
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....463

PETITIONS FOR RULEMAKING

TITLE 12. HEALTH

DEPARTMENT OF HEALTH

Agency Decision

Regulations for the Licensure of Hospitals in Virginia (12 VAC 5-410).....476

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING

Initial Agency Notice

Regulations Governing the Certification of Massage Therapists (18 VAC 90-50).....476

NOTICES OF INTENDED REGULATORY ACTION

TITLE 8. EDUCATION

Longwood University.....477

TITLE 9. ENVIRONMENT

Virginia Waste Management Board.....477

State Water Control Board.....477

TITLE 12. HEALTH

State Board of Health.....477

State Mental Health, Mental Retardation and Substance Abuse Services Board.....478

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board of Pharmacy.....478

Board of Physical Therapy.....478

PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Water Quality Standards (amend 9 VAC 25-260-5, 9 VAC 25-260-10, 9 VAC 25-260-50, 9 VAC 25-260-310, 9 VAC 25-260-350, 9 VAC 25-260-410, 9 VAC 25-260-530; add 9 VAC 25-260-185)..... 479

FINAL REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Pertaining to Black Sea Bass (amending 4 VAC 20-950-47 and 4 VAC 20-950-48)..... 497

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Pertaining to Scup (Porgy) (amending 4 VAC 20-910-45). 499

LEGISLATIVE OBJECTIONS TO REGULATIONS

JOINT COMMISSION ON ADMINISTRATIVE RULES

Standards for Licensed Child Day Care Centers (22 VAC 15-30)..... 500

GOVERNOR

EXECUTIVE ORDERS

Declaration of a State of Emergency for the Commonwealth Due to the Significant Flooding and Tornadoes Caused by Hurricane Jeanne (82-2004)..... 502

Continuing the Governor's Virginia-Latino Advisory Commission (83-2004)..... 504

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) Implementation Plan for Cooks Creek and Blacks Run in the City of Harrisonburg and Rockingham County..... 506

Table of Contents

Total Maximum Daily Load (TMDL) Implementation Plan for
Moore's Creek in the City of Charlottesville and Albemarle
County 506

DEPARTMENT OF HEALTH

Proposed Notice of Request for Certificate of Public Need
Applications for Development of Additional Nursing Home
Beds 506

Proposed Notice of Request for Certificate of Public Need
Applications for Development of Additional Nursing Home
Beds 509

STATE LOTTERY DEPARTMENT

Director's Orders 513

STATE WATER CONTROL BOARD

Proposed Consent Special Order for Nelson County Service
Authority 513

VIRGINIA CODE COMMISSION

Notice to State Agencies 514

Forms for Filing Material for Publication in the Virginia
Register of Regulations 514

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 515

INDEPENDENT

Open Meetings and Public Hearings 534

LEGISLATIVE

Open Meetings and Public Hearings 534

CHRONOLOGICAL LIST

Open Meetings 535

Public Hearings 537

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 5-30	Erratum	21:3 VA.R. 345	--
3 VAC 5-40	Erratum	21:1 VA.R. 44	--
3 VAC 5-40	Erratum	21:3 VA.R. 345	--
3 VAC 5-70	Erratum	21:1 VA.R. 44	--
3 VAC 5-70	Erratum	21:3 VA.R. 345	--
Title 4. Conservation and Natural Resources			
4 VAC 3-20	Repealed	21:3 VA.R. 317	*

* January 1, 2005, or 30 days after U.S. EPA approval, whichever is the latter.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 15-20-100	Amended	21:3 VA.R. 318	10/1/04
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
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 20-720-20	Amended	21:4 VA.R. 408	10/1/04
4 VAC 20-720-40	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40 through 4 VAC 20-720-100	Amended	21:4 VA.R. 409-411	10/1/04
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 20-950-48 emer	Amended	21:3 VA.R. 334	9/29/04-10/30/04
4 VAC 20-1040-20	Amended	20:19 VA.R. 2060	5/1/04
4 VAC 20-1045-10	Added	21:4 VA.R. 412	10/1/04
4 VAC 20-1045-20	Added	21:4 VA.R. 412	10/1/04
4 VAC 20-1045-30	Added	21:4 VA.R. 412	10/1/04
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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	--
4 VAC 50-60-10 through 4 VAC 50-60-1240	Added	21:3 VA.R. 317	*
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 20-140-10	Repealed	21:3 VA.R. 332	1/1/05
8 VAC 20-210-10	Amended	21:4 VA.R. 413	1/1/05
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 20-470-10	Repealed	21:4 VA.R. 423	3/1/05
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 5-80-2000	Amended	21:4 VA.R. 413	12/1/04
9 VAC 5-80-2010	Amended	21:4 VA.R. 414	12/1/04
9 VAC 5-80-2250 through 9 VAC 5-80-2300	Added	20:23 VA.R. 2566-2567	7/1/04
9 VAC 5-80-2250	Amended	21:4 VA.R. 419	12/1/04
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	--
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 25-90-1926.307	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
16 VAC 25-175-1926	Erratum	21:1 VA.R. 44	--
Title 18. Professional and Occupational Licensing			
18 VAC 5-30	Repealed	21:3 VA.R. 318	11/3/04
18 VAC 10-20-60	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-90	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-170	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-280	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-400	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-520	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-565	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-580	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-625	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-630	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-665	Amended	21:3 VA.R. 318	12/1/04
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 145-20-151	Amended	21:3 VA.R. 319	12/1/04
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
18 VAC 160-20-102	Amended	21:3 VA.R. 319	12/1/04
Title 19. Public Safety			
19 VAC 30-70-1	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-2	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-6	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-7	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-8	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-9	Added	21:4 VA.R. 420	9/22/04
19 VAC 30-70-10	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-30 through 19 VAC 30-70-110	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-130 through 19 VAC 30-70-170	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-190 through 19 VAC 30-70-230	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-250 through 19 VAC 30-70-300	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-340	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-350	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-360	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-400	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-430 through 19 VAC 30-70-560	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-580	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-600	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-650	Amended	21:4 VA.R. 420	9/22/04
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-15	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-20	Amended	20:15 VA.R. 1781	3/12/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
22 VAC 40-460	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 40-490	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 40-705-30	Amended	21:4 VA.R. 421	12/1/04
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 30-120-170	Amended	21:3 VA.R. 330	11/17/04
24 VAC 30-380-10	Amended	20:13 VA.R. 1633	2/12/04

PETITIONS FOR RULEMAKING

TITLE 12. HEALTH

DEPARTMENT OF HEALTH

Agency Decision

Title of Regulation: **12 VAC 5-410. Regulations for the Licensure of Hospitals in Virginia.**

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

Name of Petitioner: Virginia Council for periOperative Nurses (Ruth E. Vaiden).

Nature of Petitioner's Request: Amend 12 VAC 5-410-420 to require that a registered nurse, licensed by the Board of Nursing and qualified by education and experience in perioperative nursing, be present as a circulating nurse during surgical procedures.

Agency Decision: Request Granted.

Statement of Reasons for Decision: Virginia Department of Health believes that adopting a regulation requiring registered nurses (RN) to serve as circulating nurses in operating rooms will enhance patient safety during surgical procedures, a critical time in patient care. To assure consistency between inpatient and outpatient services, Virginia Department of Health also proposes adopting a similar standard for outpatient surgery centers as well. Virginia Department of Health does not expect there to be much opposition to this action, therefore a fast-track regulatory action will be initiated at the completion of the 2005 General Assembly session.

Agency Contact: Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services, 3600 West Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149, or e-mail carrie.eddy@vdh.virginia.gov.

VA.R. Doc. No.04-164, October 25, 2004, 9:46 a.m.

by the National Certification Commission for Acupuncture and Oriental Medicine.

Agency's Plan for Disposition of Request: The board will publish the petition for rulemaking and request comment for 30 days, after which an advisory committee on massage therapy will consider the petition and comment and advise the board on recommended action to be taken at its meeting on January 25, 2005.

Agency Contact: Jay P. Douglas, Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, or e-mail jay.douglas@dhp.virginia.gov.

VA.R. Doc. No R05-50, October 20, 2004, 1:12 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING

Initial Agency Notice

Title of Regulation: **18 VAC 90-50. Regulations Governing the Certification of Massage Therapists.**

Statutory Authority: §§ 54.1-2400 and 54.1-3029 of the Code of Virginia,

Name of Petitioner: Paul M. Garcia.

Nature of Petitioner's Request: To amend regulations establishing the examination and credential accepted by the board for certification as a massage therapist to accept passage of the Asian Bodywork Therapy Examination given

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

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

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 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 25-260, 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 jwggregory@deq.virginia.gov.

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



TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled **12 VAC 5-90, Regulations for Disease Reporting and Control**. The purpose of the proposed action is to update reporting requirements; update lab, TB and HIV requirements; update

Notices of Intended Regulatory Action

vaccine-preventable and toxic substances provisions; and establish new isolation and quarantine requirements.

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

Statutory Authority: § 32.1-35 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on December 1, 2004.

Contact: Diane Woolard, Ph.D., Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-8142 or e-mail diane.woolard@vdh.virginia.gov.

VA.R. Doc. No. R05-47; Filed October 13, 2004, 2:42 p.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.dmhmrsas.virginia.gov.

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

drugs in their practice consistent with regulations for the practice of pharmacy.

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

Statutory Authority: Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on December 1, 2004.

Contact: Elizabeth Scott Russell, R.Ph., Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313 or e-mail elizabeth.russell@dhp.virginia.gov.

VA.R. Doc. No. R05-45; Filed October 13, 2004, 9:55 a.m.

BOARD OF PHYSICAL THERAPY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed action is to consider acceptance of organizations other than the Foreign Credentialing Commission on Physical Therapy (FCCPT) for credentialing applicants for physical therapy licensure who are graduates of schools that are not approved or accredited.

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

Statutory Authority: § 54.1-2400 and Chapter 34.1 (54.1-3473 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on December 1, 2004.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523 or e-mail elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R05-46; Filed October 13, 2004, 9:55 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances**. The purpose of the proposed action is to conform and update requirements for physicians selling

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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-260. Water Quality Standards (amend 9 VAC 25-260-5, 9 VAC 25-260-10, 9 VAC 25-260-50, 9 VAC 25-260-310, 9 VAC 25-260-350, 9 VAC 25-260-410, 9 VAC 25-260-530; add 9 VAC 25-260-185).

Statutory Authority: § 62.1-44.15 of the Code of Virginia; Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public Hearing Dates:

November 30, 2004 - 4 p.m. (Virginia Beach)
December 1, 2004 - 7 p.m. (Glen Allen)
December 6, 2004 - 7 p.m. (Harrisonburg)
December 7, 2004 - 2 p.m. (Woodbridge)
Public comments may be submitted until 5 p.m. on January 31, 2005.
(See Calendar of Events section for additional information)

Agency Contact: Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4522, or e-mail emdaub@deq.virginia.gov.

Basis: Federal and state mandates in the Clean Water Act at § 303(c), 40 CFR Part 131 and § 62.1-44.15(3a) of the Code of Virginia are the sources of legal authority identified to promulgate these amendments.

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

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

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

The correlation between the proposed regulatory action and the legal authority identified above is that the amendments being considered are modifications of criteria that will protect designated uses and criteria and designated uses are requirements of the Water Quality Standards.

The authority to adopt standards is mandated, although the specific standards to be adopted or modified are discretionary to the Environmental Protection Agency and the state.

Purpose: This rulemaking is needed to establish the appropriate uses and criteria for the Chesapeake Bay as the existing criteria and uses do not adequately protect the bay from the effects of nutrient pollution and sedimentation. Adoption of bay-specific criteria and uses are necessary to define the most accurate living resource and water quality goals for tributary strategy development (see § 2.2-219 of the Code of Virginia) and TMDL development. Virginia is also committed through Chesapeake 2000 to adopt new and revised water quality standards for the bay. Changes to the regulation are also needed to meet EPA priorities for setting nutrient criteria.

Proper water quality standards protect water quality and living resources of Virginia's waters for consumption of fish and shellfish, recreational uses and conservation in general. Protection of water quality and living resources for food and recreation are essential to help maintain the health and welfare of the citizens of the Commonwealth.

The bay partners with the U.S. Environmental Protection Agency (EPA) Chesapeake Bay program have worked together to publish nutrient-related criteria and designated uses specific to the Chesapeake Bay. The goals of the proposal are to use these standards in calculating load allocations for the Chesapeake Bay Tributary Strategies, setting Virginia Pollutant Discharge Elimination System Permit limits and for evaluating the waters of the Commonwealth for inclusion in the Clean Water Act 305(b) report and on the 303(d) list. Waters not meeting standards will require development of a Total Maximum Daily Load (TMDL) under § 303(d) of the Clean Water Act. In May 1999, EPA Region III included Virginia's portion of the Chesapeake Bay and portions of several tidal tributaries on Virginia's 1998 Clean Water Act section 303(d) impaired waters list. The Chesapeake 2000 agreement specifies a goal to remove the Chesapeake Bay and its tidal tributaries from the list of impaired water bodies for nutrient and sediments by 2010. Thus, the development of a TMDL for the entire Chesapeake Bay is not being scheduled until 2010 anticipating that the Chesapeake Bay Program partners can cooperatively achieve water quality standards by that time making a baywide TMDL unnecessary.

Substance: The proposed regulatory action will constitute an amendment of existing regulatory provisions. The existing regulation currently designates all depths, areas and time periods of the Chesapeake Bay and its tidal tributaries for

Proposed Regulations

aquatic life protection. Therefore, existing numerical criteria apply equally at all depths and in all areas of the bay at all times. The proposed regulatory action will subcategorize existing aquatic life uses. Criteria will be proposed to protect the subcategorized and new uses.

Issues: The public will benefit as these amendments will result in protection of the habitat, survival, growth and reproduction of aquatic life through the proper definition of their habitats (designated uses) and seasonal application of criteria specifically designed to protect the organisms living in those habitats. Another advantage and benefit to the public is that the updated criteria, once implemented fully, will result in restored water quality for dissolved oxygen, water clarity and chlorophyll *a* in the Chesapeake Bay and its tidal tributaries. Also, the living resources that were affected by nutrient enrichment and sedimentation will be restored. The disadvantage is that certain sectors of the public may see this as an attempt to "lower the bar" on water quality for the deeper waters of the bay because the proposed instantaneous dissolved criteria are less stringent than existing. Other sectors of the public may see this proposal as too stringent and the criteria will be difficult and expensive to meet. However, the goal is to set realistic, protective goals in water quality management and to maintain the most scientifically defensible criteria in the water quality standards regulation.

The advantage to the agency is that the adoption of these criteria will be the first step in meeting the goals of the Chesapeake 2000 agreement, which establishes that the jurisdictions with tidal waters will use their best efforts to adopt new or revised water quality standards consistent with the defined water quality conditions. This will allow the agency to make a realistic assessment of these tidal waters so that appropriate controls can be implemented.

The advantage to the Commonwealth is that the adoption of these criteria will define the necessary water quality and living resource goals needed for the development of tributary strategies as specified in § 2.2-219 of the Code of Virginia.

There is no disadvantage to the agency or the Commonwealth that will result from the adoption of these amendments.

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 General Assembly mandates in § 62.1-44.15 of the Code of Virginia that the State Water Control Board establish standards of quality and

policies for any state waters consistent with the purpose and general policy of the State Water Control Law. The code also mandates that the State Water Control Board modify, amend, or cancel any such standards or policies and take all appropriate steps to prevent an alteration to water quality contrary to the public interest or contrary to established standards and policies. The federal Clean Water Act, enacted with the purpose of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water, requires states to review water quality standards at least once every three years, modifying and adopting standards as deemed appropriate. 40 CFR Part 131 of federal regulations describes the requirements and procedures for developing, reviewing, revising, and approving water quality standards by states, as authorized under the Clean Water Act.

The proposed regulation establishes five subcategories of designated use for the Chesapeake Bay and its tidal tributaries: migratory fish spawning and nursery designated use, shallow water submerged aquatic vegetation designated use, open water aquatic life designated use, deep water aquatic life designated use, and deep channel seasonal refuge designated use.¹ It also provides new and updated criteria (numerical and narrative) to protect these designated uses from the impact of nutrients and suspended sediments. The criteria include a dissolved oxygen criteria, a submerged aquatic vegetation criteria, a water clarity criteria, and a chlorophyll *a* criteria. The proposed regulation also establishes two additional site-specific criteria: a seasonal dissolved oxygen criteria for open water aquatic life use designation in the Mattaponi and Pamunkey rivers and their tidal tributaries and a seasonal chlorophyll *a* criteria for open water aquatic life use designation in the James River. Since the proposed regulation provides for a new method for controlling nutrients, Chesapeake Bay and its tidal tributaries are removed from the list of state waters designated as nutrient-enriched waters.

The proposed regulation also specifies assessment requirements for determining the attainment of criteria for each designated use. It also allows the State Water Control Board to issue or modify Virginia Pollutant Discharge Elimination System (VPDES) permits for point sources located in the Potomac River basin, the James and Appomattox River basins, the Rappahannock River basin, the York River basin, and the Chesapeake Bay/Small Coastal Basins such that the requirements of the regulation are met. Estimated Economic Impact. In May 1999, the Environmental Protection Agency (EPA) placed Virginia's portion of the Chesapeake Bay and several tidal tributaries on the impaired waters list. The 2000 Chesapeake Bay agreement² set a goal of removing the Chesapeake Bay and its tidal tributaries from the list of impaired water bodies for nutrients and sediments by 2010. If water quality standards are not met by 2010, a

¹ The subcategories fall under the existing propagation and growth of a balanced indigenous population of aquatic life designated use category.

² The signatories to the 2000 Chesapeake Bay agreement were Pennsylvania, Maryland, Virginia, Washington, D.C., the Chesapeake Bay Commission, and EPA. However, in a separate six-state memorandum of understanding with EPA, New York, Delaware, and West Virginia also made the same commitment.

total maximum daily load (TMDL) is to be developed for the entire Chesapeake Bay. One of the key aspects of the agreement was to define water quality conditions necessary to protect aquatic living resources. In response, the EPA issued a regional criteria guidance entitled, "Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity, and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries"³. The regional criteria guidance was developed in order to assist the Chesapeake Bay states (Maryland, Virginia, Delaware, and Washington, D.C.) in adopting revised water quality standards to address nutrient and sediment-based pollution in the Chesapeake Bay and its tidal tributaries. The guidance document defined the water quality conditions called for in the 2000 Chesapeake Bay agreement by developing Chesapeake Bay-specific water quality criteria for dissolved oxygen, water clarity, and chlorophyll a. The guidance document also identified and described five habitats, or designated uses, which provided the context for deriving water quality criteria that were adequately protective.

Based on EPA's regional criteria guidance, the proposed regulation establishes five subcategories of designated use for the Chesapeake Bay and its tidal tributaries. The five new subcategories are migratory fish spawning and nursery, shallow water submerged aquatic vegetation, open water aquatic life, deep-water aquatic life, and deep channel seasonal refuge. All five fall under the propagation and growth of a balanced indigenous population of aquatic life designated use category. The proposed regulation also provides new and updated criteria (numerical and narrative) to protect the new designated uses from the impact of nutrients and suspended sediments, including criteria for dissolved oxygen, submerged aquatic vegetation, water clarity, and chlorophyll a. It also establishes two additional site-specific criteria: a seasonal dissolved oxygen criteria for open water aquatic life use designation in the Mattaponi and Pamunkey Rivers and their tidal tributaries and a seasonal chlorophyll a criteria for open water aquatic life use designation in the James River.

According to the Department of Environmental Quality (DEQ), the proposed designated use subcategories and criteria are based on published EPA guidelines⁴. The EPA offers several approaches to some of the criteria and use designations. For example, the proposed regulation does not use application depths at which to apply the water clarity criteria. Instead, the regulation opts to apply the submerged aquatic vegetation (SAV) acre criteria as the first method of assessment for determining attainment of the water clarity criteria. The attainment of water clarity criteria in the corresponding water clarity acres is to be used as a secondary method of assessment. EPA guidelines allow for the use of either approach. However, according to DEQ, the proposed regulation does vary from EPA guidelines in one respect. For

five of the 35 Chesapeake Bay program segments, the SAV acres do not match the restoration goals published by EPA. Virginia-specific modeling reports showed that, even with best management practices, these five segments would not meet the SAV restoration goals. DEQ instead proposed more achievable goals for these segments, which were reviewed and approved by EPA.

DEQ also believes the proposed designated use subcategories and criteria to be similar to those being implemented by other Chesapeake Bay states. According to DEQ, Maryland, Delaware, and Washington, D.C. (the three other watershed jurisdictions with Chesapeake Bay tidal waters) are currently in the process of promulgating water quality standard regulations. Delaware and Washington, D.C. are much smaller jurisdictions with fewer designated uses and, thus, their regulations do not contain as much detail as the regulations for Virginia and Maryland. Some of the major differences between Virginia and other Chesapeake Bay states are: Virginia places site-specific dissolved oxygen criteria for open waters affected by surrounding tidal wetlands. While the site-specific requirements are consistent with EPA guidelines, no other state has chosen to include such requirements. Virginia's water quality standards propose SAV acres that do not match EPA-published restoration goals. Differences between Maryland and Virginia include: (i) Maryland allows for the application of restoration variances for dissolved oxygen in some deepwater aquatic life designated use areas that are not provided for under Virginia's regulations. These variances are consistent with EPA designated use and attainability findings. However, as there were no findings to support the application of these variances to Virginia's Chesapeake Bay tidal waters, they were not included in the proposed regulation. (ii) Maryland applies narrative chlorophyll a criteria to all its affected waters. While Virginia has chosen to apply narrative criteria to most of its affected waters, numerical chlorophyll a criteria have been applied to the James River due to the impairment of these waters by algae. (iii) Maryland uses a combination of the SAV acres and application depths to assess attainment of the water clarity criteria. As mentioned above, Virginia has chosen to apply the submerged aquatic vegetation (SAV) acre criteria as the first method of assessment for determining attainment of the water clarity criteria.

According to DEQ, existing water quality standards are not appropriate for protecting water quality in Chesapeake Bay and its tidal tributaries. In spite of existing standards, Virginia's portion of Chesapeake Bay and portions of several of its tidal tributaries were put on EPA's impaired waters list in 1999. Moreover, according to DEQ, some of the existing criteria have been ineffective in protecting water quality in the bay. For example, existing criteria for dissolved oxygen have never been attained for some of the deeper waters of Chesapeake Bay during the summer months. The agency believes that the current designated use categories and criteria do not adequately reflect the diversity of aquatic life in the bay and its tidal tributaries. These waters are currently designated for aquatic life protection at all depths and during all times of the year. Thus, existing numerical criteria (dissolved oxygen, pH, and temperature) apply to all areas of Chesapeake Bay and its tidal tributaries, at all depths, and

³ Prepared by Region III of the U.S. Environmental Protection Agency, in coordination with the Office of Water and the Office of Science and Technology, Washington, D.C.

⁴ Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity, and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries (2003) and its 2004 addendum and the Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability (2003) and its 2004 addendum.

Proposed Regulations

during all times of the year. The determination that the current designated uses do not fully reflect the natural conditions in the bay and its tidal tributaries and are too broad to support the adoption of more habitat-specific water quality criteria was one of the principle reasons in the development of the five new designated use subcategories. The new designations provide the context in which to derive adequately protective water quality criteria. By implementing water quality criteria specific to the natural conditions and habitats in Chesapeake Bay and its tidal tributaries, the proposed water quality standards are likely to be more effective than existing standards in achieving water quality improvement goals for these waters.

The proposed requirements are more stringent than existing requirements in some instances and less stringent in others. Waters to be included under the shallow water submerged aquatic vegetation designated use will now be required to meet a new seasonal SAV or water clarity criteria. Waters to be included under the open water aquatic life designated use will now be required to meet a new chlorophyll *a* criteria. In addition, all five new designations will be required to meet a modified dissolved oxygen criteria. While the dissolved oxygen criteria have been made more stringent for some of the designated uses (migratory fish spawning and nursery), they have been made less stringent for others (deep water aquatic life designated use and deep channel seasonal refuge designated use).

Estimated Economic Impact:

The proposed regulation is likely to impose *economic costs*. In order to meet the water quality criteria specified in the proposed regulation, reductions in the discharge of nutrient and sediments into the Chesapeake Bay and its tidal tributaries are required from all point and nonpoint sources. DEQ estimates that, based on 2002 conditions, approximately 33% of the nitrogen occurring in the Chesapeake Bay and its tidal tributaries can be attributed to point sources, with the remaining 66% attributable to nonpoint sources. Approximately 24% of the phosphorus occurring in these waters can be attributed to point sources, with the remaining 76% attributable to nonpoint sources. All sedimentation occurring in these waters is attributable to nonpoint sources. However, only point sources are regulated under the proposed regulation.

The proposed water quality standards are to be used in calculating the nutrient (nitrogen and phosphorus) load allocation for all point sources. The load allocation so determined is then used to set VPDES permit limits. According to DEQ, limits are to be set on all significant discharges into the Chesapeake Bay and its tidal tributaries allowed under a VPDES permit. Entities with permitted discharges greater than 0.5 million gallons per day and with nutrients and oxygen-demanding substances in their discharge are likely to be affected. These entities include sewage treatment plants and businesses involved in the food processing, chemical, and pulp and paper industries. DEQ's best estimate of affected entities is 118, 98 municipal point sources and 20 industrial point sources.

In order to meet the new VPDES permit discharge limits, point sources are likely to incur additional capital and other costs related to nutrient removal. The estimated cost to point sources of reducing the discharge of nitrogen and phosphorus to required levels is summarized below.

Table 1: Summary of Point Source Costs, by Area

	Total Cost (millions)
Eastern Shore Basin	\$9
James River Basin	\$446
York River Basin	\$29
Rappahannock River Basin	\$47
Potomac/Shenandoah River Basin	\$415

The total cost to point sources of meeting their nutrient reduction allocation is \$946 million, with approximately 95% of the cost attributed to municipal point sources and 5% of the cost attributed to industrial point sources. The cost estimates are accurate within a -30% to +50% range.

In order to meet the proposed water quality standards, nutrient and sediment reductions are also required from nonpoint sources.⁵ However, nonpoint sources are not regulated under the proposed regulation. Thus, implementation of the proposed water quality standards for nonpoint sources (i.e., implementation of the nonpoint source nutrient and sediment load allocation) is not required by the proposed regulation. Any reduction in nonpoint nutrient and sediment discharge into Chesapeake Bay and its tidal tributaries from current levels would have to be done on a voluntary basis.

Meeting the nutrient and sediment load allocation for nonpoint sources requires the implementation of best management practices for agriculture, urban, mixed open, forest, and septic non-point sources of discharge. If the nonpoint source nutrient and sediment load allocation were to be met, the estimated costs of implementing the required best management practices are summarized below.

Table 2: Summary of Nonpoint Source Costs, by Area

	Total Cost (millions)
Eastern Shore Basin	\$32
James River Basin	\$1,032
York River Basin	\$119
Rappahannock River Basin	\$128
Potomac/Shenandoah River Basin	\$664

The total cost to nonpoint sources of meeting their nutrient and sediment load allocation is \$1.975 billion, with a little over half these costs attributed to localities through implementation of urban best management practices. However, it should be noted that because of the voluntary nature of non-point nutrient and sediment load reduction from current levels, the actual non-point costs of implementing the proposed water quality standards could be much lower.

To the extent that the nonpoint source nutrient and sediment load allocation is implemented, the proposed regulation may

⁵ According to DEQ, even if all point sources were to meet their nutrient load allocation, it would not be enough to remove Chesapeake Bay and its tidal tributaries from the list of impaired water bodies for nutrients and sediments by 2010.

also impose additional costs on the state funds. These costs relate to any technical assistance that the state provides to localities and private property owners in implementing the required best management practices. The estimated costs to the state in providing technical assistance are summarized below.

Table 3: Summary of Technical Assistance Costs, by Area

	Total Cost (millions)
Eastern Shore Basin	\$5
James River Basin	\$121
York River Basin	\$14
Rappahannock River Basin	\$16
Potomac/Shenandoah River Basin	\$91

Total technical assistance costs to the state are estimated to be \$247 million. However, as for nonpoint source costs, because of the voluntary nature of nonpoint nutrient and sediment load reduction from current levels, actual technical assistance costs associated with implementing the proposed water quality standards could be much lower.

All the above cost estimates are taken from the April 2004 Chesapeake Bay Nutrient and Sediment Reduction Tributary Strategy for the Eastern Shore, James River, Lynnhaven, and Poquoson Coastal Basins, Shenandoah and Potomac River Basins, Rappahannock River and Northern Neck Coastal Basins, and York River and Lower York Coastal Basins. According to DEQ, updated cost information was presented to the Blue Ribbon Task Force earlier this month. While estimates for both point and nonpoint sources have been revised upwards, the estimates for nonpoint sources are significantly higher⁶ than those reported in the Tributary Strategies. The revisions to point source cost estimates is within the uncertainty band reported in the Tributary Strategies⁷.

Some of these costs are likely to be met by federal cost-share programs. Barring any change in federal legislation and appropriation, DEQ estimates that approximately 90% of the estimated cost to point sources are likely to be met by in-state resources. The remaining 10% are likely to be met through federal cost-share programs. DEQ anticipates that existing federal grants to the Virginia Revolving Loan Fund will be used as a primary funding source for point source costs. However, to the extent that any additional federal funds are provided to defray some of the estimated point and nonpoint costs, the cost to in-state resources (state, locality, and private) in implementing the proposed water quality standards will be reduced.

The proposed regulation is also likely to produce *economic benefits*. The benefits accruing from the restoration of water quality include benefits to public health, commercial fisheries, tourism and recreation, property values in surrounding areas, and the regional economy in general. According to the EPA, the Chesapeake Bay affects industries such as commercial

fishing, boat building and repair industry, and tourism that generate approximately \$20 billion in output and 340,000 in jobs⁸. Based on 1998 conditions, tourism was by far the largest of these industries, accounting for approximately \$19.6 billion. It should be noted that while the Chesapeake Bay is likely to affect a number of industries, the exact extent to which these industries rely on water quality in the bay is not known.

There is an existing body of literature on the benefits of water quality improvements. Leggett and Bockstael (2000)⁹ find that water quality improvements (in terms of fecal coliform levels) have a positive and significant effect on property values along the Chesapeake Bay. Lipton (2004)¹⁰ concludes that there is reasonable evidence that boaters are willing to pay for improvements in water quality. According to the study, water quality does impact the enjoyment of boating and boaters would benefit by a significant amount if it were to improve. Lipton and Hicks (1999)¹¹ establish a link between water quality improvements and recreational fishing values in the Chesapeake Bay. They conclude that while water quality improvements from current levels will have little benefit to striped bass recreational fishermen, allowing water quality to deteriorate from current levels will produce significant effects. Freedman (1995)¹² concludes that existing literature establishes that some measures of pollution reduce the value of trips to the beach. A study by Hanley, Bell, and Alvarez-Farizo (2003)¹³ on the effect of water quality on trips to beaches in south-west Scotland found that hypothetical improvements in water quality did increase predicted trip frequency, but by only 1.3%. However, other analyses by Bockstael, McConnell, and Strand (1989)¹⁴ and Krupnick (1988)¹⁵ estimate the beach value component of the benefits of water quality improvements to recreational uses to be much higher. Studies such as McConnell and Strand (1989)¹⁶ examine the welfare gains associated with commercial fisheries. Based on 2000 information, the value of commercial landings of some Chesapeake Bay species (Striped Bass,

⁶ According to DEQ, total non-point source costs (including the costs of providing technical assistance) have been revised to over \$6.2 billion.

⁷ According to DEQ, point source cost estimates have been revised to approximately \$1.1 billion.

⁸ Economic Analyses of Nutrient and Sediment Reduction Actions to Restore Chesapeake Bay Water Quality, 2003 - September. Prepared by Region III of the U.S. Environmental Protection Agency.

⁹ Leggett, C. G. and N. E. Bockstael, 2000. Evidence of the Effects of Water Quality on Residential Land Prices. *Journal of Environmental Economics and Management* 39: 121-144.

¹⁰ Lipton, D.W., 2004. The Value of Improved Water Quality to Chesapeake Bay Boaters. *Marine Resource Economics* 19(2):1-6.

¹¹ Lipton, D.W. and R. Hicks, 1999. Linking Water Quality Improvements to Recreational Fishing Values: The Case of Chesapeake Bay Striped Bass. *Proceedings evaluating the benefits of recreational fishing. Fisheries Centre Research Reports* 7(2): 105-110.

¹² Freedman, A.M., 1995. The Benefits of Water Quality Improvements for Marine Recreation: A Review of the Empirical Evidence. *Marine Resource Economics* 10(4): 385-406.

¹³ Hanley, N., Bell, D., and B. Alvarez-Farizo, 2003. Valuing the Benefits of Coastal Water Quality Improvements Using Contingent and Real Behavior. *Environmental and Resource Economics* 24: 273-285.

¹⁴ Bockstael, N.E., McConnell, K.E., and I.E. Strand, 1989. Measuring the Benefits of Improvements in Water Quality: The Chesapeake Bay. *Marine Resource Economics* 6(1): 1-18.

¹⁵ Krupnick, A., 1988. Reducing Bay Nutrients: An Economic Perspective. *Maryland Law Review* 47(2): 453-480.

¹⁶ McConnell, K.E. and I.E. Strand, 1989. Benefits from Commercial Fisheries When Demand and Supply Depend on Water Quality. *Journal of Environmental Economics and Management* 17(3): 284-292.

Proposed Regulations

Quahog Clam, Blue Crab, and Eastern Oyster) in Virginia are estimated at approximately \$33 million.

Thus, while existing literature indicates significant economic benefits accruing from improvements in water quality, estimates of these benefits cover a wide range of values. Moreover, not all of the benefits accruing from water quality improvements are easily quantifiable. Benefits are likely to accrue from recreation (fishing, boating, and swimming), commercial fishing, public health, nonuse value, property values, and regional economic impacts. However, recreational use benefits are likely to represent the largest benefit category. Bockstael, et al. (1989) estimate that a 20% improvement in nitrogen and phosphorus concentrations is likely to produce annual recreational use benefits for the Maryland portion of Chesapeake Bay of between \$17 million and \$76 million (in 1996 dollars) or an inflation-adjusted range of between \$21 million and \$92 million. Krupnick (1988) estimates that a 40% improvement in nitrogen and phosphorus concentrations is likely to produce annual recreational use benefits for the Chesapeake Bay area as a whole of between \$43 million and \$123 million (in 1996 dollars) or an inflation-adjusted range of between \$52 million and \$149 million. Based on Bockstael et al. (1989) and Krupnick (1988), Morgan and Owens (2001)¹⁷ estimate the benefits to the Chesapeake Bay area of improvements in water quality between 1972 and 1996. A 60% improvement in water quality is estimated to have provided annual benefits to people living in Washington, D.C., Virginia, and portions of Maryland of between \$358 million and \$1.8 billion (in 1996 dollars) or an inflation-adjusted range of between \$432 million and \$2.2 billion. The methodology used by Morgan and Owens (2001) can be applied to Virginia to arrive at a better estimate of recreation use benefits accruing to the state from the proposed water quality standards. However, the range estimated recreation use benefits is likely to underestimate the actual benefits of water quality improvement in Chesapeake Bay. The study does not quantify a number of the benefits that accrue from water quality improvements such as the effect on property values, the effects on commercial fishing, and human health effects. Moreover, the study does not address the benefits accruing from a reduction in sediment load in the Chesapeake Bay and its tidal tributaries. According to DEQ, meeting the point and nonpoint nutrient and sediment load allocations is likely to reduce nitrogen to 51.4 million lbs/year (from 77.8 million lbs/year in 2002), reduce phosphorus to 6.0 million lbs/year (from 9.84 million lbs/year in 2002), and reduce sediment to 1.941 million tons/year (from 2.370 million tons/year in 2002). However, actual nutrient and sediment load reductions will depend on the extent of voluntary compliance of non-point sources with the proposed water quality standards.

The proposed regulation is also likely to provide some additional economic benefits. As mentioned above, some of the costs associated with implementing the proposed water quality standards are likely to be met by federal cost-share programs. To the extent that additional federal funds are provided to defray some of these costs, it is likely to produce

economic benefits for the state. Unlike in-state resources, any additional federal funds will inject money into the state economy without any offsetting economic effects elsewhere in the state. These federal funds are likely to be spent in the state on nutrient control and the implementation of best management practices, increasing Virginia income and output. Moreover, the additional federal funds will be subject to an economic multiplier as the injected cash is spent on goods and services in Virginia.

In addition to the economic benefits mentioned above, the proposed regulation is also likely to produce benefits by making Virginia's water quality policies more consistent with those of other states. As discussed previously, Maryland, Delaware, and Washington, D.C. (the three other watershed jurisdictions with Chesapeake Bay tidal waters) are currently in the process of promulgating similar water quality standard regulations. Moreover, Virginia is committed to implementing these water quality standards as part of the 2000 Chesapeake Bay agreement and the 2000 six-state memorandum of understanding with EPA. Failure to do so could result in EPA promulgating and implementing water quality standards for the state and continued litigation from environmental groups. Thus, there are many significant non-monetary benefits to the state of implementing these water quality standards. At the same time, there are no significant benefits to the state of not implementing these standards. Failure to meet required water quality standards by 2010 will result in the development of a TMDL for the entire Chesapeake Bay. According to DEQ, a TMDL is not likely to result in any additional limits being placed on point source discharges than those likely to be placed under the proposed regulation. Thus, by not implementing the proposed regulation, the state would only be putting off the costs associated with its implementation by a few years.

The net economic impact of the proposed change will depend on whether the costs of implementing the proposed water quality standards are greater than or less than the benefits of doing so. Estimates of the costs and the benefits of implementing the proposed regulation are likely to be large, with both estimates ranging from the millions to the billions of dollars. However, estimates of both the costs and benefits are subject to great uncertainty. The cost estimates for point sources alone are subject to an uncertainty band of -30% to +50% (as demonstrated by the latest revisions to these cost estimates). The costs to nonpoint sources (including technical assistance costs) appear to be subject to even greater uncertainty. The almost three-fold increase in nonpoint cost estimates in the latest revision is a testament to the magnitude of the uncertainties in estimating nonpoint source costs even without any nonpoint enforcement issues. This, along with the lack of enforcement ability and the voluntary nature of any steps taken to reduce nonpoint nutrient and sediment loads from current levels make accurate estimates of nonpoint source costs virtually impossible. Benefit estimates are also subject to great uncertainty. The actual nutrient and sediment load reduction in the Chesapeake Bay and its tidal tributaries, and hence the benefits accruing from it, are dependant on the extent of voluntary compliance of nonpoint source with the proposed water quality standards. Moreover, existing benefits estimates fall within a wide range of values and are not

¹⁷ Morgan, C. and N. Owens, 2001. Benefits of Water Quality Policies: The Chesapeake Bay. *Ecological Economics* 39: 271-284.

necessarily applicable to the water quality standards being proposed. Finally, due to the problems in quantifying them, it is very difficult to arrive at precise estimates for many of the benefits that are likely to accrue from improvements in the water quality of Chesapeake Bay and its tidal tributaries. Thus, given the many large uncertainties, it is not possible at this time to make a precise determination of the net economic impact of the proposed change. However, it is possible that annual benefits accruing to the state from water quality improvements could eventually outweigh the costs of implementing these water quality standards. For example, annual benefits of approximately \$76 million will outweigh \$1 billion in current costs in 20 years (at a 5% discount rate). Over a 10-year horizon, current costs of \$1 billion will be outweighed by annual benefits of approximately \$123 million (assuming a 5% discount rate).

Businesses and entities affected. The proposed regulation is likely to affect businesses and entities with significant point source discharges into the Chesapeake Bay and its tidal tributaries. Limits are to be set on all significant discharges (greater than 0.5 million gallons per day) allowed under a VPDES permit. In order to meet the new VPDES permit discharge limits, these businesses and entities are likely to incur additional capital and other costs related to nutrient removal. DEQ's best estimate of such entities is 20. The cost to these entities of meeting their nutrient load allocation is estimated at a little under \$43 million.

The proposed water quality standards could also affect nonpoint sources. Nonpoint sources are not regulated under the proposed regulation. Thus, implementation of the nonpoint source nutrient and sediment load allocation is not required by the proposed regulation. Meeting the nutrient and sediment load allocation for nonpoint sources requires the implementation of best management practices for agriculture, urban, mixed open, forest, and septic nonpoint sources of discharge. Some businesses and entities engaged in activities giving rise to nonpoint discharges could incur additional costs if they choose to implement best management practices aimed at reducing nutrient and sediment discharge. The number of such entities is not known. However, if nonpoint sources are to meet their nutrient and sediment reduction allocation, the costs of doing so are estimated at \$928 million (nonpoint source costs for urban best management practices are not included in this estimate as these are costs likely to be incurred by localities, not private businesses and entities). However, given the voluntary nature of nonpoint nutrient and sediment load reductions from current levels, businesses can choose not to implement the required best management practices.

Some of the costs to businesses and entities of implementing nutrient control are likely to be met by federal and state cost-share programs. According to EPA's economic analysis, based on current practice, federal and state cost-share programs could provide for between 25% and 33% of estimated costs. Moreover, depending on the elasticity of demand for their product and the market structure within which they operate, these businesses will be able to pass on some of the increased costs to consumers in the form of higher prices for their product (the degree to which they will be

able to pass the costs on to consumers will depend on the elasticity of demand and the type of market structure).

The proposed regulation is also likely to have an impact on businesses and entities involved in industries that depend on the Chesapeake Bay and its tidal tributaries. These industries include commercial fisheries, tourism and recreation, and boat building and repair in industries in the Chesapeake Bay area. Businesses and entities involved in such industries are likely to benefit from any improvement in water quality in the bay or its tidal tributaries. The beneficial effect of water quality on these industries is, in turn, likely to have a secondary beneficial effect on related support and value-added industries.

Localities particularly affected. The proposed regulation is likely to affect all cities and counties within the Chesapeake Bay watershed area. These localities are likely to incur additional costs of meeting the new VPDES discharge limits for discharges for municipal point sources. DEQ's best estimate of affected entities is 98. The estimated cost to these entities of meeting the nutrient load allocation is \$904 million. In addition, all cities and localities that touch Chesapeake Bay drainage waters may also face non-point source costs related to storm water control and erosion and sediment control. However, implementation of best management practices such that nonpoint nutrient and sediment load allocation are met is not required under the proposed regulation. If localities were to meet the nonpoint nutrient and sediment load allocation, the cost of implementing urban best management practices is estimated at \$1 billion.

Some of the costs to localities of implementing nutrient and sediment control are likely to be met by federal and state cost-share programs. In addition, some of the increased cost to localities could also be passed on to taxpayers in the form of higher taxes.

On the other hand, localities are likely to benefit from economic development due to improvements in water quality of the Chesapeake Bay and its tidal tributaries. Industries such as commercial fisheries, tourism and recreation, and boat building and repair are likely to benefit directly from water quality improvements. Related support and value-added industries are, in turn, likely to reap secondary benefits. This is likely to have a positive effect on output and employment in localities in and around Chesapeake Bay and its tidal tributaries.

Projected impact on employment. The proposed regulation could affect employment in industries with significant discharges into the Chesapeake Bay and its tidal tributaries. Examples of these industries include the food processing industry, the chemical industry, and the pulp and paper industry. The increased costs to these industries could reduce the profitability, potentially reducing the number of people employed in these sectors. To the extent that nonpoint source best management practices are implemented, the proposed change is likely to impose additional costs on businesses and entities engaged in activities giving rise to nonpoint discharges, potentially reducing the number of people employed in these sectors.

Proposed Regulations

On the other hand, the proposed regulation could have a beneficial effect on employment in industries such as commercial fisheries, tourism and recreation, and boat building and repairs that are likely to benefit from improvements in water quality in the Chesapeake Bay area.

Moreover, to the extent that the proposed regulation results in additional federal funds flowing into the state, it is likely to increase Virginia income and output and could result in an overall increase in employment in the state.

Effects on the use and value of private property. The proposed regulation is likely to impose additional costs on businesses and entities with significant point source discharges into Chesapeake Bay and its tidal tributaries. These businesses are likely to incur significant capital and other costs related to nutrient removal. This, in turn, is likely to increase operating costs and lower the asset value of these businesses. Moreover, to the extent that some businesses and entities engaged in activities that contribute to non-point discharges implement best management practices, they could incur significant additional costs, increasing their operating costs and lowering their asset values.

On the other hand, the proposed regulation is likely to have a positive effect on businesses involved in industries such as commercial fisheries, tourism and recreation, and boat building and repairs that are likely to benefit from improvements in water quality. Improved water quality is likely to increase revenues and raise the asset value of these businesses. In addition, improvements in water quality and any subsequent increase in economic activity in surrounding areas could also have a positive impact on property values in the area.

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

Summary:

The proposed amendments include updated numerical and narrative criteria to protect designated uses from the impacts of nutrients and suspended sediments in the Chesapeake Bay and its tidal tributaries. The amendments include new and revised use designations for these waters and are additions to the existing water quality standards regulation, which contains numerical and narrative criteria to protect use designations. These amendments are substantive in that the Chesapeake Bay and its tidal tributaries will have separate uses and nutrient-related criteria from the rest of the state. To meet these new criteria, pollution sources upstream of the designated area must be controlled.

9 VAC 25-260-5. Definitions.

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

"Board" means State Water Control Board.

"Chesapeake Bay and its tidal tributaries" means all tidally influenced waters of the Chesapeake Bay; western and

eastern coastal embayments and tributaries; James, York, Rappahannock and Potomac Rivers and all their tidal tributaries to the end of tidal waters in each tributary (in larger rivers this is the fall line); and includes subdivisions 1, 2, 3, 4, 5, and 6 of 9 VAC 25-260-390, subdivisions 1, 1b, 1d, 1f and 1o of 9 VAC 25-260-410, subdivisions 5 and 5a of 9 VAC 25-260-415, subdivisions 1 and 1a of 9 VAC 25-260-440, subdivisions 2, 3, 3a, 3b and 3e of 9 VAC 25-260-520, and subdivision 1 of 9 VAC 25-260-530. This definition does not include free flowing sections of these waters.

"Criteria" means elements of the board's water quality standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports a particular use. When criteria are met, water quality will generally protect the designated use.

"Designated uses" means those uses specified in water quality standards for each water body or segment whether or not they are being attained.

"Drifting organisms" means planktonic organisms that are dependent on the current of the water for movement.

"Existing uses" means those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

"Mixing zone" means a limited area or volume of water where initial dilution of a discharge takes place and where numeric water quality criteria can be exceeded but designated uses in the water body on the whole are maintained and lethality is prevented.

"Passing organisms" means free swimming organisms that move with a mean velocity at least equal to the ambient current in any direction.

"Primary contact recreation" means any water-based form of recreation, the practice of which has a high probability for total body immersion or ingestion of water (examples include but are not limited to swimming, water skiing, canoeing and kayaking).

"Pycnocline" means the portion of the water column where density changes rapidly because of salinity and/or temperature. In an estuary the pycnocline is the zone separating deep, cooler more saline waters from the less saline, warmer surface waters. The upper and lower boundaries of a pycnocline are measured as a change in density per unit of depth that is greater than twice the change of the overall average for the total water column.

"Secondary contact recreation" means a water-based form of recreation, the practice of which has a low probability for total body immersion or ingestion of waters (examples include but are not limited to wading, boating and fishing).

"Swamp waters" means waters with naturally occurring low pH and low dissolved oxygen caused by: (i) low flow velocity that prevents mixing and reaeration of stagnant, shallow waters and (ii) decomposition of vegetation that lowers dissolved oxygen concentrations and causes tannic acids to color the water and lower the pH.

"Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological, and economic factors as described in 9 VAC 25-260-10 G H.

"Water quality standards" means provisions of state or federal law which consist of a designated use or uses for the waters of the Commonwealth and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the federal Clean Water Act (33 USC § 1251 et seq.).

9 VAC 25-260-10. Designation of uses.

A. All state waters, including wetlands, are designated for the following uses: recreational uses, e.g., swimming and boating; the propagation and growth of a balanced, indigenous population of aquatic life, including game fish, which might reasonably be expected to inhabit them; wildlife; and the production of edible and marketable natural resources, e.g., fish and shellfish.

B. Subcategories of the propagation and growth of a balanced indigenous population of aquatic life, including game fish designated use for waters in the Chesapeake Bay and its tidal tributaries are listed in this subsection.

1. Migratory Fish Spawning and Nursery Designated Use: waters in the Chesapeake Bay and its tidal tributaries that protect the survival, growth and propagation of the early life stages of anadromous, semi-anadromous and tidal-fresh resident fish species inhabiting spawning and nursery grounds. This designated use extends from the end of tidal waters to the downriver end of spawning and nursery habitats that have been determined through a composite of all targeted anadromous and semi-anadromous fish species' spawning and nursery habitats (see boundaries in U.S. Environmental Protection Agency, 2004, Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability 2004 Addendum, Chesapeake Bay Program Office, Annapolis, Maryland). This designated use extends horizontally from the shoreline of the body of water to the adjacent shoreline, and extends down through the water column to the bottom water-sediment interface. This use applies February 1 through May 31 and applies in addition to the open-water use described in this subsection.

2. Shallow-water Submerged Aquatic Vegetation Designated Use: waters in the Chesapeake Bay and its tidal tributaries that support the survival, growth and propagation of submerged aquatic vegetation (rooted, underwater bay grasses). This use applies April 1 through October 31 in tidal-fresh, oligohaline and mesohaline Chesapeake Bay Program segments, and March 1 through November 30 in polyhaline Chesapeake Bay Program segments and applies in addition to the open-water use described in this subsection.

3. Open Water Aquatic Life Designated Use: waters in the Chesapeake Bay and its tidal tributaries that protect the survival, growth and propagation of balanced, indigenous

populations of aquatic life inhabiting open-water habitats. This designated use applies year-round but the vertical boundaries change seasonally. October 1 through May 31, the open water aquatic life use extends horizontally from the shoreline at mean low water, to the adjacent shoreline, and extending through the water column to the bottom water-sediment interface. June 1 through September 30, if a pycnocline is present and, in combination with bottom bathymetry and water column circulation patterns, presents a barrier to oxygen replenishment of deeper waters, this designated use extends down into the water column only as far as the upper boundary of the pycnocline. June 1 through September 30, if a pycnocline is present but other physical circulation patterns (such as influx of oxygen rich oceanic bottom waters) provide for oxygen replenishment of deeper waters, the open-water aquatic life designated use extends down into the bottom water-sediment interface (see boundaries in U.S. Environmental Protection Agency, 2004 Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability 2004 Addendum, Chesapeake Bay Program Office, Annapolis, Maryland). This designated use includes the migratory fish spawning and nursery and shallow-water submerged aquatic vegetation uses.

4. Deep Water Aquatic Life Designated Use: waters in the Chesapeake Bay and its tidal tributaries that protect the survival and growth of balanced, indigenous populations of aquatic life inhabiting deep-water habitats. This designated use extends to the tidally influenced waters located between the upper and lower boundaries of the pycnocline where, in combination with bottom bathymetry and water circulation patterns, a pycnocline is present and presents a barrier to oxygen replenishment of deeper waters. In some areas, the deep-water designated use extends from the upper boundary of the pycnocline down to the bottom water-sediment interface (see boundaries in U.S. Environmental Protection Agency, 2004 Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability 2004 Addendum, Chesapeake Bay Program Office, Annapolis, Maryland). This use applies June 1 through September 30.

5. Deep Channel Seasonal Refuge Designated Use: waters in the Chesapeake Bay and its tidal tributaries that protect the survival of balanced, indigenous populations of benthic infauna and epifauna inhabiting deep-channel habitats. This designated use extends to the tidally influenced waters at depths greater than the lower boundary of the pycnocline in areas where, in combination with bottom bathymetry and water circulation patterns, the pycnocline presents a barrier to oxygen replenishment of deeper waters (see boundaries in U.S. Environmental Protection Agency, 2004 Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability 2004 Addendum, Chesapeake Bay Program Office, Annapolis, Maryland). This use applies June 1 through September 30.

B- C. In designating uses of a water body and the appropriate criteria for those uses, the board shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the

Proposed Regulations

attainment and maintenance of the water quality standards of downstream waters.

~~G.~~ *D.* The board may adopt subcategories of a use and set the appropriate criteria to reflect varying needs of such subcategories of uses, for instance, to differentiate between cold water (trout streams) and warm water fisheries.

~~D.~~ *E.* At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under §§ 301(b) and 306 of the Clean Water Act and cost-effective and reasonable best management practices for nonpoint source control.

~~E.~~ *F.* Prior to adding or removing any use, or establishing subcategories of a use, the board shall provide notice and an opportunity for a public hearing under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

~~F.~~ *G.* The board may adopt seasonal uses as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria should be adjusted to reflect the seasonal uses; however, such criteria shall not preclude the attainment and maintenance of a more protective use in another season.

~~G.~~ *H.* The board may remove a designated use which is not an existing use, or establish subcategories of a use, if the board can demonstrate that attaining the designated use is not feasible because:

1. Naturally occurring pollutant concentrations prevent the attainment of the use;
2. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
3. Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
4. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
5. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or
6. Controls more stringent than those required by §§ 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

~~H.~~ *I.* The board may not remove designated uses if:

1. They are existing uses, unless a use requiring more stringent criteria is added; or

2. Such uses will be attained by implementing effluent limits required under §§ 301(b) and 306 of the Clean Water Act and by implementing cost-effective and reasonable best management practices for nonpoint source control.

~~I.~~ *J.* Where existing water quality standards specify designated uses less than those which are presently being attained, the board shall revise its standards to reflect the uses actually being attained.

~~J.~~ *K.* The board must conduct a use attainability analysis whenever:

1. The board designates or has designated uses that do not include the uses specified in § 101(a)(2) of the Clean Water Act, or

2. The board wishes to remove a designated use that is specified in § 101(a)(2) of the Clean Water Act or to adopt subcategories of uses specified in § 101(a)(2) of the Clean Water Act which require less stringent criteria.

~~K.~~ *L.* The board is not required to conduct a use attainability analysis under this chapter whenever designating uses which include those specified in subsection A of this section.

9 VAC 25-260-50. Numerical criteria for dissolved oxygen, pH, and maximum temperature.***

CLASS	DESCRIPTION OF WATERS	DISSOLVED OXYGEN (mg/l)****		pH	Max. Temp. (°C)
		Min.	Daily Avg.		
I	Open Ocean	5.0	--	6.0-9.0	--
II	Estuarine Tidal Waters (Tidal Water-Coastal Zone to Fall Line) in the Chowan Basin and the Atlantic Ocean Basin	4.0	5.0	6.0-9.0	--
II	<i>Tidal Waters in the Chesapeake Bay and its tidal tributaries</i>	<i>see 9 VAC 25-260-185</i>		6.0-9.0	
III	Nontidal Waters (Coastal and Piedmont Zones)	4.0	5.0	6.0-9.0	32
IV	Mountainous Zones Waters	4.0	5.0	6.0-9.0	31
V	Stockable Trout Waters	5.0	6.0	6.0-9.0	21
VI	Natural Trout Waters	6.0	7.0	6.0-9.0	20
VII	Swamp Waters	*	*	4.3-9.0*	**

*This classification recognizes that the natural quality of these waters may fall outside of the ranges for D.O. and pH set forth above as water quality criteria; therefore, on a case-by-case

basis, criteria for specific Class VII waters can be developed that reflect the natural quality of the waterbody. Virginia Pollutant Discharge Elimination System limitations in Class VII waters shall meet pH of 6.0 - 9.0.

**Maximum temperature will be the same as that for Classes I through VI waters as appropriate.

***The water quality criteria in this section do not apply below the lowest flow averaged (arithmetic mean) over a period of seven consecutive days that can be statistically expected to occur once every 10 climatic years (a climatic year begins April 1 and ends March 31).

****See 9 VAC 25-260-55 for implementation of these criteria in waters naturally low in dissolved oxygen.

9 VAC 25-260-185. Criteria to protect designated uses from the impacts of nutrients and suspended sediment in the Chesapeake Bay and its tidal tributaries.

A. Dissolved oxygen.

Designated Use	Criteria Concentration/ Duration	Temporal Application
Migratory fish spawning and nursery	7-day mean > 6 mg/l (tidal habitats with 0-0.5 ppt salinity)	February 1 - May 31
	Instantaneous minimum > 5 mg/l	
Open water ^{1,2}	30 day mean > 5.5 mg/l (tidal habitats with 0-0.5 ppt salinity)	year-round
	30 day mean > 5 mg/l (tidal habitats with >0.5 ppt salinity)	
	7 day mean > 4 mg/l	
	Instantaneous minimum > 3.2 mg/l at temperatures <29°C Instantaneous minimum > 4.3 mg/l at temperatures > 29°C	
Deep water	30 day mean > 3 mg/l	June 1 - September 30
	1 day mean > 2.3 mg/l	
	Instantaneous minimum > 1.7 mg/l	
Deep channel	Instantaneous minimum > 1 mg/l	June 1 - September 30

¹ See subsection aa of 9 VAC 25-260-310 for site specific seasonal open-water dissolved oxygen criteria applicable to the tidal Mattaponi and Pamunkey Rivers and their tidal tributaries.

² In applying this open water instantaneous criterion to the Chesapeake Bay and its tidal tributaries where the existing water quality for dissolved oxygen exceeds an instantaneous minimum of 3.2 mg/l, that higher water quality for dissolved oxygen shall be provided antidegradation protection in accordance with 9 VAC 25-610-30 A 2.

B. Submerged aquatic vegetation and water clarity. If the submerged aquatic vegetation (SAV) acres in this subsection are met in any individual Chesapeake Bay Program segment as described in subsection D of this section, then the shallow water submerged aquatic vegetation use is met in that segment. If the SAV acres in this subsection are not met in any individual Chesapeake Bay Program segment, then the water clarity criteria shall apply to the water clarity acres in that segment. If these water clarity criteria are met to the bottom water sediment interface for the number of water clarity acres in that segment, then the shallow-water submerged aquatic vegetation use is met; regardless of the number of acres of SAV in that segment.

Proposed Regulations

Designated Use	Chesapeake Bay Program Segment	SAV Acres ¹	Water Clarity Criteria (percent light-through-water) ²	Water Clarity Acres ¹	Temporal Application
Shallow Water Submerged Aquatic Vegetation Use	CB5MH	7,633	22%	14,514	April 1 - October 31
	CB6PH	1,267	22%	3,168	March 1 - November 30
	CB7PH	15,107	22%	34,085	March 1 - November 30
	CB8PH	11	22%	28	March 1 - November 30
	POTTF	2,093	13%	5,233	April 1 - October 31
	POTOH	1,503	13%	3,758	April 1 - October 31
	POTMH	4,250	22%	10,625	April 1 - October 31
	RPPTF	66	13%	165	April 1 - October 31
	RPOH	0	-	0	-
	RPPMH	1700	22%	5000	April 1 - October 31
	CRRMH	768	22%	1,920	April 1 - October 31
	PIAMH	3,479	22%	8,014	April 1 - October 31
	MPNTF	85	13%	213	April 1 - October 31
	MPNOH	0	-	0	-
	PMKTF	187	13%	468	April 1 - October 31
	PMKOH	0	-	0	-
	YRKMH	239	22%	598	April 1 - October 31
	YRKPH	2,793	22%	6,982	March 1 - November 30
	MOBPH	15,901	22%	33,990	March 1 - November 30
	JMSTF2	200	13%	500	April 1 - October 31
	JMSTF1	1000	13%	2500	April 1 - October 31
	APPTF	379	13%	948	April 1 - October 31
	JMSOH	15	13%	38	April 1 - October 31
	CHKOH	535	13%	1,338	April 1 - October 31
	JMSMH	200	22%	500	April 1 - October 31
	JMSPH	300	22%	750	March 1 - November 30
	WBEMH	0	-	0	-
	SBEMH	0	-	0	-
	EBEMH	0	-	0	-
	LAFMH	0	-	0	-
ELIPH	0	-	0	-	
LYNPH	107	22%	268	March 1 - November 30	
POCOH	0	-	0	-	
POCMH	4,066	22%	9,368	April 1 - October 31	
TANMH	13,579	22%	22,064	April 1 - October 31	

¹ The assessment period for SAV and water clarity acres shall be the single best year in the most recent three consecutive years. When three consecutive years of data are not available, a minimum of three years within the most recent five years shall be used.

² Percent Light through Water = $100e^{-(K_d Z)}$ where K_d is water column light attenuation coefficient and can be measured directly or converted from a measured secchi depth where $K_d = 1.45/\text{secchi depth}$. Z = depth at location of measurement of K_d .

C. Chlorophyll a.

Designated Use	Chlorophyll a Narrative Criterion ¹	Temporal Application
Open Water	Concentrations of chlorophyll a in free-floating microscopic aquatic plants (algae) shall not exceed levels that result in undesirable or nuisance aquatic plant life, or render tidal waters unsuitable for the propagation and growth of a balanced, indigenous population of aquatic life or otherwise result in ecologically undesirable water quality conditions such as reduced water clarity, low dissolved oxygen, food supply imbalances, proliferation of species deemed potentially harmful to aquatic life or humans or aesthetically objectionable conditions.	March 1 - September 30

¹ See subsection bb of 9 VAC 25-260-310 for site specific seasonal open water chlorophyll a numerical criteria applicable to the tidal James River.

D. Implementation.

1. Chesapeake Bay program segmentation scheme as described in Chesapeake Bay Program, 2004 Chesapeake Bay Program Analytical Segmentation Scheme-Revisions, Decisions and Rationales: 1983 - 2003, CBP/TRS 268/04, Chesapeake Bay Program, Annapolis, Maryland, is listed below and shall be used as the spatial assessment unit to determine attainment of the criteria in this section for each designated use.

Chesapeake Bay Segment Description	Segment Name ¹	Chesapeake Bay Segment Description	Segment Name ¹
Lower Central Chesapeake Bay	CB5MH	Mobjack Bay	MOBPH
Western Lower Chesapeake Bay	CB6PH	Upper Tidal Fresh James River	JMSTF2
Eastern Lower Chesapeake Bay	CB7PH	Lower Tidal Fresh James River	JMSTF1
Mouth of the Chesapeake Bay	CB8PH	Appomattox River	APPTF
Upper Potomac River	POTTF	Middle James River	JMSOH
Middle Potomac River	POTOH	Chickahominy River	CHKOH
Lower Potomac River	POTMH	Lower James River	JMSMH
Upper Rappahannock River	RPPTF	Mouth of the James River	JMSPH
Middle Rappahannock River	RPPOH	Western Branch Elizabeth River	WBEMH
Lower Rappahannock River	RPPMH	Southern Branch Elizabeth River	SBEMH
Corrotoman River	CRRMH	Eastern Branch Elizabeth River	EBEMH
Piankatank River	PIAMH	Lafayette River	LAFMH
Upper Mattaponi River	MPNTF	Mouth of the Elizabeth River	ELIPH
Lower Mattaponi River	MPNOH	Lynnhaven River	LYNPH
Upper Pamunkey River	PMKTF	Middle Pocomoke River	POCOH
Lower Pamunkey River	PMKOH	Lower Pocomoke River	POCMH
Middle York River	YRKMH	Tangier Sound	TANMH
Lower York River	YRKPH		

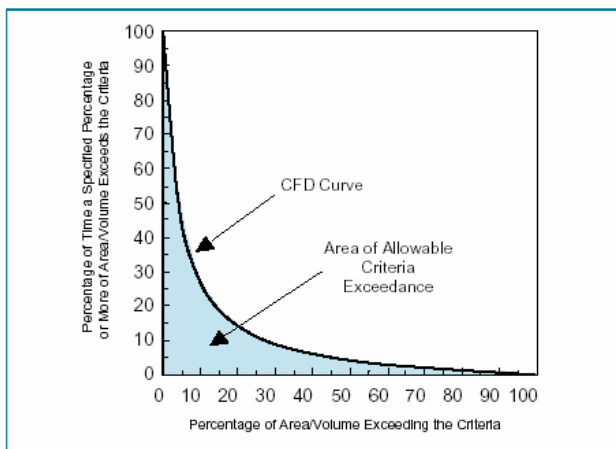
Proposed Regulations

¹First three letters of segment name represent Chesapeake Bay segment description, letters four and five represent the salinity regime of that segment (TF = Tidal Fresh, OH = Oligohaline, MH = Mesohaline and PH = Polyhaline) and a sixth space is reserved for subdivisions of that segment.

2. The assessment period shall be the most recent three consecutive years. When three consecutive years of data are not available, a minimum of three years within the most recent five years shall be used.

3. Attainment of these criteria shall be assessed through comparison of the generated cumulative frequency distribution of the monitoring data to the applicable criteria reference curve for each designated use. If the monitoring data cumulative frequency curve is completely contained inside the reference curve, then the segment is in attainment of the designated use. The reference curves and procedures to be followed are published in the USEPA, Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll *a* for the Chesapeake Bay and Its Tidal Tributaries, EPA 903-R-03-002, April 2003. If no reference curve is published, the cumulative frequency distribution reference curve in Figure 1, which represents 10% allowable exceedences equally distributed between time and space, shall be the applicable reference curve. An exception to this requirement is in measuring attainment of the SAV acres, which are compared directly to the criteria.

Figure 1.



4. As deemed necessary to meet the requirements of this section, the board shall issue or modify Virginia Pollutant Discharge Elimination System permits for point source dischargers located throughout the tidal and nontidal sections of the following river basins: Potomac (9 VAC 25-260-390 and 9 VAC 25-260-400), James (9 VAC 25-260-410, 9 VAC 25-260-415, 9 VAC 25-260-420 and 9 VAC 25-260-430), Rappahannock (9 VAC 25-260-440), York (9 VAC 25-260-530) and Chesapeake Bay/Small Coastal Basins (subdivisions 2 through 3g of 9 VAC 25-260-520).

9 VAC 25-260-310. Special standards and requirements.

The special standards are shown in small letters to correspond to lettering in the basin tables. The special standards are as follows:

a. Shellfish waters. In all open ocean or estuarine waters capable of propagating shellfish or in specific areas where public or leased private shellfish beds are present, including those waters on which condemnation or restriction classifications are established by the State Department of Health, the following criteria for fecal coliform bacteria will apply:

The geometric mean fecal coliform value for a sampling station shall not exceed an MPN (most probable number) of 14 per 100 ml of sample and the 90th percentile shall not exceed 43 for a 5-tube, 3-dilution test or 49 for a 3-tube, 3-dilution test.

The shellfish area is not to be so contaminated by radionuclides, pesticides, herbicides, or fecal material that the consumption of shellfish might be hazardous.

b. Policy for the Potomac Embayments. At its meeting on September 12, 1996, the board adopted a policy (9 VAC 25-415, Policy for the Potomac Embayments) to control point source discharges of conventional pollutants into the Virginia embayment waters of the Potomac River, and their tributaries, from the fall line at Chain Bridge in Arlington County to the Route 301 bridge in King George County. The policy sets effluent limits for BOD₅, total suspended solids, phosphorus, and ammonia, to protect the water quality of these high profile waterbodies.

c. Cancelled.
d. Cancelled.
e. Cancelled.
f. Cancelled.

g. Occoquan watershed policy. At its meeting on July 26, 1971 (Minute 10), the board adopted a comprehensive pollution abatement and water quality management policy for the Occoquan watershed. The policy set stringent treatment and discharge requirements in order to improve and protect water quality, particularly since the waters are an important water supply for Northern Virginia. Following a public hearing on November 20, 1980, the board, at its December 10-12, 1980 meeting, adopted as of February 1, 1981, revisions to this policy (Minute 20). These revisions became effective March 4, 1981. Additional amendments were made following a public hearing on August 22, 1990, and adopted by the board at its September 24, 1990, meeting (Minute 24) and became effective on December 5, 1990. Copies are available upon request from the Department of Environmental Quality.

h. Cancelled.
i. Cancelled.
j. Cancelled.
k. Cancelled.
l. Cancelled.

m. The following effluent limitations apply to wastewater treatment facilities in the entire Chickahominy watershed

above Walker's Dam (this excludes effluents consisting solely of stormwater):

CONSTITUENT	CONCENTRATION
1. Biochemical Oxygen demand 5-day at 20	6.0 mg/l monthly average, with not more than 5% of individual samples to exceed 8.0 mg/l
2. Settleable Solids	Not to exceed 0.1 ml/l
3. Suspended Solids	5.0 mg/l monthly average, with not more than 5% of individual samples to exceed 7.5 mg/l
4. Ammonia Nitrogen	Not to exceed 2.0 mg/l as N
5. Total Phosphorus	Not to exceed 0.1 mg/l monthly average for all discharges with the exception of Tyson Foods, Inc. which shall meet 0.3 mg/l monthly average and 0.5 mg/l daily maximum.
6. Other Physical and Chemical Constituents	Other physical or chemical constituents not specifically mentioned will be covered by additional specifications as conditions detrimental to the stream arise. The specific mention of items 1 through 5 does not necessarily mean that the addition of other physical or chemical constituents will be condoned.

n. No sewage discharges, regardless of degree of treatment, should be allowed into the James River between Boshier and Williams Island Dams.

o. The concentration and total amount of impurities in Tuckahoe Creek and its tributaries of sewage origin shall be limited to those amounts from sewage, industrial wastes, and other wastes which are now present in the stream from natural sources and from existing discharges in the watershed.

p. Cancelled.

q. Cancelled.

r. Cancelled.

s. Chlorides not to exceed 40 mg/l at any time.

t. Cancelled.

u. Maximum temperature for the New River Basin from West Virginia state line upstream to the Giles--Montgomery County line:

The maximum temperature shall be 27°C (81°F) unless caused by natural conditions; the maximum rise above natural temperatures shall not exceed 2.8°C (5°F).

This maximum temperature limit of 81°F was established in the 1970 water quality standards amendments so that Virginia temperature criteria for the New River would be consistent with those of West Virginia, since the stream flows into that state.

v. The maximum temperature of the New River and its tributaries (except trout waters) from the Montgomery-Giles County line upstream to the Virginia-North Carolina state line shall be 29°C (84°F).

w. Cancelled.

x. Clinch River from the confluence of Dumps Creek at river mile 268 at Carbo downstream to river mile 255.4. The special water quality criteria for copper (measured as total recoverable) in this section of the Clinch River are 12.4µg/l for protection from chronic effects and 19.5µg/l for protection from acute effects. These site-specific criteria are needed to provide protection to several endangered species of freshwater mussels.

y. Tidal freshwater Potomac River and tributaries that enter the tidal freshwater Potomac River from Cockpit Point (below Occoquan Bay) to the fall line at Chain Bridge. During November 1 through February 14 of each year the 30-day average concentration of total ammonia nitrogen (in mg N/L) shall not exceed, more than once every three years on the average, the following chronic ammonia criterion:

$$\left(\frac{0.0577}{1 + 10^{7.688 - \text{pH}}} + \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right) \times 1.45(10^{0.028(25 - \text{MAX})})$$

MAX = temperature in °C or 7, whichever is greater.

The default design flow for calculating steady state waste load allocations for this chronic ammonia criterion is the 30Q10, unless statistically valid methods are employed which demonstrate compliance with the duration and return frequency of this water quality criterion.

z. A site specific dissolved copper aquatic life criterion of 16.3 µg/l for protection from acute effects and 10.5µg/l for protection from chronic effects applies in the following area:

Little Creek to the Route 60 (Shore Drive) bridge including Little Channel, Desert Cove, Fishermans Cove and Little Creek Cove.

Hampton Roads Harbor including the waters within the boundary lines formed by I-664 (Monitor-Merrimac Bridge Tunnel) and I-64 (Hampton Roads Bridge Tunnel), Willoughby Bay and the Elizabeth River and its tidal tributaries.

This criterion reflects the acute and chronic copper aquatic life criterion for saltwater in 9 VAC 25-260-140 B X a water effect ratio. The water effect ratio was derived in accordance with 9 VAC 25-260-140 F.

aa. The following site-specific dissolved oxygen criteria apply to the tidal Mattaponi and Pamunkey Rivers and their tidal tributaries because of seasonal lower dissolved oxygen concentration due to the natural oxygen depleting processes present in the extensive surrounding tidal wetlands. These criteria apply June 1 through September 30 to Chesapeake Bay segments MPNTF, MPNOH, PMKTF, PMKOH and are implemented in accordance with subsection D of 9 VAC 25-260-185. These criteria supersede the open water criteria listed in subsection A of 9 VAC 25-260-185.

Proposed Regulations

Designated use	Criteria Concentration/ Duration	Temporal Application
Open Water	30 day mean > 4.0 mg/l	June 1 - September 30
	Instantaneous minimum > 3.2 mg/l at temperatures <29°C	
	Instantaneous minimum > 4.3 mg/l at temperatures > 29°C	

bb. The following site specific numerical chlorophyll a criteria apply March 1 through May 31 and July 1 through September 30 to the tidal James River (excludes tributaries) segments JMSTF2, JMSTF1, JMSOH, JMSMH, JMSPH and are implemented in accordance with subsection D of 9 VAC 25-260-185.

Designated Use	Chlorophyll a ug/l	Chesapeake Bay Program Segment	Temporal Application
Open Water	10	JMSTF2	March 1 - May 31
	15	JMSTF1	
	15	JMSOH	
	10	JMSMH	
	10	JMSPH	
	15	JMSTF2	July 1 - September 30
	20	JMSTF1	
	15	JMSOH	
	10	JMSMH	
	10	JMSPH	

9 VAC 25-260-350. Designation of nutrient enriched waters.

A. The following state waters are hereby designated as "nutrient enriched waters":

1. Smith Mountain Lake and all tributaries* of the impoundment upstream to their headwaters;
2. Lake Chesdin from its dam upstream to where the Route 360 bridge (Goodes Bridge) crosses the Appomattox River, including all tributaries to their headwaters that enter between the dam and the Route 360 bridge;
3. South Fork Rivanna Reservoir and all tributaries of the impoundment upstream to their headwaters;
4. New River and its tributaries, except Peak Creek above Interstate 81, from Claytor Dam upstream to Big Reed Island Creek (Claytor Lake).
5. Peak Creek from its headwaters to its mouth (confluence with Claytor Lake), including all tributaries to their headwaters;
6. Aquia Creek from its headwaters to the state line; *(Repealed.)*
7. Fourmile Run from its headwaters to the state line; *(Repealed.)*
8. Hunting Creek from its headwaters to the state line; *(Repealed.)*
9. Little Hunting Creek from its headwaters to the state line; *(Repealed.)*

10. Gunston Cove from its headwaters to the state line; *(Repealed.)*
11. Belmont and Occoquan Bays from their headwaters to the state line; *(Repealed.)*
12. Potomac Creek from its headwaters to the state line; *(Repealed.)*
13. Neabsco Creek from its headwaters to the state line; *(Repealed.)*
14. Williams Creek from its headwaters to its confluence with Upper Machodoc Creek; *(Repealed.)*
15. Tidal freshwater Rappahannock River from the fall line to Buoy 44, near Leedstown, Virginia, including all tributaries to their headwaters that enter the tidal freshwater Rappahannock River; *(Repealed.)*
16. Estuarine portion of the Rappahannock River from Buoy 44, near Leedstown, Virginia, to the mouth of the Rappahannock River (Buoy 6), including all tributaries to their headwaters that enter the estuarine portion of the Rappahannock River; *(Repealed.)*
17. Estuarine portion of the Mattaponi River from Clifton, Virginia, and estuarine portion of the Pamunkey River from Sweet Hall Landing, Virginia to West Point, Virginia, and the York River from West Point, Virginia, to the mouth of the York River (Tue Marsh Light) including all tributaries to their headwaters that enter the estuarine portions of the Mattaponi River, the Pamunkey River and the York River; *(Repealed.)*
18. Tidal freshwater James River from the fall line to the confluence of the Chickahominy River (Buoy 70) including all tributaries to a distance five river miles above their fall lines that enter the tidal freshwater James River; *(Repealed.)*
19. Estuarine portion of the James River from its confluence with the Chickahominy River (Buoy 70) to the mouth of the James River (Buoy 25), including all tributaries to their headwaters; *(Repealed.)*
20. Chesapeake Bay and its small coastal basins from the Virginia state line to the mouth of the Bay (a line from Cape Henry drawn through Buoys 3 and 8 to Fishermans Island), and its tidal tributaries, excluding the Potomac tributaries, those tributaries listed above, and the Mattaponi River upstream of Clifton, Virginia, and the Pamunkey River upstream of Sweet Hall Landing, Virginia; *(Repealed.)*
21. Tidal freshwater Blackwater River from the Norfolk and Western railway bridge at Burdette, Virginia, and tidal freshwater Nottoway River from the Norfolk and Western railway bridge at Courtland, Virginia, to the state line, including all tributaries to their headwaters that enter the tidal freshwater portions of the Blackwater River and the Nottoway River; and
22. Stony Creek from its confluence with the North Fork Shenandoah River to its headwaters including all named and unnamed tributaries to their headwaters.

B. Whenever any water body is designated as "nutrient enriched waters," the board shall modify the VPDES permits of point source dischargers into the "nutrient enriched waters" as provided in the board's Policy for Nutrient Enriched Waters (9 VAC 25-40).

* When the word "tributaries" is used in this standard, it does not refer to the mainstem of the water body that has been named.

9 VAC 25-260-410. James River Basin (Lower).

SEC.	CLASS	SP.	STDS.	SECTION DESCRIPTION
1	II	a,z, bb	NEW-19	James River and its tidal tributaries from Old Point Comfort - Fort Wool to the end of tidal waters (fall line, Mayo's Bridge, 14th Street, Richmond), except prohibited or spoil areas, unless otherwise designated in this chapter.
1a	III		NEW-19	Free flowing or nontidal portions of streams in Section 1, unless otherwise designated in this chapter.
1b	II	a,z,	NEW-19	Eastern and Western Branches of the Elizabeth River and tidal portions of their tributaries from their confluence with the Elizabeth River to the end of tidal waters.
1c	III		NEW-19	Free flowing portions of the Eastern Branch of the Elizabeth River and its tributaries.
1d	II	a,z,	NEW-19	Southern Branch of the Elizabeth River from its confluence with the Elizabeth River to the lock at Great Bridge.
1e	III		NEW-19	Free flowing portions of the Western Branch of the Elizabeth River and of the Southern Branch of the Elizabeth River from their confluence with the Elizabeth River to the lock at Great Bridge.
1f	II	a,	NEW-19	Nansemond River and its tributaries from its confluence with the James River to Suffolk (dam at Lake Meade), unless otherwise designated in this chapter.
1g	III		NEW-19	Shingle Creek from its confluence with the Nansemond River to its headwaters in the Dismal Swamp.
1h	III	PWS,NEW-	NEW-19	Lake Prince, Lake Burnt Mills and Western Branch impoundments for Norfolk raw water supply and Lake Kilby - Cahoon Pond, Lake Meade and Lake Speight impoundments for Portsmouth raw water supply and including all tributaries to these impoundments.
1i	III		NEW-19	Free flowing portions of the Pagan River and its free flowing tributaries.
1j				(Deleted)
1k	III	PWS,NEW-	NEW-19	Skiffes Creek Reservoir (Newport News water impoundment).
1l	III	PWS,NEW-	NEW-19	The Lone Star lakes and impoundments in the City of Suffolk, Chuckatuck Creek watershed which serve as a water source for the City of Suffolk.

1m	III	PWS,NEW-	NEW-19	The Lee Hall Reservoir system, near Skiffes Creek and the Warwick River, in the City of Newport News.
1n	III	PWS,NEW-	NEW-19	Chuckatuck Creek and its tributaries from Suffolk's raw water intake (at Godwin's Millpond) to a point 5 miles upstream.
1o	II	PWS,NEW-	NEW-18, bb	James River from City Point (Hopewell) to a point 5 miles above American Tobacco Company's raw water intake.
1p	III	PWS,NEW-	NEW-18	Free flowing tributaries to section 1o.
2	III		NEW-18, 19	Free flowing tributaries of the James River from Buoy 64 to Brandon and free flowing tributaries of the Chickahominy River to Walkers Dam, unless otherwise designated in this chapter.
2a	III	PWS,NEW-	NEW-18	Diascund Creek and its tributaries from Newport News' raw water intake dam to its headwaters.
2b	III	PWS,NEW-	NEW-18	Little Creek Reservoir and its tributaries from the City of Newport News impoundment dam to 5 miles upstream of the raw water intake.
3	III	m,	NEW-18	Chickahominy River and its tributaries from Walkers Dam to Bottoms Bridge (Route 60 bridge), unless otherwise designated in this chapter.
3a	III	PWS,m,	NEW-18	Chickahominy River from Walkers Dam to a point 5 miles upstream.
4	III		m	Chickahominy River and its tributaries, unless otherwise designated in this chapter, from Bottoms Bridge (Route 60 bridge) to its headwaters.

9 VAC 25-260-530. York River Basin.

SEC.	CLASS	SP.	STDS.	SECTION DESCRIPTION
1	II	a,	NEW-17, aa	York River and the tidal portions of its tributaries from Goodwin Neck and Sandy Point upstream to Thorofare Creek and Little Salem Creek near West Point; Mattaponi River and the tidal portions of its tributaries from Little Salem Creek to the end of tidal waters; Pamunkey River and the tidal portions of its tributaries from Thorofare Creek near West Point to the end of tidal waters.
2	III		NEW-17	Free flowing tributaries of the York River, free flowing tributaries of the Mattaponi River to Clifton and the Pamunkey River to Romancoke, unless otherwise designated in this chapter.
2a	III	PWS,NEW-	NEW-17	Waller Mill Reservoir and its drainage area above Waller Mill dam which serves as a raw water supply for the City of Williamsburg.
2b	III	PWS,NEW-	NEW-17	Jones Pond (a tributary of Queen Creek near Williamsburg which serves

Proposed Regulations

			as the raw water supply for Cheatham Annex Naval Station) and its tributaries to points 5 miles upstream.
3	III		Free flowing portions of the Mattaponi and Pamunkey Rivers, free flowing tributaries of the Mattaponi above Clifton, and free flowing tributaries of the Pamunkey above Romancoke, unless otherwise designated in this chapter.
3a	III	PWS	South Anna River from Ashland's raw water intake to a point 5 miles upstream.
3b	III	PWS	Northeast Creek from the Louisa County Water Authority's impoundment dam (approximately 1/8 mile upstream of Route 33) to its headwaters.
3c	III		South Anna River from Route 15 upstream to a point 1.5 miles below the effluent from the Gordonsville Sewage Treatment Plant.
3d	III	PWS	Ni River and its tributaries from Spotsylvania's raw water intake near Route 627 to their headwaters.
3e	III	PWS	The North Anna River and its tributaries from Hanover County's raw water intake near Doswell (approximately 1/2 mile upstream from State Route 30) to points 5 miles upstream.
3f	III	PWS	Stevens Mill Run from the Lake Caroline water impoundment, and other tributaries into the impoundment upstream to their headwaters.

DOCUMENTS INCORPORATED BY REFERENCE

Chesapeake Bay Program Analytical Segmentation Scheme - Revisions, Decisions and Rationales 1983-2003, EPA CBP/TRS 268/04, October 2004.

Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries, EPA 903-R-03-002, April 2003 and 2004 Addendum, October 2004.

Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability, EPA 903-R-03-004, October 2003 and 2004 Addendum, October 2004.

VA.R. Doc. No. R04-39; Filed October 25, 2004, 8:21 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: 4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-47 and 4 VAC 20-950-48).

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

Effective Date: October 29, 2004.

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

Summary:

The amendments:

1. Increase the 2004 directed commercial fishery quota on black sea bass to 635,025 pounds and the 2005 quota to 642,323 pounds;
2. Increase the black sea bass bycatch quota to 118,764 pounds and the 2005 bycatch quota to 120,169 pounds;
3. Require the verification of actual landings to establish a person's share of the quota;
4. Increase the bycatch fishery trip limit minimum from 200 pounds to 500 pounds and the maximum trip limit from 500 pounds to 1,000 pounds during the time period from October 28, 2004, to December 31, 2004;
5. Modify the 2005 bycatch fishery. The 2005 bycatch fishery will allow vessels that encounter black sea bass as bycatch in other fisheries to land those black sea bass as a percent allowance of other species on board the vessel;
6. Set aside 17,000 pounds of the commercial black sea bass quota for medical hardship exceptions; and
7. Allow for the transfer of shares, in pounds, of black sea bass quota from one fisherman to another and prohibit one person from acquiring an excess share of the total directed fishery, prohibit a person from acquiring more than 20% of the quota, and allow for annual or permanent transfers of quota.

4 VAC 20-950-47. Commercial harvest quotas.

A. The ~~2003~~ 2004 directed commercial fishery black sea bass quota is ~~558,334~~ 635,025 pounds, and the ~~2004~~ 2005 quota is ~~635,025~~ 642,323 pounds. When it has been announced that the directed fishery quota has been projected as reached and the directed fishery has been closed, it shall be unlawful for any directed commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass.

B. The ~~2003~~ 2004 bycatch commercial fishery black sea bass quota is ~~42,073~~ 118,764 pounds and the ~~2004~~ 2005 quota is ~~418,764~~ 120,169 pounds. When it has been announced that the bycatch fishery quota has been projected as reached and the bycatch fishery has been closed, it shall be unlawful for any bycatch commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass. In the event the bycatch fishery quota is exceeded, the amount the quota overage shall be deducted from the following year's bycatch fishing quota.

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. *If a person's percentage of the total landings of black sea bass is determined by using the Vessel Trip Reports as the greater amount, then the person shall provide documentation to the Marine Resources Commission to verify the Vessel Trip Reports as accurate. This documentation may include dealer receipts of sales or other pertinent documentation, and such documentation shall be submitted to the commission by December 1, 2004. In the event the commission is not able to verify the full amount of the person's Vessel Trip Reports for the qualifying period, the commission shall use the greater amount of landings, from either the Dealer Weigh-Out Reports or the verified portion of*

Final Regulations

the Vessel Trip Reports to establish that person's share of the quota.

C. From October 28, 2004, to December 31, 2004, 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, 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. From January 1, 2005, to December 31, 2005, 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 pounds of black sea bass, except that any person permitted in the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 200 pounds of black sea bass, in any one day, provided the total weight of black sea bass on board the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Loligo squid and Atlantic mackerel on board the vessel. When it is projected and announced that 85% of the bycatch fishery quota has been taken, it shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel, or to land in Virginia, more than 200 pounds of black sea bass, except that any person permitted in the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 200 pounds of black sea bass, in any one day, but not more than 1,000 pounds, provided the total weight of black sea bass aboard the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Loligo squid and Atlantic mackerel on board the vessel.

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

~~E. F.~~ 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. G.~~ The commission sets aside 17,000 pounds of the ~~2004~~ annual 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~~ applicants as of November 1, shall be added to the ~~2004~~ annual bycatch quota described in 4 VAC 20-950-47 B.

4 VAC 20-950-48.1. Individual transferable quotas.

A. Shares of the directed fishery quota, in pounds, held by any permitted fisherman in the directed fishery may be transferred to another person, and such transfer shall allow the transferee to harvest, possess and land black sea bass in Virginia in a quantity equal to the shares of the directed fishery quota

transferred. Any transfer of black sea bass shall be limited by the following conditions.

1. Commercial black sea bass shares of the directed fishery quota shall not be transferred in any quantity less than the lowest quantity held, as of January 1 of the current year, by any person permitted for the directed fishery.

2. No person permitted for the directed fishery may hold more than 20% of the annual directed fishery quota.

3. No transfer of shares of the black sea bass directed fishery quota shall be authorized unless such transfer is documented on a form provided by the commission and approved by the commissioner.

B. Transfers of all or a portion of person's share of the directed fishery quota may be permanent or temporary. Transferred quota shall only be used by the transferee for black sea bass landed in Virginia. Permanent transfers of shares of directed fishery quota shall grant to the transferee that transferred share of the quota for future years, and the transferor loses that same transferred share of the directed fishery quota in future years. Temporary transfers of shares of the directed fishery quota shall allow the transferee to harvest that transferred share of the directed fishery quota during the year in which the transfer is approved. Thereafter, any transferred share of the directed fishery quota reverts back to the transferor.

VA.R. Doc. No. R05-54; October 29, 2004, 8:54 a.m.



EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

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

Effective Dates: November 1, 2004, through November 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 dcawthon@mrc.state.va.us.

Summary:

The amendment increases the amount of scup a vessel may possess or land from 2,000 pounds to 3,500 pounds from November 1 through December 31 of each year.

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

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

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

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

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

C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~2,000~~ 3,500 pounds of scup; except when it is announced that 70% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of scup, until such time that the coastwide quota for this period has been reached.

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

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the

industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

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

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

VA.R. Doc. No. R05-53; Filed October 29, 2004, 8:54 a.m.



LEGISLATIVE OBJECTIONS TO REGULATIONS

Pursuant to § 2.2-4014 of the Administrative Process Act, the Joint Commission on Administrative Rules or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection to a proposed or final adopted regulation with the Registrar of Regulations and the promulgating agency. The Registrar will publish the objection in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency is required to file a response with the Registrar, the objecting legislative body, and the Governor. The agency response will be published in the *Virginia Register*.

JOINT COMMISSION ON ADMINISTRATIVE RULES

October 25, 2004

The Honorable Governor Mark R. Warner
Office of the Governor
State Capitol, 3rd Floor
Richmond, Virginia 23219

Re: Proposed Regulation 22 VAC 15-30, Standards for
Licensed Child Day Care Centers

Dear Governor Warner:

Please accept this letter on behalf of the Joint Commission on Administrative Rules as the filing of an objection to the above-referenced proposed regulation pursuant to the Commission's powers provided in §§ 2.2-4014 and 30-73.3 of the Code of Virginia. Since this regulation has not been formally adopted, it cannot be suspended at this time. Therefore, the commission members present at the September 8, 2004, meeting have expressed their disapproval by a unanimous vote, with one abstention.

The Commission held a meeting on September 8, 2004, and received testimony regarding the proposed child day care regulations from various representatives of the child care industry. The testimony presented, in addition to the many letters in opposition received by the Commission, indicates the proposed regulation will have a far-reaching economic impact that will be burdensome and possibly prohibitive to day care providers. The new regulations will have an even greater impact on the very people who most need day care services, the working poor. If the new regulations are approved, there will definitely be a reduction of available services to low-income parents and perhaps actual elimination of slots in day care facilities due to the regulation governing minimum square footage per child.

Facilities affected include for-profit and subsidized day care centers, after school child care programs operated by city parks and recreation departments (so-called "come and go" programs) and day camp operations such as those operated by karate studios and the like. In considering any and all of these child care options, there has been no clear and compelling evidence that there are problems that warrant the proposed changes. The Commission has held two meetings on this subject. The conclusion reached is that the changes will have a huge negative impact on the ability of child care facilities to provide critical services to the communities of Virginia.

Through testimony, numerous problems were found to exist in the licensing and enforcement divisions of the Department of Social Services. The standard to be met is set by each individual inspector, so violations and corresponding fines

vary wildly from area to area. Fines up to \$10,000 may be assessed, with no real regard to whether the violation is minor or major in nature. Over and over, owners testified about citations they received for the silliest of reasons. We all want to protect children, but regulation overreach by overzealous inspectors is not the way to do it.

After school day care programs are especially hard hit by nitpicking. Representatives from the City of Virginia Beach's after-school program attended the meeting and spoke about the regulatory problems they face. Over 2,000 kids are enrolled in this program, which has operated without a single major incident since 1963. However, if the new regulations are approved, this number will decrease dramatically, primarily due to space requirements and new education requirements for employees. This program provides necessary after school supervisory care for working parents at an affordable price. Many other similar programs exist in the state and serve large populations, such as the program in Fairfax. Please note that one requirement deals with water temperature and one deals with resilient playground surfaces. The same water temperature and playground surface that are acceptable for children while they are in school will not be acceptable when they participate in the after school program at the same school. The Commission does not believe we should hold our day care facilities to a higher standard than we hold our public schools.

In addition to the child day care regulations, the Commission also took note of possible concerns with 22 VAC 42-10, Standards for Interdepartmental Regulation of Children's Residential Facilities. These regulations, which are not yet in the proposed stage, are also going to have a severe economic impact that may prohibit the operation of some facilities. Children's residential facilities, such as the Boys' Home in Covington and the Evans Home in Winchester, will face daunting problems since no distinction is made in the regulations between residential facilities and treatment facilities. A Medicaid module is being applied to both types of facilities and this approach is simply not applicable to the residential facilities. The Boys' Home in Covington has been helping boys for 98 years. Under proposed changes, the Home may be in danger of closing.

To summarize, the Commission finds numerous problems with regulatory changes in both the child day care and children's residential facilities, not the least of which is the increase in cost to the consumer. In scanning the regulations briefly, Delegate Griffith discovered substantial legal problems with language in various sections. He would be happy to elaborate if you would like to contact him for details. While Commission members recognize the positive value of some of the proposed regulations, they also feel that current regulations are protecting those being served. A "cookie cutter" approach is not the method to use in developing regulations for facilities

Legislative Objections to Regulations

that vary so widely in their applications. A module for each type of facility obviously could be geared appropriately to that facility. The Commission noted with interest that one children's residential facility in the southwestern part of the state is exempt from all licensing requirements; yet all the residents from that facility go on to attend college.

Due to inclement weather, representatives of the Department of Social Services chose not to make the trip to the Boys Home in Covington. However, representatives of facilities located in Virginia Beach, Charlottesville, Lynchburg and Winchester and nine of the twelve Commission members did brave the rain. Since Social Services was not present and we had no information regarding current status immediately available, the Commission took action to suspend the regulations. I anticipate that the Commission will request your concurrence to suspend the effective date of the final regulation until the end of the next regular legislative session pursuant to § 2.2-4014 B of the Code of Virginia, unless the regulation is substantially changed prior to final adoption.

Thank you for your attention to this matter.

With kindest regards, I am

Sincerely,

/s/ Frank W. Wagner
Chairman

cc: Maurice A. Jones, Commissioner, Virginia Department of
Social Services
Members, Joint Commission on Administrative Rules
Ms. Jane D. Chaffin, Registrar of Regulations

VA.R. Doc. No. R03-77; Filed November 2, 2004, 10:52 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 82 (2004)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH DUE TO THE SIGNIFICANT FLOODING AND TORNADOES CAUSED BY HURRICANE JEANNE

On September 28, 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 Jeanne made landfall in Florida and followed a northward path through the Southeast states, arriving in Virginia on Monday, September 27, 2004 and continuing through September 28th. The storm brought bands of heavy rains into the Western and Central parts of the Commonwealth and caused flash flooding in the watersheds of the Roanoke River and the upper James River. Local officials have taken protective actions in the cities of Salem, Roanoke, Covington and Waynesboro and the counties of Alleghany, Augusta, Frederick, Patrick, Pittsylvania, Roanoke and Rockingham. Before exiting Virginia the system is expected to cause additional damages in Northern Virginia. The National Weather Service forecasts major flooding on the Roanoke River and moderate flooding on the Dan River in the next two days.

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 Jeanne constituted a natural disaster wherein human life and public and private property were imperiled, as described in § 44-146.16 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 28, 2004. In these verbal orders 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 44-75.1 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 overwidth 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 2.1 (§ 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 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 that 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.

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 28, 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 29th day of September 2004.

/s/ Mark R. Warner
Governor

EXECUTIVE ORDER NUMBER 83 (2004)

CONTINUING THE GOVERNOR'S VIRGINIA-LATINO ADVISORY COMMISSION

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-103, 2.2-134, and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Virginia-Latino Advisory Commission, which was established through Executive Order 57 (2003).

This commission is classified as a gubernatorial advisory commission in accordance with §§ 2.2-134 and 2.2-2100 of the Code of Virginia. Its specific duties and responsibilities remain as stated in Executive Order 57 (2003), with the funding sources and amounts of staff and financial support originally estimated.

This executive order shall be effective October 6, 2004, and shall remain in full force and effect until October 6, 2005, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 29th day of September 2004.

/s/ Mark R. Warner
Governor

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) Implementation Plan for Cooks Creek and Blacks Run in the City of Harrisonburg and Rockingham County

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) Implementation Plan for Cooks Creek and Blacks Run in the City of Harrisonburg and Rockingham County. Both streams were originally listed as impaired in the 1996 303d Report. Both streams were listed for violations of the water quality standard for bacteria and the general aquatic life (benthic) standard. TMDLs for bacteria were developed to address the bacterial impairments in both streams. TMDLs for sediment in Blacks Run and for sediment and phosphorus in Cooks Creek were developed to address the benthic impairments. These TMDLs were approved by the EPA on June 5, 2002, and are available on DEQ's website at

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

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an Implementation Plan (IP) for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

Public participation is critical to the implementation planning process. DEQ and DCR will hold a first public meeting on November 23, 2004 at 7 p.m. to inform the public of the IP development and to solicit participation. The meeting will be held at John Wayland Elementary School, 801 North Main Street, Bridgewater, VA 22812. Following the first informational meeting, DCR will arrange a steering committee and working groups of interested stakeholders to direct the process and provide input to the agencies.

The public comment period for this first public meeting will end on December 23, 2004. Questions or information requests should be addressed to Mark Hollberg, DCR, (540) 332-9235 or Robert Brent, DEQ, (540) 574-7848. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail rbrent@deq.virginia.gov.

Total Maximum Daily Load (TMDL) Implementation Plan for Moores Creek in the City of Charlottesville and Albemarle County

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) Implementation Plan for Moores Creek in the City of Charlottesville and Albemarle County. A Total Maximum Daily

Load (TMDL) for the Moore's Creek bacteria impairment was approved by the EPA on May 24, 2002 and is available on DEQ's website at

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

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an Implementation Plan (IP) for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

The Thomas Jefferson Planning District Commission, through contract from DEQ, has prepared a draft TMDL IP for Moores Creek. The IP was developed with input from a technical committee representing local stakeholders. A copy of the draft IP will be available for review by December 2, 2004, on DEQ's website at <http://www.deq.state.va.us/tmdl/iprpts.html>. DEQ and DCR will hold a final public meeting on December 9, 2004 at 7 p.m. to present the draft IP to the public. The meeting will be held at the Thomas Jefferson Planning District Office at 300 East Main Street, Charlottesville, Virginia 22902.

The public comment period for this public meeting and the draft IP will end on January 9, 2005. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail rbrent@deq.virginia.gov.

DEPARTMENT OF HEALTH

Proposed Notice of Request for Certificate of Public Need Applications for Development of Additional Nursing Home Beds

Legal Notice of Request for Certificate of Public Need Applications.

Pursuant to the requirements of § 32.1-102.3:2 of the Code of Virginia notice is hereby given of consideration of the need to issue a proposed Request for Applications (RFA) for the development of additional nursing home beds. This notice reviews the qualification of Virginia's 22 planning districts for the authorization of additional nursing home beds pursuant to applicable law and regulation (12 VAC 5-360).

Evaluation of Need for Additional Nursing Home Beds.

The "Nursing Home Services" component of the Virginia State Medical Facilities Plan (SMFP) (12 VAC 5-360) contains a nursing home bed need forecasting method (12 VAC 5-360-40 C). This method has been employed by the Virginia Department of Health to compute a forecast of needed nursing home beds in 2007 in each of 22 planning districts.¹

¹ For conduct of the certificate of public need program, the Virginia Department of Health continues to recognize the former Planning District 20, Southeastern Virginia, and the former Planning District 21, Peninsula, rather than the new combined Planning District 23, Hampton Roads.

Consistent with the Virginia State Medical Facilities Plan (12 VAC 5-360-40 A), no planning district is considered to have a need for additional nursing home beds unless the estimated average annual occupancy of all existing nonfederal, Medicaid-certified nursing home beds in the planning district was at least 95% for the most recent three years for which bed utilization has been reported to the Virginia Department of Health (through nursing home filings with Virginia Health Information, Inc.).²

For purposes of this document, reporting years 2000 through 2002 are considered to be the most recent three years. The estimated average annual occupancy rates of some planning districts were adjusted to take into account certain regulatory sanctions (i.e., denial of payment for new admissions) that could have affected the ability of some nursing homes to admit Medicare and/or Medicaid patients for varying periods of time during 2000 through 2002.

Also, no planning district will be considered to have a need for additional nursing home beds if there are uncompleted nursing home beds authorized for the planning district that will be Medicaid-certified beds. The following table displays, by planning district, the nursing home gross bed need forecast for 2007, the current licensed bed inventory and authorized additions of nursing home beds, and the *net* bed need forecast for 2007.

The table also shows the estimated average annual occupancy rate of Medicaid-certified nursing home beds for each planning district for the reporting years 2000 through 2002, adjusted for regulatory sanctions in some cases, and identifies the status of each planning district with respect to authorized but uncompleted nursing home beds. The final column of the table states whether the planning district qualifies for additional nursing home beds for 2007.

² The inventory and utilization of the Virginia Veterans Care Center are excluded, by regulation, from consideration in the determination of nursing home bed need.

General Notices/Errata

**Nursing Home Bed Need Forecast and
Whether a Planning District Qualifies for Additional Nursing Home Beds in 2007**

Plan. District	Bed Need Forecast For 2007	Existing and Authorized Beds	Projected Net Bed Need In 2007	Estimated Avg. Occupancy Medicaid Beds 2000-2002	Authorized But Uncompleted Medicaid Beds	Plan. District Qualifies for Additional NH Beds
1	610	641	(31)	91.1%	no	no - no need
2	508	547	(39)	87.0%	no	no - no need
3	1,349	1,422	(73)	93.6%	no	no - no need
4	725	809	(84)	87.3%	no	no - no need
5	2,177	2,379	(202)	92.4%	yes	no - no need
6	1,585	1,528	57	93.7%	no	no - low occu.
7	900	972	(72)	89.4%	no	no - no need
8	5,035	4,406	629	91.6%	yes	no - low occu.
9	840	746	94	95.1%	yes	no - unbuilt beds
10	966	1,027	(61)	94.5%	no	no - no need
11	1,585	1,550	35	94.5%	yes	no - unbuilt beds
12	1,883	1,929	(46)	94.0%	yes	no - no need
13	793	851	(58)	91.8%	yes	no - no need
14	640	635	5	94.4%	no	no - need = 0
15	3,867	3,942	(75)	89.7%	no	no - no need
16	886	731	155	93.4%	no	no - low occu.
17	397	462	(65)	85.7%	no	no - no need
18	571	575	(4)	90.3%	no	no - no need
19	1,097	1,075	22	96.7%	yes	no - unbuilt beds
20	4,477	4,488	(11)	91.4%	yes	no - no need
21	2,077	1,902	175	91.3%	yes	no - low occu.
22	498	389	109	91.8%	no	no - low occu.

Sources: Virginia State Medical Facilities Plan (12 VAC 5-360)
 Virginia Employment Commission (population projections, 2003 series)
 2002 Virginia Nursing Home Patient Survey, Virginia Association of Regional Health Planning Agencies (for age-specific nursing home use rates)
 Center for Quality Health Care Services and Consumer Protection, VDH (for bed inventory)

Proposal.

It is proposed that the Request for Applications for nursing home beds be issued in 2004 as a notice that no need exists for new nursing home beds. As shown in the preceding table, no planning district is identified by the standards of the SMFP as having an "effective" forecasted need for nursing home beds by 2007. No planning district in the Commonwealth currently meets the three part test for qualification by:

- 1) Having a positive formula-generated need projection, and;
- 2) Having an estimated average annual occupancy rate of Medicaid-certified beds over the last three years of 95% or higher, and;
- 3) Having no authorized but uncompleted nursing home beds that will be Medicaid-certified.

Proposed Notice of Request for Certificate of Public Need Applications for Development of Additional Nursing Home Beds

Legal Notice of Request for Certificate of Public Need Applications.

Pursuant to the authority vested in the State Board of Health (Board) and the Department of Medical Assistance Services (DMAS) by § 32.1-102.3:2 of the Code of Virginia, notice is hereby given of the issuance of a Request for Applications (RFA). This RFA is a request for certificate of public need (COPN) applications for projects that will result in an increase in the number of beds in which nursing home services are provided in the Commonwealth of Virginia. The RFA process is outlined in 12 VAC 5-220-335 of the Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.

Eligible Planning Districts and Total Nursing Home Beds Available for Authorization.

The purpose of this RFA is to permit the development, subject to approval of specific COPN applications filed in response to this RFA, of up to 24 Medicaid-certified nursing facility beds dedicated to the provision of complex, high-acuity care for pediatric patients (persons under 21 years of age). This would represent a 40% increase in the present number of nursing facility beds in Virginia dedicated to the provision of complex, high-acuity care for pediatric patients. All such patients are or will quickly become patients of the Virginia Medicaid program and are generally referred to as "pediatric specialized-care" patients.

Only COPN requests that propose to establish or expand specialized nursing facility units to serve pediatric patients will be accepted for review. No authorization will be granted to establish a pediatric specialized nursing facility unit of less than four beds, and no more than one authorization will be made in any one planning district.

In the review cycle established by this RFA, the Commissioner of Health will consider requests for COPNs that propose an increase in nursing home beds, of the type herein described, in any planning district ("PD") and that propose an increase in nursing home beds no greater than 24, the number of beds

available for the entire state under this RFA. COPN requests that propose an increase in nursing home beds greater than 24, or propose an increase in nursing home beds not for the exclusive use of pediatric patients requiring complex, high-acuity care, will not be accepted for review.

Basis of the Request for Applications.

No Established Need Methodology. The "Nursing Home Services" component of the Virginia State Medical Facilities Plan (SMFP) (12 VAC 5-360) contains a nursing home bed-need forecasting methodology (12 VAC 5-360-40 C), the results of which are normally the basis for issuing an RFA. The SMFP's bed-need forecasting methodology has been developed based on the experience of the elderly population of Virginia in using nursing home services. There is no established methodology available to evaluate the need for nursing home services specifically for use by nonelderly segments of the Virginia population.

The nonelderly and especially persons less than 21 years of age are very infrequent users of nursing home services. In the infrequent cases when the nonelderly, especially persons less than 21 years of age, would benefit from nursing home care, their age and health care needs generally require a different kind of nursing home service and a different physical setting than that normally provided to elderly nursing home residents. Examination of current data suggests that there may be a limited unmet need, especially outside Virginia's three major metropolitan areas, for nursing facility beds specifically designed to serve persons less than 21 years old who have severe and long-lasting conditions requiring intensive and specialized nursing care and therapy.

Examination of Current Data Relevant to Demand for Pediatric Nursing Facility Beds. Examination of data on discharges from Virginia hospitals in 2002 found 122 discharges (excluding death and excluding home with self-care) of persons less than 22 years old with a principal or first-listed additional diagnosis among a group of seven diagnoses that account for a large proportion of requests for admission to specialized pediatric nursing facilities. One-half of these patients were discharged by the hospital to home under the supervision of a home health care organization, and one-half were discharged to another facility, including another hospital. Because of dramatic gains in recent years in the survival rate of newborns with very low birth weights and very short gestation periods, an increasing number of infants are being discharged from neonatal intensive care units with chronic conditions that increase the likelihood of needing nursing facility care during infancy, childhood, and adolescence.

DMAS evaluated the above-described 2002 hospital discharge data and considered it in light of DMAS's records of how pediatric patients requiring complex, high-acuity nursing care and related therapies are presently served. Because of the sustained very high expense of this care, virtually all pediatric patients requiring such care are or will quickly become Medicaid recipients. For some part or for all of 2003, the Virginia Medicaid program served 405 individual pediatric patients requiring complex, high-acuity nursing care and related therapies (i.e. requiring "pediatric specialized care").

General Notices/Errata

Of these 405 patients, 280 or about 69% were served through home and community-based care under the Virginia Medicaid Technology-Assisted Waiver Program ("Tech Waiver"); 82 patients or about 20% were served in specialized Medicaid-certified nursing facility beds approved to provide complex, high-acuity care for persons under the age of 21; and 43 patients or about 11% were served in long-stay acute-care hospitals in beds that are not licensed as nursing home beds and are not certified for Medicaid (or Medicare) nursing facility reimbursement. (Long-stay acute-care hospital beds, not certified for nursing facility reimbursement, are outside the purview of the RFA process, although they are subject to COPN review.)

Based on its review of the above-cited 2002 hospital discharge data and its review of how pediatric patients requiring sustained complex, high-acuity nursing care and related therapies are presently served, DMAS concluded that no more than 12-24 additional pediatric NF beds are required in Virginia at this time. This conclusion rests on the assumptions that (i) at least one-half and possibly all of the 122 hospital discharges cited above are pediatric patients who require sustained complex, high-acuity nursing care and related therapies and (ii) about 20%-30% of these hospital discharges would most appropriately be served for some period of time in specialized pediatric nursing facility beds or in long-stay hospital beds, which serve the same purpose as specialized nursing facility beds.

However, DMAS doubts that even 50% of the 122 possibly relevant discharges in 2002 would actually qualify for specialized pediatric care, whether delivered in a health care facility or delivered via the Tech Waiver program. Therefore, DMAS suspects that even the lower number of 12 beds, cited above, may be an overestimate of present need for additional pediatric NF beds in Virginia.

Furthermore, DMAS reports that, while the number of pediatric patients requiring sustained complex, high-acuity nursing care and related therapies is increasing by 25-30 persons per year, it has been possible to place these patients in an appropriate care setting without an increase in pediatric nursing facility beds in the last several years. This has been accomplished by steady expansion of the Tech Waiver program, which DMAS believes provides superior overall care for most pediatric specialized care patients, because it maximizes contact of the family with the patient.

Of importance too is that the Tech Waiver program, as a home-based care program, promotes the intent of the U.S. Supreme Court's 1999 *Olmstead v. L.C.* decision, which held that unjustifiable institutionalization of persons with disabilities violates Title II of the Americans with Disabilities Act. Agencies both of the U.S. government and of the Commonwealth have been directed by their respective chief executives to take note of the implications of *Olmstead* and to plan and conduct their activities in a manner that is consistent with that Supreme Court decision.

Based on its experience, DMAS believes that when such highly specialized and expensive-to-operate beds are built, they need to be kept full in order for the facility to operate efficiently. Yet, in keeping with the *Olmstead* decision, emphasis should be placed on allowing children to go home

with their families when possible, rather than retaining them in institutional care. If more institutional beds are built, in order to keep those beds full, families could be influenced to place or keep a child in an institution, even though the child could be cared for at home with appropriate supports, such as those provided by the Tech Waiver program. This is just the scenario that the *Olmstead* decision warned against. DMAS believes that it is essential to keep the balance very much in favor of noninstitutional care.

The Current Supply of Beds Providing Complex, High-Acuity Nursing Care for Pediatric Patients. A small number of persons less than 21 years of age are reported to be residing in several ordinary nursing homes across Virginia, but most persons less than 21 years of age, who reside in nursing homes or comparable long-term care facilities in Virginia, are found in four facilities: Children's Hospital in Richmond, Iliff Nursing Home in Dunn Loring in Fairfax County, Lake Taylor Hospital in Norfolk, and St. Mary's Home for Disabled Children in Norfolk.

Apart from St. Mary's Home, which operates as an intermediate-care facility for the mentally retarded, these facilities typically serve a dual population consisting either of infants who are transitioning out of newborn intensive care units to home or of persons from birth up to 21 years old who have a variety of extremely severe and long-lasting conditions, such as traumatic brain injury, infantile cerebral palsy with quadriplegia, and severe mental retardation accompanied by other severe chronic conditions.

The initial impetus for proposing this RFA came from the interest of Children's Hospital in Richmond (Children's) to expand substantially its present number of 23 Medicaid-certified nursing facility beds providing complex, high-acuity care for pediatric patients. Although Children's is the newest of the pediatric nursing facilities in Virginia, it now routinely operates at capacity and has a waiting list approximately equal to its number of nursing facility beds. The median time on the list for those currently waiting for admission to Children's nursing facility is reported to be 300 days. Of those currently on Children's waiting list, approximately 40% are being cared for at home, and approximately 60% are being cared for in other facilities, either nursing homes or hospitals.

The most common principal diagnoses of patients awaiting admission to Children's nursing facility are cerebral palsy and brain injury. Other principal diagnoses represented on the waiting list include other neurological conditions, mental retardation, chronic respiratory conditions, and certain severe orthopedic conditions. These patients range in age from infants a few months old to teenagers. Most of them have very severe limitations in movement and are non-ambulatory, even if at an age where children are normally able to walk.

The medical and social complexities of such special-needs pediatric patients require that a nursing facility serving them offer a comprehensive program that cannot be comparably achieved in an adult nursing facility. The residents of a specialized pediatric nursing facility continue to require the care needed by all children, including recreational activities appropriate to the child's developmental age, age-appropriate support of activities of daily living, and an environment that promotes the role of the family in the child's life.

In addition, residents of a pediatric nursing facility require specialized care unique to their serious and uncommon health conditions, including intensive and specialized nursing care and therapies, ventilator management in many cases, special nutritional support, special educational services, and special recreational activities. This care should be provided by nurses and therapists who have received specialized training in childhood diseases and development. There should be restorative care appropriate to each individual child, designed to promote optimal childhood growth and maintenance of current function. Children above one year of age in pediatric nursing facilities may receive up to six hours a day of special education instruction throughout the school year.

Because of the specialized and unusual needs of infants, children, and adolescents who require long-term nursing facility care, it is not appropriate to view the services of geriatric nursing homes as a resource available to serve pediatric patients. For the same reasons, it is not appropriate to assess the need for nursing facility beds to serve pediatric patients by employing the bed-need methodology established for geriatric nursing homes. Therefore, this proposed RFA is offered on the basis of the evidence described above regarding the present supply of and present demand and potential need for nursing facility beds to provide complex, high-acuity care to persons under the age of 21.

Basis for Review.

The Commissioner, in his review of COPN requests received pursuant to this RFA, will consider each of the twenty factors enumerated at § 32.1-102.3 B of the Code of Virginia, as applicable. He will also consider applicable standards of the State Medical Facilities Plan (12 VAC 5-360 et. seq.). In addition, COPN requests received pursuant to this RFA will be accorded preference in the review if they meet one of the following conditions:

- The requested beds are proposed to be developed in Health Planning Region 1 (Northwestern Virginia) except for Planning District (PD) 16, RADCO Planning District. This area of preference includes PD 6 (Central Shenandoah), PD 7 (Northern Shenandoah Valley), PD 9 (Rappahannock-Rapidan), and PD 10 (Thomas Jefferson).
- The requested beds are proposed to be developed in Health Planning Region 3 (Southwest Virginia). This area of preference includes PD 1 (LENOWISCO), PD 2 (Cumberland Plateau), PD 3 (Mount Rogers), PD 4 (New River Valley), PD 5 (Roanoke Valley-Alleghany), PD 11 (Region 2000, Lynchburg area), and PD 12 (West Piedmont).

Additional preference will be accorded to a COPN application that proposes to develop its beds within a preference area at a location that is comparatively distant from the location of the closest existing beds providing complex, high-acuity nursing care and related therapies for pediatric patients.

In preparing their recommendations to the Commissioner on COPN applications received in response to this RFA, the staff of the Virginia Department of Health will consult with the staff of the Virginia Department of Medical Assistance Services and

will give full consideration to their views regarding the merits of any application received pursuant to this RFA.

Because of the special circumstances and particular category of need addressed by this RFA, any COPN authorization of nursing facility beds, issued pursuant to this RFA, will specify that such beds must be developed, maintained, and used exclusively to serve pediatric patients.

Projection of Potential Fiscal Impact.

The impact on expenditures by the Commonwealth, resulting from the development of additional nursing facility beds as described herein, would be the net effect of the additional expenses to the Virginia Medicaid program for pediatric specialized nursing facility care offset by the elimination of expenses to the Virginia Medicaid program, if any, for care in the settings where the affected pediatric specialized-care patients would otherwise be served, if these additional nursing facility beds were not developed.

The health care settings that would be displaced by any additional nursing facility beds developed as a result of this RFA would principally be acute-care hospitals and private-duty nursing, either under the Virginia Medicaid Tech Waiver program or private arrangements. Virtually all persons requiring pediatric specialized nursing facility care are or will quickly become Medicaid recipients. No other payment source covers such care.

Because of the numerous variables affecting the Virginia Medicaid program's payments for hospital care and for private-duty nursing under the Tech Waiver program, only a rough estimate can be made of the net fiscal impact on Virginia Medicaid expenditures that would result from additional pediatric nursing facility beds developed under this proposed RFA.

In general, the effects of providing additional days of care in pediatric nursing facilities would be the following: (1) to move patients out of acute-care hospital beds sooner, (2) to delay or avoid patients' entry into private-duty nursing under the Tech Waiver program, (3) to bring under Virginia Medicaid fee-for-service coverage some patients who would otherwise be Medicaid HMO patients, and (4) to bring under Virginia Medicaid coverage some patients who would not otherwise be Virginia Medicaid recipients.

With respect to the first effect of adding pediatric nursing facility capacity, it is particularly uncertain how much expense to Virginia Medicaid is avoided by moving a pediatric specialized-care patient out of an acute-care hospital bed sooner. The Virginia Medicaid program pays for hospital care using a diagnosis-related fixed payment per case. In all but a few cases, known as "outliers", Virginia Medicaid's per-case payment to the hospital is not affected by the patient's length of stay. Therefore, in most cases, moving a pediatric specialized-care patient out of a hospital bed sooner does not reduce at all the Medicaid payment to the hospital.

However, in a small percentage of cases, moving a pediatric specialized-care patient from an acute-care hospital to a nursing facility will prevent the hospitalization from becoming an "outlier" and thus requiring additional payment from Virginia Medicaid to the hospital. In these cases, the expense to

General Notices/Errata

Virginia Medicaid that is avoided by moving the patient out of the hospital is significant.

However, because "outlier" cases are relatively uncommon, DMAS estimates that the overall savings for all pediatric specialized-care patients (i.e., those that would become "outliers" and those that would not) moved from an acute-care hospital to a pediatric nursing facility amounts to no more than \$200 per day of hospital care avoided. This savings in Medicaid payments to acute-care hospitals must then be offset against the Medicaid expense per patient-day for the nursing facility care. This is estimated to be about \$600 per patient-day for pediatric specialized-care patients in the new nursing facility beds that would be developed as a result of this RFA.

The second effect of adding pediatric nursing facility capacity would be to delay or avoid the patient's entry into private-duty nursing under the Tech Waiver program. The current average expense for pediatric specialized-care patients under the Tech Waiver program is approximately \$165 per patient-day, as compared to the estimated average expense of \$600 per patient-day for pediatric specialized nursing facility care in the beds that would be developed under this RFA.

The third effect of adding pediatric nursing facility capacity would be to bring under Virginia Medicaid fee-for-service coverage some patients who would otherwise be Medicaid HMO enrollees. This effect occurs because once a Medicaid recipient enters a long-term care facility, HMO responsibility ends. In this case, the avoided expense to the Virginia Medicaid program is the approximately \$20 per patient-day Virginia Medicaid pays to its HMO contractors, as compared to the estimated average expense of \$600 per patient-day for pediatric specialized nursing facility care in the beds that would be developed under this RFA.

The fourth effect of adding pediatric nursing facility capacity would be to bring under Virginia Medicaid coverage some patients who would not otherwise be Virginia Medicaid recipients. This effect occurs if a child who is not a Medicaid recipient is admitted to a nursing facility. By law, such a child becomes a Medicaid recipient upon entering the nursing facility, regardless of the parents' income and regardless of the location of the child's residence prior to entering the nursing facility. In this case, because the Virginia Medicaid program had no prior responsibility for the patient, no expense to Medicaid is avoided when the child enters a nursing facility. The entire nursing facility expense, estimated here at \$600 per patient-day, is additional expense to the Virginia Medicaid program.

Considering the avoided expenses, if any, for Virginia Medicaid in these various circumstances, and estimating the proportion of pediatric specialized-care patients who would fall under the various circumstances, DMAS estimates that the net additional expense to the Virginia Medicaid program for developing additional pediatric specialized nursing facility beds is \$504 per additional bed-day of capacity or an estimated \$184,000 per additional bed per year.

Based on this estimate of additional expense per bed-day of new pediatric nursing facility capacity, if 10 new beds were developed under this RFA, the additional expense to the

Virginia Medicaid program would be about \$1.84 million annually. If 20 new beds were developed, the estimated additional expense to the Virginia Medicaid program would be about \$3.68 million annually.

Of note is the fact that this estimate is based on averaging the current reimbursable expenses per patient-day of the two existing pediatric specialized-care nursing facilities in Virginia: Iliff Nursing Home in Fairfax County at \$464 per patient day and Children's Hospital in Richmond at \$737 per patient-day. If some or all of the beds made available for application under this RFA were developed at Children's Hospital, the additional expense to the Virginia Medicaid program would be perhaps 20% higher than estimated above, or about \$2.34 million per year for 10 additional at Children's Hospital beds and about \$4.68 million per year for 20 additional beds at Children's Hospital.

If all 24 beds authorized for consideration under this RFA were developed at Children's Hospital, the estimated additional expense to the Virginia Medicaid program would be about \$5.62 million per year, based on the current reimbursement rate for Children's.

An additional statement of estimated fiscal impact is available and can be provided to interested parties upon request.

Schedule for Review.

COPN requests filed in response to this RFA shall be filed in accordance with the provisions of 12 VAC 5-220-355. The review schedule shown below will apply. Letters of intent and applications must be received by the Virginia Department of Health Division of COPN and by the appropriate regional health planning agency by the dates shown below in order to qualify for consideration in the specified review cycle.

Letter of intent must be received by _____ (to be determined when the final RFA is published; estimated to be May 1, 2005)

Application must be received by _____ (to be determined when the final RFA is published; estimated to be May 31, 2005)

Review cycle will begin on _____ (to be determined when the final RFA is published; estimated to be July 10, 2005)

Application Fees.

The Virginia Department of Health shall collect fees for COPN applications filed in response to this RFA. No application may be deemed to be complete for review until the required application fee is paid. The fee is one percent of the proposed capital expenditure for the project, but not less than \$1,000 or more than \$20,000.

Contact: Carrie Eddy, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 367-2157.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on October 25, 2004. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Thirty-Two (04)

Virginia's Instant Game Lottery 612; "All The Marbles," (effective 9/1/04)

Director's Order Number Thirty-Three (04)

Virginia's Instant Game Lottery 265; "Cash Bonus," (effective 10/14/04)

Director's Order Number Forty-Five (04)

Virginia's Instant Game Lottery 617; "\$100,000 Draw Poker," (effective 9/17/04)

Director's Order Number Forty-Nine (04)

Virginia's Instant Game Lottery 272; "Hot 100's," (effective 8/23/04)

Director's Order Number Fifty (04)

Virginia's Instant Game Lottery 616; "Ca\$hword Multiplier," (effective 8/23/04)

* * * * *

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on October 27, 2004. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Retailer Incentive Program Rules:

Director's Order Number Twenty-Eight (04)

Virginia Lottery Retailer Incentive Program Rules, "Vegas Action," (effective 9/21/04 - 10/31/04)

* * * * *

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on October 28, 2004. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Twenty-Nine (04)

Virginia's Instant Game Lottery 270; "Creepy Cash," (effective 9/7/04 nunc pro tunc)

Director's Order Number Thirty (04)

Virginia's Instant Game Lottery 614; "Witch's Riches," (effective 9/7/04 nunc pro tunc)

Director's Order Number Thirty-Five (04)

Virginia's Instant Game Lottery 618; "Cash Vault," (effective 10/19/04 nunc pro tunc)

Director's Order Number Thirty-Seven (04)

Virginia's Instant Game Lottery 606; "Sapphire Blue 7's," (effective 10/5/04 nunc pro tunc)

Director's Order Number Forty (04)

Virginia's Instant Game Lottery 623; "Ruby Red 7's," (effective 10/5/04 nunc pro tunc)

Director's Order Number Forty-One (04)

Virginia's Instant Game Lottery 604; "Hands Down," (effective 9/21/04 nunc pro tunc)

Director's Order Number Forty-Two (04)

Virginia's Instant Game Lottery 608; "Lucky 5's," (effective 8/24/04 nunc pro tunc)

Director's Order Number Forty-Three (04)

Virginia's Instant Game Lottery 605; "Lucky Times Ten," (effective 10/5/04 nunc pro tunc)

Director's Order Number Forty-Four (04)

Virginia's Instant Game Lottery 613; "Vegas Action," (effective 9/21/04 nunc pro tunc)

Director's Order Number Forty-Six (04)

Virginia's Instant Game Lottery 630; "Win For Life," (effective 9/6/04 nunc pro tunc)

Director's Order Number Forty-Seven (04)

Virginia's Instant Game Lottery 271; "9's To Win," (effective 10/5/04 nunc pro tunc)

Director's Order Number Forty-Eight (04)

Virginia's Instant Game Lottery 274; "Quick 7's," (effective 8/23/04 nunc pro tunc)

STATE WATER CONTROL BOARD

Proposed Consent Special Order for Nelson County Service Authority

The State Water Control Board (Board) proposes to enter into a combined Consent Special Order (Order) with the Nelson County (Virginia) Service Authority (NCSA). The parties have agreed to the terms of an order for settlement of violations of State Water Control Law at NCSA's sewage treatment plant (STP) facility known as the Wintergreen Mountain STP (Wintergreen), located at 143 Headwaters Lane, and the Henderson's Store STP (Henderson's Store), located at 1288 Jennys Creek Road, both in Nelson County, Virginia.

The Virginia Department of Environmental Quality (DEQ) issued Notices of Violation (NOVs) on June 15, 2004 to NCSA, citing the failure of both Wintergreen and Henderson's Store to participate in EPA-required Quick Response Proficiency Tests involving the parameters pH, TRC, BOD, and TSS, which were required to be submitted due to each facility's previous failure to participate in the Discharge

General Notices/Errata

Monitoring Report Quality Assurance Study 23 (DMRQA). The Wintergreen NOV also cited NCSA's failure to submit a Sludge Annual Report by February 19, 2003, which is required pursuant to Wintergreen's VPDES permit. The proposed combined Order requires NCSA to submit completed DMRQA studies for each facility by February 17, 2005 and assesses a civil charge against NCSA in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Ricard J. Dunay, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to rjdunay@deq.virginia.gov. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in the *Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01
NOTICE of COMMENT PERIOD-RR02
PROPOSED (Transmittal Sheet)-RR03
FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE of MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-
RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

December 3, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 395, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss general business matters. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

COMMONWEALTH COUNCIL ON AGING

† **December 2, 2004 - 9 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon
request)

A regular business meeting of the Planning and Development Committee. Public comments are welcome.

Contact: Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

December 2, 2004 - 9 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon
request)

A business meeting of the Ad Hoc Committee to review the council's annual report. Public comments are welcome.

Contact: Robin Brannon, Communications Director, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9323.

December 2, 2004 - 9 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon
request)

A regular business meeting of the Executive Committee. Public comments are welcome.

Contact: Marsha Mucha, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

December 2, 2004 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon
request)

A regular business meeting. Public comments are welcome.

Contact: Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **December 9, 2004 - 9 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, Suite 211, Second
Floor Boardroom, Richmond, Virginia.♿

The board will meet to discuss issues related to Virginia agriculture and consumer services. The board may consider the Food and Drug Administration's Food Code, and supplements thereto, and portions thereof, and 2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores.


Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100

Calendar of Events

Bank St., Suite 211. Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail Roy.Seward@vdacs.virginia.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia State Apple Board

† **November 23, 2004 - 9:30 a.m.** -- Open Meeting
Rowe's Restaurant, 74 Rowe Road (Intersection of I-81 and Route 250), Staunton, Virginia. 

The board will meet to approve the minutes of the last meeting held on April 14, 2004. In addition, the board will review its financial statement. The board is expected to elect officers and to discuss old business arising from the last meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dave Robishaw, Board Secretary, Department of Agriculture and Consumer Services, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail David.Robishaw@vdacs.virginia.gov.


Virginia Corn Board

† **December 7, 2004 - 9 a.m.** -- Open Meeting
Wallace Manor, 3821 North Courthouse Road, Providence Forge, Virginia. 

The board will hear and approve previous meeting minutes, review checkoff revenues, and the financial status resulting from the sale of the 2004 Virginia corn crop. As well, reports will be heard from the Chairman, board member representation to the U. S. Grains Council, the National Corn Growers Association, and the Virginia Corn Growers' Association. In addition, the nomination and election of 2005 officers will take place at this meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.


Virginia Marine Products Board

† **January 25, 2005 - 6 p.m.** -- Open Meeting
Dolphin Cove Restaurant, Route 17, 4329 George Washington Memorial Highway, Gloucester, Virginia. 

The board will hear the reading and approval minutes of previous board meeting and. In addition, the board expects to hear reports on finance, trade shows, festivals, industry tours, and calendar sales. Cooperative programs with the Virginia Department of Agriculture and Consumer Services and croaker exports will be discussed. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date, so that suitable arrangements can be made for any appropriate accommodation.

Contact: Shirley Estes, Executive Director, Department of Agriculture and Consumer Services, 554 Denbigh Blvd., Suite B, Newport News, VA, telephone (757) 874-3474, FAX (757) 886-0671, e-mail Shirley.Estes@vdacs.virginia.gov.


Virginia Soybean Board

† **December 2, 2004 - 10 a.m.** -- Open Meeting
Virginia Soybean Association, 151 Kristiansand Drive, Suite E, Williamsburg, Virginia. 

The board will hear and approve previous meeting minutes, review checkoff revenues, and hear the financial status resulting from sale of the 2004 Virginia Soybean crop. As well, reports will be heard from the Chairman, the United Soybean Board Representative, and the Virginia Soybean Association. In addition, the nomination and election of 2005 officers will take place at this meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail Phil.Hickman@vdacs.virginia.gov.

Virginia Wine Board

† **November 18, 2004 - 1 p.m.** -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. 

The board will meet to approve the minutes of the last meeting held on August 23, 2004. In addition, the board will review its financial statement. The board is expected to discuss old business arising from the last meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least two days before the meeting date so that suitable arrangements can be made.

Contact: David Robishaw, Board Secretary, Department of Agriculture and Consumer Services, 900 Natural Resources

Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail David.Robishaw@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

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 cberndt@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

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

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.

† **December 14, 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: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ♿, e-mail APELSCIDLA@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

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

† **December 2, 2004 - 9 a.m.** -- Open Meeting

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

An informal fact-finding conference.

Contact: David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804)

Calendar of Events

367-2475, (804) 367-9753/TTY ☎, e-mail
asbestos@dpor.virginia.gov.

AUCTIONEERS BOARD

† **December 7, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street 4th Floor, Richmond, Virginia. ♿

Informal fact-finding conferences.

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 FOR BARBERS AND COSMETOLOGY

† **November 18, 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: 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.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

November 18, 2004 - 9 a.m. -- Open Meeting
Westmoreland State Park, Montross, Virginia.

A board working retreat.

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.

CHILD DAY-CARE COUNCIL

† **November 18, 2004 - 9 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, Conference
Room, 6th Floor, Richmond, Virginia.

A business meeting.

Contact: L. Richard Martin, Jr., Policy and Planning
Manager, Department of Social Services, Office of Legislative
and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond,
VA 23219, telephone (804) 726-7902, FAX (804) 726-7906,
(800) 828-1120/TTY ☎, e-mail
richard.martin@dss.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES

NOTE: CHANGE IN MEETING TIME

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)

January 19, 2005 - 1:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building,
101 North 14th Street, Richmond, 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 ☎

NOTE: CHANGE IN MEETING TIME

November 18, 2004 - 8:30 a.m. -- Open Meeting
The Black Box Theatre, Piedmont Virginia Community
College, 501 College Drive, Charlottesville,
Virginia. ♿ (Interpreter for the deaf provided upon request)

January 20, 2005 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Godwin-
Hamel Board Room, Richmond, 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

November 17, 2004 - 11 a.m. -- Open Meeting
† **December 15, 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.

DEPARTMENT OF CONSERVATION AND RECREATION

† **November 15, 2004 - 9:30 a.m.** -- Open Meeting
The Science Museum of Virginia, 2500 West Broad Street,
Discovery Room, Richmond, Virginia.

A regular meeting of the Virginia Land Conservation Foundation.

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.

Virginia Soil and Water Conservation Board

December 8, 2004 - 9:30 a.m. -- Open Meeting
Hotel Roanoke, 110 Shenandoah Avenue, Roanoke, Virginia.


A regular business meeting in joint session with the Board of Directors of the Virginia Association of Soil and Water Conservation District Directors.

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.

BOARD FOR CONTRACTORS

November 16, 2004 - 9 a.m. -- Open Meeting
November 17, 2004 - 1:30 p.m. -- Open Meeting
November 18, 2004 - 9 a.m. -- Open Meeting
November 30, 2004 - 9 a.m. -- Open Meeting
† **December 2, 2004 - 9 a.m.** -- Open Meeting
† **December 16, 2004 - 9 a.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.


December 14, 2004 - 9 a.m. -- Open Meeting
† **January 18, 2005 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A regular meeting to address policy and procedural issues, review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session. The department fully complies with the Americans with Disabilities Act.


Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230,

telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.


BOARD OF CORRECTIONAL EDUCATION

November 19, 2004 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail patricia.ennis@dce.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.

Calendar of Events

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.

CRIMINAL JUSTICE SERVICES BOARD

December 9, 2004 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

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, Department of Criminal Justice Services, Eighth Street 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


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 19, 2004 - 9 a.m. -- Open Meeting
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.

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.


DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

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


November 15, 2004 - 8:45 a.m. -- Open Meeting

January 24, 2005 - 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 - 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 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.

January 18, 2005 - 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 20-470, Nurses, Physicians, and Therapist Standards**. The purpose of the proposed action is to repeal the regulation because the requirements are unnecessary. Section 22.1-274 of the Code of Virginia states that local school boards may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists under the same provisions as provided by the board regulation. Since the Code of Virginia already permits schools divisions to employ these personnel and board regulations are not required, this regulation is unnecessary.

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.

January 20, 2005 - 8:45 a.m. -- Open Meeting

January 21, 2005 - 8:45 a.m. -- Open Meeting
Richmond Holiday Inn, Koger Center, 10800 Midlothian Turnpike, Richmond, Virginia.

A meeting of the State Special Education Advisory Committee.

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-

Calendar of Events

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.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF WINCHESTER

† **December 1, 2004 - 3 p.m.** -- Open Meeting
Timbrook Safety Center, 231 Piccadilly Street, Winchester, Virginia. ♿

A monthly meeting.

Contact: L.A. Miller, Fire and Rescue Department, 231 E. Piccadilly St., Winchester, VA 22601, telephone (540) 662-2298 for (540) 662-4131/TTY ☎

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **November 16, 2004 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Ground Water Protection Steering Committee.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, e-mail mamassie@deq.virginia.gov.

November 16, 2004 - 7 p.m. -- Open Meeting
Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia. ♿

The final public meeting to address the bacteria impairments on stream segments in the Carter Run and Great Run watersheds located in Fauquier County. The comment period begins upon publication of the notice in the Virginia Register of Regulations on November 1 and closes on December 16, 2004.

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

† **November 23, 2004 - 7 p.m.** -- Open Meeting
John Wayland Elementary School, 801 North Main Street, Bridgewater, Virginia. ♿

The first public meeting on the development of the implementation plan for the bacteria and benthic TMDLs. The public comment period will begin with publication of the

notice in the Virginia Register of Regulations on November 15, 2004. The comment period closes on December 23, 2004.

Contact: Robert Brent, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.virginia.gov.

† **December 9, 2004 - 7 p.m.** -- Open Meeting
Thomas Jefferson Planning District Office, 300 East Main Street, Charlottesville, Virginia. ♿

The final public meeting on the draft implementation plan for the bacteria TMDL for Moores Creek in the City of Charlottesville and the County of Albemarle. The public comment period begins with publication of the notice on November 15, 2004, and closes on January 9, 2005.

Contact: Robert Brent, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

† **December 1, 2004 - Noon** -- Open Meeting
Prince William County CPAT Facility, 8494 Kao Circle, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

This work session will be for FY05 Training Mini-Grants.

Contact: Christy L. King, Policy, Planning, and Legislative Affairs Manager, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† **December 2, 2004 - 10 a.m.** -- Open Meeting
Prince William County CPAT Facility, 8494 Kao Circle, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

Fire Education and Training Committee will meet at 10 a.m. Fire Prevention and Control Committee will meet at 1 p.m. Administration, Policy and Finance Committee will meet at 2:30 p.m. Members of the VFSB will partake in a group dinner - No VFSB/public business will be discussed.

Contact: Christy L. King, Policy, Planning, and Legislative Affairs Manager, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, Virginia 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† **December 3, 2004 - 9 a.m.** -- Open Meeting
Prince William County CPAT Facility, 8494 Kao Circle, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)


For more information please contact Christy King at 804/371-0220

Contact: Christy L. King, Policy, Planning, and Legislative Affairs Manager, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.


BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **November 17, 2004 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting to hear possible violations of the laws and regulations governing the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.


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, Department of Charitable Gaming, 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 regular meeting.

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

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 5-310, 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

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.

† **November 19, 2004 - 10 a.m.** -- Open Meeting
The Place, Innsbrook, Glen Allen, Virginia 


A meeting of the Governor's EMS Advisory Board to review current EMS regulations and receive reports from staff.

Contact: Michael D. Berg, Manager, Regulation and Policy, Department of Health, 109 Governor Street, Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail michael.berg@vdh.virginia.gov.

† **November 29, 2004 - 10 a.m.** -- Open Meeting
Department of Health, 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.

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.

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,

Calendar of Events

telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (804) 828-1120/TTY ☎, e-mail pat.dewey@vdh.virginia.gov.

† **December 6, 2004 - 1 p.m.** -- Public Hearing
Department of Health, 109 Governor Street, Room 715, Richmond, Virginia.

A public hearing for the Fiscal Year 2005 Preventive Health and Health Service (PHHS) Block Grant. All interested individuals and groups are invited to participate at the public hearing on the PHHS Block Grant. In accordance with Title XIX, Section 1905 of the Public Health Service Act, the Commonwealth of Virginia hereby gives notice that VDH will: apply for FY 2005 PHHS Block Grant funds and submit a State Plan for programs addressing the following Healthy People 2010 National Health Objectives: reduce the overall cancer death rate; increase community health promotion; reduce coronary heart disease deaths; reduce deaths caused by unintentional injury; reduce the rate of physical assault by current or former intimate partners; reduce the annual rate of rape or attempted rape; reduce the proportion of children and adolescents who have dental caries experience in their primary teeth; increase the proportion of the U.S. population served by community water systems with optimally fluoridated water; increase public access to information and surveillance data; and increase the proportion of data for leading health indicators, health status indicators and priority data needs at state and local levels. The State Plan is available on the agency's website at www.vahealth.org. Public comment on the Plan can be made at the public hearing and written comments can be addressed to Robin Buskey, Office of Family Health Services, P.O. Box 2448, Room 721, Richmond, VA 23218.

Contact: Robin Buskey, Grants Coordinator, Department of Health, 109 Governor St., Room 721, Richmond, VA 23218, telephone (804) 864-7663, FAX (804) 864-7647, e-mail robin.buskey@vdh.virginia.gov.

Sewage Handling and Disposal Appeal Review Board

† **January 19, 2005 - 10 a.m.** -- Open Meeting
County of Henrico, 8600 Dixon Powers Drive, Human Services Board Room, 2nd Floor, Richmond, Virginia ☎

A meeting to hear appeals of health department denials of septic tank permits and/or Indemnification Fund Claim requests.

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.

DEPARTMENT OF HEALTH PROFESSIONS

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 19, 2004 - 10 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: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, 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 15, 2004 - 9:15 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 5th Floor,
Richmond, Virginia. 


A Virginia College Savings Plan Compensation meeting.


Contact: Cindy Comer, Director of Policy, Virginia Higher Education Tuition Trust Fund, James Monroe Bldg., 101 N. 14th St., 5th Floor, Richmond, VA 23219, telephone (804) 786-0719, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY , e-mail vcspinfo@virginia529.com.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT


November 15, 2004 - Noon -- Open Meeting
Norfolk Waterside Marriott Hotel, 235 East Main Street,
Norfolk, Virginia. 

The Community Development Committee will consider Enterprise Zone Regulation issues.


Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail steve.calhoun@dhcd.virginia.gov.

November 15, 2004 - 1 p.m. -- Open Meeting
Norfolk Waterside Marriott Hotel, 235 East Main Street,
Norfolk, Virginia. 

A regular business meeting. Members of the board are invited to attend a reception and dinner at the Waterside Marriott starting at 6 p.m.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail steve.calhoun@dhcd.virginia.gov.


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 HOUSING DEVELOPMENT AUTHORITY


November 15, 2004 - 9 a.m. -- Open Meeting
Norfolk Waterside Marriott Hotel, 235 East Main Street,
Norfolk, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior


monthly meeting; may consider for approval and ratification mortgage loan commitments under its various programs. The commissioners may also meet at scheduled events, including meals, before the regular meeting and during the Governor's Housing Conference on November 15 through 17, 2004; will consider for approval proposed amendments to the Authority's Rules and Regulations for Allocation of Low-Income Housing Tax Credits; will review the Authority's operations for the prior months; and will consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Executive Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.


Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY .

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.

Calendar of Events

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **November 18, 2004 - 10 a.m.** -- Open Meeting
Department of Labor and Industry, Powers Taylor Building, 13 South 13th Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the subcommittee.

Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.virginia.gov.

† **December 9, 2004 - 9:30 a.m.** -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia. (Interpreter for the deaf provided upon request)

A general meeting of the board.

Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.virginia.gov.

STATE LIBRARY BOARD

November 15, 2004 - 8:15 a.m. -- Open Meeting
January 27, 2005 - 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.

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 regulators and to carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. Mclver, 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.Mclver@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

November 23, 2004 - 9:30 a.m. -- Open Meeting
† **December 21, 2004 - 9:30 a.m.** -- Open Meeting
Virginia Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting.

Contact: Jane 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 jane.mccroskey@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@dmass.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

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
Department of Medical Assistance Services, 600 East Broad Street, Board Room, 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@dmass.virginia.gov.

BOARD OF MEDICINE

† **November 16, 2004 - 9:15 a.m.** -- Open Meeting
† **December 7, 2004 - 9:15 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordiway Drive, Roanoke, Virginia.

† **November 17, 2004 - 9 a.m.** -- Open Meeting
† **December 1, 2004 - 9:15 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

An informal conference committee will convene informal conferences to inquire into allegations that certain practitioners(s) may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Further, the committee may review cases with staff for case disposition including consideration of 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 Dixon, Staff, Board of Medicine, 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.

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

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 MINES, MINERALS AND ENERGY

Virginia Gas and Oil Board

† **November 16, 2004 - 9 a.m.** -- Open Meeting
Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, Virginia ♿ (Interpreter for the deaf provided upon request)

A general meeting of the board. In addition to general board business, the following will also be discussed: disbursements, location exceptions, poolings and miscellaneous petitions. Special accommodations for the disabled will be made available at the hearing on request. Anyone needing special accommodations should contact the Department of Mines, Minerals and Energy, Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center at 1-800-828/TTY at the Southwest Virginia Higher Education Center, Abingdon, Virginia.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, 230 Charwood Dr., Abingdon, VA 24212, telephone (276) 676-5423, FAX (804) 692-3237, (800) 828-1120/TTY ☎, e-mail bob.wilson@dmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

NOTE: CHANGE IN MEETING TIMES
November 17, 2004 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room, 200 North Boulevard, Richmond, Virginia. ♿

The following committees will meet:

11 a.m. - Art Acquisitions Subcommittee (most of this meeting will be held in closed session) - Library
12:45 p.m. - Artistic Oversight Committee - CEO Parlor
3:15 p.m. - Government Affairs Committee - CEO 2nd Floor Conference Room

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-

Calendar of Events

1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

November 17, 2004 - 9 a.m. -- Open Meeting

Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia. ♿

A meeting for staff to update the Expansion Committee. All or most of the meeting will be in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

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

Virginia Museum of Fine Arts, CEO 2nd Floor Conference Room, 200 North Boulevard, Richmond, Virginia 23220. ♿

A meeting of the Fiscal Oversight 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.

November 18, 2004 - Noon -- Open Meeting

Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia. ♿

A meeting for staff to update the full board. Part of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

December 7, 2004 - 8 a.m. -- Open Meeting

January 4, 2005 - 8 a.m. -- Open Meeting

February 1, 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

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.

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.

JOINT BOARDS OF NURSING AND MEDICINE

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.

BOARD OF NURSING HOME ADMINISTRATORS

† **November 15, 2004 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

An Item Review Workshop to discuss the jurisprudence exam. Public comments will be received during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Nursing Home Administrators, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

November 23, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting of the Credentials Committee to develop a guidance document on the educational requirement for licensure.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

† **November 30, 2004 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss education requirements for licensure and qualifications for preceptors. There will be a 15 minute public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

November 15, 2004 - 3 p.m. -- Open Meeting
† **February 15, 2005 - 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 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

OLMSTEAD ADVISORY COMMITTEE

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@dps.state.va.us.

BOARD OF OPTOMETRY

December 1, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 54.1-3223 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry**. The purpose of the repropoed action is to amend the treatment guidelines and formulary of therapeutic pharmaceutical agents that can be prescribed or administered by a qualified optometrist.

Statutory Authority: § 54.1-3223 of the Code of Virginia.

Public comments may be submitted until December 1, 2004, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

BOARD OF PHARMACY

† **November 15, 2004 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting to review draft regulations on wholesale distributors and physicians selling drugs. Public comments 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 scottl.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

Calendar of Events

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.virginia.gov.

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 BOARD

November 17, 2004 - 2 p.m. -- Open Meeting

NOTE: CHANGE IN MEETING TIME

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

† **December 2, 2004 - 9 a.m.** -- Open Meeting

† **December 8, 2004 - 9 a.m.** -- Open Meeting

† **December 16, 2004 - 9 a.m.** -- Open Meeting

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

† **November 30, 2004 - 11 a.m.** -- Open Meeting
Fairfax County Government Center Complex, Herrity Building,
12055 Government Center Parkway, Room 122, Fairfax,
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.oneal@dpor.virginia.gov.

November 17, 2004 - 3 p.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5-West,
Richmond, Virginia. ♿

A meeting of the Education Committee to review education applications.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 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.

November 18, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4-West, Richmond, Virginia. ♿

A meeting to discuss board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 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.

DEPARTMENT OF REHABILITATIVE SERVICES

† **December 2, 2004 - 3 p.m.** -- Public Hearing
Portsmouth DRS Office, 3248 Academy Avenue, Suites 22-26 Portsmouth, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **December 8, 2004 - 3 p.m.** -- Public Hearing
Fairfax DRS Office, 11150 Main Street, Suite 300, Fairfax, Virginia.

† **December 14, 2004 - 3 p.m.** -- Public Hearing
Mount Rogers Community Mental Health and Mental Retardation Board, 770 West Ridge Road, Wytheville, Virginia.

† **January 10, 2005 - 3 p.m.** -- Public Hearing
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to provide the public the opportunity to discuss the annual DRS State Plan. The December 14 hearing will be in videoconference format and broadcasted from Richmond.

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, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail smithee@drs.virginia.gov.

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 fergusss@drs.virginia.gov.

Commonwealth Neurotrauma Initiative Trust Fund Advisory Board

† **January 20, 2005 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, 1st Floor Conference Rooms, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Kristie Chamberlain, CNI Program Administrator, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (804) 464-9950/TTY ☎, e-mail kristie.chamberlain@drs.virginia.gov.

VIRGINIA RESOURCES AUTHORITY

† **November 16, 2004 - 9 a.m.** -- Open Meeting

† **December 14, 2004 - 9 a.m.** -- Open Meeting
Eighth and Main Building, 707 East Main Street, 2nd Floor, Richmond, Virginia. ♿

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

November 17, 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 general business of the board. The meeting time is subject to change depending upon the board's agenda.

Calendar of Events

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

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.

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.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **December 1, 2004 - 10 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: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail soilscientist@dpor.virginia.gov.

COMMONWEALTH TRANSPORTATION BOARD

November 17, 2004 - 2 p.m. -- Open Meeting
VDOT Central Auditorium, 1221 East Broad Street, Richmond, Virginia. ♿

A work session. VDOT and DRPT staff provide updates on projects, policy development, bids and pending action items. No public comments will be permitted at the workshop. If all items are not covered on November 17, they will be deferred to November 18 at 9 a.m. at the same location.

Contact: Katherine Tracy, Assistant Secretary of the Board, Commonwealth Transportation Board, Policy Division, 1401 E.

Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@VDOT.virginia.gov.

November 18, 2004 - 9 a.m. -- Open Meeting
VDOT Central Auditorium, 1221 East Broad Street, Richmond, Virginia. ♿

A meeting of the board to vote on action items presented on projects, bids, conveyances and any other mattering requiring board action. A public comment period will be at the top of the agenda. Comments are limited to five minutes with one speaker per group. The board reserves the right to amend these conditions. Committee meetings, which are open to the public, may be held upon the call of the Chairman and will be posted separately.

Contact: Katherine Tracy, Assistant Secretary of the Board, Commonwealth Transportation Board, 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

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.

BOARD OF VETERANS SERVICES

November 15, 2004 - 1 p.m. -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia. ♿

A meeting of the board. A public comment period will begin at approximately 3 p.m.

Contact: Steven Combs, Assistant to Commissioner, Department of Veterans Services, 900 E. Main Street, Richmond, VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Veterans Services Foundation Board

November 17, 2004 - 11:30 a.m. -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia. ♿

A meeting of the Veterans Services Foundation Board of Trustees. Public comment will be received at approximately 1:30 p.m.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond,

VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

Joint Leadership Council of Veterans Service Organizations

December 7, 2004 - 1 p.m. -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia. ♿

A meeting of the Joint Leadership Council of Veterans Service Organizations. A public comment period will begin at approximately 3 p.m.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, Virginia 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

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 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 cberndt@deq.virginia.gov.

* * * * *

† **November 30, 2004 - 4 p.m.** -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5635 Southern Boulevard, Virginia Beach, Virginia.

† **December 1, 2004 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

† **December 6, 2004 - 7 p.m.** -- Public Hearing
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

† **December 7, 2004 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

† **January 31, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to include updated numerical and narrative criteria to protect designated uses from the impacts of nutrients and sedimentation. The rulemaking will also include new and revised use designations for the Chesapeake Bay and its tidal tributaries.

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

Contact: Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4522 or e-mail emdaub@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

November 18, 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.

Calendar of Events

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.

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.

† November 19, 2004 - 2 p.m. -- Open Meeting

Blow Memorial Hall, #301, 262 Richmond Road, Williamsburg, Virginia. 

A public meeting of the Presidential Search Committee. There will be no opportunity for public comment.


Contact: W. T. Walker, Associate VP for Public Affairs, The College of William and Mary, P.O. Box 8795, Williamsburg, VA 23187, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

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.

December 15, 2004 - 3 p.m. -- Open Meeting

Bank of America, 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, 1200 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

INDEPENDENT


VIRGINIA RETIREMENT SYSTEM

November 16, 2004 - Noon -- Open Meeting

† February 15, 2005 - 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.

LEGISLATIVE

VIRGINIA CODE COMMISSION

November 17, 2004 - 10 a.m. -- Open Meeting

December 15, 2004 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 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

† November 15, 2004 - 10:30 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia.

FOIA electronic meetings subcommittee.

Contact: Maria Everett, Exec. Director, Virginia Freedom of Information Advisory Council, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail meverett@leg.state.va.us.

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

November 16, 2004 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A meeting of the JCOTS Integrated Government Advisory Committee.

Contact: Lisa Wallmeyer, Staff Counsel, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

November 17, 2004 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A meeting of the Privacy Advisory Committee of the Joint Commission on Technology and Science.

Contact: Mitchell Goldstein, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

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

November 15

- † Conservation and Recreation, Department of Education, Board of
- † Freedom of Information Advisory Council, Virginia
- † Higher Education Tuition Trust Fund, Virginia
- Housing and Community Development, Board of Housing Development Authority, Virginia
- Jamestown-Yorktown Foundation
- Library Board, State

- Nursing, Board of
- † Nursing Home Administrators, Board of Old Dominion University
- † Pharmacy, Board of Professional and Occupational Regulation, Board for Veterans Services, Board of

November 16

- Community Colleges, State Board for Contractors, Board for Corrections, Board of
- † Environmental Quality, Department of Jamestown-Yorktown Foundation
- † Medicine, Board of
- † Mines, Minerals and Energy, Department of - Virginia Gas and Oil Board
- Nursing, Board of Rehabilitative Services, Department of - Disability Services Council
- † Resources Authority, Virginia Retirement System, Virginia Technology and Science, Joint Commission on

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
- † Funeral Directors and Embalmers, Board of Medical Assistance Services, Department of - Medicaid Transportation Advisory Committee
- † Medicine, Board of Museum of Fine Arts, Virginia
- Nursing, Board of Real Estate Board
- Retirement System, Virginia
- Small Business Financing Authority, Virginia
- Technology and Science, Joint Commission on Transportation Board, Commonwealth
- Treasury Board
- Veterans Services, Department of - Veterans Services Foundation Board
- Waste Management Board, Virginia
- Water Control Board, State

November 18

- † Agriculture and Consumer Services, Department of - Virginia Wine Board
- Air Pollution Control Board, State
- † Barbers and Cosmetology, Board for Chesapeake Bay Local Assistance Board
- † Child Day-Care Council
- Community Colleges, State Board for Contractors, Board for Dentistry, Board of Design-Build/Construction Management Review Board
- Health, Department of
- † Labor and Industry, Department of Manufactured Housing Board, Virginia
- Museum of Fine Arts, Virginia
- Nursing, Board of
- † Real Estate Board

Calendar of Events

Transportation Board, Commonwealth
Waste Management Board, Virginia
Water Control Board, State
Waterworks and Wastewater Works Operators, Board for
William and Mary, The College of

November 19
Correctional Education, Board of
Dentistry, Board of
† Health, Department of
† Hearing Aid Specialists, Board for
Housing and Community Development, 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 23
† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
† Environmental Quality, Department of
Marine Resources Commission
Nursing Home Administrators, Board of

November 24
Retirement System, Virginia

November 29
† Health, Department of

November 30
Contractors, Board for
† Nursing Home Administrators, Board of
† Real Estate Board

December 1
† Emergency Planning Committee, Local - Winchester
† Fire Services Board, Virginia
Jamestown-Yorktown Foundation
† Medicine, Board of
† Soil Scientists and Wetland Professionals, Board for
Technology and Science, Joint Commission on

December 2
† Aging, Commonwealth Council on
† Agriculture and Consumer Services, Department of
- Virginia Soybean Board
† Asbestos, Lead and Home Inspectors, Virginia Board for
† Contractors, Board for
Elections, State Board of
† Fire Services Board, Virginia
Freedom of Information Advisory Council, Virginia
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing, Board of
Polygraph Examiners Advisory Board
† Real Estate Board
Water Control Board, State

December 3
Accountancy, Board of
Art and Architectural Review Board
Dentistry, Board of
† Fire Services Board, Virginia
Health, Department of

December 6
Alcoholic Beverage Control Board

December 7
† Agriculture and Consumer Services, Department of
- Virginia Corn Board
Alzheimer's Disease and Related Disorders Commission
† Auctioneers Board
Charitable Gaming Board
† Medicine, Board of
Museum of Fine Arts, Virginia
Nursing, Board of
Veterans Services, Department of
- Joint Leadership Council of Veterans Service
Organizations

December 8
Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Nursing, Board of
† Real Estate Board
Waterworks and Wastewater Works Operators, Board for

December 9
† Agriculture and Consumer Services, Board of
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Criminal Justice Services Board
† Environmental, Department of
† Labor and Industry, Department of
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
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Contractors, Board for
Medical Assistance Services, Board of
† Resources Authority, Virginia

December 15
Code Commission, Virginia
† Compensation Board
Health Professions, Department of
Milk Commission, State
Nursing and Medicine, Joint Boards of
Retirement System, Virginia
Social Services, State Board of

December 16
† Contractors, Board for
Design-Build/Construction Management Review Board
† Real Estate Board
Retirement System, Virginia
Social Services, State Board of

December 17
Dentistry, Board of

December 20
Alcoholic Beverage Control Board

December 21
† Marine Resources Commission
Olmstead Advisory Committee

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

January 18

† Contractors, Board for

January 19

Community Colleges, State Board for
† Health, Department of
- Sewage Handling and Disposal Appeal Review Board

January 20

Community Colleges, State Board for
Education, Board of
† Rehabilitative Services, Department of
- Commonwealth Neurotrauma Initiative Trust Fund
Advisory Board

January 21

Education, Board of

January 24

Education, Board of

January 25

† Agriculture and Consumer Services, Department of
- Virginia Marine Products Board

January 27

Library Board, State

February 1

Museum of Fine Arts, Virginia

February 15

† Old Dominion University
† Retirement System, Virginia

PUBLIC HEARINGS

November 17

Education, Board of
Professional and Occupational Regulation, Department of

November 30

† Water Control Board, State

December 1

† Water Control Board, State

December 2

† Rehabilitative Services, Department of

December 6

† Health, Department of
† Water Control Board, State

December 7

† Water Control Board, State

December 8

† Rehabilitative Services, Department of

December 9

Criminal Justice Services Board

December 14

† Rehabilitative Services, Department of

Calendar of Events
