or applicants shall, upon notice from the authority, jointly designate those applications for which credits are not to be reserved so that such limitation shall not be exceeded. Such notice shall specify the date by which such designation shall be made. In the absence of any such designation by the date specified in such notice, the executive director shall make such designation as he shall determine to best serve the interests of the program. Each applicant and each principal therein shall make such certifications, shall disclose such facts and shall submit such documents to the authority as the executive director may require to determine compliance with credit cap. If an applicant or any principal therein makes any misrepresentation to the authority concerning such applicant's or principal's relationship with any other person or entity, the executive director may reject any or all of such applicant's pending applications for reservation or allocation of credits, may terminate any or all reservations of credits to the applicant, and may prohibit such applicant, the principals therein and any persons and entities then or thereafter having a substantial relationship (in the determination of the executive director as described above) with the applicant or any principal therein from submitting applications for credits for such period of time as the executive director shall determine.

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

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such

previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The executive director shall make a written explanation available to the general public for any allocation of housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the authority.

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

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount.

The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

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

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed

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

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

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

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

Notwithstanding the provisions of this section, the executive director may make a reservation of credits to any applicant that proposes a nonelderly development intended to serve people with disabilities and (i) provides rent subsidies or equivalent assistance in order to ensure occupancy by extremely low-income persons; (ii) conforms to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act; and (iii) will be actively marketed to people with disabilities in accordance with a plan submitted as part of the application for credits and approved by the executive director. Any such reservations made in any

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calendar year may be up to 3.0% of the Commonwealth's annual state housing credit ceiling for the applicable credit year. However, such reservation will be for credits from the Commonwealth's annual state housing credit ceiling from the following calendar year.

13 VAC 10-180-90. Monitoring for IRS compliance.

A. Federal law requires the authority to monitor developments receiving credits for compliance with the requirements of § 42 of the IRC and notify the IRS of any noncompliance of which it becomes aware. Compliance with the requirements of § 42 of the IRC is the responsibility of the owner of the building for which the credit is allowable. The monitoring requirements set forth hereinbelow are to qualify the authority's allocation plan of credits. The authority's obligation to monitor for compliance with the requirements of § 42 of the IRC does not make the authority liable for an owner's noncompliance, nor does the authority's failure to discover any noncompliance by an owner excuse such noncompliance.

B. The owner of a low-income housing development must keep records for each qualified low-income building in the development that show for each year in the compliance period:

1. The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit).
2. The percentage of residential rental units in the building that are low-income units.
3. The rent charged on each residential rental unit in the building (including any utility allowances).
4. The number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under § 42(g)(2) of the IRC (as in effect before the amendments made by the federal Revenue Reconciliation Act of 1989).
5. The low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented.
6. The annual income certification of each low-income tenant per unit.
7. Documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W-2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation). Tenant income is calculated in a manner consistent with the determination of annual income under section 8 of the United States Housing Act of 1937, 42 USC § 1401 et seq. ("section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under section 8, the documentation requirement of this subdivision 7 is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under § 42(g) of the IRC.

8. The eligible basis and qualified basis of the building at the end of the first year of the credit period.

9. The character and use of the nonresidential portion of the building included in the building's eligible basis under § 42(d) of the IRC (e.g., tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the development).

The owner of a low-income housing development must retain the records described in this subsection B for at least six years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least six years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building.

In addition, the owner of a low-income housing development must retain any original local health, safety, or building code violation reports or notices issued by the Commonwealth or local government (as described in subdivision C 6 of this section) for the authority's inspection. Retention of the original violation reports or notices is not required once the authority reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected.

C. The owner of a low-income housing development must certify annually to the authority, on the form prescribed by the authority, that, for the preceding 12-month period:

1. The development met the requirements of the 20-50 test under § 42(g)(1)(A) of the IRC or the 40-60 test under § 42(g)(2)(B) of the IRC, whichever minimum set-aside test was applicable to the development.
2. There was no change in the applicable fraction (as defined in § 42(c)(1)(B) of the IRC) of any building in the development, or that there was a change, and a description of the change.
3. The owner has received an annual income certification from each low-income tenant, and documentation to support that certification; or, in the case of a tenant receiving section 8 housing assistance payments, the statement from a public housing authority described in subdivision 7 of subsection B of this section (unless the owner has obtained a waiver from the IRS pursuant to § 42(g)(8)(B) of the IRC).
4. Each low-income unit in the development was rent-restricted under § 42(g)(2) of the IRC.
5. All units in the development were for use by the general public (as defined in IRS Regulation § 1.42-9) and that no finding of discrimination under the Fair Housing Act has occurred for the development. (A finding of discrimination includes an adverse final decision by the Secretary of HUD, 24 CFR 180.680, an adverse final decision by a substantially equivalent state or local fair housing agency, 42 USC § 3616(a)(1), or adverse judgment from federal court.)
6. Each building in the development was suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards), and that the

Commonwealth or local government unit responsible for making local health, safety, and building code inspections did not issue a violation report for any building or low-income unit in the development. (If a violation report or notice was issued by the governmental unit, the owner must attach a statement summarizing the violation report or notice or a copy of the violation report or notice to the annual certification. In addition the owner must state whether the violation has been corrected.)

7. There was no change in the eligible basis (as defined in § 42(d) of the IRC) of any building in the development, or if there was a change, the nature of the change (e.g., a common area has become commercial space or a fee is now charged for a tenant facility formerly provided without charge).

8. All tenant facilities included in the eligible basis under § 42(d) of the IRC of any building in the development, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building.

9. If a low-income unit in the development became vacant during the year, that reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the development were or will be rented to tenants not having a qualifying income.

10. If the income of tenants of a low-income unit in the development increased above the limit allowed in § 42(g)(2)(D)(ii) of the IRC, the next available unit of comparable or smaller size in the development was or will be rented to tenants having a qualifying income.

11. An extended low income housing commitment as described in § 42(h)(6) of the IRC was in effect (for buildings subject to § 7108(c)(1) of the federal Omnibus Budget Reconciliation Act of 1989).

12. All units in the development were used on a nontransient basis (except for transitional housing for the homeless provided under § 42(i)(3)(B)(iii) of the IRC or single-room-occupancy units rented on a month-by-month basis under § 42(i)(3)(B)(iv) of the IRC).

Such certifications shall be made annually covering each year of the compliance period and must be made under the penalty of perjury.

In addition, each owner of a low-income housing development must provide to the authority, on a form prescribed by the authority, a certification containing such information necessary for the Commonwealth to determine the eligibility of tax credits for the first year of the development's compliance period.

D. The authority will review each certification set forth in subsection C of this section for compliance with the requirements of § 42 of the IRC. Also, the authority will conduct on-site inspections of all the buildings in the development by the end of the second calendar year following the year the last building in the development is placed in service and, for at least 20% of the development's low-income housing units, inspect the low-income certification, the documentation the owner has received to support that

certification, and the rent record for the tenants in those units. In addition, at least once every three years, the authority will conduct on-site inspections of all the buildings in each low-income housing development and, for at least 20% of the development's low-income units, inspect the units, the low-income certifications, the documentation the owner has received to support the certifications, and the rent record for the tenants in those units. The authority will determine which low-income housing developments will be reviewed in a particular year and which tenant's records are to be inspected.

In addition, the authority, at its option, may request an owner of a low-income housing development not selected for the review procedure set forth above in a particular year to submit to the authority for compliance review copies of the annual income certifications, the documentation such owner has received to support those certifications and the rent record for each low-income tenant of the low-income units in their development.

All low-income housing developments may be subject to review at any time during the compliance period.

E. The authority has the right to perform, and each owner of a development receiving credits shall permit the performance of, an on-site inspection of any low-income housing development through the end of the compliance period of the building. The inspection provision of this subsection E is separate from the review of low-income certifications, supporting documents and rent records under subsection D of this section.

The owner of a low-income housing development should notify the authority when the development is placed in service. The authority reserves the right to inspect the property prior to issuing IRS Form 8609 to verify that the development conforms to the representations made in the Application for Reservation and Application for Allocation.

F. The authority will provide written notice to the owner of a low-income housing development if the authority does not receive the certification described in subsection C of this section, or does not receive or is not permitted to inspect the tenant income certifications, supporting documentation, and rent records described in subsection D of this section or discovers by inspection, review, or in some other manner, that the development is not in compliance with the provisions of § 42 of the IRC.

Such written notice will set forth a correction period which shall be that period specified by the authority during which an owner must supply any missing certifications and bring the development into compliance with the provisions of § 42 of the IRC. The authority will set the correction period for a time not to exceed 90 days from the date of such notice to the owner. The authority may extend the correction period for up to 6 months, but only if the authority determines there is good cause for granting the extension.

The authority will file Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance," with the IRS no later than 45 days after the end of the correction period (as described above, including any permitted extensions) and no earlier than the end of the correction period, whether or not the noncompliance or failure to certify is corrected. The authority must explain on Form 8823 the nature of the

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noncompliance or failure to certify and indicate whether the owner has corrected the noncompliance or failure to certify. Any change in either the applicable fraction or eligible basis under subdivisions 2 and 7 of subsection C of this section, respectively, that results in a decrease in the qualified basis of the development under § 42(c)(1)(A) of the IRC is noncompliance that must be reported to the IRS under this subsection F. If the authority reports on Form 8823 that a building is entirely out of compliance and will not be in compliance at any time in the future, the authority need not file Form 8823 in subsequent years to report that building's noncompliance.

The authority will retain records of noncompliance or failure to certify for six years beyond the authority's filing of the respective Form 8823. In all other cases, the authority must retain the certifications and records described in subsection C of this section for three years from the end of the calendar year the authority receives the certifications and records.

G. If the authority decides to enter into the agreements described below, the review requirements under subsection D of this section will not require owners to submit, and the authority is not required to review, the tenant income certifications, supporting documentation and rent records for buildings financed by Rural Development under the § 515 program, or buildings of which 50% or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of obligations the interest on which is exempt from tax under § 103 (tax-exempt bonds). In order for a monitoring procedure to except these buildings, the authority must enter into an agreement with Rural Development or tax-exempt bond issuer. Under the agreement, Rural Development or tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the authority. The authority may assume the accuracy of the information provided by Rural Development or the tax-exempt bond issuer without verification. The authority will review the information and determine that the income limitation and rent restriction of § 42(g)(1) and (2) of the IRC are met. However, if the information provided by Rural Development or tax-exempt bond issuer is not sufficient for the authority to make this determination, the authority will request the necessary additional income or rent information from the owner of the buildings. For example, because Rural Development determines tenant eligibility based on its definition of "adjusted annual income," rather than "annual income" as defined under section 8, the authority may have to calculate the tenant's income for purposes of § 42 of the IRC and may need to request additional income information from the owner.

H. The owners of low-income housing developments must pay to the authority such fees in such amounts and at such times as the authority shall reasonably require the owners to pay in order to reimburse the authority for the costs of monitoring compliance with § 42 of the IRC.

I. The owners of low-income housing developments that have submitted IRS Forms 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information on such owners shall submit from time to time

renewals of such Forms 8821 as required by the authority throughout the extended use period.

J. The requirements of this section shall continue throughout the extended use period, notwithstanding the use of the term compliance period, unless modified by the authority.

13 VAC 10-180-110. Qualified contracts.

After the first day of the 14th year of the compliance period, an owner of a low-income housing tax credit development may seek to terminate the extended use period pursuant to § 42(h)(6)(E) of the IRC by requesting the authority to present a qualified contract for the acquisition of the low-income portion of the development, unless such right to terminate has already been waived by the owner for the tax credits allocated to such development. A request for a qualified contract shall be commenced by filing with the authority a complete application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the IRC and this chapter and to determine the qualified contract price in accordance with § 42(h)(6)(F) of the IRC. The executive director may reject any application from consideration for a qualified contract, if in such application, the owner does not provide the proper documentation or information on the forms prescribed by the executive director.

The application should include the following information sufficiently detailed to enable the authority to ascertain the qualified contract amount: first year IRS Form 8609 for each building, the owner's annual tax returns for all years of operation since the start of the credit period ("all years"), annual project financial statements for all years, loan documents for all secured debt during the credit period, the owner's organizational documents (original, current and all interim amendments), and accountant work papers for all years. The application may require a physical needs assessment, appraisal for the entire project, market study for the entire project, a title report showing marketable title, and a Phase I environmental assessment at the time of the original submission of the application or the executive director may permit such items to be obtained after the confirmation of the qualified contract price.

The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance with the IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the qualified contract amount requested in the application and certifying, among other things, that the owner is entitled to the qualified contract amount requested.

The executive director may establish criteria and assumptions to be used by the owner in the calculation of qualified contract amount, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The authority shall charge reasonable fees in such amounts as the executive director shall determine to be necessary to cover third party costs and the authority's actual costs incurred

in producing a qualified contract. Such fees shall not include any general costs associated with the general operations of the authority. Such fees shall be payable at such time or times as the executive director shall require.

VA.R. Doc. No. R05-34; Filed September 24, 2004, 11:03 a.m.

◆ **TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: 18 VAC 120-40. Virginia Professional Boxing and Wrestling Events Regulations (amending 18 VAC 120-40-50).

Statutory Authority: § 54.1-831 of the Code of Virginia.

Public Hearing Date: November 17, 2004 - 10 a.m.

Public comments may be submitted until December 17, 2004.

(See Calendar of Events section for additional information)

Agency Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, or e-mail Karen.ONeal@dpor.virginia.gov.

Basis: Section 54.1-113 of the Code of Virginia (Callahan Act) provides that following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions maintained under § 54.1-308 or § 54.1-2505 shows expenses allocated to it for the past biennium to be more than 10% greater or less than moneys collected on behalf of the board, it shall revise the fees levied by it for certification or licensure and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

Section 54.1-201 describes each regulatory board's power and duty to "levy and collect fees for the certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the department..."

Section 54.1-304 describes the power and duty of the director to "collect and account for all fees prescribed to be paid into each board and account for and deposit the moneys so collected into a special fund from which the expenses of the board, regulatory boards, and the Department shall be paid..."

Section 54.1-308 provides for compensation of the director, employees, and board members to be paid out of the total funds collected. This section also requires the director to maintain a separate account for each board showing moneys collected on its behalf and expenses allocated to the board.

Section 54.1-831 provides that the department shall administer and enforce the provisions of Chapter 8.1 of Title 18.2 (Boxing and Wrestling Events) and "shall have direct oversight of events to assure the safety and well-being of boxers and wrestlers." This section also gives the director all powers of a regulatory board as contained in § 54.1-201, the power to promulgate regulations including the manner in which fees are to be accounted for and submitted to the department, and the power to "charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to the provisions of § 54.1-113 and subdivision 4 of § 54.1-201."

Fee adjustments are mandatory in accordance with these sections. The agency exercises discretion in how the fees are adjusted by determining the amount of the adjustment for each type of fee. The agency makes its determination based on the adequacy of the fees to provide sufficient revenue for upcoming operating cycles.

Purpose: The intent of the proposed changes in regulations is to increase fees for applicants and regulants of the Professional Boxing and Wrestling Program. The program must establish fees adequate to support the costs of operations and a proportionate share of the department's operations. By the close of the current biennium, fees will not provide adequate revenue for those costs.

The department receives no general fund money, but instead is funded almost entirely from revenue collected for regulants and event licensure and gate fees. The department is self-supporting, and must collect adequate revenue to support its mandated and approved activities and operations. The Professional Boxing and Wrestling Program is the only activity funded under Fund 0200 Special Revenue. Fees must be established at amounts that will provide sufficient revenue to continue the ability of the program to fulfill its statutory duty contained in subdivision 1 of § 54.1-831 to "protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging" in boxing and wrestling.

The Professional Boxing and Wrestling Program has no other source of revenue from which to fund its operations.

Substance: Fees will be increased as necessary to comply with § 54.1-113 of the Code of Virginia (Callahan Act).

Issues: The primary issue for the proposed fee increase is the department's statutory requirement to comply with the Callahan Act. The advantage of these changes is that the regulatory program will be able to continue to function in order to protect the public. The disadvantage is that these changes will increase the cost of the license to the regulated population; however, the impact of these changes on the income of the regulated population should not be of a great significance compared to level of income.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity

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of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Department of Professional and Occupational Regulation (DPOR) proposes to increase licensure fees for boxers, wrestlers, managers of boxers and wrestlers, promoters, trainers, seconds, and cutmen. DPOR also proposes to raise the event licensure fees for wrestling and boxing events that exceed 42 rounds.

Estimated economic impact. DPOR expects that under the current structure its boxing and wrestling revenues for the 2004-06 biennium will finish at 17 percent less than expenditures. Additionally, DPOR anticipates that the board's ending cash balance for 2004-06 will be negative \$28,109.¹ The agency proposes to raise the fees for boxing and wrestling licensure in order to approximately match expenses. DPOR attempts to set each fee to approximately match the cost of regulating each respective function. The board proposes to raise the following licensure fees by the following amounts:

Boxer: increase from \$20 to \$40

Wrestler: increase from \$20 to \$40

Manager: increase from \$30 to \$50

Promoter: increase from \$300 to \$500

Trainer, second, and cutman: increase from \$20 to \$40

Boxing event scheduled for 42 rounds or fewer: increase from \$1,000 to \$1,500

Wrestling event: \$75 to \$125

As stated in § 54.1-831 of the Code of Virginia, DPOR has the duty to "protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging" in boxing and wrestling. "The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events," etc. To the extent that participants and the public are less likely to be harmed due to the agency's oversight of licensees, then the benefit of maintaining the agency's intended level of oversight may exceed the cost of higher licensing fees for boxers, wrestlers, managers, promoters, trainers, seconds, cutmen, and events. Also, the proposed fees do remain small enough that the numbers of events held and individuals seeking licensure are unlikely to be reduced significantly.

Businesses and entities affected. The proposed regulations affect the 450 boxers, 510 wrestlers, 7 managers, 20 promoters, 130 trainers, seconds, and cutmen, and one matchmaker licensed in the Commonwealth. There are approximately 110 wrestling and boxing events per year that require licensure and are affected as well.

Localities particularly affected. The proposed amendments potentially affect localities throughout Virginia.

Projected impact on employment. The proposed rise in licensing fees increases the cost of doing business. The increased cost of doing business may make a small number of potential events no longer profitable. Thus, the increase in fees may have a small negative impact on employment.

Effects on the use and value of private property. The proposed fee increases will slightly decrease the value of licensee's businesses

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

Summary:

The proposed amendments increase licensure application fees associated with professional boxing and wrestling.

18 VAC 120-40-50. Fees.

A. Each applicant shall submit the following fee along with the application for licensure:

Boxer	\$20 \$40
Wrestler	\$20 \$40
Manager	\$30 \$50
Promoter	\$300 \$500
Trainer, second, and cutman	\$20 \$40
Matchmaker	\$50

B. Each application for a boxing event license shall be accompanied by the following fee:

1. Scheduled events of 42 rounds or fewer, with no more than one nontitle 10- or 12-round bout - ~~\$1,000~~ \$1,500.
2. Scheduled events exceeding 42 rounds, with more than one nontitle 10- or 12-round bout or any event with a title bout - \$2,000.

C. Each application for a wrestling event license shall be accompanied by a fee of ~~\$75~~ \$125.

D. All fees are nonrefundable.

VA.R. Doc. No. R03-266; Filed September 15, 2004, 1:25 p.m.



¹ The anticipated -\$28,109 cash balance represents -11.1 percent of the expected \$253,760 expenditures in the 2004-06 biennium (source: DPOR).

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

VIRGINIA SOIL AND WATER CONSERVATION BOARD

REGISTRAR'S NOTICE: The Virginia Soil and Water Conservation Board has claimed an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Virginia Soil and Water Conservation Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Due to its length, 4 VAC 50-60 is not being published. However, in accordance with § 2.2-4031 of the Code of Virginia, a 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 Department of Conservation and Recreation (see contact information below) and is accessible on the Virginia Register of Regulations website at:

<http://register.state.va.us/vol21/welcome.htm> or
<http://register.state.va.us/vol21/iss03/f4v5060full.doc>.

Title of Regulation: 4 VAC 3-20. Stormwater Management Regulations (REPEALED).

4 VAC 50-60. Virginia Stormwater Management Program (VSMP) Permit Regulations (adding 4 VAC 50-60-10 and through 4 VAC 50-60-1240).

Statutory Authority: § 10.1-603.2:1 of the Code of Virginia.

Effective Date: January 1, 2005, or 30 days after the U.S. Environmental Protection Agency's authorization for delegation of program authority for administering the issuance of national pollutant discharge elimination system permits for the control of stormwater discharges from MS4 and construction activities to the Virginia Soil and Water Conservation Board, whichever is the latter.

Agency Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141 or e-mail david.dowling@dcr.virginia.gov.

Summary:

The Department of Conservation and Recreation is amending the Virginia Soil and Water Conservation

Board's Stormwater Management Regulations (4 VAC 50-60) pursuant to Chapter 372 of the 2004 Virginia Acts of Assembly (HB1177) to consolidate Virginia's stormwater management programs within the Department of Conservation and Recreation and to transfer oversight responsibilities to the Virginia Soil and Water Conservation Board from the Board of Conservation and Recreation. This action specifically involves:

1. Transferring and renumbering the regulations from the Board of Conservation and Recreation (formerly 4 VAC 3-20-10 et seq.) to the Virginia Soil and Water Conservation Board (renumbered as 4 VAC 50-60-10 et seq.);

2. Amending the existing Stormwater Management Regulations to include elements required pursuant to Chapter 372 of the 2004 Virginia Acts of Assembly (HB1177);

3. Incorporating into the regulation amendments elements of the State Water Control Board's regulations related to federal NPDES permit issuance for Municipal Separate Storm Sewer Systems (MS4s) and construction activities; and

4. Incorporating elements related to stormwater management criteria from the Chesapeake Bay Preservation Area Designation and Management Regulations.

Portions of the regulations from the Department of Environmental Quality's State Water Control Board that were transferred into these regulations include:

1. 9 VAC 25-20, Fees for Permits and Certificates (those portions relevant to MS4 and construction activities)

2. 9 VAC 25-31, Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (those portions relevant to MS4 and construction activities and administration of a program)

3. 9 VAC 25-180, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities (entire regulation)

4. 9 VAC 25-750, General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (entire regulation)

VA.R. Doc. No. R05-38; Filed September 29, 2004, 10:37 a.m.

Final Regulations

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.

Title of Regulation: **4 VAC 15-20. Definitions and Miscellaneous: In General (amending 4 VAC 15-20-100).**

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

Effective Date: October 1, 2004.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@dgif.state.va.us.

Summary:

The amendments establish that a motorized wheelchair suitable for use in an indoor pedestrian area is not considered a motorized vehicle and, therefore, is not covered by any restrictions on the use of motorized vehicles on Department of Game and Inland Fisheries-owned lands.

4 VAC 15-20-100. Prohibited use of vehicles on department-owned lands.

It shall be unlawful on department-owned lands to drive through or around gates designed to prevent entry with any type of motorized vehicle or to use such vehicles to travel anywhere on such lands except on roads open to vehicular traffic. Any motor-driven conveyance shall conform with all state laws for highway travel; provided, that this requirement shall not apply to the operation of motor vehicles for administrative purposes by department-authorized personnel on department-owned lands. *A motorized wheelchair suitable for use in an indoor pedestrian area is not considered a motorized vehicle and, therefore, is not covered by any restrictions on the use of motorized vehicles on department-owned lands. For purposes of this section, the term "wheelchair" means a device designed solely for use by a mobility-impaired person for locomotion that is suitable for use in an indoor pedestrian area.*

VA.R. Doc. No. R05-11; Filed September 28, 2004, 11:57 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Title of Regulation: **18 VAC 5-30. Continuing Professional Education Sponsor Registration Rules and Regulations (REPEALED).**

Statutory Authority: §§ 54.1-4403 and 54.1-4410 of the Code of Virginia.

Effective Date: November 3, 2004.

Agency Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 West Broad Street, Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, or e-mail boa@boa.state.va.us.

Summary:

This action repeals the existing Continuing Professional Education (CPE) Sponsor Registration Rules and Regulations (18 VAC 5-30). The board deemed these regulations as repetitious and unduly burdensome on CPE sponsors in the Commonwealth in light of regulations and programs at the national level.

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. R03-28; Filed September 21, 2004, 3:46 p.m.

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

Title of Regulation: **18 VAC 10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations (amending 18 VAC 10-20-60, 18 VAC 10-20-90, 18 VAC 10-20-170, 18 VAC 10-20-280, 18 VAC 10-20-400, 18 VAC 10-20-520, 18 VAC 10-20-565, 18 VAC 10-20-580, 18 VAC 10-20-625, 18 VAC 10-20-630 and 18 VAC 10-20-665).**

Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

Effective Date: December 1, 2004.

Agency Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, or e-mail apelscidla@dpor.virginia.gov.

Summary:

The amendments increase several of the fees charged by the board.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:11 VA.R. 1160-1163 February 9, 2004, 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. R03-177; Filed September 16, 2004, 1:34 p.m.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

Title of Regulation: **18 VAC 145-20. Professional Soil Scientists Regulations (amending 18 VAC 145-20-151).**

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Effective Date: December 1, 2004.

Agency Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, or e-mail SoilScientist@dpor.virginia.gov.

Summary:

The amendments increase application, renewal and reinstatement fees for soil scientists.

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.

CHAPTER 20.
BOARD FOR PROFESSIONAL SOIL SCIENTISTS REGULATIONS.

18 VAC 145-20-151. Fees.

Checks or money orders shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee Type	When due	Amount due
New application	With application	\$150 \$300
Examination fee	Upon approval for exam	\$150
Reexamination fee	Upon request to be rescheduled for exam	\$75 for each part
Renewal fee	With renewal card	\$175 \$260
Late renewal fee	30 days after date of expiration	\$25
Reinstatement fee	180 days after date of expiration	\$200 \$300
Dishonored check fee	With replacement check	\$25

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Title of Regulation: **18 VAC 160-20. Board for Waterworks and Wastewater Works Operators Regulations (amending 18 VAC 160-20-102).**

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Effective Date: December 1, 2004.

Agency Contact: David E. Dick, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, or e-mail David.Dick@dpor.virginia.gov.

Summary:

The amendments increase licensure fees for waterworks and wastewater works operators.

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.

18 VAC 160-20-102. Fees.

- A. All fees are nonrefundable.
- B. The date of receipt of the fee by the board or its agent is the date that shall be used to determine whether the fee is timely received.
- C. The following fees shall apply:

Application fee-	\$85
Renewal fee-	\$45
Late renewal fee-	\$25
Reexamination fee-	\$75
Bad check or other instrument penalty-	\$25

- 1. The license application fee shall be \$100.
- 2. The license renewal fee shall be \$80.
- 3. The license renewal late penalty fee shall be \$25, in addition to the license renewal fee.
- 4. The fee for examination or reexamination is subject to charges to the department by an outside vendor based on a contract entered into in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.

D. A fee of \$25 will be charged, in addition to the fees established in this section, for submitting a check to the board which is dishonored by the institution upon which it is drawn.

NOTICE: The forms used in administering 18 VAC 160-20, Board for Waterworks and Wastewater Works Operators Regulations, are listed below. Any amended or added forms

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are reflected in the listing and are published following the listing.

FORMS

License Application, 19LIC (~~eff. 11/99~~ rev. [~~7/01~~ 12/04]).

[Re-Examination Application, 19REEX (rev.] ~~9/99~~ [12/04].]

Continuing Professional Education (CPE) Certificate of Completion, 19CPE (eff. 3/01).

Application for Training Course Approval, 19CRS (rev. ~~9/99~~ 7/01).

Experience Verification Form, 19EXP (~~eff. 9/99~~ rev. 1/03).

Exam Location Request Form, ~~19EXPLOG~~ 19EXLOC (~~eff. 11/99~~ rev. 12/03).

Out-of-State Facility Description Form, 19OOSFAC (eff. 1/03).



Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-2176
 www.dpor.virginia.gov



Board for Waterworks and Wastewater Works Operators
LICENSE APPLICATION
 Application Fee \$100.00
 Examination Fee 48.15
 Total Fee \$148.15

A check or money order payable to the **TREASURER OF VIRGINIA**, or a completed credit card insert must be mailed with your application package.
APPLICATION FEES ARE NOT REFUNDABLE.

Select the one license you are requesting.

Waterworks Operator			Wastewater Works Operator		
		X			X
Class I	1901	<input type="checkbox"/>	Class I	1909	<input type="checkbox"/>
Class II	1902	<input type="checkbox"/>	Class II	1910	<input type="checkbox"/>
Class III	1903	<input type="checkbox"/>	Class III	1911	<input type="checkbox"/>
Class IV	1904	<input type="checkbox"/>	Class IV	1912	<input type="checkbox"/>
Class V	1917	<input type="checkbox"/>			
Class VI	1918	<input type="checkbox"/>			

- Name: _____
 First Middle Last Generation (SR, JR, III)
- Social Security Number * - -
- Date of Birth _____
- Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
- E-mail Address _____
- Telephone & Facsimile Numbers: () - _____ () - _____ () - _____
 Telephone Facsimile Beeper/Cellular
- Do you have a current or expired Virginia Waterworks or Wastewater Works Operator License?
 No
 Yes

Waterworks	License Number	Wastewater Works	License Number
Class I	1 9 0 1	Class I	1 9 0 9
Class II	1 9 0 2	Class II	1 9 1 0
Class III	1 9 0 3	Class III	1 9 1 1
Class IV	1 9 0 4	Class IV	1 9 1 2
Class V	1 9 1 7		
Class VI	1 9 1 8		

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
				19	

19LIC (12/01/04)

1 of 3

Board for Waterworks & Wastewater Works Operators/LIC APP

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8. Do you have a waterworks or wastewater works operator license, certification or registration issued by another state?
- No
- Yes If yes, list all the licenses, certificates and registrations in the following table *and* attach a Certification of Licensure/Letter of Good Standing, dated within the last 60 days from each state. Skip to Question #13.

State/Jurisdiction	License Number	Expiration Date

9. Indicate the *highest* level of education you have completed. Check only one.

- High School or GED Skip to #13.
- Associate Degree
- Bachelors Degree
- Other

Name & Location of Educational Institution _____

Attach an official school transcript or degree verification.

10. Do you hold a bachelor's degree in engineering, engineering technology, physical science, biological science, or chemical science?
- No
- Yes If yes, skip to #13.
11. Have you completed any formal education courses at a post-secondary level in physical, biological or chemical science; engineering or engineering technology; waterworks or wastewater works operation; or public health?
- No
- Yes If yes, attach an official school transcript or course verification.
12. Have you obtained any training credits? *Please refer to the list of Virginia Approved Training Programs/Courses (included in your application package) for a list of accepted training.*
- No
- Yes If yes, attach all Training Certificates that identify the subject matter and number of training credits received.
13. Have you ever been subject to a disciplinary action in connection with your activities as a waterworks or wastewater works operator imposed by any (including Virginia) local, state or national regulatory body?
- No
- Yes If yes, please provide a certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision.
14. Have you ever been convicted of any felony or a misdemeanor involving lying, cheating, stealing or misrepresentation while engaged in waterworks or wastewater works activities? *Any plea of nolo contendere shall be considered a conviction.*
- No
- Yes If yes, list the felony or misdemeanor conviction(s). Attach your original criminal history record and any other information you wish to have considered with this application (i.e., information on the status of incarceration, parole or probation; reference letters; documentation of rehabilitation; etc.). If necessary, you may attach a separate sheet of paper.

Instructions on Obtaining Court and Criminal History Records

Certified copies of court records may be obtained by writing to the Clerk of the Court in the jurisdiction in which you were convicted. The address is available from your local police department.

Original criminal history records may be obtained by contacting the state police in the jurisdiction in which you were convicted. Virginia residents must complete a criminal history record request form in the presence of a notary public and mail it to the Department of State Police, Central Criminal Records Exchange, Post Office Box 27472, Midlothian, Virginia 23261-7472.

15. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I certify that I will notify the Department if I am subject to any disciplinary action; or convicted of any felony or misdemeanor charges (in any jurisdiction) prior to receiving my license. I also certify that I understand, and have complied with, all the laws of Virginia related to Waterworks and Wastewater Works Operators under the provisions of Title 54.1, Chapter 23 of the *Code of Virginia* and the *Virginia Board for Waterworks and Wastewater Works Operators Regulations*.

Signature _____

Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

Additional Information

- ☛ You must attach completed and signed Experience Verification Forms to document the required years of experience for the category and classification you are requesting based on your educational (formal and occupational training) background.

Final Regulations

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8593
www.dpor.virginia.gov



**Board for Waterworks and Wastewater Works Operators
 RE-EXAMINATION APPLICATION
 Fee \$48.15**

A check or money order payable to the **TREASURER OF VIRGINIA**, or a completed credit card insert must be mailed with your application package.
APPLICATION FEES ARE NOT REFUNDABLE.

Select the **one** exam you are applying to take.

Waterworks Operator			Wastewater Works Operator		
Class I	1901	<input checked="" type="checkbox"/>	Class I	1909	<input type="checkbox"/>
Class II	1902	<input type="checkbox"/>	Class II	1910	<input type="checkbox"/>
Class III	1903	<input type="checkbox"/>	Class III	1911	<input type="checkbox"/>
Class IV	1904	<input type="checkbox"/>	Class IV	1912	<input type="checkbox"/>
Class V	1917	<input type="checkbox"/>			

- Name _____
 First Middle Last Generation (SR, JR, III)
- Social Security Number * - -
- Date of Birth _____
- Home Address _____
 City, State, Zip Code _____
- Business Name _____
- Business Address _____
 City, State, Zip Code _____
- E-mail Address _____
- Telephone & Facsimile Numbers
 () - Telephone () - Facsimile () - Beeper/Cellular
- Date of your last examination _____
- Requested examination location
 Northern Virginia - Leesburg Western Virginia - Roanoke
 Central Virginia - Richmond Southwest Virginia - Abingdon
 Tidewater Virginia - Suffolk
- Signature _____ Date _____

* State law requires every applicant for a license, certificate, registration, or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

Examination results will be mailed approximately 4 to 6 weeks following the examination.

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
				19	

19REEX (12/01/04)

Board for Waterworks & Wastewater Works Operators/RE-EXAM APP

**Continuing Professional Education (CPE)
Certificate of Completion**

_____ Participant's Full Name

attended _____ Hours of continuing professional education (CPE) training conducted at _____ (location) on _____ (date).

Course Title _____

Description _____

Sponsor's/Sponsor's Agent Signature _____ Date _____

Sponsor/Sponsor's Agent Information (please print or type)

Sponsor's/Sponsor's Agent Name _____ Title _____

Organization/Company _____ Telephone _____ - -

Instructions

Sponsor/Sponsor's Agent (Instructor, Proctor or Coordinator)

Please provide the requested information by typing or printing in ink. Certificates completed in pencil will not be accepted.

Please provide all of the requested information. If the certificate is incomplete, the training may not be accepted as meeting the continuing professional education requirements of the Virginia Board for Waterworks and Wastewater Works Operators regulations.

Each certificate must contain an original sponsor/sponsor's agent signature and signature date.

To minimize the time/effort required to issue the certificates, training providers are encouraged to complete as much as possible of the other required information prior to conducting the training.

Participants

Make sure all of the required information is contained on the certificate and that the sponsor/sponsor's agent has signed and dated the certificate.

File the certificate in a safe place. It is your responsibility to retain this certificate for at least one year after the completion of the license renewal period in which the training is taken. You may be required to submit a copy of this certificate to verify you have completed the required number of hours of continuing professional development training.

Final Regulations

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-2176



Board for Waterworks and Wastewater Works Operators APPLICATION FOR TRAINING COURSE APPROVAL

☛ To obtain board approval of your waterworks and wastewater works operator specialized training course your application package must include the following documentation. See 18 VAC 160-20-160 for further details.

- * Audio-visual support materials
- * Handouts
- * Course objectives
- * Instructor resume(s)
- * Course outline (hour by hour detail including breaks)
- * Sponsor's mission statement & staff information
- * Course reference materials
- * Policy on retention & release of training course records

1. Name of Training Provider/Sponsor _____
2. Federal Employer Identification Number -
3. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
4. E-mail Address _____
5. Telephone & Facsimile Numbers _____
 () - Telephone () - Facsimile () - Beeper/Cellular
6. Name & Title of Contact Person _____
7. Course Title _____
8. Planned audience _____
9. Will this course be offered more than one time?
 No Scheduled course date _____
 Yes Scheduled course dates _____
10. Location(s) where course will be taught. _____
11. Instructor(s) information

Instructor's Name	Title	Employer	Phone Number
			() -
			() -
			() -

12. Describe the relevancy of the course to waterworks or wastewater works operator licensing.

13. How will satisfactory completion of this course be determined? Please check **all that apply**.
 - Attendance
 - Examination
 - Site visits
 - Skill demonstrations
 - Other _____
14. Contact Person's Signature _____ Date _____

Commonwealth of Virginia
Department of Professional and Occupational Regulation
3600 West Broad Street
Post Office Box 11066
Richmond, Virginia 23230-1066
(804) 367-2176



**Board for Waterworks and Wastewater Works Operators
EXPERIENCE VERIFICATION FORM**

Section A: To be completed by the applicant.

1. Name _____
First Middle Last Generation (SR, JR, III, etc.)
2. Social Security Number * - -
3. Employer-Facility Name _____
4. Employer's-Facility Address _____
5. Employment Status Full-time **OR** Part-time Total Hours _____ Total Days _____
6. Dates of Employment From _____ To _____
7. Describe your **waterworks** job activities in detail. Include how much time you spend at the site, your duties, and how many individuals you supervise. Inadequate job descriptions will **not be processed**.

8. Describe your **wastewater works** job activities in detail. Include how much time you spend at the site, your duties, and how many individuals you supervise. Inadequate job descriptions will **not be processed**.

9. Supervisor's Name _____
10. Supervisor's Title _____

Section B: To be completed by the supervisor or other individual in responsible charge at the facility listed in Section A #3. Additional forms should be completed for each employer verifying your experience.

1. **Was the experience described above obtained as an operator-in-training?**
Yes If yes, a Virginia-licensed supervisor must complete and sign this form.
Supervisor's Virginia License Number 19
No If no, your supervisor (whether licensed in Virginia or not) may complete and sign this form.
2. Facility VDH Permit Number (Waterworks Facility) Facility Class _____
3. Facility DEQ Permit Number (Wastewater Works Facility) Facility Class _____
4. Has the facility been reclassified? No Yes Date of reclassification _____
5. Was the applicant employed during the time period indicated in Section A #6?
Yes
No If no, when was the applicant employed? _____
6. Is the job description in Section A #7 and/or #8 accurate and complete?
Yes
No If no, what changes should be made? _____
7. Certifying supervisor's name and title _____
8. Certifying supervisor's telephone number at the facility _____ - _____ - _____ Date _____
9. Certifying supervisor's signature _____ Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

Final Regulations

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS Exam Location Request Form

This form does not apply to Waterworks Class VI examination candidates.

The Board will assign each applicant a permanent examination location. Listed below are the five locations at which the Board normally administers the examination.

By filing this form with the Board, you have an opportunity to choose your location. If you do not return this form, you will be assigned a location based on your residence and business address 30 days prior to each examination.

Applicant's Name

First

Middle

Last

Generation
(SR, JR, etc.)

Social Security Number * - -

Requested Location

- Northern Virginia – Leesburg
- Central Virginia – Richmond
- Tidewater Virginia – Suffolk
- Western Virginia – Roanoke
- Southwest Virginia – Abingdon

Do you require any special assistance or consideration due to a special physical, mental or emotional condition?

No

Yes If yes, provide information on your condition and the assistance you require.

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

19EXLOC (12/9/03)

Board for Waterworks & Wastewater Works Operators/EXAM LOC

Commonwealth of Virginia
Department of Professional and Occupational Regulation
3600 West Broad Street
Post Office Box 11066
Richmond, Virginia 23230-1066
(804) 367-2176



**Board for Waterworks and Wastewater Works Operators
OUT-OF-STATE FACILITY DESCRIPTION FORM**

Instructions:

This form should be completed for applicants with qualifying experience obtained in facilities not located in the Commonwealth of Virginia. This form must be signed by the applicant's immediate supervisor. A COPY OF THE OUT-OF-STATE REGULATIONS MUST BE ATTACHED.

1. Applicant's Name _____
First Middle Last Generation
(SR, JR, etc.)

2. Supervisor's Name _____
First Middle Last Generation
(SR, JR, etc.)

3. Supervisor's Operator License Category _____
4. Supervisor's Operator License Class _____
5. Supervisor's Operator License Number _____
6. Facility Name _____
7. Facility Address _____
8. Description of the facility. Include the flow capacity, service population and classification as well as the treatment processes and equipment used at the facility.

9. Applicant's Signature _____
10. Supervisor's Signature _____

Final Regulations

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

<p>REGISTRAR'S NOTICE: The Commonwealth Transportation Board is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Commonwealth Transportation Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p>

Title of Regulation: 24 VAC 30-120. Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (amending 24 VAC 30-120-170).

Statutory Authority: §§ 33.1-12, 33.1-351, 33.1-370 and 33.1-371 of the Code of Virginia.

Effective Date: November 17, 2004.

Agency Contact: James R. Barrett, Program Administrator Specialist, Department of Transportation, 1401 East Broad Street, 19th Floor, Richmond, VA 23219, telephone (804) 371-6826, FAX (804) 786-7987 or e-mail James.Barrett@VDOT.virginia.gov.

Summary:

The regulation refers to "the current replacement cost new of the entire sign or structure," and identifies conditions under which costs or expenses that exceed a percentage of this amount are considered substantial changes in existing use. The amendments change this percentage from 60% to 50%. The amendments also summarize how the commissioner makes the determination of the cost point, and the roles of the sign owner and the building official of the locality after the determination is made.

24 VAC 30-120-170. Criteria for the maintenance and continuance of a nonconforming sign, advertisement or advertising structure.

A. To be classified as a nonconforming sign or structure, such sign or structure must have been in lawful existence on the effective date of the state law or regulation or changed condition and must continue to be lawfully maintained.

B. To be allowed to continue as nonconforming, a sign or structure must remain substantially unchanged from its condition as of the effective date of the state law or regulations or changed condition.

1. Replacement, extension, or enlargement of the sign or structure is a substantial change in the existing use.
2. The change of location or height of such sign or structure is a substantial change in the existing use.

3. A change of the message content is not a substantial change in existing use. In the event a sign has been blank for a period of 18 consecutive months, the owner will be given written notice of 120 days to display a message on or remove such sign structure. In the event a message is not displayed on the sign structure within 120 days from the postdate of the aforementioned written notice, the permit shall be cancelled.

4. Rebuilding, or re-erecting the sign or structure, is a substantial change in existing use if such rebuilding, or re-erection expenses exceed ~~60~~ 50% of the current replacement cost new of the entire sign or structure.

EXCEPTION:

If it can be demonstrated to the satisfaction of the commissioner that a nonconforming sign or structure has been vandalized or subject to other criminal or tortious act, then the replacement, rebuilding, or re-erecting of such sign or structure will not be considered a substantial change in existing use irrespective of the cost of such replacement; however, it will be considered a substantial change in existing use if damage to nonconforming signs or structures is caused by natural disasters, hurricanes, high winds, hail, or the like, and such damage exceeds ~~60~~ 50% of the current replacement cost new of the entire sign or structure. In the event vandalism and an act of God combine to damage a nonconforming sign or structure, the commissioner shall determine the percentage allocated to each cause of damage before determining whether a substantial change in existing use has occurred.

5. Normal upkeep and repair of such sign or structure on a frequent basis, to the extent that the total cost of such repairs in the 12-month period would not exceed ~~60~~ 50% of the current replacement cost new of the entire sign or structure, is not a substantial change in existing use.

C. In reaching a determination on the cost point in subdivisions B 4 and B 5 of this section the following will apply:

1. The sign owner shall furnish the commissioner cost data supporting any contention that such sign or structure is not damaged more than ~~60~~ 50% of the *current* replacement cost new.
2. The commissioner may also utilize any other data available to him.
3. A sign or advertising structure lawfully in existence under the "Grandfather Clause" (see 24 VAC 30-120-160, Definitions) must conform to the criteria set out herein.
4. Certain standard maintenance practices and techniques utilized by the industry relating to how repairs are accomplished may be individually approved, in which case nonconforming rights shall not be terminated.
5. A nonconforming sign or structure that does not conform to the foregoing criteria shall constitute a substantial change in existing use thereby terminating nonconforming rights and legal status.

D. Once the sign owner has submitted the data per subsection C of this section, the commissioner, per §§ 33.1-352 and 33.1-370.2 of the Code of Virginia, shall make a determination whether the cost of the requested or required repairs exceeds 50% of the current replacement cost new of the entire billboard or structure. The determination shall be communicated to the sign owner and the building official of the locality. The sign owner is required to apply for a building permit from the locality before repairs can be commenced. If the building official of the locality objects to the commissioner's determination, for good cause shown, he may submit the objection to the commissioner, with a copy to the sign owner, within 30 days of the building permit application by the sign owner. Upon receipt of the objection the commissioner, per §§ 33.1-352 and 33.1-370.2 of the Code of Virginia, shall consider the documentation submitted by the building official and reissue a determination, which shall be binding upon the locality.

VA.R. Doc. No. R05-36; Filed September 27, 2004, 10:14 a.m.



FAST-TRACK REGULATIONS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-140. Regulations Governing Retention Schedule for Uniform Pupil Accounting Records (repealing 8 VAC 20-140-10).

Statutory Authority: § 22.1-16 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on December 17, 2004.

(See Calendar of Events section for additional information)

Effective Date: January 1, 2005.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, Post Office Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or e-mail mroberts@mail.vak12ed.edu.

Basis: Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1 of the Code of Virginia.

Purpose: This regulation is repealed because it is in conflict with the Code of Virginia. Section 42.1-82 of the Code of Virginia vests the Library of Virginia with the authority to set the retention and disposition schedules for public records. The Library of Virginia has developed a retention schedule specific to the maintenance of records in Virginia's public schools. Therefore, the Board of Education no longer has the authority to set this schedule.

Rationale for Using Fast-Track Process: The fast track process is applicable because the repeal of this regulation is noncontroversial.

Substance: There are no substantive changes. The regulation is being repealed.

Issues: The advantage to the Board of Education is the elimination of a regulation that conflicts with the Code of Virginia. The advantage to the public is the elimination of the confusion created by the conflict in having two schedules, one set by the Board of Education and one set by the Library of Virginia. There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity

of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Education (board) proposes to repeal these regulations.

Estimated economic impact. Section 42.1-82 of the Code of Virginia vests the Library of Virginia with the authority to set the retention and disposition schedules for public records. On June 3, 2003, the Library of Virginia's Records Retention and Disposition Schedule, General Schedule No. 21, Public School Records, All Public School Systems (GS 21), became effective. Since GS 21 supersedes the board's Regulations Governing Retention Schedule for Uniform Pupil Accounting Records (regulations), the repeal of these regulations does not technically have any effect beyond reducing potential confusion for the public. GS 21 differs from the regulations in a few respects. The complete regulations are as follows:

An accurate and complete cumulative record on achievement and attendance shall be maintained for every child enrolled in the public schools (both elementary and high).

The following records shall be retained for periods as indicated:

1. Pupil cumulative records - indefinitely;
2. Principal's and head teacher's term report - indefinitely;
3. Teacher's register - 10 years, exclusive of the current school year.

GS 21 differs in that it specifies that long-term pupil cumulative records are to be kept for 75 years (versus indefinitely under the regulations), and shorter-term pupil cumulative records are to be kept for 5 years after graduation (versus indefinitely under the regulations). Also, principal and teacher's term reports are to be kept for 10 years under GS 21 versus indefinitely under the regulations. Retention requirements for teacher's register are the same under both GS 21 and the regulation.

The shorter retention requirements will be beneficial for school divisions since they will be permitted to dispose of older records and save on storage costs. On the other hand, the shorter retention requirements could potentially be costly to researchers. According to GS 21, the academic information in shorter-term pupil cumulative records "consists of individual student's college entrance exam score reports/profiles from normative tests such as achievement batteries and inventories, results of the Virginia Competency Test and other standardized group tests and inventories." Thus data such as SAT scores will be disposed of after five years rather than be kept indefinitely. This data is potentially useful for producing

education policy studies that could help inform decision makers.

Businesses and entities affected. GS 21 affects the 131 school divisions in the Commonwealth as well as researchers and other individuals interested in accessing school records.

Localities particularly affected. All Virginia localities are affected. No localities are particularly affected more than any others.

Projected impact on employment. GS 21 is unlikely to significantly affect employment.

Effects on the use and value of private property. GS 21 will not directly affect the use and value of private property. School divisions will likely save a small amount on storage costs.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency agrees with the Economic Impact Analysis done by DPB on July 13, 2004. The agency will continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

Summary:

This regulation sets the retention schedule for student records of achievement and attendance in the public schools. Under its statutory authority the Library of Virginia has developed a retention and disposition schedule governing public school records. The schedule developed by the Library of Virginia replaces this regulation, therefore, the regulation is being repealed.

VA.R. Doc. No. R05-37; Filed September 29, 2004, 10:30 a.m.

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-48).**

Statutory Authority: §§ 28.2-201, 28.2-204.1 and 28.2-210 of the Code of Virginia.

Effective Dates: September 29, 2004, through October 30, 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 dcauthor@mrc.state.va.us.

Summary:

The amendment increases the bycatch trip limit minimum from 200 pounds to 500 pounds and the maximum trip limit from 500 pounds to 1,000 pounds.

4 VAC 20-950-48. Individual fishery quotas; bycatch limit; at sea harvesters; exceptions.

A. Each person possessing a directed fishery permit shall be assigned an individual fishery quota, in pounds, for each calendar year. A person's individual fishery quota shall be equal to that person's percentage of the total landings of black sea bass in Virginia from July 1, 1997 through December 31, 2001, multiplied by the directed commercial fishery black sea bass quota for the calendar year. Any directed fishery permittee shall be limited to landings in the amount of his individual fishery quota, in pounds, in any calendar year and it shall be unlawful for any permittee to exceed his individual fishery quota. In addition to the penalties prescribed by law, any overages of an individual's fishery quota shall be deducted from that permittee's individual fishery quota for the following year.

B. In the determination of a person's percentage of total landings, the commission shall use the greater amount of landings from either the National Marine Fisheries Service Dealer Weigh-out Reports or National Marine Fisheries Service Vessel Trip Reports that have been reported and filed as of November 26, 2002.

C. It shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel or to land in Virginia, in any one day more than ~~200~~ 500 pounds of black sea bass, except that any person permitted for the bycatch fishery may possess aboard a vessel, or land in Virginia, more than ~~200~~ 500 pounds ~~in any one day~~, but not more than ~~500~~ 1,000 pounds, *in any one day*, provided the total weight of black sea bass on board the vessel, or landed in any one day, shall not exceed 10%, by weight, of all other species on board the vessel.

D. It shall be unlawful for any person to transfer black sea bass from one vessel to another while at sea.

E. Any person who is the owner of more than one vessel on December 17, 2002, that qualifies for a directed commercial fishery black sea bass permit, may combine the vessels' individual fishery quotas onto one of the vessels. Such declaration to combine quotas shall be made prior to the start of the fishing season.

F. The commission sets aside 17,000 pounds of the 2004 commercial fishery black sea bass quota for distribution to all qualified applicants granted an exception by the commission from the requirements of 4 VAC 20-950-46 B based upon medical conditions which limited the applicant's ability to fish for black sea bass during the qualifying period. Any portion of the 17,000 pounds not allotted by the commission to the qualified applicant shall be added to the 2004 bycatch quota described in 4 VAC 20-950-47 B.

VA.R. Doc. No. R05-39; Filed September 30, 2004, 11:08 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 80 (2004)

DECLARATION OF A STATE OF EMERGENCY STATEWIDE FOR THE COMMONWEALTH OF VIRGINIA DUE TO SIGNIFICANT RAINS AND THE THREAT OF TORNADOS AND DAMAGING FLASH FLOODING

On September 8, 2004, I verbally declared a state of emergency to exist within the Commonwealth of Virginia due to tornados statewide, the threat of damaging flash flooding beginning on September 7, 2004, and heavy rainfall in the western portion of the state. This flooding resulted from rainfall originating as part of a weather pattern caused by Tropical Depression Frances. This storm threatens to impact all of the localities in the Commonwealth of Virginia.

The health and general welfare of the citizens of the localities that are affected required that state action be taken to help alleviate the conditions resulting from this situation. I feel that the effects of this significant flooding constitute a natural disaster wherein human life and public and private property were imperiled, as described in § 44-75.1 A 4 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued September 8, 2004, wherein I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of both state and local governments to alleviate any conditions resulting from significant flooding, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management and the Adjutant General, and with the approval of the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recovery from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The full implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency

Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT). Furthermore, I am directing that the VEOC and SERT coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the COVEOP and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Department of Information Technology, and with the prior consent of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. I hereby direct evacuation of areas threatened or stricken by this flooding. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

Governor

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight/overwidth/registration/license exemptions to carriers transporting essential emergency relief supplies into and through the Commonwealth in order to support the disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Axle Size	Max. Weight
Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 14 feet, must follow VDOT hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented in 19 VAC 30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste

disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

I. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in paragraph 6 below, in performing these missions shall be paid out of state funds contained in Item 45 of Chapter 1073, 2000 Virginia Acts of Assembly.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. Members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments are, in the performance of those assignments, designated as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) of the Code of Virginia.

L. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in pre-storm preparations and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National

Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

M. The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for

expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance § 44-54.12 of the Code of Virginia; and

4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

N. The costs incurred by the Department of Military Affairs and Virginia Defense Force in performing these missions shall be paid out of state funds contained in Item 488 of Chapter 1073, 2000, Virginia Acts of Assembly.

O. The authorization of a maximum of \$50,000.00 for matching funds for individual and household programs as authorized by the Stafford Act to be paid from state funds when presidential authorization takes place.

This Executive Order shall be effective retroactive to September 7, 2004, and shall remain in full force and effect until June 30, 2005, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this eighth day of September, 2004.

/s/ Mark R. Warner
Governor

EXECUTIVE ORDER NUMBER 81 (2004)

**DECLARATION OF A STATE OF EMERGENCY FOR
THE ENTIRE COMMONWEALTH DUE TO THE
THREAT OF SIGNIFICANT FLOODING AND
TORNADOES CAUSED BY HURRICANE IVAN**

On September 17, 2004, I verbally declared a state of emergency to exist for the entire Commonwealth based on the threat of flash floods, high winds and river flooding throughout the Commonwealth. Hurricane Ivan made landfall in Alabama in the early hours of September 16 and followed a path northeast into the Appalachian Mountains. The National Weather Service forecasts heavy rain and tropical storm force winds in Virginia beginning September 17 in the Southwest and continuing on a northeast track through the mountains. The system may bring as much as 10" of rain in some parts of the mountains and 6" throughout western and central Virginia. Forecasted amounts of rain will cause flooding on many of the major rivers. The threat of tornadoes will accompany the system as it moves through the Commonwealth.

The health and general welfare of the citizens of the Commonwealth required that state action be taken to help alleviate the conditions caused by this situation. I also found that the potential effects of Hurricane Ivan constitute a natural disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Governor

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued September 16, 2004, wherein I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant flooding, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan), Volume 5 (Hurricane Response Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by flooding or other affects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to carriers transporting essential emergency relief supplies into and through the Commonwealth in order to support the disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Axle Size	Max. Weight
Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overweight loads, up to a maximum of 14 feet, must follow Virginia Department of Transportation (VDOT) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented in 19 VAC 30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

I. The authorization of a maximum of \$100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia.

Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

- (a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

- (b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on

Governor

federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 17th day of September 2004.

/s/ Mark R. Warner
Governor

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and
4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid from state funds.

This Executive Order shall be effective September 17, 2004, and shall remain in full force and effect until June 30, 2005, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The distribution list referenced as Attachments A and B in the following order are not being published. However, the lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

AT RICHMOND, SEPTEMBER 17, 2004

COMMONWEALTH OF VIRGINIA *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUE-2004-00060

Ex Parte: In the matter of amending regulations governing net energy metering

ORDER

Chapter 827 of the 2004 Acts of Assembly amended § 56-594 of the Virginia Electric Utility Restructuring Act, Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia ("Restructuring Act"), to revise the definition of eligible customer-generator with regard to the practice of net energy metering. On June 3, 2004, the State Corporation Commission ("Commission") entered an Order Establishing Proceeding to amend the Regulations Governing Net Energy Metering, 20 VAC 5-315-10 et seq. ("Net Energy Metering Rules").

Interested persons were directed to file comments on or before July 19, 2004. Comments were filed by Appalachian Power Company ("Appalachian"); Maryland, District of Columbia, Virginia Solar Energy Industries Association ("MDV-SEIA"); Virginia Department of Environmental Quality ("DEQ"); Virginia Electric and Power Company ("Dominion Virginia Power"); and the Virginia Wind Energy Collaborative ("VWEC").

On August 5, 2004, Dominion Virginia Power filed a motion for leave to file reply comments and for modification of the procedural schedule ("Motion"). The Motion asserted that certain of the comments and recommendations filed in this proceeding address issues not identified by the Commission in the June 3, 2004, Order. The Motion also requested the Commission to allow for a work group to be convened before the Staff files its Report and that the parties be allowed an additional opportunity to comment on the Staff Report after it is filed.

On August 11, 2004, the Commission issued an Order allowing Appalachian, MDV-SEIA, DEQ, and VWEC to respond to the motion and Dominion Virginia Power to reply to any responses filed.

On August 19, 2004, VWEC filed a response supporting the request for a work group if a VWEC member is appointed to the working group and recommending that it would be in the

public interest for the working group to address all issues raised in the comments previously filed. VWEC also indicated that a Fall 2004 deadline is essential for prompt resolution of the issues.

On August 20, 2004, Appalachian filed its response supporting and joining the Motion stating, among other things, that a new procedural schedule would ensure that the parties are able to voice their positions and that the Commission is fully apprised of the implications of the changes it will consider.

Also on August 20, 2004, MDV-SEIA filed a response indicating, among other things, that the formation of a working group is reasonable so long as the group is inclusive and MDV-SEIA participates. Further, MDV-SEIA argues that this is an excellent opportunity to address net energy metering issues in general.

Dominion Virginia Power filed its reply to the responses on August 27, 2004, renewing its request for a work group.

NOW THE COMMISSION, upon consideration of the pleadings, is of the opinion that Dominion Virginia Power's Motion should be granted as described herein.

We find that the Net Energy Metering Rules should be amended to reflect the statutory change by the 2004 General Assembly to the definition of eligible customer-generator found in § 56-594 of the Restructuring Act, and that it is appropriate to convene a work group. The work group will facilitate the Staff's proposal of amendments the Net Energy Metering Rules, which we direct the Staff to develop and file herein.

We will direct the work group to focus on developing the amendments to the Net Energy Metering Rules that are essential to implementing the statutory change. This proceeding is not general in nature with respect to the Net Energy Metering Rules, but rather is intended to consider revisions only directly related to increasing the capacity limit for nonresidential customer generators from 25 kW to 500 kW. Issues outside the scope of implementing this modification, or that have previously been addressed by the Commission, will not be open for consideration.

In an effort to be as inclusive as possible and to obtain the benefit of learning the positions of all interested parties, we will require interested persons to contact the Staff on or before October 4, 2004, to indicate their intention to participate in the work group. We will schedule the first meeting of the work group as October 6, 2004. To move this proceeding along as expeditiously as possible, we will expect the work group to complete its charge on or before November 8, 2004.

We will direct the Staff to file a report that includes proposed rules on or before November 19, 2004. We will afford interested parties an opportunity to comment on the Staff Report on or before December 10, 2004.

Accordingly, IT IS ORDERED THAT:

- (1) Dominion Virginia Power's Motion is hereby granted as described herein.

General Notices/Errata

(2) The Staff shall convene a work group on October 6, 2004, at the State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia. This work group shall focus on developing changes to the Net Energy Metering Rules that are essential to implementing the amendment of § 56-594 of the Restructuring Act.

(3) On or before October 4, 2004, all persons who desire to participate in the work group shall contact Tommy Oliver of the Division of Economics and Finance, by calling (804) 371-9358 or via email at toliver@scc.state.va.us. Interested persons shall provide information including a complete mailing address, telephone number, facsimile number, and electronic mailing address. Members of the same organization or employees of the same entity shall designate one contact person.

(4) On or before October 4, 2004, interested persons who do not wish to participate in the work group, but desire to remain on the service list in this matter, shall file a letter indicating as such with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

(5) The work group shall conclude on or before November 8, 2004.

(6) On or before November 19, 2004, the Staff shall file a report that includes proposed amendments to the Net Energy Metering Rules.

(7) On or before December 10, 2004, interested persons may file comments on the Staff Report filed herein.

(8) This matter is continued for further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: All electric cooperatives and electric companies in Virginia as listed on Attachment A to this Order; all persons included on Attachment B to this Order; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; and the Commission's Divisions of Economics and Finance and Energy Regulation.

STATE WATER CONTROL BOARD

Approval of Thirteen Total Maximum Daily Load (TMDL) Reports

Notice is hereby given that the State Water Control Board (board) is seeking comment on the approval of 13 Total Maximum Daily Load (TMDL) reports and authorization to include the 13 TMDL reports in the appropriate Water Quality Management Plan.

The purpose of this action is to approve 13 Total Maximum Daily Load reports containing 19 bacteria TMDLs as the plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

The TMDLs listed below have been developed in accordance with federal regulations (40 CFR 130.7) and are exempt from the provisions of Article 2 of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at:

http://gisweb.deq.virginia.gov/tmdlapp/tmdl_report_search.cfm.

DEQ staff intends to recommend that (i) the board approve the thirteen TMDL reports as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and (ii) and that the board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan. No regulatory amendments are required for these TMDLs and their associated waste load allocations. The 13 TMDL reports and specific TMDLs affected by the proposed board actions are listed below:

In the Potomac-Shenandoah River Basin:

"Bacteria TMDLs for Cedar Run and Licking Run"

1. Cedar Run bacteria TMDL, located in Fauquier and Prince William counties, proposes bacteria reductions for portions of the watershed.
2. Licking Run bacteria TMDL, located in Fauquier County, proposes bacteria reductions for portions of the watershed.

"Bacteria TMDL for Limestone Branch, Loudoun County, Virginia"

3. Limestone Branch bacteria TMDL, located in Loudoun County, proposes bacteria reductions for portions of the watershed.

"Bacteria TMDL for Piney Run, Loudoun County, Virginia"

4. Piney Run bacteria TMDL, located in Loudoun County, proposes bacteria reductions for portions of the watershed.

"Coan River Watershed Total Maximum Daily Load (TMDL) Report for Six Shellfish Areas Listed Due to Bacteria Contamination"

5. Coan River bacteria TMDL, located in Northumberland County, proposes bacteria reductions for portions of the watershed.

6. Little Wicomico River bacteria TMDL, located in Northumberland County, proposes bacteria reductions for portions of the watershed.

"Total Maximum Daily Load Development (TMDL) for Hawksbill Creek"

7. Hawksbill Creek bacteria TMDL, located in Page County, proposes bacteria reductions for portions of the watershed.

In the Rappahannock River Basin:

"Bacteria TMDL for Muddy Run, Culpeper County, Virginia"

8. Muddy Run bacteria TMDL, located in Culpeper County, proposes bacteria reductions for portions of the watershed.

In the James River Basin:

"Bacteria TMDL for Reed Creek, Bedford County, Virginia"

9. Reed Creek bacteria TMDL, located in Bedford County, proposes bacteria reductions for portions of the watershed.

"Bacteria TMDL for Looney Mill Creek, Botetourt County, Virginia"

10. Looney Mill Creek bacteria TMDL, located in Botetourt County, proposes bacteria reductions for portions of the watershed.

In the Chowan River Basin:

"Bacteria TMDL for Roses Creek Watershed, Virginia"

11. Roses Creek bacteria TMDL, located in Brunswick and Alberta Counties, proposes bacteria reductions for portions of the watershed.

In the Chesapeake Bay Coastal River Basin:

"Lynnhaven Bay, Broad and Linkhorn Bay Watersheds Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacteria Contamination"

12. Lynnhaven Bay bacteria TMDL, located in the City of Virginia Beach, proposes bacteria reductions for portions of the watershed.

TMDLs in the Roanoke River Basin:

"Fecal Coliform Total Maximum Daily Load Development for Glade Creek, Tinker Creek, Carvin Creek, Laymantown Creek and Lick Run"

13. Tinker Creek bacteria TMDL, located in Roanoke and Botetourt counties, proposes bacteria reductions for portions of the watershed.

14. Glade Creek bacteria TMDL, located in Roanoke and Botetourt counties, proposes bacteria reductions for portions of the watershed.

15. Carvin Creek bacteria TMDL, located in Roanoke County, proposes bacteria reductions for portions of the watershed.

16. Laymantown Creek bacteria TMDL, located in Botetourt County, proposes bacteria reductions for portions of the watershed.

17. Lick Run bacteria TMDL, located in the City of Roanoke, proposes bacteria reductions for portions of the watershed.

"Bacteria TMDL for Falling River Watershed, Virginia"

18. Falling River bacteria TMDL, located in Campbell County, proposes bacteria reductions for portions of the watershed.

"Bacteria TMDL for Flat Creek Mecklenburg County, Virginia"

19. Flat Creek bacteria TMDL, located in Mecklenburg County, proposes bacteria reductions for portions of the watershed.

Public Participation: The board is seeking comments on the intended approval of 13 bacteria TMDL reports. Anyone wishing to submit written comments may do so by mail or by e-mail to Jutta Schneider at the address given below. Written comments must include the name and address of the commenter and must be received no later than 4 p.m. on November 17, 2004.

Contact: Additional information is available on the Department of Environmental Quality web site at <http://www.deq.virginia.gov/tmdl/> or contact Jutta Schneider, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or telephone (804) 698-4099, or e-mail at jschneider@deq.virginia.gov.

A copy of the full text of these procedures is available electronically at:

<http://www.deq.virginia.gov/tmdl/pn/tmdlapproval101804.pdf>.

The electronic copy is in PDF format and may be read online or downloaded. Also, hard copies are available upon request.

Water Quality Management Planning Regulation Amendment - Twelve Total Maximum Daily Load (TMDL) Waste Load Allocations

Notice is hereby given that the State Water Control Board (board) in accordance with the Public Participation Procedures for Water Quality Management Planning is seeking comment on amending the regulation entitled 9 VAC 25-720 et. seq., Water Quality Management Planning Regulation. Statutory authority for promulgating these amendments can be found in § 62.1-44.15(10) of the Code of Virginia.

The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt 12 Total Maximum Daily Load (TMDL) waste load allocations contained in nine TMDL reports. These TMDL reports have been developed in accordance with Federal Regulations (40 CFR 130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. These TMDL reports have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at

http://gisweb.deq.virginia.gov/tmdlapp/tmdl_report_search.cfm.

DEQ staff intends to recommend (i) that the board approve the nine TMDL reports as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, (ii) that the board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and (iii) that the board adopt the 12 TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with § 2.2-4006 A 4 c and § 2.2-4006 B of the Code of Virginia.

Specifically, staff will propose amendments of the state's Water Quality Management Planning regulation for the

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following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50 A), James River Basin (9 VAC 25-720-60 A), Roanoke River Basin (9 VAC 25-720-80 A), Tennessee - Big Sandy River Basin (9 VAC 25-720-90 A) and the New River Basin (9 VAC 25-720-130 A). The nine TMDL reports and specific TMDLs affected by the proposed board actions are listed below:

In the Potomac-Shenandoah River Basin:

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA"

1. Christians Creek benthic TMDL, located in Augusta County, proposes sediment reductions for portions of the watershed.
2. Moffett Creek benthic TMDL, located in Augusta County, proposes sediment reductions for portions of the watershed.
3. Middle River benthic TMDL, located in Augusta County, proposes sediment reductions for the upper part of the watershed.

To address bacteria impairments, this TMDL report also proposes bacteria reductions for portions of the following watersheds: Lewis Creek, Middle River (upper and lower), Moffett Creek, Polecat Draft and South River (upper), all located in Augusta County. No regulatory amendments pertaining to these reductions are proposed.

"Total Maximum Daily Load Development for Mossy Creek and Long Glade Run: Bacteria and General Standard (Benthic) Impairments"

4. Mossy Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.

To address bacteria impairments, this TMDL report also proposes bacteria reductions for portions of the following watersheds: Mossy Creek and Long Glade Run, both located in Rockingham County. No regulatory amendments pertaining to these reductions are proposed.

"Total Maximum Daily Load (TMDL) Development for Smith Creek: Aquatic Life Use (Benthic) and E. coli (Bacteria) Impairments"

5. Smith Creek benthic TMDL, located in Rockingham and Shenandoah counties, proposes sediment reductions for portions of the watershed.

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these reductions are proposed.

In the James River Basin:

"Total Maximum Daily Load (TMDL) Development for the Unnamed Tributary to the Chickahominy River: Aquatic Life Use (Benthic) Impairment"

6. Unnamed Tributary to Chickahominy River benthic TMDL, located in Hanover County, proposes phosphorus

reductions for Tysons Food Incorporated (VPDES permit VA 0004031) and for portions of the watershed.

In the Roanoke River Basin:

"Benthic TMDL for Flat Creek Watershed, Virginia"

7. Flat Creek benthic TMDL, located in Mecklenburg County, proposes sediment reductions for portions of the watershed.

In the Tennessee-Big Sandy River Basin:

"Total Maximum Daily Load Development for the Beaver Creek Watershed: Aquatic Life Use (Benthic) Impairment"

8. Beaver Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed.

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these reductions are proposed.

In the New River Basin:

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Back Creek Watershed, Pulaski County, VA"

9. Back Creek benthic TMDL, located in Pulaski County, proposes sediment reductions for portions of the watershed.

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these reductions are proposed.

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Crab Creek Watershed, Montgomery County, VA"

10. Crab Creek benthic TMDL, located in Montgomery County, proposes sediment reductions for portions of the watershed.

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these reductions are proposed.

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Peak Creek Watershed, Pulaski County, VA"

11. Peak Creek benthic TMDL, located in Pulaski County, proposes copper reductions for portions of the watershed.

12. Peak Creek benthic TMDL, located in Pulaski County, proposes zinc reductions for portions of the watershed.

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these reductions are proposed.

Public Participation: The board is seeking comments on the intended amendments to the Water Quality Management Regulation and approval of the TMDL reports. Anyone

wishing to submit written comments may do so by mail or by e-mail to Jutta Schneider at the address given below. Written comments must include the name and address of the commenter and must be received no later than 4 p.m. on November 17, 2004.

Contact: Additional information is available on the Department of Environmental Quality web site at <http://www.deq.virginia.gov/tmdl/> or contact Jutta Schneider, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or telephone (804) 698-4099, or e-mail at jschneider@deq.virginia.gov.

A copy of the full text of these procedures is available electronically at:

<http://www.deq.virginia.gov/tmdl/pn/wlaadoption101804.pdf>

The electronic copy is in PDF format and may be read online or downloaded. Also, hard copies are available upon request.

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

ERRATA

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: 3 VAC 5-30. Tied-House.

Publication: 20:25 VA.R. 3038-3046 August 23, 2004.

Correction to Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:

Page 3043, replace the Agency' Response to the Department of Planning and Budget's Economic Impact Analysis with the following:

The economic impact analysis published by the Department of Planning and Budget (DPB) with respect to the proposed Tied-House regulations does not reflect the policy of the Commonwealth, which the Department of Alcoholic Beverage Control (ABC) is responsible for implementing. This economic impact statement addresses matters beyond the scope of the proposed regulations at issue which have a net positive economic impact on the Commonwealth. It was based on a Federal Trade Commission Study upon which there are many differing views in terms of the study's validity. Additionally, assertions made by DPB regarding the ability of small breweries and wineries to secure access to Virginia markets under the three-tier system and the risk of market concentration are issues upon which there are clearly differing views both in terms of economic theory and empirical data. These are not issues relevant to the regulation at hand.

ABC disagrees with the various arguments in DPB's economic impact statements concerning the need for or efficacy of tied-house regulations, for example. In addition, ABC has other policy concerns besides economic interests, such as public safety and preventing access to alcohol by minors that influence its regulatory development. The current system of regulating the purchase, sale, and distribution of alcohol in the Commonwealth of Virginia is readily defensible on both economic and public health and safety grounds.

In summary, ABC concurs with DPB's positive economic impact assessment of the proposed changes to the Tied-House regulations but disagrees with the inclusion of statements in the economic analysis that extends to matters beyond the content of the proposed regulations. The economic analysis addresses a broader policy concern about which state policy is already abundantly clear. State law and executive branch policy continue to support tied-house regulations, and it is on this basis that ABC plans to proceed in administering its programs and regulations.

Title of Regulation: 3 VAC 5-40. Requirements for Product Approval.

3 VAC 5-70. Other Provisions.

Publication: 20:25 VA.R. 3047-3055 August 23, 2004.

Correction to Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:

Page 3052, replace the Agency's Response to the Department of Planning and Budget's Economic Impact Analysis with the following:

The economic impact analysis published by the Department of Planning and Budget (DPB) on August 23, 2004, with respect to the proposed regulations on direct shipment does not reflect the policy of the Commonwealth, which the Department of Alcoholic Beverage Control (ABC) is responsible for

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implementing. This economic impact statement addresses matters beyond the scope of the proposed regulations at issue which have a net positive economic impact on the Commonwealth. It was based on a Federal Trade Commission Study upon which there are many differing views in terms of the study's validity. Additionally, assertions made by DPB regarding the ability of small breweries and wineries to secure access to Virginia markets under the three-tier system and the risk of market concentration are issues upon which there are clearly differing views both in terms of economic theory and empirical data. These are not issues relevant to the regulation at hand.

ABC disagrees with the various arguments in DPB's economic impact statements concerning the three-tier distribution system and the benefits to consumers versus costs to the Commonwealth from overconsumption and underage consumption resulting from direct shipment, for example. In addition, ABC has other policy concerns besides economic interests, such as public safety and preventing access to alcohol by minors that influence its regulatory development. The current system of regulating the purchase, sale, and distribution of alcohol in the Commonwealth of Virginia is readily defensible on both economic and public health and safety grounds.

In summary, ABC concurs with DPB's positive economic impact assessment of the proposed changes to the direct shipment regulations but disagrees with the inclusion of statements in the economic analysis that extend to matters beyond the content of the proposed regulations. The economic analysis addresses a broader policy concern about which state policy is already abundantly clear. State law and executive branch policy continue to support the three-tier distribution system and limited (or regulated) direct shipment and it is on this basis that ABC plans to proceed in administering its programs and regulations.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† **November 3, 2004 - 9:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

The Consumer Affairs Advisory Committee communicates the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will review the consumer education outreach efforts for the past six months, accept nominations for citizens terms, elect a chairperson, and assist with planning for 2005. Public comment is accepted at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Evelyn A. Jez at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Ph.D., Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY☎, e-mail ejez@vdacs.state.va.us.

Virginia Horse Industry Board

October 19, 2004 - 11:30 a.m. -- Open Meeting
Markel Insurance Company, Markel Plaza, 4600 Cox Road, 1st Floor Conference Room, Glen Allen, Virginia.♿

A meeting to focus on revising the grant guidelines for proposals to be submitted for FY 2004-2005. 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 Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 786-3122, e-mail aheid@vdacs.state.va.us.

Virginia Pork Industry Board

† **October 29, 2004 - 3 p.m.** -- Open Meeting
Radisson Fort Magruder Inn, 6945 Pocahontas Trail, Williamsburg, Virginia.♿

Minutes of the last meeting will be reviewed and approved. The board's financial statement will be reviewed. The board will review and approve promotion, research and education/projects/grants. General business of the board will be conducted. 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 John H. Parker at least three days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786, e-mail jparker@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

† **October 25, 2004 - 7:15 p.m.** -- Public Hearing
Mary Bethune Complex, 1030 Cowford Road, Halifax, Virginia.♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on an application for a significant amendment to a modified stationary source permit and a significant modification to a federal operating permit for Huber Engineered Woods, LLC, located in Halifax County.

Calendar of Events

Contact: Thomas H. Berkeley, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, (804) 698-4021/TTY ☎, e-mail thberkeley@deq.virginia.gov.

November 3, 2004 - 11 a.m. -- Open Meeting
Virginia Beach area; location to be announced.

The annual meeting of the State Air Pollution Control Board and State Advisory Board on Air Pollution.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cumberland@deq.virginia.gov.

November 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting to receive public comment on the notice of intended regulatory action to amend the regulation for the control and abatement of air pollution concerning open burning. The notice of intended regulatory action appears in the Virginia Register of Regulations on October 4, 2004, and the comment period closes on November 10, 2004.

Contact: Mary E. Major, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail memajor@deq.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting

November 18, 2004 - 9 a.m. -- Open Meeting
Williamsburg, Virginia area; location to be determined. ♿

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cumberland@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

October 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-30, Tied-House**. The purpose of the proposed action is to lessen restrictions on promotional activities involving gifts of things of value from alcoholic beverage manufacturers or wholesalers to retailers.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail wccolen@abc.state.va.us.

October 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-40, Requirements for Product Approval; and 3 VAC 5-70, Other Provisions**. The purpose of the proposed action is to adopt regulations providing for the application process, recordkeeping and reporting process for wine or beer shippers' licensees and common carriers approved to deliver shipments from such licensees to consumers.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail wccolen@abc.state.va.us.

October 25, 2004 - 9 a.m. -- Open Meeting

November 8, 2004 - 9 a.m. -- Open Meeting

November 22, 2004 - 9 a.m. -- Open Meeting

December 6, 2004 - 9 a.m. -- Open Meeting

December 20, 2004 - 9 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting to receive and discuss reports and activities from staff members and to discuss other matters 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


December 7, 2004 - 10 a.m. -- Open Meeting

Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿


A quarterly meeting.


Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail janet.honeycutt@vda.virginia.gov.

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


October 25, 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 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 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.

October 26, 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 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 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.

November 4, 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 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 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.

November 9, 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 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 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.

November 10, 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 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 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.

December 9, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting of the 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 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 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.

Calendar of Events

ART AND ARCHITECTURAL REVIEW BOARD

November 5, 2004 - 10 a.m. -- Open Meeting

December 3, 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. Art and Architectural Review Board 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 BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

November 3, 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 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 alhi@dpor.virginia.gov.

AUCTIONEERS BOARD

November 2, 2004 - 1 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: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail Auctioneers@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

November 11, 2004 - 9:30 a.m. -- Canceled

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The quarterly business meeting has been canceled.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

VIRGINIA AVIATION BOARD

October 19, 2004 - 3 p.m. -- Open Meeting

October 20, 2004 - 9 a.m. -- Open Meeting


Holiday Inn Airport, 5203 Williamsburg Road, Sandston, Virginia. 

A regular bimonthly meeting. Applications for state funding will be presented to the board; other matters of interest will be presented to the Virginia aviation community. Individuals with disabilities should contact Carolyn Toth at least 10 days prior to the meeting if assistance is needed.


Contact: Carolyn Toth, 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

† October 27, 2004 - 9 a.m. -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

Informal fact-finding conference.


Contact: William H. Ferguson, II, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail barbercosmo@dpor.virginia.gov.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED


October 20, 2004 - 7 p.m. -- Open Meeting

Lions Sight Foundation, 501 Elm Avenue, S.W., Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


October 23, 2004 - 10 a.m. -- Open Meeting

Old Country Buffet, Regency Hilltop Plaza, 1952 Laskin Road, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

October 29, 2004 - 4 p.m. -- Open Meeting

Holiday Inn-University Area, 1901 Emmett Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to solicit comments from the public regarding the Department for the Blind and Vision Impaired's intent to amend its state plan for vocational rehabilitation (VR) to identify by category the order in which eligible VR clients will be served in the event resources are not available to serve all eligible VR clients.

Contact: Susan D. Payne, VR Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail sdpayne@dbvi.state.va.us.


BOARD FOR BRANCH PILOTS

October 22, 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 Branch Pilots intends to amend regulations entitled **18 VAC 45-10, Board for Branch Pilots Regulations**. The purpose of the proposed action is to document and formalize the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.


Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail karen.oneal@dpor.virginia.gov.


November 1, 2004 - 8:30 a.m. -- Open Meeting
Radisson Hotel Hampton, 700 Settlers Landing Road, Hampton, Virginia. 

A meeting to conduct examinations.

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.


November 1, 2004 - 10 a.m. -- Open Meeting
Radisson Hotel Hampton, 700 Settlers Landing Road, Hampton, 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.

DEPARTMENT OF BUSINESS ASSISTANCE

Small Business Advisory Board

October 18, 2004 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. 

A general business meeting.

Contact: Barbara E. Anderson, Assistant to Director, EBS, Department of Business Assistance, 707 E. Main St., Suite 300, Richmond, VA 23219, telephone (804) 371-8230, FAX

(804) 371-2142, toll-free (866) 248-8814, e-mail barbara.anderson@dba.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **October 26, 2004 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.

The Northern Area Review Committee will conduct general business, including review of compliance by various local Chesapeake Bay Preservation Area programs.


Contact: David C. Dowling, Policy and Planning Manager, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

† **October 26, 2004 - 2 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Board, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.


The Southern Area Review Committee will conduct general business, including review of compliance by various local Chesapeake Bay Preservation Area programs.


Contact: David C. Dowling, Policy and Planning Manager, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES


November 16, 2004 - 11:45 a.m. -- Open Meeting
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)

The 2004 annual meeting will be held on November 16 and 17. A registration fee is required. No official business of the board will be conducted at this meeting.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 15th Floor, 101 N. 14th Street, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 


November 17, 2004 - 1:30 p.m. -- Open Meeting
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)

Meetings of the Academic, Student Affairs and Workforce Committee, the Audit Committee, and the Budget and Finance Committee at 1:30 p.m. The Facilities Committee and the Personnel Committee will meet at 3 p.m.


Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

November 18, 2004 - 9 a.m. -- Open Meeting

Calendar of Events

The Black Box Theatre, Piedmont Virginia Community College, 501 College Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the full board. 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, Virginia Community College System, 15th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

October 20, 2004 - 11 a.m. -- Open Meeting

† **November 17, 2004 - 11 a.m.** -- Open Meeting


202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

COMMONWEALTH COMPETITION COUNCIL

† **October 27, 2004 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to include follow-up on strategic planning initiatives.

Contact: Peggy Robertson, Executive Director, Commonwealth Competition Council, 200 N. 9th St., Room 418, Richmond, VA 23219, telephone (804) 786-3812, FAX (804) 786-4472, e-mail peggy.robertson@dpb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

† **October 28, 2004 - 7:30 p.m.** -- Open Meeting

Clarksville Community Center, 102 Willow Drive, Clarksville, Virginia.

Oconeechee State Park Master Plan public meeting to receive public input concerning the inclusion of a conference facility and related amenities at Oconeechee State Park.

Contact: John R. Davy, Division Director, Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail john.davy@dcr.virginia.gov.

† **November 1, 2004 - 10 a.m.** -- Open Meeting

Chippokes Plantation State Park, Chippokes Mansion, Conference Room, Surry, Virginia.

A general business meeting of the Chippokes Plantation Farm Foundation Trustees Board.

Contact: Katherine Wright, Executive Secretary, Department of Conservation and Recreation, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 786-7950, FAX (804) 371-8500, e-mail katherine.wright@dcr.virginia.gov.


BOARD FOR CONTRACTORS

October 19, 2004 - 9 a.m. -- Open Meeting

December 14, 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.


October 21, 2004 - 9 a.m. -- Open Meeting

October 26, 2004 - 9 a.m. -- Open Meeting


† **November 2, 2004 - 9 a.m.** -- Canceled

† **November 10, 2004 - 9 a.m.** -- Open Meeting

† **November 17, 2004 - 1:30 p.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

Informal fact-finding conferences.

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 CORRECTIONS


† **November 16, 2004 - 10 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.



Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **November 16, 2004 - 1 p.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **November 17, 2004 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 
Room 3054, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **November 17, 2004 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting to review and discuss all matters considered by board committees and which now require presentation to and action by the full board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

BOARD OF COUNSELING


November 4, 2004 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia. 

A meeting of the Credential Review Committee to review applicants' 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.

November 5, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. 

A quarterly 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 JUSTICE SERVICES BOARD

December 9, 2004 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

November 5, 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 20-230, Regulations Relating to Special Conservators of the Peace**. The purpose of the proposed action is to establish a registration process to include a fingerprint-based background check, registration fees, entry-level training standards, and administration of the regulatory system. The regulation will authorize the department to receive complaints concerning the conduct of any person whose activities are monitored by the board; conduct investigations; issue disciplinary action; and revoke, suspend, and refuse to renew a registration.

Statutory Authority: § 9.1-150.2 of the Code of Virginia.


Contact: Ellen B. Spain, Regulatory Programs Coordinator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-1018, FAX (804) 692-6344 or e-mail ellen.spain@dcjs@virginia.gov.

December 9, 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, Criminal Justice Services Board, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.virginia.gov.

BOARD OF DENTISTRY


† **October 29, 2004 - 9 a.m.** -- Open Meeting
† **November 18, 2004 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

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.


November 5, 2004 - 9 a.m. -- Open Meeting
November 12, 2004 - 9 a.m. -- Open Meeting
December 3, 2004 - 9 a.m. -- Open Meeting
December 10, 2004 - 9 a.m. -- Open Meeting
December 17, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A Special Conference Committee will meet to 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.

November 19, 2004 - 9 a.m. -- Open Meeting

Calendar of Events

Department of Health Professions, 6603 West Broad Street, Board Room 1, Richmond, Virginia. 

A meeting to discuss regular board business. There will be a public comment period at the start of the meeting.


Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

October 21, 2004 - 11 a.m. -- Open Meeting

November 18, 2004 - 11 a.m. -- Open Meeting

December 16, 2004 - 11 a.m. -- Open Meeting

Department of General Services, Eighth Street Office Building, 805 East Broad Street, 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

NOTE: CHANGE IN MEETING DATE

† **October 28, 2004 - 9 a.m.** -- Open Meeting

November 17, 2004 - 9 a.m. -- Open Meeting

† **January 12, 2005 - 9 a.m.** -- Open Meeting

James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms C and D, Richmond, Virginia. 

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.

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.

November 15, 2004 - 8:45 a.m. -- Open Meeting

Location to be announced.

A meeting of the Advisory Board for Teacher Education and Licensure. 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, 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.

November 17, 2004 - 11 a.m. -- Public Hearing
James Monroe Building, 101 North 14th Street, Main Lobby, Conference Rooms C and D, Richmond, Virginia.

December 6, 2004 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education intends to amend regulations entitled **8 VAC 20-30, Regulations Governing Adult High School Programs**. The purpose of the proposed action is twofold. First, adult high school programs, at which adults are able to earn a standard or advanced studies diploma, will be required to maintain the same high standards as regular day school programs. Second, the change provides a high-standard alternative diploma (the Adult Education Diploma) for adults who are unable to complete the requirements for a standard or advanced studies diploma.

Statutory Authority: § 22.1-224 of the Code of Virginia.

Contact: Robert MacGillivray, Adult Education Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2333, FAX (804) 225-2524, or e-mail rmacgill@mail.vak12ed.edu.


† **December 17, 2004** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education intends to repeal regulations entitled **8 VAC 20-140, Regulations Governing Retention Schedule for Uniform Pupil Accounting Records**. The purpose of the proposed action is to repeal the regulation because it is in conflict with the Code of Virginia. Section 42.1-82 of the Code of Virginia vests the Library of Virginia with the authority to set the retention and disposition schedules for public records. The Library of Virginia has developed a retention schedule specific to the maintenance of records in Virginia's public schools. Therefore, the Board of Education no longer has the authority to set this schedule.


Statutory Authority: § 22.1-16 of the Code of Virginia.


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, or e-mail mroberts@mail.vak12ed.edu.

STATE BOARD OF ELECTIONS


November 22, 2004 - 10:30 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia. 

A meeting to approve old business and ascertain the results of the November 2, 2004, elections, pursuant to § 24.2-679 of the Code of Virginia.


Contact: Vanessa E. Archie, Administrative Assistant, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 864-8901, FAX (804) 371-0194, toll-free (800) 552-9745, (800) 260-3466/TTY , e-mail vanessa.archie@sbe.virginia.gov.

December 2, 2004 - 10:30 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia. 

A meeting to approve old business and review administrative process voting equipment certification and other business.


Contact: Vanessa E. Archie, Administrative Assistant, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 864-8901, FAX (804) 371-0194, toll-free (800) 552-9745, (800) 260-3466/TTY , e-mail vanessa.archie@sbe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

October 18, 2004 - 7 p.m. -- Open Meeting
Sussex Judicial Center, 15098 Courthouse Road, General District Courtroom, Sussex, Virginia. 

A meeting on the development of bacteria TMDLs to address impairments on Sappony Creek and Raccoon Creek in Dinwiddie, Sussex and Southampton Counties. The public comment period will begin with publication of the notice in the Virginia Register of Regulations on October 4, 2004. The comment period closes on November 17, 2004.


Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

October 19, 2004 - 6:30 p.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve environmental issues. These meetings begin an ongoing program of direct local community involvement.

Contact: Gerry Seeley, Regional Director, Department of Environmental Quality, 4949-A Cox Rd., Richmond, VA

23060, telephone (804) 527-5020, e-mail gseeley@deq.virginia.gov.

October 20, 2004 - 6:30 p.m. -- Open Meeting
Central Virginia Community College, Merritt Hall, 3506 Wards Road, Lynchburg, Virginia. 

The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve environmental issues. These meetings begin an ongoing program of direct local community involvement.

Contact: Thomas Henderson, Regional Director, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail thenderso@deq.virginia.gov.

† October 20, 2004 - 7 p.m. -- Open Meeting
City of Williamsburg Community Building, 401 North Boundary Street, Williamsburg, Virginia. 

Pursuant to the Coastal Zone Management Act of 1972 (CZMA), as amended, the Department of Environmental Quality (DEQ) is currently reviewing the referenced proposal for consistency with the Virginia Coastal Resources Management Program (VCP). Also, as provided by § 306(d)(14) of the CZMA, DEQ is seeking public comment on the applicant's consistency certification. In conjunction with this public comment notice, DEQ will conduct a public hearing to receive comments about whether the proposed project is consistent with the VCP. At 6 p.m. there will be a public information session to provide information about the project and to explain the federal consistency review process. The project involves the construction of a reservoir to supply water to several jurisdictions in the Lower Peninsula region. The applicant's preferred alternative in the Regional Raw Water Supply Plan for the Lower Peninsula is the King William Reservoir - a proposed 1,526-acre public water storage impoundment on Cohoke Creek, a tributary of the Pamunkey River located between the Pamunkey and Mattaponi Rivers in King William County. The applicant proposes pumping water from the Mattaponi River to the reservoir. The following jurisdictions are included in the regional study area for this project: Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the counties of James City and York. The applicant's consistency certification document is available for review at <http://www.deq.virginia.gov/eir/federal.html> or at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia (Central Office). The certification document is also available during normal business hours at the following places:

Pamunkey Regional Library System Branches:
7527 Library Drive, Hanover
694-J Sharon Road, Sharon Office Park, King William
721 Main Street, West Point
450 Newtown Road, St. Stephen's Church

Newport News Public Library System Branches and Public Law Library:

Calendar of Events

366 DeShazor Drive (Denbigh), Newport News
110 Main Street (Hilton Area), Newport News
2510 Wickham Avenue (Southeast Community), Newport News
30th Street and West Avenue (Downtown), Newport News
2500 Washington Ave (Court Building, 1st floor), Newport News (Public Law Library)

If you cannot attend the public hearing, you may send written comments to the attention of Ms. Ellie Irons, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009 or submit comments electronically to elirons@deq.virginia.gov or mpmurphy@deq.virginia.gov. All comments must include the name, address, and telephone number of the person commenting. Comments should focus on the demonstrations contained in the applicant's consistency certification, which states that the project is consistent with the Enforceable Policies of the Virginia Coastal Resources Management Program. More information about the federal consistency review process is available at: <http://www.deq.virginia.gov/eir/federal.html>. If you wish to make arrangements to review the other supporting documents and studies for this project or if you have any questions about this notice, please call DEQ's Office of Environmental Impact Review at (804) 698-4330, (804) 698-4021/TTY. Comments must be submitted by October 29, 2004.

Contact: Ellie Irons, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4330, (804) 698-4021/TTY

October 20, 2004 - 7 p.m. -- Open Meeting
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia.

The first public meeting on the development of TMDLs to address bacteria impairments on several waterways in the Back Bay and North Landing River watersheds located in Virginia Beach. The public notice will appear in the Virginia Register of Regulations and the public comment period begins on October 4, 2004. The comment period closes on November 20, 2004.

Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111, FAX (757) 518-2009, e-mail jshowell@deq.virginia.gov.

October 20, 2004 - 7 p.m. -- Open Meeting
Page County Circuit Court Room, 116 South Court Street, Luray, Virginia.

The first public meeting on the development of a bacteria TMDL for Mill Creek in Page County. The public notice will appear in the Virginia Register of Regulations and the comment period begins on October 4, 2004. The comment period closes on November 19, 2004.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.virginia.gov.

October 20, 2004 - 7 p.m. -- Open Meeting
Cooks Corner Community Center, Route 33, Cooks Corner, Middlesex County, Virginia.

The first public meeting on the development of fecal coliform TMDL's for shellfish propagation waters in Middlesex County. The public notice and comment period will begin with publication of the notice in the Virginia Register of Regulations on October 4, 2004. The comment period closes on November 19, 2004.

Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, (804) 698-4021/TTY, e-mail cbigelow@deq.virginia.gov.

October 25, 2004 - 7 p.m. -- Open Meeting
Surry Community Center, 205 Enos Farm Drive, Surry, Virginia.

A public meeting on the development of bacteria TMDLs on tributaries (Mill Swamp and Rattlesnake (Creek) Swamp) to the Blackwater River located in Isle of Wight and Surry Counties. The public comment period will begin with publication of the notice in the Virginia Register of Regulations on October 4, 2004. The comment period closes on November 24, 2004.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

October 27, 2004 - 6:30 p.m. -- Open Meeting
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve environmental issues. These meetings begin an ongoing program of direct local community involvement.

Contact: Bradley Chewning, Regional Director, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7800, e-mail rbchewning@deq.virginia.gov.

October 28, 2004 - 7 p.m. -- Open Meeting
Blackstone Town Council Chambers, Town Office Building, 100 West Elm Street, Blackstone, Virginia.

The first public meeting on the development of TMDLs to address multiple impairments in the Nottoway River Basin and its tributaries in Prince Edward, Nottoway, Lunenburg and Dinwiddie counties. The public notice will appear in the Virginia Register of Regulations and the comment period begins with publication in the Virginia Register of Regulations on October 4, 2004. The comment period closes on November 29, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

November 4, 2004 - 6 p.m. -- Open Meeting
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ♿

The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve environmental issues. These meetings begin an ongoing program of direct local community involvement.

Contact: Steven Dietrich, Regional Director, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6700, e-mail sadietrich@deq.virginia.gov.

November 9, 2004 - 6:30 p.m. -- Open Meeting
Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia. ♿

The Department of Environmental Quality will host an open house community meeting in each region of Virginia. The meetings are to improve the agency's ability to collaborate with stakeholders on identifying and working to solve environmental issues. These meetings begin an ongoing program of direct local community involvement.

Contact: Mike Overstreet, Regional Director, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24210, telephone (276) 676-4800, e-mail m doverstre@deq.virginia.gov.

FAIR HOUSING BOARD

October 22, 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 Fair Housing Board intends to adopt regulations entitled **18 VAC 62-20, Fair Housing Board Certification Regulations**. The purpose of the proposed regulation is to establish the qualifications for obtaining and renewing fair housing certification as well as the qualifications for proprietary schools, instructors and courses that are required to obtain the certification.

Statutory Authority: § 54.1-2344 of the Code of Virginia.

Contact: Christine Martine, Executive Director, Fair Housing Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or e-mail fhcertification@dpor.virginia.gov.

BOARD OF GAME AND INLAND FISHERIES

October 21, 2004 - 9 a.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

Armada Hoffer Town Center Building, 222 Central Park Avenue, Suite 2100, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Board will meet and address strategic planning for the Department of Game and Inland Fisheries, and general and administrative issues. The board may hold a closed session at some time during the meeting and may elect to hold a

dinner Wednesday evening, October 20, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4000 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

CHARITABLE GAMING BOARD

December 7, 2004 - 10 a.m. -- Open Meeting
Science Museum of Virginia, RFandP Forum Room, 2500 West Broad Street, Richmond, Virginia. ♿

A regular quarterly meeting.

Contact: Clyde Cristman, Director, Charitable Gaming Board, 101 N 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail clyde.cristman@dgc.virginia.gov.

BOARD FOR GEOLOGY

† **January 5, 2005 - 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 geology@dpor.virginia.gov.

STATE BOARD OF HEALTH

NOTE: CHANGE IN MEETING TIME

October 21, 2004 - 10 a.m. -- Open Meeting

October 22, 2004 - 9 a.m. -- Open Meeting

Commonwealth Park Hotel, Bank and Ninth Streets, Richmond, Virginia. ♿

A two-day quarterly board meeting.

Contact: Margot Fritts, VDH/Office of Health Policy and Planning, Department of Health, 109 Governor St., 10th Floor, Richmond, VA 23219, telephone (804) 864-7428, FAX (804) 864-7440, e-mail margot.fritts@vdh.virginia.gov.

December 3, 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 amend regulations entitled **12 VAC 5-230, State Medical Facilities Plan** and to repeal regulations entitled **12 VAC 5-240, General Acute Care Services; 12 VAC 5-250, Perinatal Services; 12 VAC 5-260, Cardiac Services; 12 VAC 5-270, General Surgical Services; 12 VAC 5-280, Organ Transplantation Services; 12 VAC 5-290, Psychiatric and Substance Abuse Treatment Services; 12 VAC 5-300, Mental Retardation Services; 12 VAC 5-**

Calendar of Events

310, Medical Rehabilitation Services; 12 VAC 5-320, Diagnostic Imaging Services; 12 VAC 5-330, Lithotripsy Services; 12 VAC 5-340, Radiation Therapy Services; 12 VAC 5-350, Miscellaneous Capital Expenditures; and 12 VAC 5-360, Nursing Home Services. The purpose of the proposed action is to update the criteria and standards in the SMFP to reflect current national and health care industry standards, remove archaic language and ambiguities, and consolidate all portions of the SMFP into one comprehensive document.

Statutory Authority: §§ 32.1-11 and 32.1-12 of the Code of Virginia.


Contact: Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail carrie.eddy@vdh.virginia.gov.

DEPARTMENT OF HEALTH

† **October 29, 2004 - 10 a.m.** -- Open Meeting
109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.


A meeting of the Sewage Handling and Disposal Regulations Advisory Committee to make recommendations to the commissioner regarding sewage handling and disposal policies, procedures and programs of the department. This is a continuation of the meeting held September 16, 2004.

Contact: Donna Tiller, Executive Secretary, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7476, e-mail donna.tiller@vdh.virginia.gov.


† **November 18, 2004 - 10:30 a.m.** -- Open Meeting
Natural Resources Building, 900 Natural Resources Drive, Charlottesville, Virginia. 

A Biosolids Use Regulations Advisory Committee meeting to discuss possible amendments to the Biosolids Use Regulations related to land application of biosolids to farmland. This meeting will begin following a meeting of the Biosolids Use Information Committee (BUIC) that begins at 9:30 AM.


Contact: Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, e-mail cal.sawyer@vdh.virginia.gov.

† **December 3, 2004 - 10:30 a.m.** -- Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Conference Room, Glen Allen, Virginia. 

A quarterly meeting of the Advisory Committee for the Virginia Early Hearing Detection and Intervention 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, toll-free (866) 493-1090, (804) 828-1120/TTY , e-mail pat.dewey@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS


October 18, 2004 - 9 a.m. -- Public Hearing
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 


December 3, 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 Health Professions intends to adopt regulations entitled **18 VAC 76-20, Regulations Governing the Prescription Monitoring Program.** The purpose of the proposed action is to eliminate the requirement for a prescriber to submit a copy of a patient's consent form in order to query the monitoring system.

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.


Public comments may be submitted until December 3, 2004, to Robert A. Nebiker, Director, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY , e-mail elaine.yeatts@dhp.virginia.gov.

December 10, 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.

December 15, 2004 - 11 a.m. -- Open Meeting
Virginia State Forensic Science Building, 6600 Northside High School Road, Roanoke, Virginia. 

A working meeting of the Advisory Committee Prescription Monitoring Program for the purpose of reviewing data collected for the Program Evaluation Workplan. Public comments will be received during this meeting.

Contact: Ralph Orr, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9129, FAX (804) 662-9240.

BOARD FOR HEARING AID SPECIALISTS

November 8, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting to consider 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 Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.virginia.gov.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

November 5, 2004 - 10 a.m. -- Open Meeting
Virginia College Savings Plan Boardroom, James Monroe Building, 5th Floor, 101 North 14th Street, Richmond, Virginia. ♿

A Virginia College Savings Plan Board meeting.

Contact: Lee Hall, Special Projects Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 786-3605, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY ☎, e-mail Vcspinfo@virginia529.com.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **October 18, 2004 - 4 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia.

A council briefing session to discuss sponsored research.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

† **October 19, 2004 - 7:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia.

A regular meeting of the council. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone

(804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

October 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 of Housing and Community Development intends to amend regulations entitled **13 VAC 5-111, Enterprise Zone Program Regulation**. The purpose of the proposed action is to amend the regulation to comport with recent statutory changes in the Enterprise Zone Program and to update and clarify other provisions within the regulation.

Statutory Authority: § 59.1-278 of the Code of Virginia.

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) 371-7015, FAX (804) 371-7090, (804) 371-7089/TTY ☎, e-mail steve.calhoun@dhcd.virginia.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

† **November 19, 2004 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the board.

Contact: Vernon Hodge, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Wireless E-911 Services Board

† **November 10, 2004 - 9 a.m.** -- Open Meeting
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the CMRS 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 23219, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

† **November 10, 2004 - 10 a.m.** -- Open Meeting
110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Calendar of Events


A regular meeting of the board.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.


JAMESTOWN-YORKTOWN FOUNDATION

November 15, 2004 - Noon -- Open Meeting


November 16, 2004 - 8 a.m. -- Open Meeting

Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)


A semiannual two-day meeting of the Board of Trustees and the board's standing committees, detailed schedule to be determined. Opportunity for public comment will be included on the agenda for the November 16 business meeting.

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.

December 1, 2004 - 2 p.m. -- Open Meeting


McGuireWoods, One James Center, 901 East Cary Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Executive 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.

STATE BOARD OF JUVENILE JUSTICE

November 10, 2004 - 10 a.m. -- Public Hearing

Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia. 

The board will receive comments from the public on proposed changes to its Standards for Juvenile Residential Facilities (6 VAC 35-140). In addition, committees of the board will meet at 9 a.m. to receive certification audit reports on secure and nonsecure programs, and the full board will meet at 10 a.m. to act on the certification reports and take up other matters.

Contact: Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail carigndr@djj.state.va.us.

NOTE: EXTENSION OF PUBLIC COMMENT DEADLINE

November 12, 2004 - Public comments may be submitted until 5 p.m. on this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled **6 VAC 35-140, Standards for Juvenile Residential Facilities**. As a result of the mandated periodic review of this regulation, and through discussions with the Virginia Commission on Youth and the superintendents of juvenile detention facilities, the department recommends that the regulation be amended to include additional standards for post-dispositional programs as mandated by the General Assembly in the 2000 Appropriations Act and § 16.1-284.1 D of the Code of Virginia, which states: "Standards for these facilities shall require juveniles placed pursuant to this section for a period which exceeds 30 calendar days to be provided separate services for their rehabilitation, consistent with the intent of this section."

Statutory Authority: §§ 16.1-309.9, 66-10 and 66-25.1 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

STATE LIBRARY BOARD

November 15, 2004 - 8:15 a.m. -- Open Meeting


The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Orientation Room
Publications and Educational Services Committee, Conference Room B
Records Management Committee, Conference Room C

9:30 a.m. - Archival and Information Services Committee, Orientation Room
Collection Management Services Committee, Conference Room B
Legislative and Finance Committee, Conference Room C

10:30 a.m. - Library Board, Conference Room, 2M

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

† **November 10, 2004 - 7 p.m.** -- Public Hearing
Stephens City area, site to be announced.

A public hearing regarding the Town of Stephens City - County of Frederick voluntary settlement agreement.

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.

† **November 11, 2004 - 10:30 a.m.** -- Open Meeting
Stephens City area, site to be announced.

A public presentation regarding the Town of Stephens City - County of Frederick voluntary settlement action.

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.

VIRGINIA MANUFACTURED HOUSING BOARD

† **November 18, 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 regulants and to carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail Curtis.McIver@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

October 26, 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)

A monthly commission meeting.

Contact: Jean McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail jmccroskey@mrc.virginia.gov.

BOARD OF MEDICAL ASSISTANCE SERVICES

December 14, 2004 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. ♿

A routine quarterly meeting required in the BMAS by-laws.

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

November 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 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, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail jmenendez@dmas.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ♿

† **January 5, 2005 - 1 p.m.** -- Open Meeting
Board Room DMAS 600 East Broad Street, Suite, 1300 Richmond, Virginia. ♿

A meeting of the Medicaid Transportation Advisory Committee to discuss issues and problems in Medicaid transportation with the advisory committee and community.

Contact: Robert Knox, Transportation Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8854, FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail robert.knox@dmas.virginia.gov.

Drug Utilization Review Board

November 4, 2004 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East 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, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail jmenende@dmas.virginia.gov.

BOARD OF MEDICINE

October 19, 2004 - 9 a.m. -- Open Meeting
† **October 29, 2004 - 11:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

† **October 27, 2004 - 9:15 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

An informal conference committee of the board will convene a special conference committee 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 may review cases with staff for case disposition including consideration of

Calendar of Events

consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixson, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail peggy.sadler@dhp.virginia.gov.

October 29, 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.

† **October 29, 2004 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The board or panel of the board will convene a formal hearing to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Further, the board may review cases with staff for case disposition including consideration of Consent Orders for settlement. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixson, Staff, Board of Medicine, 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.

November 19, 2004 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Executive Committee will consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

October 26, 2004 - 1 p.m. -- Open Meeting

NOTE: CHANGE IN MEETING DATE

† **November 9, 2004 - 1 p.m.** -- Open Meeting

December 21, 2004 - 1 p.m. -- Open Meeting

Virginia Housing and Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A meeting of the Olmstead Community Integration Implementation Team.

Contact: Viktoria Glenn, Administrative Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288, telephone (804) 662-7069, FAX (804) 662-7662, e-mail glennvh@drs.state.va.us.

† **November 4, 2004 - 9:30 a.m.** -- Open Meeting

† **December 2, 2004 - 9:30 a.m.** -- Open Meeting

† **January 6, 2005 - 9:30 a.m.** -- Open Meeting

Henrico County Training Center, 7701 Parham Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the State and Local Advisory Team pursuant to §§ 2.2-5201 through 2.2-5203 of the Code of Virginia. A public comment period is scheduled.

Contact: Pamela Fitzgerald-Cooper, Director of Child and Adolescent Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-2183, FAX (804) 786-1587.

STATE MILK COMMISSION

December 15, 2004 - 10:30 a.m. -- Open Meeting


Department of Forestry, 900 Natural Resource Drive, Room 2063, Charlottesville, Virginia.

A regular meeting to consider industry distributor licensing, base transfers and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify Edward C. Wilson at least five working days prior to the meeting date so that suitable arrangements can be made.


Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Washington Bldg., 1100 Bank St., Suite 1019, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MOTOR VEHICLES


Medical Advisory Board

November 10, 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, 2300 W. Broad St., Richmond
VA 23220, telephone (804) 497-7188, FAX (804) 367-1604,
toll-free (800) 435-5137, (804) 272-9268/TTY , e-mail
dmvj3b@dmv.state.va.us.


VIRGINIA MUSEUM OF FINE ARTS

November 2, 2004 - 8 a.m. -- Open Meeting
December 7, 2004 - 8 a.m. -- Open Meeting
January 4, 2005 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room,
200 North Boulevard, 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, 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


October 19, 2004 - 9 a.m. -- Open Meeting
October 26, 2004 - 9 a.m. -- Open Meeting
December 2, 2004 - 9 a.m. -- Open Meeting
December 7, 2004 - 9 a.m. -- Open Meeting
December 8, 2004 - 9 a.m. -- Open Meeting
December 9, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 


A Special Conference Committee comprised of two or three
members of the Virginia Board of Nursing will conduct
informal conferences with licensees and certificate holders.
Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive
Director, Board of Nursing, 6603 West Broad Street, 5th Floor,
Richmond, VA 23230, telephone (804) 662-9909, FAX (804)
662-9512, (804) 662-7197/TTY , e-mail
nursebd@dhp.virginia.gov.


November 15, 2004 - 9 a.m. -- Open Meeting
November 17, 2004 - 9 a.m. -- Open Meeting
November 18, 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,
Richmond, VA 23230, telephone (804) 662-9909, FAX (804)
662-9512, (804) 662-7197/TTY , e-mail
nursebd@dhp.virginia.gov.

November 16, 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., 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
jay.douglas@dhp.virginia.gov.


JOINT BOARDS OF NURSING AND MEDICINE

October 20, 2004 - 9 a.m. -- Open Meeting
December 15, 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.

OLD DOMINION UNIVERSITY

October 18, 2004 - 3 p.m. -- Open Meeting
November 15, 2004 - 3 p.m. -- Open Meeting
Webb University Center, Old Dominion University, Norfolk,
Virginia. 

A regular meeting of the Board of Visitors' Executive
Committee to discuss business of the board and the
institution as determined by the Rector and the President.

Contact: Donna Meeks, Executive Secretary to the Board of
Visitors, Old Dominion University, 204 Koch Hall, Old
Dominion University, Norfolk, VA 23529, telephone (757) 683-
3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

December 10, 2004 - 1 p.m. -- Open Meeting
Webb University Center, Old Dominion University, Norfolk,
Virginia. 

A quarterly meeting of the governing board of the institution
to discuss business of the board and the institution as
determined by the Rector and the President.

Contact: Donna Meeks, Executive Secretary to the Board of
Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA

Calendar of Events

23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

PESTICIDE CONTROL BOARD

November 1, 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 Pesticide Control Board intends to amend regulations entitled **2 VAC 20-40, Rules and Regulations Governing Licensing of Pesticide Businesses by the Department of Agriculture and Consumer Services Operating Under Authority of the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulations for effectiveness and continued need. The proposed regulations (i) establish standards for the licensure of pesticide businesses and for the denial, suspension, or revocation of the license; (ii) establish recordkeeping requirements for licensed pesticide businesses, as a means of ensuring that pesticides are stored and used safely; and (iii) protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Contact: W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, toll-free 1-800-552-9963, or e-mail wsurles@vdacs.state.va.us.

BOARD OF PHARMACY

† October 18, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

The Ad Hoc Committee on Compounding Law will meet with interested parties to discuss problems with the law, development of a guidance document to provide clarification where possible, and if there is a need for a legislative remedy. Public comments will be received.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail scotti.russell@dhp.virginia.gov.

† October 18, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A meeting of the Subcommittee on Wholesale Distributor Regulations to finish developing the proposed regulations for wholesale distributors. Public comments will be received.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911,

FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail scotti.russell@dhp.virginia.gov.

† December 10, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia.

A meeting of the board to consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail scotti.russell@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 2, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, 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 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: Eric Olson, Executive Director, Polygraph Examiners Advisory Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail olson@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

November 15, 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, Department of 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.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

† November 17, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† December 17, 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 Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-40, Virginia Professional Boxing and Wrestling Events Regulations**. The purpose of the proposed action is to adjust fees to comply with the Callahan Act (§ 54.1-113 of the Code of Virginia).

Statutory Authority: § 54.1-831 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, 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.oneal@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

† **January 11, 2005 - 9:30 a.m.** -- Open Meeting
Department of Health Professions 6603 W. 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.state.va.us

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

December 9, 2004 - 10 a.m. -- Open Meeting
1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Virginia Public Guardian and Conservator Advisory Board, 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

November 9, 2004 - 10 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.

November 10, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

Informal fact-finding conferences.

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.oneal@dpor.virginia.gov.

REAL ESTATE BOARD

October 21, 2004 - 9 a.m. -- Open Meeting
† **November 4, 2004 - 9 a.m.** -- Open Meeting
November 17, 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: 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.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **October 28, 2004 - 8:30 a.m.** -- Open Meeting
Historic Radisson Hotel, 301 West Franklin Street, Richmond, Virginia. ♿

The Recycling Rates Subcommittee will host a public meeting at the Virginia Recycling Association's Conference to solicit comments from locality representatives on recycling rate reporting.

Contact: Mike Murphy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4003, e-mail mpmurphy@deq.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES


† **October 22, 2004 - 9:30 a.m.** -- Open Meeting
Department of Rehabilitative Services, Henrico Field Office, 1601 Willow Lawn Drive, Suite 370-A, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

New member orientation. Public comment will not be accepted.

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, e-mail smith@drs.state.va.us.

Calendar of Events


Disability Services Council

November 16, 2004 - 1 p.m. -- Open Meeting
Virginia Rehabilitation Center for the Blind and Vision Impaired, 401 Azalea Avenue, Assembly Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Agenda item is the FY05 RSIF grant awards.

Contact: Shirley S. Ferguson, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7070, toll-free (800) 552-5019, e-mail ferguss@drs.state.va.us.


VIRGINIA RESOURCES AUTHORITY

October 19, 2004 - 9 a.m. -- Open Meeting
Courtyard by Marriott, 1890 Evelyn Byrd Avenue, Harrisonburg, Virginia. 

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcr@vra.state.va.us.


SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

October 20, 2004 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail susan.sherertz@vdh.virginia.gov.


VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

October 20, 2004 - Noon -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the board's agenda.


Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.


STATE BOARD OF SOCIAL SERVICES

October 20, 2004 - 9 a.m. -- Open Meeting
Law Enforcement and Judicial Complex, 245 South 4th Street, Wytheville, Virginia. 

December 15, 2004 - 9 a.m. -- Open Meeting
Department of Social Services, 608 Jackson Street, Fredericksburg, Virginia.


A work session from 9 a.m. until noon, followed by a full board meeting at 1:30 p.m. Public comment will be received at 1:30 p.m.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , e-mail patricia.rengnerth@dss.virginia.gov.


October 21, 2004 - 9 a.m. -- Open Meeting
Law Enforcement and Judicial Complex, 245 South 4th Street, Wytheville, Virginia. 

December 16, 2004 - 9 a.m. -- Open Meeting
Department of Social Services, 608 Jackson Street, Fredericksburg, Virginia.

A board meeting.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , e-mail patricia.rengnerth@dss.virginia.gov.

COMMONWEALTH TRANSPORTATION BOARD

† October 26, 2004 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. 

Under the aegis of the Secretary of Transportation, a work session of the VTrans 2025 Multi-Modal Transportation Policy Committee dealing with the development of the long-range multimodal transportation plan. The chair and four members are members of the CTB. Contact Katherine Graham at 786-4198 for more information.

Contact: Katherine Tracy, Assistant Secretary of the CTB, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@VDOT.Virginia.gov.

TREASURY BOARD

October 20, 2004 - 9 a.m. -- Open Meeting
† **November 17, 2004 - 9 a.m.** -- Open Meeting
101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

November 4, 2004 - 1 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A public meeting to receive comments on the notice of intent to amend the coal combustion by-products regulation. The notice of intent will appear in the Virginia Register of Regulations on October 4, 2004. The public comment period closes on November 15, 2004.

Contact: Michael Dieter, Virginia Waste Management Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4032, e-mail mjdieter@deq.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting
November 18, 2004 - 9 a.m. -- Open Meeting
Williamsburg, Virginia area; location to be determined. ♿

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

Contact: Cindy Berndt, Regulatory Coordinator, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.virginia.gov.

STATE WATER CONTROL BOARD

November 10, 2004 - 7 p.m. -- Open Meeting
Dabney S. Lancaster Community College, Moomaw Student Center, 1000 Dabney Drive, Clifton Forge, Virginia. ♿

A public meeting to receive comment on the notice of intent to consider amending the water quality standards regulation to designate a portion of the Cowpasture River as a Tier III exceptional state resource water. The notice of intent will be published in the Virginia Register on October 4, 2004, and the public comment period closes on November 15, 2004.

Contact: Jean W. Gregory, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522, e-mail jwggregory@deq.virginia.gov.

November 17, 2004 - 1 p.m. -- Open Meeting
November 18, 2004 - 9 a.m. -- Open Meeting
Williamsburg, Virginia area; location to be determined. ♿

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

Contact: Cindy Berndt, Regulatory Coordinator, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.virginia.gov.

December 2, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular board meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **October 21, 2004 - 9 a.m.** -- Open Meeting
November 10, 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: David E. Dick, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.virginia.gov.

December 8, 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


† **November 18, 2004 - 1 p.m.** -- Open Meeting
† **November 19, 2004 - 8 a.m.** -- Open Meeting
Blow Memorial Hall, 262 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Board of Visitors. The meeting will be open to the public but there will be no opportunity for public comment.

Calendar of Events

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

VIRGINIA WORKFORCE COUNCIL


October 18, 2004 - Noon -- Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting. Public comment will be scheduled and limited to five minutes per person and a written copy of comments is required. The agenda will be announced at a later date.


Contact: Gail Robinson, Workforce Council Liaison, Virginia Employment Commission, 703 E. Main St., Richmond, VA 23219, telephone (804) 225-3070, FAX (804) 225-2190, toll-free (800) 828-1120, e-mail grobinson@vec.state.va.us.

INDEPENDENT


BOARD FOR PROTECTION AND ADVOCACY

† **October 21, 2004 - 10 a.m.** -- Open Meeting
Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Disability Services Advisory Council. Public comment is welcome and will be received at the beginning of the meeting. For those needing interpreter services or other accommodations, please contact Dee Vance by October 14, 2004.

Contact: Delicia (Dee) Vance, Outreach Advocate, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 662-7099, FAX (804) 662-7057, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail vancedm@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

† **October 20, 2004 - 9 a.m.** -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 E. Main Street, Richmond, Virginia. 

A regular meeting of the Real Estate 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) 829-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.

NOTE: CHANGE IN MEETING DATE AND TIME


October 20, 2004 - 10:30 a.m. -- Open Meeting


November 24, 2004 - 9 a.m. -- Open Meeting

December 16, 2004 - 9 a.m. -- Open Meeting


Virginia Retirement System Headquarters Building, 1200 E. 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 Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , or e-mail lking@vrs.state.va.us.

November 16, 2004 - Noon -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received.

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.

November 17, 2004 - 11 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

Meetings of the following committees:


11 a.m. -- Investment Advisory Committee

2:30 p.m. - Benefits and Actuarial

4 p.m. - Administration and Personnel


4 p.m. - Audit and Compliance

No public comment will be received.

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.

December 15, 2004 - 3 p.m. -- Open Meeting
Bank of America Building, 1111 East Main Street, Virginia Retirement System Investment Department, Pavilion, 4th Floor, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail lking@vrs.state.va.us.


LEGISLATIVE

VIRGINIA CODE COMMISSION

October 20, 2004 - 10 a.m. -- Open Meeting

November 17, 2004 - 10 a.m. -- Open Meeting


December 15, 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 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.


VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

December 2, 2004 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting.


Contact: Lynda Waddill, Administrative Assistant, or Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiacouncil@leg.state.va.us.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

October 19, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 


A meeting of the JCOTS Computer Crimes Advisory Committee.

Contact: Mitchell 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, e-mail jcots@leg.state.va.us.

October 20, 2004 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Nanotechnology Advisory Committee.

Contact: Lisa Wallmeyer, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

December 1, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A full commission meeting to discuss 2005 legislative proposals.

Contact: Mitchell 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, e-mail jcots@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

October 18

Business Assistance, Department of
- Small Business Advisory Board
Environmental Quality, Department of
† Higher Education for Virginia, State Council of
Old Dominion University
† Pharmacy, Board of
Workforce Council, Virginia

October 19

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Aviation Board, Virginia
Contractors, Board for
Environmental Quality, Department of
† Higher Education for Virginia, State Council of
Medicine, Board of
Nursing, Board of
Resources Authority, Virginia
Technology and Science, Joint Commission on

October 20

Aviation Board, Virginia
Blind and Vision Impaired, Department for the
Code Commission, Virginia
Compensation Board
† Environmental Quality, Department of
Nursing and Medicine, Joint Boards of
† Retirement System, Virginia
† Sewage Handling and Disposal Appeal Review Board
Small Business Financing Authority, Virginia
Social Services, State Board of
Technology and Science, Joint Commission on
Treasury Board

October 21

Contractors, Board for
Design-Build/Construction Management Review Board
Game and Inland Fisheries, Board of
Health, State Board of
† Protection and Advocacy, Board for
Real Estate Board
Social Services, State Board of
† Waterworks and Wastewater Works Operators, Board for

October 22

Health, State Board of
† Rehabilitative Services, Department of

October 23

Blind and Vision Impaired, Department for the

October 25

Alcoholic Beverage Control Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Environmental Quality, Department of

Calendar of Events

October 26

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Chesapeake Bay Local Assistance Board
Contractors, Board for
Marine Resources Commission
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing, Board of
† Transportation Board, Commonwealth

October 27

† Barbers and Cosmetology, Board for
† Competition Council, Commonwealth
Environmental Quality, Department of
† Medicine, Board of

October 28

† Conservation and Recreation, Department of
† Education, Board of
Environmental Quality, Department of
† Recycling Markets Development Council, Virginia

October 29

† Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board
Blind and Vision Impaired, Department for the
† Dentistry, Board of
† Health, Department of
† Medicine, Board of

November 1

Branch Pilots, Board for
† Conservation and Recreation, Department of

November 2

Auctioneers Board
Museum of Fine Arts, Virginia

November 3

† Agriculture and Consumer Services, Department of
Air Pollution Control Board, State
Asbestos, Lead, and Home Inspectors, Board for

November 4

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Counseling, Board of
Environmental Quality, Department of
Medical Assistance Services, Department of
- Drug Utilization Review Board
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
† Real Estate Board
Waste Management Board, Virginia

November 5

Art and Architectural Review Board
Counseling, Board of
Dentistry, Board of
Higher Education Tuition Trust Fund, Virginia

November 8

Alcoholic Beverage Control Board
Hearing Aid Specialists, Board for

November 9

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

Environmental Quality, Department of
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Real Estate Appraiser Board

November 10

Air Pollution Control Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Contractors, Board for
† Information Technologies Agency, Virginia
† Wireless E-911 Services Board
Motor Vehicles, Department of
- Medical Advisory Board
Real Estate Appraiser Board
Water Control Board, State
Waterworks and Wastewater Works Operators, Board for

November 11

† Local Government, Commission on
Medical Assistance Services, Department of
- Pharmacy Liaison Committee

November 12

Dentistry, Board of

November 15

Education, Board of
Jamestown-Yorktown Foundation
Library Board, State
Nursing, Board of
Old Dominion University
Professional and Occupational Regulation, Board for

November 16

Community Colleges, State Board for
† Corrections, Board of
Jamestown-Yorktown Foundation
Nursing, Board of
Rehabilitative Services, Department of
- Disability Services Council
Retirement System, Virginia

November 17

Air Pollution Control Board, State
Code Commission, Virginia
Community Colleges, State Board for
† Compensation Board
† Contractors, Board for
† Corrections, Board of
Education, Board of
Medical Assistance Services, Department of
- Medicaid Transportation Advisory Committee
Nursing, Board of
Real Estate Board
Retirement System, Virginia
† Treasury Board
Waste Management Board, Virginia
Water Control Board, State

November 18

Air Pollution Control Board, State
Community Colleges, State Board for
† Dentistry, Board of
Design-Build/Construction Management Review Board
† Health, Department of
† Manufactured Housing Board, Virginia
Nursing, Board of

Waste Management Board, Virginia
Water Control Board, State
† William and Mary, The College of

November 19

Dentistry, Board of
† Housing, Department of
- State Building Code Technical Review Board
Medicine, Board of
† William and Mary, The College of

November 22

Alcoholic Beverage Control Board
Elections, State Board of

November 24

Retirement System, Virginia

December 1

Jamestown-Yorktown Foundation
Technology and Science, Joint Commission on

December 2

Elections, State Board of
Freedom of Information Advisory Council, Virginia
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing, Board of
Polygraph Examiners Advisory Board
Water Control Board, State

December 3

Art and Architectural Review Board
Dentistry, Board of
† Health, Department of

December 6

Alcoholic Beverage Control Board

December 7

Alzheimer's Disease and Related Disorders Commission
Charitable Gaming Board
Museum of Fine Arts, Virginia
Nursing, Board of

December 8

Nursing, Board of
Waterworks and Wastewater Works Operators, Board for

December 9

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Criminal Justice Services Board
Nursing, Board of
Public Guardian and Conservator Advisory Board

December 10

Dentistry, Board of
Health Professions, Department of
Old Dominion University
† Pharmacy, Board of

December 14

Contractors, Board for
Medical Assistance Services, Board of

December 15

Code Commission, Virginia
Health Professions, Department of
Milk Commission, State
Nursing and Medicine, Joint Boards of
Retirement System, Virginia
Social Services, State Board of

December 16

Design-Build/Construction Management Review Board
Retirement System, Virginia
Social Services, State Board of

December 17

Dentistry, Board of

December 20

Alcoholic Beverage Control Board

December 21

Mental Health, Mental Retardation and Substance Abuse
Services, Department of

January 4, 2005

Museum of Fine Arts, Virginia

January 5

† Geology, Board for
† Medical Assistance Services, Department of
- Medicaid Transportation Advisory Committee

January 6

† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

January 11

† Psychology, Board of

January 12

† Education, Board of

PUBLIC HEARINGS

October 18

Health Professions, Department of

October 25

† Air Pollution Control Board, State

November 10

Juvenile Justice, State Board of
† Local Government, Commission on

November 17

Education, Board of
† Professional and Occupational Regulation, Department of

December 9

Criminal Justice Services Board

Calendar of Events
