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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 24, dated August 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
<b>Title 1. Administration</b>			
1 VAC 75-40-10 through 1 VAC 75-40-60	Added	20:25 VA.R. 3082	9/22/04
<b>Title 2. Agriculture</b>			
2 VAC 20-30	Erratum	20:25 VA.R. 3111	--
2 VAC 5-500	Repealed	21:8 VA.R. 861	1/26/05
2 VAC 5-501-10 through 2 VAC 5-501-110	Added	21:8 VA.R. 861-869	1/26/05
2 VAC 5-530	Repealed	21:8 VA.R. 869	1/26/05
2 VAC 5-531-10 through 2 VAC 5-531-140	Added	21:8 VA.R. 869-908	1/26/05
<b>Title 3. Alcoholic Beverages</b>			
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 5-50-60	Amended	21:7 VA.R. 803	2/26/05
3 VAC 5-70	Erratum	21:1 VA.R. 44	--
3 VAC 5-70	Erratum	21:3 VA.R. 345	--
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 3-20	Repealed	21:3 VA.R. 317	*
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 15-260-10	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 20-25-10 through 4 VAC 20-25-40	Added	21:8 VA.R. 908-909	12/1/04
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 20-564-10 through 4 VAC 20-564-50 emer	Added	20:25 VA.R. 3096	8/16/04-9/3/04
4 VAC 20-650-20	Amended	21:8 VA.R. 909	12/1/04
4 VAC 20-720-20	Amended	21:4 VA.R. 408	10/1/04
4 VAC 20-720-20	Amended	21:8 VA.R. 910	12/1/04
4 VAC 20-720-40 through 4 VAC 20-720-100	Amended	21:4 VA.R. 409-411	10/1/04
4 VAC 20-720-40 through 4 VAC 20-720-90	Amended	21:8 VA.R. 911-913	12/1/04
4 VAC 20-720-75	Added	21:8 VA.R. 912	12/1/04
4 VAC 20-910-45 emer	Amended	21:5 VA.R. 499	11/1/04-11/30/04
4 VAC 20-910-45	Amended	21:8 VA.R. 913	12/1/04
4 VAC 20-920-45	Added	21:8 VA.R. 914	12/1/04
4 VAC 20-950-47	Amended	21:5 VA.R. 497	10/29/04
4 VAC 20-950-48 emer	Amended	21:3 VA.R. 334	9/29/04-10/30/04
4 VAC 20-950-48	Amended	21:5 VA.R. 497	10/29/04
4 VAC 20-950-48.1	Added	21:5 VA.R. 497	10/29/04

\* 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 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 25-31 (Forms)	Amended	21:1 VA.R. 28	--
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	*
<b>Title 6. Criminal Justice and Corrections</b>			
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 20-240-10 through 6 VAC 20-240-140 emer	Added	20:25 VA.R. 3097-3102	8/23/04-8/22/05
<b>Title 8. Education</b>			
8 VAC 20-140-10	Repealed	21:3 VA.R. 332	1/1/05
8 VAC 20-200-10	Repealed	21:7 VA.R. 804	3/1/05
8 VAC 20-210-10	Amended	21:4 VA.R. 413	1/1/05
8 VAC 20-260-10 through 8 VAC 20-260-60	Repealed	21:7 VA.R. 805-806	3/1/05
8 VAC 20-360-10	Amended	21:8 VA.R. 1011	3/15/05
8 VAC 20-360-20	Amended	21:8 VA.R. 1012	3/15/05
8 VAC 20-360-30	Repealed	21:8 VA.R. 1012	3/15/05
8 VAC 20-380-10 through 8 VAC 20-380-40	Repealed	21:7 VA.R. 806-807	3/1/05
8 VAC 20-400-10 through 8 VAC 20-400-50	Repealed	21:7 VA.R. 807-808	3/1/05
8 VAC 20-430-10 through 8 VAC 20-430-50	Repealed	21:7 VA.R. 808-809	3/1/05
8 VAC 20-470-10	Repealed	21:4 VA.R. 423	3/1/05
8 VAC 20-480-10	Repealed	21:7 VA.R. 809	3/1/05
8 VAC 40-30 emer	Repealed	21:6 VA.R. 684	11/8/04-11/7/05
8 VAC 40-31-10 through 8 VAC 40-31-320 emer	Added	21:6 VA.R. 684-698	11/8/04-11/7/05
<b>Title 9. Environment</b>			
9 VAC 5-20-204	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-204	Amended	21:7 VA.R. 790	1/12/05
9 VAC 5-20-205	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-50-400	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-60	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-90	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-91	Repealed	21:7 VA.R. 791	1/12/05
9 VAC 5-60-100	Amended	21:7 VA.R. 791	1/12/05
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	Amended	21:4 VA.R. 419	12/1/04
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

\* 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
9 VAC 25-101-70	Amended	21:2 VA.R. 172	11/3/04
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 25-191-10 through 9 VAC 25-191-50	Added	21:2 VA.R. 183-198	11/3/04
9 VAC 25-192-10	Amended	21:2 VA.R. 199	11/3/04
9 VAC 25-192-20	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-30	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-40	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-50	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-60	Amended	21:2 VA.R. 201	11/3/04
9 VAC 25-192-70	Amended	21:2 VA.R. 202	11/3/04
9 VAC 25-400-10	Repealed	20:25 VA.R. 3083	9/22/04
9 VAC 25-401-10 through 9 VAC 25-401-50	Added	20:25 VA.R. 3083	9/22/04
9 VAC 25-590-10 through 9 VAC 25-590-100	Amended	21:8 VA.R. 915-919	1/26/05
9 VAC 25-590-120	Amended	21:8 VA.R. 919	1/26/05
9 VAC 25-590-120	Repealed	21:8 VA.R. 919	1/26/05
9 VAC 25-590-140 through 9 VAC 25-590-210	Amended	21:8 VA.R. 919-923	1/26/05
9 VAC 25-590-260	Amended	21:8 VA.R. 924	1/26/05
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 25-660-10 through 9 VAC 25-660-100	Amended	21:8 VA.R. 929-940	1/26/05
9 VAC 25-670-10 through 9 VAC 25-670-100	Amended	21:8 VA.R. 940-957	1/26/05
9 VAC 25-680-10 through 9 VAC 25-680-100	Amended	21:8 VA.R. 957-976	1/26/05
9 VAC 25-690-10 through 9 VAC 25-690-100	Amended	21:8 VA.R. 976-997	1/26/05
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-100-10	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-100-20	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-100-30	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-110-10	Added	21:6 VA.R. 631	11/15/04
10 VAC 5-110-20	Added	21:6 VA.R. 631	11/15/04
<b>Title 11. Gaming</b>			
11 VAC 10-20-200	Amended	20:25 VA.R. 3083	9/23/04
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	--
<b>Title 12. Health</b>			
12 VAC 5-90-10 emer	Amended	21:6 VA.R. 699	11/5/04-11/4/05
12 VAC 5-90-40 emer	Amended	21:6 VA.R. 702	11/5/04-11/4/05
12 VAC 5-90-90 emer	Amended	21:6 VA.R. 703	11/5/04-11/4/05
12 VAC 5-90-100 emer	Amended	21:6 VA.R. 705	11/5/04-11/4/05
12 VAC 5-90-105 emer	Added	21:6 VA.R. 705	11/5/04-11/4/05
12 VAC 5-90-110 emer	Amended	21:6 VA.R. 706	11/5/04-11/4/05
12 VAC 5-90-120 emer	Added	21:6 VA.R. 708	11/5/04-11/4/05
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 5-410	Erratum	21:8 VA.R. 1016	--
12 VAC 5-410-440	Amended	21:6 VA.R. 665	2/14/05

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-410-441 through 12 VAC 5-410-447	Added	21:6 VA.R. 666-681	2/14/05
12 VAC 30-10-650	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-50-210	Amended	21:6 VA.R. 632	1/3/05
12 VAC 30-70-331	Amended	21:6 VA.R. 683	7/1/05
12 VAC 30-80-30	Amended	21:7 VA.R. 797	1/12/05
12 VAC 30-80-40	Amended	21:6 VA.R. 632	1/3/05
12 VAC 30-80-40 emer	Amended	21:6 VA.R. 709	12/1/04-11/30/05
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 30-80-190	Amended	21:7 VA.R. 800	1/12/05
12 VAC 30-90-29	Amended	21:2 VA.R. 223	11/3/04
12 VAC 30-120-211 emer	Amended	21:6 VA.R. 711	12/1/04-11/30/05
12 VAC 30-120-213 emer	Amended	21:6 VA.R. 714	12/1/04-11/30/05
12 VAC 30-120-215 emer	Amended	21:6 VA.R. 715	12/1/04-11/30/05
12 VAC 30-120-219 emer	Amended	21:6 VA.R. 718	12/1/04-11/30/05
12 VAC 30-120-223 emer	Amended	21:6 VA.R. 719	12/1/04-11/30/05
12 VAC 30-120-225 emer	Amended	21:6 VA.R. 720	12/1/04-11/30/05
12 VAC 30-120-227 emer	Amended	21:6 VA.R. 724	12/1/04-11/30/05
12 VAC 30-120-229 emer	Amended	21:6 VA.R. 725	12/1/04-11/30/05
12 VAC 30-120-233 emer	Amended	21:6 VA.R. 726	12/1/04-11/30/05
12 VAC 30-120-237 emer	Amended	21:6 VA.R. 728	12/1/04-11/30/05
12 VAC 30-120-241 emer	Amended	21:6 VA.R. 729	12/1/04-11/30/05
12 VAC 30-120-243 emer	Amended	21:6 VA.R. 730	12/1/04-11/30/05
12 VAC 30-120-245 emer	Amended	21:6 VA.R. 732	12/1/04-11/30/05
12 VAC 30-120-247 emer	Amended	21:6 VA.R. 733	12/1/04-11/30/05
12 VAC 30-120-249 emer	Amended	21:6 VA.R. 734	12/1/04-11/30/05
12 VAC 30-130-290	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-310	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-320	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-330	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-335	Added	21:6 VA.R. 631	1/3/05
12 VAC 30-130-400	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-1000	Added	21:6 VA.R. 633	1/3/05
<b>Title 13. Housing</b>			
13 VAC 5-62-260	Amended	20:25 VA.R. 3084	9/8/04
<b>Title 14. Insurance</b>			
14 VAC 5-90-10 through 14 VAC 5-90-50	Amended	20:25 VA.R. 3090-3091	8/4/04
14 VAC 5-90-55	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 (Forms)	Amended	20:25 VA.R. 3092	8/4/04
<b>Title 16. Labor and Employment</b>			
16 VAC 25-40-10	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-20	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-50	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910	Erratum	21:1 VA.R. 44	--
16 VAC 25-90-1910.103	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 25-90-1926.307	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-155-10	Added	21:6 VA.R. 634	1/1/05
16 VAC 25-175-1926	Erratum	21:1 VA.R. 44	--
16 VAC 25-175-1926.950(c)(1)	Repealed	21:6 VA.R. 634	1/1/05
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-30	Repealed	21:3 VA.R. 318	11/3/04

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 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 62-20	Erratum	21:1 VA.R. 44	--
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 85-15-10	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-20	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-30	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-80-61 emer	Added	20:25 VA.R. 3105	7/27/04-7/26/05
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 95-20-471 emer	Added	20:25 VA.R. 3105	7/28/04-7/27/05
18 VAC 105-20-5 emer	Added	21:6 VA.R. 735	12/8/04-12/7/05
18 VAC 105-20-10 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-15 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-16 emer	Added	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-20 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-46	Added	21:8 VA.R. 998	12/8/04
18 VAC 105-20-47	Added	21:8 VA.R. 998	12/8/04
18 VAC 105-20-70 emer	Amended	21:6 VA.R. 737	12/8/04-12/7/05
18 VAC 105-30 emer	Repealed	21:6 VA.R. 735	12/8/04-12/7/05
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 145-20-151	Amended	21:3 VA.R. 319	12/1/04
18 VAC 160-20-102	Amended	21:3 VA.R. 319	12/1/04
<b>Title 19. Public Safety</b>			
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

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## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
<b>Title 22. Social Services</b>			
22 VAC 40-141-10 through 22 VAC 40-141-40	Amended	21:6 VA.R. 635	2/1/05
22 VAC 40-141-60 through 22 VAC 40-141-130	Amended	21:6 VA.R. 635	2/1/05
22 VAC 40-141-87	Added	21:6 VA.R. 634	2/1/05
22 VAC 40-141-150	Amended	21:6 VA.R. 636	2/1/05
22 VAC 40-141-170 through 22 VAC 40-141-210	Amended	21:6 VA.R. 636-638	2/1/05
22 VAC 40-705-30	Amended	21:4 VA.R. 421	12/1/04
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 20-70	Repealed	20:25 VA.R. 3092	9/22/04
24 VAC 30-90	Repealed	21:6 VA.R. 643	1/1/05
24 VAC 30-91-10 through 24 VAC 30-91-160	Added	21:6 VA.R. 643-663	1/1/05
24 VAC 30-120-170	Amended	21:3 VA.R. 330	11/17/04



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# PETITIONS FOR RULEMAKING

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF OPTOMETRY

#### Initial Agency Notice

Title of Regulation: **18 VAC 105-20. Regulations Governing the Practice of Optometry.**

Statutory Authority: §§ 54.1-2400 and 54.1-3211 of the Code of Virginia.

Name of Petitioner: Paul E. Webb.

Nature of Petitioner's Request: To amend requirements for licensure to accept any examination in optometry acceptable to any other jurisdiction in the United States.

Agency's Plan for Disposition of Request: After a 21-day comment period, the board will consider the petition and related comment at its meeting on March 8, 2005, and decide whether it is necessary and appropriate to amend its regulation for licensure.

Public comments may be submitted until February 1, 2005.

Agency Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-9943, or e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

VA.R. Doc. No. R05-98; Filed December 21, 2004, 10:41 a.m.



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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 3. ALCOHOLIC BEVERAGES

### ALCOHOLIC BEVERAGE CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-10, Procedural Rules for the Conduct of Hearings Before the Board and its Hearing Officers and the Adoption or Amendment of Regulations**. The purpose of the proposed action is to remove obsolete references to positions or divisions of the agency that no longer exist, incorporate the discovery rules of the Virginia Supreme Court by reference, and update public participation guidelines.

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

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

Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-79; Filed November 23, 2004, 10:49 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-20, Advertising**. The purpose of the proposed action is to loosen some of the current restrictions on the types of advertising materials that may be used by sellers of alcoholic beverages.

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

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

Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-80; Filed November 23, 2004, 10:49 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-30,**

**Tied-House.** The purpose of the proposed action is to lessen some restrictions on promotional activities and items that may be provided by industry members to retailers.

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

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

Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-81; Filed November 23, 2004, 10:49 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-40, Requirements for Product Approval**. The purpose of the proposed action is to amend regulations governing the approval of new alcoholic beverages to be sold in the Commonwealth, clarify and simplify the process, and eliminate obsolete provisions.

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

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

Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-82; Filed November 23, 2004, 10:49 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-50, Retail Operations**. The purpose of the proposed action is to provide a process for licensees to apply for approval for the employment of individuals with criminal records, allow farm wineries to allow 18 year old persons to serve wine at counters and sell wine from containers of ice at wine festivals, simplify food sale requirements, simplify nonmember use restrictions for clubs, clarify rules prohibiting lewd conduct on licensed premises, and allow advertising of drink specials.

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

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

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# Notices of Intended Regulatory Action

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Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-83; Filed November 23, 2004, 10:49 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-60, Manufacturers and Wholesalers Operations**. The purpose of the proposed action is to eliminate restrictions on peddling of wine, increase the amount of the indemnifying bond required of wholesale wine licensees, allow mixed beverage solicitors to participate in tasting events, and revise rules for giving away novelty and specialty items bearing spirits advertising.

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

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

Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-84; Filed November 23, 2004, 10:49 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled **3 VAC 5-70, Other Provisions**. The purpose of the proposed action is to expand the ability of manufacturers and wholesalers of alcoholic beverages to participate in tasting events at licensed premises, remove an unnecessary price change reporting requirement for licensees serving as both importer and wholesaler of a product, increase the number of remote retail locations available to farm wineries in accordance with a recent statutory change, and add a procedure for sale by auction of designer or vintage spirits bottles.

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

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

Public comments may be submitted until January 13, 2005.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

VA.R. Doc. No. R05-85; Filed November 23, 2004, 10:50 a.m.



## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

#### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Education has WITHDRAWN the Notice of Intended Regulatory Action for **8 VAC 20-660, Regulations Governing Reenrollment Plans**, which was published in 17:23 VA.R. 3408 July 30, 2001.

**Contact:** Margaret Roberts, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540 or e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu).

VA.R. Doc. No. R01-246; Filed December 22, 2004, 10:43 a.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to consider promulgating regulations entitled **8 VAC 20-660, Regulations Governing Reenrollment Plans**. The purpose of the proposed action is to establish regulations regarding the transfer of students between public schools, detention homes and juvenile correctional centers. The regulation will establish a reenrollment plan to share information about a student's public and correctional education and to facilitate a student's reenrollment in public schools upon release from commitment.

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

Statutory Authority: §§ 22.1-17.1, 22.1-343 and 16.1-293 of the Code of Virginia.

Public comments may be submitted until February 10, 2005.

**Contact:** Dr. Cynthia Cave, Director of Student Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2818, FAX (804) 225-2524 or e-mail [ccave@mail.vak12ed.edu](mailto:ccave@mail.vak12ed.edu).

VA.R. Doc. No. R05-93; Filed December 14, 2004, 12:22 p.m.

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Council of Higher Education for Virginia intends to consider repealing regulations entitled **8 VAC 40-30, Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates** and promulgating regulations entitled **8 VAC 40-31, Regulations Governing the Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates**. The purpose of the proposed action is to promulgate

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# Notices of Intended Regulatory Action

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regulations as required by Chapter 991 of the 2004 Acts of Assembly to govern the certification and operation of the Virginia private not-for-profit and private for-profit postsecondary schools operating in Virginia.

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

Statutory Authority: § 23-276.3 of the Code of Virginia.

Public comments may be submitted until January 12, 2005.

**Contact:** Rick Patterson, Assistant Director for Private and Out-of-State Postsecondary Education, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2609, FAX (804) 786-2027 or e-mail rickpatterson@schev.edu.

VA.R. Doc. No. R05-77; Filed November 23, 2004, 10:19 a.m.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled **9 VAC 5-20, General Provisions (Rev. D04)**. The purpose of the proposed action is to enlarge the scope of volatile organic compound and nitrogen oxides emissions control areas in order to include new ozone nonattainment areas.

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

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

Public comments may be submitted until 5 p.m. on January 12, 2005.

**Contact:** Gary Graham, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4103, FAX (804) 698-4510 or e-mail gegraham@deq.virginia.gov.

VA.R. Doc. No. R05-66; Filed November 10, 2004, 10:56 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 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to carry out 2004 legislation by providing a program for certifying persons who apply biosolids to land.

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

Statutory Authority: § 32.1-164 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on January 13, 2005.

**Contact:** Cal Sawyer, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7463 or e-mail cal.sawyer@vdh.virginia.gov.

VA.R. Doc. No. R05-69; Filed November 22, 2004, 3:13 p.m.

#### † 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 5-590, Waterworks Regulations**. The purpose of the proposed action is to require waterworks (public water systems) to have an emergency management plan for use during power outages.

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

Statutory Authority: § 32.1-170 of the Code of Virginia.

Public comments may be submitted until February 10, 2005.

**Contact:** Chris Adkins, Geologist Supervisor, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7495, FAX (804) 864-7521 or e-mail chris.adkins@vdh.virginia.gov.

VA.R. Doc. No. R05-96; Filed December 21, 2004, 11 a.m.

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## TITLE 17. LIBRARIES AND CULTURAL RESOURCES

### STATE LIBRARY BOARD

#### † Notice of Intended Regulatory Action

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

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## Notices of Intended Regulatory Action

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considering promulgating regulations entitled **17 VAC 15-120, Regulations Governing the Destruction of Public Records Containing Social Security Numbers**. The purpose of the proposed action is to curb the growing problem of identity theft. Identity theft occurs when a criminal uses another person's personal information to take on that person's identity. The intent of the regulation is to protect individuals from identity theft by eliminating unauthorized access to social security numbers in public records. The regulation will address best methods for destruction of public records containing social security numbers so that the social security numbers cannot be found and used for identity theft.

Any public records, regardless of media, that contain social security numbers are to be destroyed in a manner that protects the confidentiality of the information. These records are to be destroyed, made electronically inaccessible or erased so as to make social security numbers unreadable by any means.

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

Statutory Authority: § 42.1-82 of the Code of Virginia.

Public comments may be submitted until February 10, 2005.

**Contact:** Robert Nawrocki, Director, Records Management and Imaging Services, Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3505, FAX (804) 692-3603 or e-mail [mawrocki@va.lib.va.us](mailto:mawrocki@va.lib.va.us).

VA.R. Doc. No. R05-95; Filed December 17, 2005, 1:20 p.m.



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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## 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.

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## TITLE 11. GAMING

### VIRGINIA RACING COMMISSION

Title of Regulation: **11 VAC 10-45. Advanced Deposit Account Wagering (WITHDRAWN).**

The Virginia Racing Commission has WITHDRAWN the proposed amendments to 11 VAC 10-45, Advanced Deposit Account Wagering that were published in 20:20 VA.R. 2149-2155, June 14, 2004. The proposed stage of this regulation was withdrawn after an identical Fast-Track regulation became effective on September 27, 2004.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, P.O. Box 208, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7422, e-mail david.lermond@vrc.virginia.gov.

VA.R. Doc. No. R03-320; Filed December 13, 2004, 4:02 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

Title of Regulation: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-20; adding 18 VAC 60-20-91).**

Statutory Authority: §§ 54.1-2400 and 54.1-2711.1 of the Code of Virginia.

Public Hearing Date: January 21, 2005 - 9 a.m.

Public comments may be submitted until March 11, 2005.  
(See Calendar of Events section for additional information)

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

Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Dentistry the authority to promulgate regulations to administer the regulatory system. In § 54.1-2711.1 of the Dental Practice Act, the Board of Dentistry is authorized to issue a temporary license, as prescribed in regulations.

Purpose: The purpose of the action is to comply with the statutory mandate in the enactment clause of Chapter 754 of the 2004 Acts of the Assembly and prescribe those

regulations necessary to carry out the provisions of § 54.1-2711.1 on the issuance of temporary annual licenses for persons enrolled in advanced dental education programs. By granting a limited license and requiring oversight from a licensed member of the dental program, the board will authorize practice and the prescribing of controlled substances with appropriate provisions in place to protect the health and safety of citizens treated in dental clinics by persons holding a temporary resident license. Regulations clearly provide that licensure only extends for the duration of the time in a graduate or post-doctoral program and is confined to work in an outpatient clinic that is a recognized part of an advanced dental education program. The new provision in Chapter 27 of Title 54.1 of the Code of Virginia and proposed regulations to implement the law will authorize practice in dental programs on a par with licensure of interns and residents enrolled in advanced medical programs.

Substance: 18 VAC 60-20-20 is amended to establish an application fee of \$55 and an annual renewal fee of \$35 for a temporary resident license. 18 VAC 60-20-91 is adopted to (i) set out the educational requirements for issuance of a temporary license, including a recommendation from the dean or director of the advanced dental program; (ii) establish the limitations on practice; (iii) provide for renewal of the license based on continued recommendation by the program and limited to five times; and (iv) specify that the temporary license holder is accountable to a licensed dentist who is a member of staff where the residency or internship is being served.

Issues: The advantages to the public include the expansion of dental services available to persons served in the dental school at MCV or in outpatient dental clinics that are a recognized part of an advanced dental education program. While resident or post-doctoral fellows have been working in those clinics, they have been unable to prescribe controlled substances without a license issued by the state. Such a license is necessary to obtain a controlled substance registration from the Drug Enforcement Administration, so their practice has been severely hampered. Now, dental residents will be able to practice in much the same way as medical residents who provide services at MCV and related clinics. With oversight by members of the dental school staff, limitations on employment outside the dental program and requirements for adherence to standards of the Commission on Dental Accreditation, the practice of dentists with a temporary resident license is more closely monitored than that of a dentist holding a full license for practice. With such requirements in place and with the temporary licensee subject to disciplinary action by the board, there are no disadvantages to the public.

There are no advantages or disadvantages to the agency or the Commonwealth. Given the limited number of persons who will seek a resident license and the limited scope of their practice, the board does not expect the licensing and disciplinary activities to become burdensome. Processing of

initial applications may be time consuming but, thereafter, the annual renewals and handling new applications should be routine in nature.

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

Summary of the proposed regulation. Pursuant to Chapter 754 of the 2004 Acts of Assembly, the Board of Dentistry (board) proposes to adopt regulations for the temporary licensure of persons enrolled in advanced dental education programs.

Estimated economic impact. Currently, residents, interns and post-doctoral fellows provide dental services for the public in the dental school at Virginia Commonwealth University (VCU), the only dental school in Virginia, and in outpatient dental clinics that are a recognized part of VCU's advanced dental education programs.<sup>1</sup> While residents, interns, and post-doctoral fellows have been working in those clinics, they have been unable to prescribe controlled substances without a license issued by the state. Such a license is necessary to obtain a controlled substance registration from the Drug Enforcement Administration, so their practice has been hampered.

The board proposes to establish temporary licensure of persons enrolled in advanced dental education programs. In order to obtain temporary licensure, applicants must: (i) successfully complete a D.D.S. or D.M.D. dental degree program required for admission to the board-approved licensure examinations,<sup>2</sup> and (ii) submit a recommendation from the dean of the dental school or the director of the accredited graduate program specifying the applicant's acceptance as an intern, resident or post-doctoral certificate or degree candidate in an advanced dental education program.<sup>3</sup> Unlike the standard license, passing the board-approved licensure examinations is not required for the temporary license. The temporary license holder is responsible and accountable at all times to a licensed dentist, who is a member of the staff where the internship, residency, or post-doctoral candidacy is served. The temporary license only allows for dental practice within facilities affiliated with

their advanced dental education program. A standard license is required for practice elsewhere.

The temporary license will enable dental residents (interns and post-docs) to practice in an analogous way to medical residents (interns and post-docs) at Virginia medical schools and associated clinics. With oversight by members of the dental school staff and limitations on employment outside of clinics affiliated with the dental program, the practice of dentists with a temporary resident license is more closely monitored than that of a dentist holding a full license for practice.

The temporary license will be beneficial in that it will: (i) enable dentists in advanced dental education programs to gain more experience while supervised by an experienced dentist who is a member of the staff where the internship, residency, or post-doctoral candidacy is served, and (ii) enable additional dental services to be offered to the public. There is the possibility that the less experienced dentist might prescribe a drug that his experienced supervisor might not. It seems unlikely, though, that the supervised dental school graduate would prescribe something highly inappropriate. Also, the supervisor may very well note the prescription and change it before it is filled. No evidence is available to estimate the likelihood and cost of the less-experienced dentist prescribing a drug that is not the most appropriate. If the combined likelihood and cost are small, than the substantial benefits of the temporary license described above will outweigh the costs.

Businesses and entities affected. The proposed amendments affect the ###<sup>4</sup> individuals enrolled in advanced dental education programs in Virginia, as well as their faculty supervisors and their patients.

Localities particularly affected. The proposed regulations affect all Virginia localities, but may particularly affect patients in the Richmond area since Virginia's only dental school is located in Richmond.

Projected impact on employment. The proposed amendments will not significantly affect employment levels.

Effects on the use and value of private property. The proposed amendments will increase and speed the dental services offered at clinics affiliated with the VCU School of Dentistry.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Dentistry concurs with the analysis of the Department of Planning and Budget for the proposed regulation, 18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene, related to temporary licensure for dental residents.

#### Summary:

*The proposed amendments set an application and renewal fee and establish the requirements for issuance of a temporary license and for practice by a dentist under such a license.*

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<sup>1</sup> The Department of Health Professions confirmed that VCU has the only dental school in Virginia, and that the only advanced dental education programs in the Commonwealth are associated with VCU.

<sup>2</sup> The applicant must also submit a letter of confirmation from the registrar of the school or college conferring the professional degree, or official transcripts confirming the professional degree and the date the degree was received.

<sup>3</sup> The beginning and ending dates of the internship, residency, or post-doctoral program must be specified.

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<sup>4</sup> Figure will be added when the VCU School of Dentistry provides the requested data. The data was requested on November 1, 2004.

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# Proposed Regulations

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## 18 VAC 60-20-20. License renewal and reinstatement.

A. Renewal fees. Every person holding an active or inactive license, a full-time faculty license, or a restricted volunteer license to practice dentistry or dental hygiene shall, on or before March 31, renew his license. Every person holding a teacher's license, *temporary resident's license* or a temporary permit to practice dentistry or dental hygiene shall, on or before June 30, renew his license.

1. The fee for renewal of an active license or permit to practice or teach dentistry shall be \$150, and the fee for renewal of an active license or permit to practice or teach dental hygiene shall be \$50.
2. The fee for renewal of an inactive license shall be \$75 for dentists and \$25 for dental hygienists.
3. The fee for renewal of a restricted volunteer license shall be \$15.
4. *The application fee for a temporary resident's license shall be \$55. The annual renewal fee shall be \$35 a year. An additional fee for late renewal of licensure shall be \$15.*

B. Late fees. Any person who does not return the completed form and fee by the deadline required in subsection A of this section shall be required to pay an additional late fee of \$50 for dentists and \$20 for dental hygienists. The board shall renew a license if the renewal form, renewal fee, and late fee are received within one year of the deadline required in subsection A of this section.

C. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees by the deadline required in subsection A of this section shall automatically expire and become invalid and his practice of dentistry/dental hygiene shall be illegal.

1. Any person whose license has expired for more than one year and who wishes to reinstate such license shall submit to the board a reinstatement application, the renewal fee and the reinstatement fee of \$225 for dentists and \$135 for dental hygienists.
2. Practicing in Virginia with an expired license may subject the licensee to disciplinary action and additional fines by the board.
3. The executive director may reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-20-170 to deny said reinstatement, and that the applicant has paid the unpaid renewal fee, the reinstatement fee and any fines or assessments.

D. Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been revoked shall submit to the board for its approval a reinstatement application and fee of \$750 for dentists and \$500 for dental hygienists. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement application and fee of \$350 for dentists and \$250 for dental hygienists.

## 18 VAC 60-20-91. Temporary licenses to persons enrolled in advanced dental education programs.

A. A dental intern, resident or post-doctoral certificate or degree candidate applying for a temporary license to practice in Virginia shall:

1. *Successfully complete a D.D.S. or D.M.D. dental degree program required for admission to board-approved examinations and submit a letter of confirmation from the registrar of the school or college conferring the professional degree, or official transcripts confirming the professional degree and date the degree was received.*
2. *Submit a recommendation from the dean of the dental school or the director of the accredited graduate program specifying the applicant's acceptance as an intern, resident or post-doctoral certificate or degree candidate in an advanced dental education program. The beginning and ending dates of the internship, residency or post-doctoral program shall be specified.*

B. *The temporary license applies only to practice in the hospital or outpatient clinics of the hospital or dental school where the internship, residency or post-doctoral time is served. Outpatient clinics in a hospital or other facility must be a recognized part of an advanced dental education program.*

C. *The temporary license may be renewed annually, for up to five times, upon the recommendation of the dean of the dental school or director of the accredited graduate program.*

D. *The temporary license holder shall be responsible and accountable at all times to a licensed dentist, who is a member of the staff where the internship, residency or post-doctoral candidacy is served. The temporary licensee is prohibited from employment outside of the advanced dental education program where a full license is required.*

E. *The temporary license holder shall abide by the accrediting requirements for an advanced dental education program as approved by the Commission on Dental Accreditation of the American Dental Association.*

**NOTICE:** The forms used in administering 18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

### FORMS

Outline and Explanation of Documentation Required for Dental Licensure by Exam, Teacher's License, Restricted License, Full Time Faculty License, and Temporary Permit (rev. 12/02).

Application for Licensure to Practice Dentistry (rev. 12/02).

Application for Restricted Volunteer Licensure to Practice Dentistry and Dental Hygiene (eff. 7/98).



*Requirements and Instructions for a Temporary Resident's License to Persons Enrolled in Advanced Dental Education Programs (eff. 7/04).*

*Application for Temporary Resident's License (eff. 7/04).*

*Form A, Certification of Dental School for Temporary Resident's License (eff. 7/04).*

*Form B, Certification from Dean of Dental School or Director of Accredited Graduate Program, Temporary Resident's License (eff. 7/04).*

*Form C, Certification of Dental Licensure, Temporary Resident's License (eff. 7/04).*

*Form D, Chronology, Temporary Resident's License (eff. 7/04).*

Form A, Certification of Dental/Dental Hygiene School (rev. 12/02).

Form AA, Sponsor Certification for Dental/Dental Hygiene Volunteer License (eff. 7/98).

Form B, Chronology (rev. 12/02).

Form C, Certification of Dental/Dental Hygiene Boards (rev. 12/02).

Outline and Explanation of Documentation Required for Dental Hygiene Licensure by Exam, Teacher's License, Dental Hygiene by Endorsement, and Dental Hygiene Temporary Permit (rev. 12/02).

Application for Licensure to Practice Dental Hygiene (rev. 12/02).

Instructions for Reinstatement (rev. 12/02).

Reinstatement Application for Dental/Dental Hygiene Licensure (rev. 12/02).

Radiology Information for Dental Assistants (rev. 7/97).

Renewal Notice and Application, 0401 Dentist (rev. 12/02).

Renewal Notice and Application, 0402 Dental Hygienist (rev. 12/02).

Renewal Notice and Application, 0404 Dental Teacher (rev. 12/02).

Renewal Notice and Application, 0406 Dental Hygiene Teacher (rev. 12/02).

Renewal Notice and Application, 0411 Full-time Faculty (rev. 12/02).

Renewal Notice and Application, 0438 Cosmetic Procedure Certification (rev. 12/02).

Renewal Notice and Application, 0439 Oral and Maxillofacial (rev. 12/02).

Application for Certification to Perform Cosmetic Procedures (rev. 12/02).

Rhinoplasty/similar Procedures (rev. 7/02).

Bletharoplasty/similar Procedures (rev. 7/02).

Rhytidectomy/similar Procedures (rev. 7/02).

Submental liposuction/similar Procedures (rev. 7/02).

Browlift/either open or endoscopic technique/similar Procedures (rev. 7/02).

Otoplasty/similar Procedures (7/02).

Laser Resurfacing or Dermabrasion/similar Procedures (rev. 7/02).

Platysmal muscle plication/similar Procedures (rev. 7/02).

Application Review Worksheet (rev. 7/02).

Practitioner Questionnaire (rev. 12/02).

Oral and Maxillofacial Surgeon Registration of Practice (rev. 12/02).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R04-235; Filed December 21, 2004, 10:40 a.m.

## BOARD OF MEDICINE

**Title of Regulation: 18 VAC 85-15. Regulations Governing Delegation to an Agency Subordinate (adding 18 VAC 85-15-10, 18 VAC 85-15-20 and 18 VAC 85-15-30).**

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

**Public Hearing Date: January 21, 2005 - 8 a.m.**

Public comments may be submitted until March 11, 2005.  
(See Calendar of Events section  
for additional information)

**Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.**

**Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system and to delegate informal fact-finding to an agency subordinate.**

**Purpose: One of the most important functions of the Department of Health Professions is the investigation and adjudication of disciplinary cases to ensure that the public is adequately protected if a health care professional violates a law or regulation. The law enacted by the 2004 General Assembly and adoption of these proposed rules give another tool to health regulatory boards seeking to bring closure to cases in a timely manner by allowing cases to be delegated to an agency subordinate, who could be a single board member trained and qualified to conduct a fact-finding proceeding.**

In § 2.2-4019 of the Administrative Process Act (APA), provisions for an informal fact-finding proceeding establish the rights of parties to a disciplinary case including the right to "appear in person or by counsel or other qualified representative before the agency or its subordinates, or before a hearing officer for the informal presentation of factual data, argument, or proof in connection with any case." A

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## Proposed Regulations

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"subordinate" is defined in the APA as "(i) one or more but less than a quorum of the members of a board constituting an agency, (ii) one or more of its staff members or employees, or (iii) any other person or persons designated by the agency to act in its behalf." The proposed regulations specify that health regulatory boards can conduct fact-finding proceedings by delegation to a subordinate, the types of cases that are not appropriate for delegation and the criteria for a subordinate.

The board will retain the authority to determine whether to delegate any proceedings, the type of disciplinary case that could be delegated and who would serve as its subordinate. While standard of care cases will continue to be heard by board members appointed to a special conference committee, other disciplinary matters could be delegated to a person qualified by knowledge and background to determine the facts in the case. Delegation to an agency subordinate will be available to address cases that may arise from audits for continuing education compliance, providing information for the practitioner profile, advertising or defaults on student loans or grants. Proposed regulations limit the types of cases that may be heard by a subordinate. The ability of a board to delegate certain cases through a proceeding conducted by a subordinate will alleviate some of the disciplinary burden for board members, ensure resolution in a timelier manner and reserve board member time for hearing more serious matters.

**Substance:** 18 VAC 85-15 establishes the criteria for delegation, including the decision to delegate at the time of a probable cause determination, the types of cases that can be delegated, and the individuals who may be designated as agency subordinates.

**Issues:** The only advantage to the public may be a speedier resolution of disciplinary cases, but the cases that would likely be heard by a subordinate of the Board of Medicine would probably not involve standard of care for patients. It is likely that the board will delegate cases that involve such violations as failure to obtain continuing education. Therefore, there may not be any real advantage or disadvantage to the public.

There are no disadvantages to the agency or the Commonwealth. If adjudication of certain types of cases could be handled with the use of a subordinate rather than a committee of the board, there may be some advantages in resolution of cases and a modest reduction in costs for informal fact finding. Scheduling a single board member to sit as an agency subordinate will be easier than scheduling for two or more members, so it may be possible for cases to be heard more quickly. On the other hand, recommendations of the subordinate will have to be ratified by the board, so resolution of the case may be somewhat delayed until the next scheduled meeting at which a quorum of the board can be present.

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

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

**Summary of the proposed regulation.** Pursuant to House Bill 577 of the 2004 General Assembly, the Board of Medicine (board) proposes to delineate the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

**Estimated economic impact.** Section 54.1-2400 of the Code of Virginia (Code) describes the general powers and duties of health regulatory boards. Among the powers and duties listed is to appoint a special conference committee upon receipt of information that a practitioner of the board in question may be subject to disciplinary action. "The special conference committee may (i) exonerate the practitioner; (ii) reinstate the practitioner; (iii) place the practitioner on probation with such terms as it may deem appropriate; (iv) reprimand the practitioner; (v) modify a previous order; and (vi) impose a monetary penalty ..." House Bill 577 of the 2004 General Assembly added the following language to this section of the Code: "This subdivision shall not be construed to limit the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001, the authority to conduct informal fact-finding proceedings ..., upon receipt of information that a practitioner may be subject to disciplinary action. Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board."

In response, the board proposes regulations that specify criteria for delegation of informal fact-finding proceedings to an agency subordinate. Section 2.2-4001 of the Code of Virginia defines "subordinate" to mean "(i) one or more but less than a quorum of the members of a board constituting an agency, (ii) one or more of its staff members or employees, or (iii) any other person or persons designated by the agency to act in its behalf." According to the Department of Health Professions (department), the board has not been delegating to an agency subordinate the authority to conduct informal fact-finding proceedings upon receipt of information that a practitioner may be subject to disciplinary action. The department believes that the introduced clarifying language in the Code and the proposed criteria for delegation of informal fact-finding proceedings to an agency subordinate in the regulations will make it more likely that the board will delegate to an agency subordinate the authority to conduct informal fact-finding proceedings. The department also believes that it is more likely that such agency subordinates will consist of current or past board members than department staff.

It is generally easier for smaller groups (including just one individual) to schedule the time necessary to conduct fact-finding proceedings than for larger groups, i.e., the entire board. Thus, to the extent that the adoption of the proposed criteria in the regulations paired with the clarifying language in the Code make it more likely that the board will delegate to an agency subordinate the task to conduct informal fact-finding proceedings, closure may be brought to some disciplinary cases in a more timely manner. Since the board must still ratify recommendations of the subordinate, the subject of the

potential disciplinary action will still be under the judgment of the entire board, rather than just a subset. Therefore, since the proposal produces no significant cost and the potential for disciplinary cases to be concluded in a timelier manner is created, the proposed amendment to the regulations will likely produce a net benefit.

Businesses and entities affected. The proposed criteria potentially affect the 748 athletic trainers, 1,537 chiropractors, 2,316 interns and residents, 278 licensed acupuncturists, 979 radiological technologists-limited, 2,770 radiological technologists, 28,535 medicine and surgery physicians, 2,234 occupational therapists, 1,103 osteopathy and surgery physicians, 1,157 physician assistants, 474 podiatrists, 3,205 respiratory care practitioners, and 22 university limited licenses<sup>1</sup> in the Commonwealth, as well as their patients.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed amendments will not significantly affect employment levels.

Effects on the use and value of private property. The proposed amendments will not have a large impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Medicine concurs with the analysis of the Department of Planning and Budget for the proposed regulation, 18 VAC 85-15, Regulations Governing Delegation to an Agency Subordinate, relating to delegation of informal fact-finding to an agency subordinate.

Summary:

*The proposed regulation establishes the criteria for delegation, including the decision to delegate at the time of a probable cause determination, the types of cases that may be delegated, and the individuals who may be designated as agency subordinates. The proposed regulation will replace emergency regulations that have been in effect since August 31, 2004.*

CHAPTER 15.  
REGULATIONS GOVERNING DELEGATION TO AN  
AGENCY SUBORDINATE.

**18 VAC 85-15-10. Decision to delegate informal fact-finding proceedings to an agency subordinate.**

*In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.*

**18 VAC 85-15-20. Criteria for delegation.**

*Cases that may be delegated to an agency subordinate shall be limited to those involving:*

- 1. *The practitioner profile system;*

- 2. *Continuing competency;*
- 3. *Advertising;*
- 4. *Compliance with board orders;*
- 5. *Default on a federal or state-guaranteed educational loan or on a work-conditional scholarship or grant for the cost of a health professional education; or*
- 6. *Failure to provide medical records.*

**18 VAC 85-15-30. Criteria for an agency subordinate.**

*A. An agency subordinate may include board members, professional staff or other persons authorized and deemed by the board to be knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals to conduct an informal fact-finding proceeding.*

*B. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.*

*C. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.*

VA.R. Doc. No. R05-01; Filed December 14, 2004, 10:41 a.m.

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**Title of Regulation: 18 VAC 85-80. Regulations Governing the Practice of Occupational Therapy (adding 18 VAC 85-80-61).**

**Statutory Authority:** §§ 54.1-2400, 54.1-2956.1 and 54.1-2956.5 of the Code of Virginia.

**Public Hearing Date:** February 1, 2005 - 9 a.m.  
Public comments may be submitted until March 11, 2005.  
(See Calendar of Events section for additional information)

**Agency Contact:** William L. Harp, M.D., Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

**Basis:** Section 54.1-2400 of the Code of Virginia provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system.

In the Medical Practice Act, § 54.1-2900 et seq. of the Code of Virginia, the Board of Medicine is mandated to set in regulation the credentialing organizations from which a person may obtain initial certification as an occupational therapy assistant in order to use the title or initials O.T.A.

In addition, § 54.1-2956.5 of the Code of Virginia requires initial certification from a credentialing organization approved in regulation in order for a person to use the title of occupational therapy assistant or use the designation O.T.A.

<sup>1</sup> Source: Department of Health Professions.

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# Proposed Regulations

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**Purpose:** The purpose of the action is to comply with the statutory mandate in § 54.1-2956.1 of the Code of Virginia, which requires the board to establish the credentialing body and initial certification required for a person to hold himself out to be an occupational therapy assistant or to use the designation O.T.A. or any derivation thereof. While the credential of O.T.A. is not required for practice, its use does imply some education and training for practice and does provide measure of minimal competency and protection for the public. The intent of the legislation, implemented by this regulation, was to ensure that those persons who go by the protected title have a credential based on educational preparation, a practice component and an examination. The National Board on Certification in Occupational Therapy (NBCOT) is the only such credentialing body through which one can currently obtain initial certification.

**Substance:** 18 VAC 85-80-61 is added to establish the Certified Occupational Therapy Assistant issued by the National Board for Certification in Occupational Therapy (NBCOT) as the credential that must be held by a person who calls himself an occupational therapy assistant or uses the designation of O.T.A. or any derivation thereof.

**Issues:** There are no disadvantages to patients receiving occupational therapy services; they are better protected by more specific rules on the use of professional titles by unlicensed persons. Use of a title that implies certification and competency should be reserved for persons who have met the requirements and passed an examination entitled them to the credential. Although a COTA may use the title in conjunction with his name and practice, the licensed occupational therapist remains responsible for the services provided and for the treatment of the patient.

There are no advantages or disadvantages to the agency; the amended regulation does not impose a new responsibility on the board and does not involve additional cost or staff time. In part, the amended regulation will clarify use of the protected titles, so the agency may benefit from fewer inquiries from applicants, licensees and employers.

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

Summary of the proposed regulation. The Board of Medicine (board) proposes to require that "a person who holds himself out to be or advertises that he is an occupational therapy assistant or uses the designation "O.T.A." or any variation thereof shall have obtained initial certification by NBCOT as a certified occupational therapy assistant."

Estimated economic impact. Pursuant to House Bill 309 of the 2004 General Assembly (Chapter 61 of the Acts of the Assembly), § 54.1-2956.1 of the Code of Virginia mandates that the board "designate in regulation those credentialing organizations from which a person may obtain initial certification as an occupational therapy assistant in order to hold himself out to be or advertise that he is an occupational therapy assistant or use the designation "O.T.A." or any variation thereof." The board proposes to require that such persons obtain the Certified Occupational Therapy Assistant credential from the National Board for Certification in Occupational Therapy (NBCOT).

In development of a proposed regulation, the board considered the recommendation of the Advisory Board on Occupational Therapy and the Study of the Appropriate Level of Regulation of Occupational Therapy Assistants in Senate Document 7 (2001). In the study of occupational therapy assistants, conducted by the Board of Health Professions in response to SJR 153 of the 2000 General Assembly, the only credentialing organization found for occupational therapists or occupational therapy assistants was the National Board for Certification in Occupational Therapy (NBCOT). NBCOT offers an examination and certification for assistants that entitle them to use of the title Certified Occupational Therapy Assistant or COTA. According to the SJR 153 study, there are 170 accredited occupational therapy assistant programs in the U.S. with four located in Virginia - Community Hospital of Roanoke Valley, J. Sargeant Reynolds Community College, Southwest Virginia Community College, and Tidewater Community College. Occupational therapy assistants complete a supervised clinical internship during their academic preparation, and the majority of the occupational therapy assistant graduates elect to take the national examination from NBCOT so they can use the recognized credential of COTA.

Individuals who do not claim to be an "occupational therapy assistant" may continue to assist in the provision of occupational therapy services under the supervision of an occupational therapist. In other words, certification as an occupational therapy assistant is not required for an individual to work performing occupational therapy services. The individual is just barred from referring to himself as an occupational therapy assistant. For employers who are aware of NBCOT certification, the proposed amendment will not produce much effect. If these employers value NBCOT certification, they will inquire whether the job applicant has the certification with or without the new requirement. For those employers that are not familiar with NBCOT, the proposed requirement that only those with NBCOT certification can legally claim to be an occupational therapy assistant or use the designation "O.T.A." or any variation thereof may help in distinguishing the qualifications of applicants. These employers may value knowing that NBCOT certified individuals have passed an examination on occupational therapy assistant work that non-NBCOT certified individuals have not. According to the Virginia Occupational Therapy Association, most employers are already aware of NBCOT certification. Since most employers are already aware of NBCOT certification, the proposed amendment will not have a large impact. To the extent that the proposed title restriction allows those few employers who were not previously aware of

the certification make better informed hiring decisions, the proposed amendment may have a small positive impact.

Businesses and entities affected. The proposed amendments affect individuals working as occupational therapy assistants, their employers, and their patients. Since occupational therapy assistants are not regulated or registered in Virginia, the Department of Health Professions does not have an estimate of the number of entities affected. In 2003, nationwide 920 persons took the NBCOT examination.<sup>1</sup>

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed amendments will not significantly affect employment levels.

Effects on the use and value of private property. The proposed amendments may encourage a small number of individuals to pursue NBCOT certification who would not have otherwise. This would produce a small increase in the value of NBCOT.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Medicine concurs with the analysis of the Department of Planning and Budget for amendments to 18 VAC 85-80, pursuant to a statutory mandate to establish criteria for use of the title of occupational therapy assistant.

Summary:

*The amendment requires a person who calls himself an occupational therapy assistant or uses the designation of O.T.A. or any derivation thereof to hold the credential for a Certified Occupational Therapy Assistant issued by the National Board for Certification in Occupational Therapy.*

**18 VAC 85-80-61. Certification of occupational therapy assistants.**

*Effective July 26, 2005, a person who holds himself out to be or advertises that he is an occupational therapy assistant or uses the designation "O.T.A." or any variation thereof shall have obtained initial certification by NBCOT as a certified occupational therapy assistant.*

VA.R. Doc. No. R04-267; Filed December 21, 2004, 10:46 a.m.

## BOARD OF NURSING

Title of Regulation: **18 VAC 90-20. Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-10 and 18 VAC 90-20-300; adding 18 VAC 90-20-181, 18 VAC 90-20-182 and 18 VAC 90-20-183)**

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public Hearing Date: January 25, 2005 - 1:30 p.m.

Public comments may be submitted until March 11, 2005.  
(See Calendar of Events section for additional information)

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<sup>1</sup> Source: Department of Health Professions

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

Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Nursing the authority to promulgate regulations to administer the regulatory system. The specific legal mandate to promulgate the regulation for implementation of the Nurse Licensure Compact is found in § 54.1-3005 of the Code of Virginia.

Purpose: In 2003 the General Assembly enacted Chapter 249, which created the authorization for Virginia's membership in the Nurse Licensure Compact effective January 1, 2005. Sections 54.1-3030 through 54.1-3040 provide the legal basis for the Compact and specific statutory language for participation and administration. With so much specificity about the Compact in the Code, the only regulations that are necessary relate to procedural matters of issuing a license in a compact state, limitations of a multistate privilege after a disciplinary proceeding, and access to data on the coordinated licensure system. It is also necessary to include the multistate licensure privilege in the authority of the board to render findings of unprofessional conduct and take disciplinary action. Without such an amendment, it would not be possible for the board to enforce its regulations for a nurse practicing in Virginia with a multistate licensure privilege issued by another Compact state. Amended rules are necessary to protect the health and safety of the public by ensuring that all nurses who provide care to patients in Virginia, whether they hold a license or a multistate privilege, will be held to the same standards of professional conduct.

Substance: Proposed regulations set out the rules for the issuance of a license with a multistate licensure privilege, including the evidence required to establish a primary state of residence, the procedure for changing the state of residence, and the policy for notification if a state denies licensure to an applicant. There are also new rules for limitations placed by a board on a multistate licensure privilege and for access to the coordinated licensure information system. Changes to existing regulations are intended to include those who hold a multistate licensure privilege in provisions that set out the causes for taking disciplinary action.

Issues: There are no disadvantages to the public; the proposed rules will ensure that nurses practicing in Virginia under a multistate licensure privilege are held to the same standards as those practicing with a Virginia license. Likewise, any limitation or monitoring required by a disciplinary order would be imposed equally. There may be some advantage to the public in that access to health care may be improved by the availability of nurses who reside in other states but will come into Virginia to work. However, the Compact also makes it easier for Virginia nurses to go to other Compact states to work, so the result may not create a net gain for health care in the state.

There are no specific advantages or disadvantages to the agency or the Commonwealth. Rules to implement the specific provisions of law will give guidance to the board and its licensees on questions about declaration of a home state, limitations on practice and access to information.

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# Proposed Regulations

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## 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.** In 2003, the General Assembly enacted Chapter 249, which created the authorization for Virginia's membership in the Nurse Licensure Compact effective January 1, 2005. Pursuant to Chapter 49 of the 2004 Acts of the Assembly, the Board of Nursing (board) proposes to amend these regulations so as to implement the provisions of the Nurse Licensure Compact.

**Estimated Economic Impact.** In describing the Nurse Licensure Compact (compact), the National Council of State Boards of Nursing states that

The mutual recognition model of nurse licensure allows a nurse to have one license (in his or her state of residency) and to practice in other states (both physical and electronic), subject to each state's practice law and regulation. Under mutual recognition, a nurse may practice across state lines unless otherwise restricted. In order to achieve mutual recognition, each state must enact legislation authorizing the Nurse Licensure Compact. States entering the compact also adopt administrative rules and regulations for implementation of the compact.<sup>1</sup>

Currently the following states have entered the compact: Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah and Wisconsin.<sup>2</sup> In 2003, the General Assembly enacted Chapter 249, which created the authorization for Virginia's membership in the compact effective January 1, 2005. Sections 54.1-3030 through 54.1-3040 of the Code of Virginia provide the legal basis for the compact and specific statutory language for participation and administration. The board proposes to amend these regulations to specify: (i) procedural matters of issuing a license in a compact state, (ii) disciplinary proceedings with the compact system, and (iii) access to data on the coordinated licensure system.

The compact system produces a net benefit for member states, their nurses, and their patients in that it makes it less costly for nurses to move from areas of relatively low nurse demand to areas of relatively high nurse demand. Nurses in compact states do not have to pay additional licensure fees and spend the time and effort to become licensed in other

compact states in order to work there. Since it will be less costly for nurses to move from areas of relatively low nurse demand to areas of relatively high nurse demand, nurses will be more likely to move and there will be both less unemployment for nurses, and fewer nurse positions left unfilled. Thus, more nursing services will be provided to patients.

This can be particularly beneficial for nurses and employers located near the border of two compact states. (Virginia shares a border with compact states Maryland, North Carolina, and Tennessee.) Nurses living and licensed in Virginia may be able to find work across the border within a reasonable commute, and Virginia hospitals and clinics (and other nurse employers) may be better able to fill nursing positions by hiring nurses living and licensed across the border.

All compact states require that their nurses pass the same National Council of State Boards of Nursing examinations and have graduated from an accredited nursing program in order to obtain licensure. Thus, the minimum demonstrated knowledge and abilities necessary for licensure should be similar for the compact states.

**Businesses and entities affected.** There are approximately 7,280 registered nurses and 1,688 practical nurses licensed in Virginia who have home addresses in compact states (other than Virginia). These nurses will no longer need to be licensed in Virginia to practice in the Commonwealth. Other nurses in the compact states, including Virginia, their patients, and their employers will be affected as well.

**Localities particularly affected.** The proposed regulations affect all Virginia localities, but may affect localities near Maryland, North Carolina, or Tennessee in particular.

**Projected impact on employment.** The proposed amendments will likely increase the employment of nurses.

**Effects on the use and value of private property.** Since the cost for nurses from other compact states to work in Virginia is reduced, there will likely be more of these nurses applying for jobs in the Commonwealth than there would have been if Virginia did not join the compact. On the other hand, since the cost for nurses from Virginia to work in other compact states is reduced, there will likely be more Virginian nurses applying for jobs in other compact states than there would have been if Virginia did not join the compact. As stated above, since it will be less costly for nurses to travel from areas of relatively low nurse demand to areas of relatively high nurse demand, nurses will be more likely to move or commute across state borders and there will be both less unemployment for nurses, and fewer nurse positions left unfilled.

To the degree that nurses do increase how often they seek employment in another compact state, the market salaries for nurses will likely be affected. An increase in the number of nurses applying for positions in areas where employers have had trouble filling nurse positions, i.e. areas of relatively high nurse demand, will reduce the pressure on employers to raise salaries to fill positions. Thus, the market salaries in these areas may be lower than they would be without the reduced cost for nurses to work in other states due to the compact. On the other hand, a reduction in the number of nurses applying

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<sup>1</sup> Source: <http://ncsbn.org/nlc/index.asp> on November 5, 2004.

<sup>2</sup> Source: Department of Health Professions and <http://ncsbn.org/nlc/index.asp> on November 5, 2004.

for positions in areas where there have been an abundance of nurses available per nursing job, i.e. areas of relatively low nursing demand, will make it more likely that employers will have to offer higher salaries in order to have qualified nurses fill positions. Thus, the market salaries in these areas may be higher than they would be without the reduced cost for nurses to work in other states due to the compact.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Nursing concurs with the analysis of the Department of Planning and Budget for the proposed regulation, 18 VAC 90-20, Regulations Governing the Practice of Nursing, relating to implementation of the Nurse Licensure Compact.

Summary:

*The proposed amendments set out the regulations for implementation of the Nurse Licensure Compact including rules for issuance of a multistate licensure privilege, moving from one party state to another, notification of licensure denial to a former party state, limitations by disciplinary order on practice under a multistate privilege, a licensee's access to information in the licensure information system, and inclusion of the multistate privilege in the disciplinary provisions.*

**18 VAC 90-20-10. Definitions.**

*In addition to words and terms defined in § 54.1-3030 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:*

"Approval" means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Council of Higher Education.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Council of Higher Education.

"Board" means the Board of Nursing.

"Clinical nurse specialist" means a licensed registered nurse who holds:

1. A master's degree from a board-approved program which prepares the nurse to provide advanced clinical nursing services; and
2. Specialty certification from a national certifying organization acceptable to the board or an exception available from March 1, 1990, to July 1, 1990.

"Clinical setting" means any location in which the clinical practice of nursing occurs as specified in an agreement between the cooperating agency and the school of nursing.

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in Article 2 (18 VAC 90-20-70 et seq.) of Part II of this chapter.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"NCSBN" means the National Council of State Boards of Nursing.

"National certifying organization" means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area and is accredited by a national body recognized by NCSBN.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Nursing faculty" means registered nurses who teach the practice of nursing in nursing education programs.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure that leads to a diploma or certificate in practical nursing, provided the school is authorized by the Virginia State Board of Education or the appropriate governmental credentialing agency.

"Preceptor" means a licensed health care provider who is employed in the clinical setting, serves as a resource person and role model, and is present with the nursing student in that setting.

*"Primary state of residence" means the state of a person's declared fixed permanent and principal home or domicile for legal purposes.*

"Program director" means a registered nurse who holds a current, unrestricted license in Virginia and who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

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# Proposed Regulations

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## **18 VAC 90-20-181. Issuance of a license with a multistate licensure privilege.**

A. In order to be issued a license with a multistate licensure privilege by the board, a nurse currently licensed in Virginia or a person applying for licensure in Virginia shall submit a declaration stating that his primary residence is in Virginia. Evidence of a primary state of residence may be required to include but not be limited to:

1. A driver's license with a home address;
2. A voter registration card displaying a home address; or
3. A federal or state tax return declaring the primary state of residence.

B. A nurse changing the primary state of residence from another party state to Virginia may continue to practice under the former party state license and multistate licensure privilege during the processing of the nurse's licensure application by the board for a period not to exceed 30 days.

1. If a nurse is under a pending investigation by a former home state, the licensure application in Virginia shall be held in abeyance and the 30-day authorization to practice stayed until resolution of the pending investigation.
2. A license issued by a former party state shall no longer be valid upon issuance of a license by the board.
3. If the board denies licensure to an applicant from another party state, it shall notify the former home state within 10 business days, and the former home state may take action in accordance with the laws and regulations of that state.

## **18 VAC 90-20-182. Limitations of a multistate licensure privilege.**

The board shall include in all disciplinary orders that limit practice or require monitoring the requirement that the licensee subject to the order shall agree to limit practice to Virginia during the period in which the order is in effect. A nurse may be allowed to practice in other party states while an order is in effect with prior written authorization from both the board and boards of other party states.

## **18 VAC 90-20-183. Access to information in the coordinated licensure information system.**

A licensee may submit a request in writing to the board to review the public data relating to the licensee maintained in the coordinated licensure information system. In the event a licensee asserts that any related data is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The board shall verify and correct inaccurate data in the information system within 10 business days.

## **18 VAC 90-20-300. Disciplinary provisions.**

A. The board has the authority to deny, revoke or suspend a license or multistate licensure privilege issued, or to otherwise discipline a licensee or holder of a multistate licensure privilege upon proof that the licensee or holder of a multistate licensure privilege has violated any of the provisions of § 4.1-3007 of the Code of Virginia. For the purpose of establishing

allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit in procuring or maintaining a license means, but shall not be limited to:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
- c. Giving or receiving assistance in the taking of the licensing examination.

2. Unprofessional conduct means, but shall not be limited to:

a. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, or as provided by §§ 54.1-2901 and 54.1-2957 of the Code of Virginia;

b. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;

c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

d. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;

e. Falsifying or otherwise altering patient, employer, student, or educational program records, including falsely representing facts on a job application or other employment-related documents;

f. Abusing, neglecting or abandoning patients or clients;

g. Practice of a clinical nurse specialist beyond that defined in 18 VAC 90-20-290;

h. Representing oneself as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the board;

i. Delegating nursing tasks to an unlicensed person in violation of the provisions of Part VIII (18 VAC 90-20-420 et seq.) of this chapter;

j. Giving to or accepting from a patient or client property or money for any reason other than fee for service or a nominal token of appreciation;

k. Obtaining money or property of a patient or client by fraud, misrepresentation or duress;

l. Entering into a relationship with a patient or client that constitutes a professional boundary violation in which the nurse uses his professional position to take advantage of a patient or client's vulnerability, to include but not limited to actions that result in personal gain at the expense of the patient or client, a nontherapeutic personal involvement or sexual conduct with a patient or client; or

m. Violating state laws relating to the privacy of patient information, including but not limited to § 32.1-127.1:03 of the Code of Virginia; or



n. Violating any provision of this chapter.

B. Any sanction imposed on the registered nurse license of a clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

**NOTICE:** The forms used in administering 18 VAC 90-20, Regulations Governing the Practice of Nursing, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Application for Licensure by Endorsement-Registered Nurse (rev. ~~11/03~~ 11/04).

Instructions for Licensure by Endorsement-Registered Nurse (rev. ~~10/02~~ 12/04).

Instructions for Licensure by Endorsement-Licensed Practical Nurse (rev. ~~11/03~~ 12/04).

Application for Licensure by Endorsement-Licensed Practical Nurse (rev. ~~10/02~~ 11/04).

Instructions for Filing Application for Licensure by Examination for Registered Nurses (rev. ~~6/04~~ 12/04).

Application for Licensure by Examination-Registered Nurse (rev. ~~11/03~~ 12/04).

Instructions for Filing Application for Licensure by Examination for Practical Nurses (rev. ~~6/04~~ 11/04).

Application for Licensure by Examination-Licensed Practical Nurse (rev. ~~11/03~~ 12/04).

Instructions for Filing Application for Licensure by Repeat Examination for Registered Nurses (rev. 6/04).

Application for Licensure by Repeat Examination for Registered Nurse (rev. 10/02).

Instructions for Filing Application for Licensure by Repeat Examination for Practical Nurses (rev. 2/03).

Application for Licensure by Repeat Examination for Licensed Practical Nurse (rev. 10/02).

Instructions for Filing Application for Licensure by Examination for Licensed Practical Nurses Educated in Other Countries (rev. ~~6/04~~ 12/04).

*Application for Licensure by Examination for Licensed Practical Nurses Educated in Other Countries (rev. 12/04).*

*Instructions for Filing Application for Licensure by Examination for Registered Nurses Educated in Other Countries (rev. 12/04).*

Application for Licensure by Examination for Registered Nurses Educated in Other Countries (rev. ~~11/03~~ 12/04).

~~Instructions for Filing Application for Licensure by Examination for Registered Nurses Educated in Other Countries (rev. 11/03).~~

Temporary Exemption To Licensure (eff. 10/02).

*Instructions for Application for Reinstatement - Registered Nurse (eff. 12/04).*

~~Application for Licensure by Examination for Licensed Practical Nurses educated in Other Countries (rev. 11/03).~~

Application for Reinstatement of License as a Registered Nurse (rev. ~~11/03~~ 12/04).

*Instructions for Application for Reinstatement - Licensed Practical Nurse (eff. 12/04).*

Application for Reinstatement of License as a Licensed Practical Nurse (rev. ~~11/03~~ 12/04).

*Instructions for Application for Reinstatement Following Suspension or Revocation - Registered Nurse (eff. 12/04).*

Application for Reinstatement of License as a Registered Nurse Following Suspension or Revocation (rev. ~~11/03~~ 12/04).

*Instructions for Application for Reinstatement Following Suspension or Revocation - Licensed Practical Nurse (eff. 12/04).*

Application for Reinstatement of License as a Licensed Practical Nurse Following Suspension or Revocation (rev. ~~11/03~~ 12/04).

License Verification Form (rev. 10/02).

Renewal Notice and Application, 0001, RN (rev. 11/03).

Renewal Notice and Application, 0002, LPN (rev. 11/03).

Renewal Notice and Application, 0015, Clinical Nurse Specialist (rev. 12/02).

Application for Registration as a Clinical Nurse Specialist (rev. 10/02).

Survey Visit Report (rev. 12/02).

Annual Report for Registered Nursing Programs (rev. 12/02).

Annual Report for Practical Nursing Programs (rev. 12/02).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R04-193; Filed December 21, 2004, 10:42 a.m.

## JOINT BOARDS OF NURSING AND MEDICINE

**'Title of Regulation: 18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners (amending 18 VAC 90-30-80, 18 VAC 90-30-100 and 18 VAC 90-30-110).**

**Statutory Authority:** §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

**Public Hearing Date:** January 25, 2005 - 1:30 p.m.

Public comments may be submitted until March 11, 2005.

(See Calendar of Events section for additional information)

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# Proposed Regulations

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

**Basis:** Section 54.1-2400 of the Code of Virginia provides the Boards of Nursing and Medicine the authority to promulgate regulations to administer the regulatory system. The specific legal mandate to promulgate the regulation for implementation of the Nurse Licensure Compact is found in § 54.1-3005 of the Code of Virginia.

**Purpose:** In 2003, the General Assembly enacted Chapter 249, which created the authorization for Virginia's membership in the Nurse Licensure Compact effective January 1, 2005. Sections 54.1-3030 through 54.1-3040 provide the legal basis for the Compact and specific statutory language for participation and administration. Amended rules will ensure that persons who are seeking license, renewal or reinstatement as nurse practitioners will be able to do so, whether they hold a license as a registered nurse or a multistate licensure privilege to practice in Virginia as a registered nurse.

The amendments are essential to conform the nurse practitioner regulations to the implementation of the Nurse Licensure Compact and ensure that there is no disruption in the ability of nurse practitioners to become licensed or to renew their licenses. Amended rules are necessary to protect the health and safety of the public by ensuring that all nurses who provide care to patients in Virginia, whether they hold a license or a multistate privilege, will be held to the same standards of conduct.

**Substance:** Proposed regulations include a multistate licensure privilege as an acceptable alternative to the license as a registered nurse for initial licensure as a nurse practitioner and renewal or reinstatement of licensure in Virginia.

**Issues:** There are no disadvantages to the public; the proposed rules will ensure that nurses practicing in Virginia under a multistate licensure privilege are held to the same standards as those practicing with a Virginia license. Likewise, any limitation or monitoring required by a disciplinary order would be imposed equally. There may be some advantage to the public in that access to health care may be improved by the availability of nurses who reside in other states but will come into Virginia to work. However, the Compact also makes it easier for Virginia nurses to go to other Compact states to work, so the result may not create a net gain for health care in the state.

There are no specific advantages or disadvantages to the agency or the Commonwealth. Rules to implement the specific provisions of law will give guidance to the board and its licensees on questions about declaration of a home state, limitations on practice and access to information.

**Department of Planning and Budget's Economic Impact Analysis:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section § 2.2-4007 H requires that such economic impact analyses include, but

need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

**Summary of the proposed regulation.** The Board of Nursing (board) proposes to amend these regulations to enable individuals with a registered nurse (RN) license from a Nurse Licensure Compact state to meet the Virginia nurse practitioner license's RN requirement.

**Estimated economic impact.** In order to become a licensed nurse practitioner in Virginia, one must also be a licensed registered nurse (RN). The current regulations specify that the RN license be issued by Virginia. The board proposes to amend these regulations so that the RN license can be from any state that participates in the Nurse Licensure Compact (compact). Currently the following states have entered the compact: Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah and Wisconsin.<sup>1</sup> Virginia is in the process of joining. All compact states require that their nurses pass the same National Council of State Boards of Nursing (NCSBN) examinations and have graduated from an accredited nursing program in order to obtain licensure. Thus, the minimum demonstrated knowledge and abilities necessary for RN licensure should be similar for the compact states.

By permitting nurses with RN licensure in other compact states to pursue nurse practitioner licensure in Virginia, the potential supply of individuals with the skills and desire to become practicing nurse practitioners in Virginia increases. This may especially apply to RNs who live close to Virginia's border with Maryland, North Carolina, or Tennessee, and all compact states. To the extent that the supply of nurse practitioners may increase, the proposed amendments will be beneficial for Virginia. Areas that have relative few physicians and nurse practitioners compared to their population could benefit in particular by gaining nurse practitioner services.

**Businesses and entities affected.** There are currently approximately 4,600 licensed nurse practitioners in the Commonwealth.<sup>2</sup> The proposed amendments may moderately increase that number. Their patients will be affected.

**Localities particularly affected.** The proposed amendments affect all Virginia localities, but may affect localities near Maryland, North Carolina, or Tennessee in particular.

**Projected impact on employment.** The proposed amendments may moderately increase the number of nurse practitioners working in the Commonwealth.

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<sup>1</sup> Source: Department of Health Professions and <http://ncsbn.org/nlc/index.asp> on November 5, 2004.

<sup>2</sup> Source: Department of Health Professions

Effects on the use and value of private property. The proposed amendments may moderately increase the amount of nurse practitioner services offered in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Nursing concurs with the analysis of the Department of Planning and Budget for the proposed regulation, 18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners, relating to implementation of the Nurse Licensure Compact.

Summary:

*The proposed amendments provide that individuals with a registered nurse license from a state that has entered into the Nurse Licensure Compact is qualified to seek licensure, renewal or reinstatement as a nurse practitioner in Virginia.*

**18 VAC 90-30-80. Qualifications for initial licensure.**

A. An applicant for initial licensure as a nurse practitioner shall:

1. Be currently licensed as a registered nurse in Virginia *or hold a current multistate licensure privilege as a registered nurse*;
2. Submit evidence of completion of an educational program designed to prepare nurse practitioners that is an approved program as defined in 18 VAC 90-30-10;
3. Submit evidence of professional certification by an agency identified in 18 VAC 90-30-90 as an agency accepted by the boards;
4. File the required application; and
5. Pay the application fee prescribed in 18 VAC 90-30-50.

B. Provisional licensure may be granted to an applicant who satisfies all requirements of this section with the exception of subdivision A 3 of this section only until the release of the results of the first national certifying examination for which he is eligible following his application.

**18 VAC 90-30-100. Renewal of licensure.**

A. Licensure of a nurse practitioner shall be renewed:

1. Biennially at the same time the license to practice as a registered nurse in Virginia is renewed; *or*
2. *If licensed as a nurse practitioner with a multistate licensure privilege to practice in Virginia as a registered nurse, a licensee born in even-numbered years shall renew his license by the last day of the birth month in even-numbered years and a licensee born in odd-numbered years shall renew his license by the last day of the birth month in odd-numbered years.*

B. The application for renewal of the license shall be mailed by the committee to the last known address of each nurse practitioner.

C. The licensed nurse practitioner shall complete the application and return it with his signature attesting to compliance with continuing competency requirements prescribed in 18 VAC 90-30-105 and the license renewal fee prescribed in 18 VAC 90-30-50.

**18 VAC 90-30-110. Reinstatement of license.**

A. A licensed nurse practitioner whose license has lapsed may be reinstated within one renewal period by payment of the current renewal fee and the late renewal fee.

B. An applicant for reinstatement of license lapsed for more than one renewal period shall:

1. File the required application and reinstatement fee;
2. Be currently licensed as a registered nurse in Virginia *or hold a current multistate licensure privilege as a registered nurse*; and
3. Provide evidence of current professional certification or, if applicable, licensure or certification in another jurisdiction.

C. An applicant for reinstatement of license following suspension or revocation shall:

1. Petition for a reinstatement and pay the reinstatement fee;
2. Present evidence that he is currently licensed as a Registered Nurse in Virginia *or hold a current multistate licensure privilege as a registered nurse*; and
3. Present evidence that he is competent to resume practice as a licensed nurse practitioner in Virginia.

The committee shall act on the petition pursuant to the Administrative Process Act, § ~~9-6-14:1~~ 2.2-4000 et seq. of the Code of Virginia.

**NOTICE:** The forms used in administering 18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

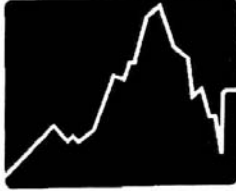
Instructions for Licensure -Nurse Practitioner (rev. 10/02).

Application for Licensure as a Nurse Practitioner (rev. 10/02).

Renewal Notice and Application, Nurse Practitioner, 0024 (rev. 1/03).

*Application for Reinstatement of License as a Nurse Practitioner (eff. 10/02).*

# Proposed Regulations

	<p><b>COMMONWEALTH OF VIRGINIA</b></p> <p><b>BOARD OF NURSING</b></p> <p>Department of Health Professions          6603 West Broad Street, 5th Floor          Richmond, Virginia 23230-1712          (804) 662-9909 (804) 662-9512 – FAX          web: <a href="http://www.dhp.virginia.gov">www.dhp.virginia.gov</a>          e-mail: <a href="mailto:nursebd@dhp.virginia.gov">nursebd@dhp.virginia.gov</a></p>
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**FOR OFFICE USE ONLY**

Fee Amount	Code	Approved	Date of Reinstatement
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**APPLICATION FOR REINSTATEMENT OF  
LICENSE AS A NURSE PRACTITIONER**

I hereby make application to reinstate my license as a **Nurse Practitioner** in the Commonwealth of Virginia. The following information in support of my application is submitted with a **check or money order** made payable to the *Treasurer of Virginia* in the amount of **\$85.00**. The fees are non-refundable. **VERIFICATION OF CURRENT CERTIFICATION MUST BE SUBMITTED.**

APPLICANT - Please provide the information requested below and on the back of this page. (Print or Type)					
Name:	Last	Suffix	First	Middle	Maiden
Street Address				Area Code & Telephone Number	
City		State		Zip Code	
Date of Birth (M/D/Y)	Social Security Number or Virginia DMV Control Number*			Virginia License Number NP #0024- _____	
School of Nursing	Location			Date of Graduation	
Date First License Issued	Name at Time of Original Licensure Last                      First                      Middle                      Maiden				
If proof of name change to current name has not been filed with this office, submit a copy of marriage certificate or court order authorizing the change.					
Reinstatement due to lapse of license _____ or suspension or revocation of license _____					

\* In accordance with §54.1-116 of the *Code of Virginia*, you are required to submit your Social Security Number or your Control Number issued by the *Virginia* Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will **not** be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.  
 REVISED 10/02

1. This question applies to any license or certificate as a nurse practitioner, registered nurse, licensed practical nurse, or nurse aide that may have been issued to you. Please answer **YES** or **NO** to EACH of the following: **(If you answer yes to any of the questions, please explain in detail below and have certified copies of any applicable orders sent directly to this office.)**

- Has any license issued to you ever been voluntarily surrendered? YES \_\_\_\_ NO \_\_\_\_
- Have you ever had any of the following disciplinary actions taken against your license by any licensing authority in any jurisdiction: placed on probation, suspended, revoked or otherwise disciplined? YES \_\_\_\_ NO \_\_\_\_
- Has your practice ever been the subject of an investigation by any licensing authority? YES \_\_\_\_ NO \_\_\_\_
- Have you ever been denied a license or certification in a health related field or jurisdiction? YES \_\_\_\_ NO \_\_\_\_

2. Is your license in good standing in all jurisdictions where licensed? YES \_\_\_\_ NO \_\_\_\_ **(If no, explain below.)**

3. Please respond in full to the following questions. *You will need to provide documentation only if the response is different from that on your last application with this office.* Please answer **YES** or **NO** to each question.

- Have you ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence, but excluding traffic violations)? Yes \_\_\_\_ No \_\_\_\_ **If yes, explain below** and have a **certified copy** of the court order sent **directly** to the Board of Nursing.
- Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing? Yes \_\_\_\_ No \_\_\_\_ **If yes, explain below** and have a letter from your treating licensed professional summarizing diagnosis, treatment and prognosis sent **directly** to the Board of Nursing.

**EXPLANATIONS:**

<b>AFFIDAVIT</b> <b>(To be completed before a Notary Public)</b>	
State of _____ County/City of _____	
Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a nurse practitioner in the Commonwealth of Virginia; that the statements herein contained are true in every respect; that he/she has complied with all requirements of the law; and that he/she has read and understands the affidavit.	
_____ Signature of Applicant	
Subscribed to and sworn to before me this _____ day of _____, _____.	
My commission expires on _____.	
SEAL	_____ Signature of Notary Public

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# Proposed Regulations

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## BOARD OF PHARMACY

**Title of Regulation:** 18 VAC 110-20. Regulations Governing the Practice of Pharmacy (adding 18 VAC 110-20-276 and 18 VAC 110-20-515).

**Statutory Authority:** §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

**Public Hearing Date:** January 20, 2005 - 8:45 a.m.

Public comments may be submitted until March 11, 2005.  
(See Calendar of Events section for additional information)

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

**Basis:** Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations in accordance with the Administrative Process Act.

The specific statutory authority for the Board of Pharmacy to regulate the practice of pharmacy including the dispensing of controlled substances is found in § 54.1-3307 of the Code of Virginia.

**Purpose:** The Board of Pharmacy has proposed amendments to allow pharmacies in hospital or retail settings to outsource data entry, the drug utilization review (DUR) and other aspects of dispensing prescription drugs. The board has already approved a pilot program for a large retail chain to centralize data processing and verification of refill orders at a central location apart from the individual pharmacy. A pilot program application has been filed by a hospital and others are pending to outsource data entry and DUR. The Joint Commission on Accreditation of Healthcare Organizations is beginning to strictly enforce the requirement for drug review by a pharmacist prior to administration, which is difficult for smaller hospitals or those in rural areas that do not operate a 24-hour pharmacy. The goal of the amended regulation is to make outsourcing permissible, provided important safeguards are in place to ensure accountability, confidentiality and security.

The board has considered each aspect of the dispensing process to determine what safeguards and accountability must be built into the system. While the board is proactively seeking to make dispensing of prescription drugs more accessible and economically feasible, its first obligation is to the safety and health of the public and was so directed in the consideration of amending regulations.

**Substance:** Amendments to regulations address the use of new technology and methods in a manner that will ensure the "quality, quantity, integrity, safety and efficacy of drugs or devices distributed and dispensed in the Commonwealth." Regulations for oversight and supervision of pharmacy technicians, maintenance of records, drug utilization review and others are adopted to allow for outsourcing or off-site entry by pharmacies in Virginia. Since the needs and issues relating to retail differ from those in hospital pharmacies,

amendments specifically address practice in a variety of settings.

In consideration of amending regulations, the board has weighed the need for efficiency and effective utilization of new technology with issues relating to drug security and accountability. For example, if the DUR is to be outsourced to someone other than the dispensing pharmacist, responsibility and accountability is clearly set out both in regulation and in a policy and procedure manual that is available for inspection. If the outsourcing is to a facility in another state, accountability is required by having the pharmacy licensed as a nonresident pharmacy and the supervising pharmacist licensed in Virginia.

**Issues:** There may be several advantages to the public. In a retail pharmacy, there are often distractions for the pharmacist and technicians related to dealing with consumers. If data entry, utilization review, authorizations for refills and other tasks are performed in an environment dedicated to such tasks, there is not only an economy of scale but a focus on the core processes without interruption and distraction. If facilities are able to operate more efficiently, the net result should have a positive effect on consumers. If all regulations for accountability and confidentiality are followed, there should be no increase in errors, and patient safety may actually be enhanced. In hospital settings, where dispensing often occurs throughout a 24-hour period, the availability of off-site utilization review should improve patient safety and reduce the risk of drug interactions. Proposed rules for outsourcing provide sufficient controls on the process that there should be no disadvantages to the public.

There are no disadvantages to the agency. There should be fewer applications for pilot projects to process, review and approve, but there may be a slight increase in the number of nonresident and out-of-state pharmacists licensed to practice in Virginia.

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

Summary of the proposed regulation. The Board of Pharmacy (board) proposes to permit prescription order processing to take place offsite from the dispensing location.

Estimated economic impact. Under the current regulations, virtually all pharmacy work must be conducted at the location where the prescription is dispensed. According to the Department of Health Professions (department) several retail pharmacy firms and just about all hospital systems in Virginia have inquired about being permitted to do data entry, drug

utilization review (DUR), or both offsite. The board proposes to permit nondispensing functions to be performed at offsite locations.

In July of 2003, the board approved a pilot program that allows Giant Foods to conduct centralized processing of refill prescriptions and electronic prescriptions for all of their pharmacies in Northern Virginia. In approving the pilot, the board waived certain portions of regulation to allow technicians to perform the data entry of refill information and label preparation without direct supervision by the dispensing pharmacist. Central processing included: computer entry of the refill request, review for refill authority, third-party billing and any other computer functions required to process the prescriptions. An onsite pharmacist then does the actual dispensing at the originating pharmacy. The department is not aware of any problems thus far with this pilot program.

Conducting computer entry of the refill request, review for refill authority, third-party billing, and other computer functions at a centralized location provide cost savings for firms with multiple pharmacy locations. Instead of taking up valuable floor space for these functions at each pharmacy, the firms can locate staff performing these functions at a lower-cost location. Additionally, savings can be garnered by having staff focus on these duties at the centralized location and not staff at each onsite location who may be distracted by other duties and in-person clients. Distracted staff may be more likely to commit errors than staff focused on these specific duties.

Related to the issue of centralized processing of refill prescriptions, but different in its purpose and utilization, is the need for outsourcing or centralizing of order entry and review in hospitals. Applications for pilot programs from Retreat Hospital and Sentara Hospitals have been approved; and an application from Bon Secours-Memorial is pending. All have requested permission to use a central service location to review orders that have been scanned or faxed to a central location. Waivers have been requested to allow storage of digital images as opposed to hard copy of a chart order and to allow the chart order to be sent to a location other than the dispensing pharmacy.

By permitting prescription order processing to take place offsite from the dispensing location, the board enables retail pharmacies and hospitals to reduce cost. For example, many smaller hospitals have only sporadic demand for DUR during overnight hours. Hospital systems could employ their pharmacists more efficiently and save on costs by having them available at a central location during the overnight shift to provide DUR when it is needed throughout the night, rather than have at least one pharmacist at every hospital 24 hours a day, regardless of whether there are significant gaps of time between when their services are needed. According to the department, pharmacists working the overnight shift earn approximately \$100,000 per year. If say a hospital system consists of four hospitals that each must employ an overnight pharmacist under the current regulations, and those two pharmacists could handle the demand for DUR during the overnight shift for all four hospitals, then adopting the proposed amendments would permit the hospital system to

save about \$200,000 by employing two overnight pharmacists instead of four.<sup>1</sup>

Allowing nondispensing functions to be performed at offsite locations does not appear to introduce significant risk. Offsite pharmacists and staff should be able to work with high-resolution scanned orders as effectively as onsite staff with the original order. Also, pharmacists who have difficulty being onsite, such as mothers with infants or those that are physically incapacitated, will be more able to work providing nondispensing pharmacy services under the proposed amendments. Since there exists both the potential for significant cost savings and increased access for less mobile pharmacists to work without introducing a significant safety risk, the proposed amendments should produce a net benefit.

Businesses and entities affected. The proposed amendments potentially affect the 8,029 pharmacists with active Virginia licenses, 2,155 of whom list out-of-state addresses, and the 1,554 permitted pharmacies in Virginia and 491 nonresident pharmacies currently licensed to do business in Virginia. Other staff and patients are affected as well.

Localities particularly affected. The proposed regulations affect all Virginia localities. Rural areas may be particularly affected since smaller hospitals and retail pharmacies are more likely to benefit from outsourcing data entry and DUR.

Projected impact on employment. By enabling pharmacists to provide DUR offsite, it will become easier for pharmacists who have difficulty being onsite, such as mothers with infants or those that are physically incapacitated to provide pharmacist services such as DUR. Thus, the proposed amendments may increase the employment of trained pharmacists who face such circumstances. Also, since the proposed amendments allow hospital systems and retail pharmacy firms to more efficiently allocate work to their pharmacists, i.e. not have say relatively idle pharmacists located at small hospitals overnight, these hospital systems and retail pharmacy firms will be enabled to provide the same amount of service by employing a slightly reduced number of pharmacists.

Effects on the use and value of private property. Since the proposed amendments allow hospital systems and retail pharmacy firms to provide the same amount of service by employing a slightly reduced number of pharmacists, these hospital systems and retail pharmacy firms will save on labor costs and experience a commensurate increase in value.

By enabling pharmacists to provide DUR offsite, the proposed amendments may increase the employment of trained pharmacists who have difficulty working onsite, such as mothers with infants or those that are physically incapacitated. Consequently, the net worth of these individuals may increase.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Pharmacy concurs with the analysis of the Department of Planning and Budget (DPB) for amendments to 18 VAC 110-20, related to allowing certain dispensing functions to be outsourced or moved off-site outside the dispensing pharmacy.

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<sup>1</sup> Calculation: (4 x \$100,000) – (2 x \$100,000) = \$200,000

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# Proposed Regulations

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## Summary:

The proposed amendments set out the requirements and conditions that must be met for a dispensing pharmacy (a retail pharmacy or within a hospital or long-term care facility) to outsource prescription order processing to a remote or centralized location. Regulations establish the aspects of the dispensing process that may be performed at the remote pharmacy, requirements for accountability and adherence to Virginia law and regulation, required content of a policy and procedure manual for outsourcing, and requirements for recordkeeping and confidentiality. The rules for retail pharmacies also include requirements for disclosure of the outsourcing arrangement to the public.

### **18 VAC 110-20-276. Central or remote processing.**

A. Centralized or remote processing of a prescription does not include the dispensing of a drug, but does include any of the following activities related to the dispensing process:

1. Receiving, interpreting, analyzing, or clarifying prescriptions;
2. Entering prescription and patient data into a data processing system;
3. Transferring prescription information;
4. Performing a prospective drug review as set forth in § 54.1-3319 of the Code of Virginia;
5. Obtaining refill or substitution authorizations, or otherwise communicating with the prescriber concerning a patient's prescription;
6. Interpreting clinical data for prior authorization for dispensing;
7. Performing therapeutic interventions; or
8. Providing drug information or counseling concerning a patient's prescription to the patient or patient's agent.

B. A pharmacy may outsource certain prescription processing functions as described in subsection A of this section to another pharmacy in Virginia or a registered nonresident pharmacy under the following conditions:

1. The pharmacies shall either have the same owner or have a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with all federal and state laws and regulations related to the practice of pharmacy;
2. Any central or remote pharmacy shall comply with Virginia law with respect to duties that are restricted to pharmacists, and pharmacy technicians must be directly supervised by a pharmacist;
3. A pharmacist licensed in Virginia, whether at the remote pharmacy or the dispensing pharmacy, shall perform a check for accuracy on all processing done by the remote processor; and
4. The pharmacies shall share a common electronic file or have technology that allows sufficient information necessary to process a nondispensing function.

C. Any pharmacy that outsources prescription processing to another pharmacy shall provide notification of such to patients. A one-time written notification or a sign posted in the pharmacy in a location that is readily visible to the public will satisfy this notification requirement. The notice shall state the name of any contract pharmacy providing central or remote prescription processing. If the pharmacy uses a network of pharmacies under common ownership, this fact shall be disclosed in the notice.

D. A policy and procedure manual that relates to central or remote processing shall be maintained at each pharmacy involved in the processing of a prescription and available for inspection. The manual shall at a minimum include the following:

1. The responsibilities of each pharmacy;
2. A list of the name, address, telephone numbers, and permit/registration numbers of all pharmacies involved in central or remote processing;
3. Procedures for protecting the confidentiality and integrity of patient information;
4. Procedures for ensuring that pharmacists performing prospective drug reviews have access to appropriate drug information resources;
5. Procedures for maintaining required records;
6. Procedures for complying with all applicable laws and regulations to include counseling;
7. Procedures for objectively and systematically monitoring and evaluating the quality of the program to resolve problems and improve services; and
8. Procedures for annually reviewing the written policies and procedures for needed modifications and documenting such review.

E. In addition to any other required records, pharmacies engaged in central or remote processing shall maintain retrievable records that show, for each prescription processed, each individual processing function and identity of the pharmacist or pharmacy technician who performs a processing function and the pharmacist who checked the processing function, if applicable.

1. The records may be maintained separately by each pharmacy, or in a common electronic file shared by both pharmacies provided the system can produce a record showing each processing task, the identity of the person performing each task, and the location where each task was performed.
2. The record shall be readily retrievable for at least the past two years through the primary dispensing pharmacy, and shall be available for inspection by the board.

F. Nothing in this section shall prohibit an individual employee licensed as a pharmacist in Virginia from accessing the employer pharmacy's database from a remote location for the purpose of performing certain prescription processing functions as described in subsection A of this section,



provided the pharmacy establishes controls to protect the privacy and security of confidential records.

**18 VAC 110-20-515. Remote prescription order processing for hospitals and long-term care facilities.**

A. Remote processing of a prescription does not include the dispensing of a drug, but does include any of the following activities related to the dispensing process:

1. Receiving, interpreting, analyzing, or clarifying prescriptions;
2. Entering prescription and patient data into a data processing system;
3. Transferring prescription information;
4. Performing a prospective drug review to include an evaluation of a prescription order and patient records for over- or under-utilization of medication, therapeutic duplication of medication, drug disease contraindications, drug interactions, incorrect drug dosage or duration of drug treatment, or clinical abuse or misuse of medication;
5. Obtaining substitution authorizations, or otherwise communicating with the prescriber concerning a patient's order;
6. Interpreting or acting on clinical data;
7. Performing therapeutic interventions;
8. Providing drug information to the medical or nursing staff of the hospital or long-term care facility; or
9. Authorizing the administration of the drug to the patient by appropriate hospital or long-term care facility staff.

B. The primary pharmacy providing pharmacy services to a hospital or long-term care facility may outsource certain order processing functions as described in subsection A of this section to another pharmacy in Virginia or a registered nonresident pharmacy under the following conditions:

1. The pharmacies shall either have the same owner or have a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with all federal and state laws and regulations related to the practice of pharmacy;
2. Any pharmacist participating in remote prescription order processing shall be a Virginia licensed pharmacist and the remote pharmacy shall comply with Virginia law with respect to duties that are restricted to pharmacists and supervision requirements for pharmacy technicians;
3. A pharmacist licensed in Virginia, whether at the remote pharmacy or the dispensing pharmacy, shall perform a check for accuracy on all processing done by the remote processor; and
4. The pharmacies shall share a common electronic file or have technology that allows sufficient information necessary to process a prescription order.

C. A policy and procedure manual that relates to remote processing shall be maintained at each pharmacy involved in

the processing of a prescription and available for inspection. The manual shall at a minimum include the following:

1. The responsibilities of each pharmacy;
2. A list of the name, address, telephone numbers, and permit/registration numbers of all pharmacies involved in remote processing;
3. Procedures for protecting the confidentiality and integrity of patient information;
4. Procedures for ensuring that pharmacists performing prospective drug reviews have access to appropriate drug information resources;
5. Procedures for maintaining required records;
6. Procedures for complying with all applicable laws and regulations;
7. Procedures for objectively and systematically monitoring and evaluating the quality of the program to resolve problems and improve services; and
8. Procedures for annually reviewing the written policies and procedures for needed modifications and documenting such review.

D. A pharmacy involved in remote prescription order processing shall maintain a record that identifies each person who performed a processing function for every order.

1. The record shall be available by prescription order or by patient name.
2. The record may be maintained in a common electronic file if the record is maintained in such a manner that the data processing system can produce a printout that identifies every person who performed a task involved in processing a prescription order and the location where the task was processed.
3. The record shall be readily retrievable for at least the past two years through the primary dispensing pharmacy, and shall be available for inspection by the board.

E. Nothing in this section shall prohibit an individual employee licensed as a pharmacist in Virginia from accessing the employer pharmacy's database from a remote location for the purpose of performing certain prescription processing functions as described in subsection A of this section provided the pharmacy establishes controls to protect the privacy and security of confidential records.

**NOTICE:** The forms used in administering 18 VAC 110-20, Regulations Governing the Practice of Pharmacy, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Application for Registration as a Pharmacy Intern (rev. 6/04).

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# Proposed Regulations

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Affidavit of Practical Experience, Pharmacy Intern (rev. 12/02).

Application for Licensure as a Pharmacist by Examination (rev. 10/02).

Application to Reactivate Pharmacist License (rev. 10/02).

Application for Approval of a Continuing Education Program (rev. 11/02).

Application for Approval of ACPE Pharmacy School Course(s) for Continuing Education Credit (rev. 11/02).

Application for License to Dispense Drugs (permitted physician) (rev. ~~10/02~~ 8/04).

Application for a Pharmacy Permit (rev. ~~11/02~~ 8/04).

Application for a Nonresident Pharmacy Registration (rev. ~~10/02~~ 8/04).

Application for a Permit as a Medical Equipment Supplier (rev. ~~10/02~~ 8/04).

Application for a Permit as a Restricted Manufacturer (rev. ~~10/02~~ 8/04).

Application for a Permit as a Nonrestricted Manufacturer (rev. ~~10/02~~ 8/04).

Application for a Permit as a Warehouser (rev. ~~10/02~~ 8/04).

Application for a License as a Wholesale Distributor (rev. ~~10/02~~ 8/04).

Application for a Nonresident Wholesale Distributor Registration (rev. ~~10/02~~ 8/04).

Application for a Controlled Substances Registration Certificate (rev. ~~10/02~~ 8/04).

Renewal Notice and Application, 0201 Pharmacy (rev. 12/02).

Renewal Notice and Application, 0202 Pharmacist (rev. 12/02).

Renewal Notice and Application, 0205 Permitted Physician (rev. 12/02).

Renewal Notice and Application, 0206 Medical Equipment Supplier (rev. 12/02).

Renewal Notice and Application, 0207 Restricted Manufacturer (rev. 12/02).

Renewal Notice and Application, 0208 Non-Restricted Manufacturer (rev. 12/02).

Renewal Notice and Application, 0209 Humane Society (rev. 12/02).

Renewal Notice and Application, 0214 Non-Resident Pharmacy (rev. 12/02).

Renewal Notice and Application, 0215 Wholesale Distributor (rev. 12/02).

Renewal Notice and Application, 0216 Warehouser (rev. 12/02).

Renewal Notice and Application, 0219 Non-Resident Wholesale Distributor (rev. 12/02).

Renewal Notice and Application, 0220 Business CSR (rev. 12/02).

Renewal Notice and Application, 0228 Practitioner CSR (rev. 12/02).

Application to Reinstate a Pharmacist License (rev. 11/02).

Application for a Permit as a Humane Society (rev. ~~10/02~~ 8/04).

Application for Registration as a Pharmacy Intern for Graduates of a Foreign College of Pharmacy (rev. 6/04).

Closing of a Pharmacy (rev. 3/03).

Application for Approval of a Robotic Pharmacy System (rev. 11/02).

Notice of Inspection Fee Due for Approval of Robotic Pharmacy System (rev. 11/02).

Application for Approval of an Innovative (Pilot) Program (rev. ~~11/02~~ 8/04).

Application for Registration as a Pharmacy Technician (~~12/02~~ 6/04).

Application for Approval of a Pharmacy Technician Training Program (12/02).

Application for Registration for Volunteer Practice (eff. 12/02).

Sponsor Certification for Volunteer Registration (eff. 1/03).

VA.R. Doc. No. R04-251; Filed December 21, 2004, 10:45 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### STATE BOARD OF JUVENILE JUSTICE

Title of Regulation: **6 VAC 35-170. Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice (adding 6 VAC 35-170-10 through 6 VAC 35-170-230).**

Statutory Authority: § 66-10.1 of the Code of Virginia.

Effective Date: February 9, 2005.

Agency Contact: Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-0773, or e-mail Don.Carignan@djj.virginia.gov.

#### Summary:

*In order to effectuate the provisions of Chapter 5 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia, the regulation establishes minimum standards for research on human subjects under the care of the Department of Juvenile Justice. It requires that the department establish a human research review committee, provides criteria for that committee to use in evaluating proposals involving human research, provides for informed consent by human subjects or their authorized representatives, establishes minimum requirements for researchers, and requires annual reports to the Governor, the General Assembly and the Board of Juvenile Justice on human research projects. The regulation also establishes a process for reviewing and approving research on records and data of the department when human research is not involved.*

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

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 19:25 VA.R. 3686-3693 August 25, 2003, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-27; Filed December 9, 2004, 10:16 a.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

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

Title of Regulation: **9 VAC 25-31. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (amending 9 VAC 25-31-10, 9 VAC 25-31-100, 9 VAC 25-31-120, 9 VAC 25-31-130, 9 VAC 25-31-170, 9 VAC 25-31-200, 9 VAC 25-31-220, and 9 VAC 25-31-390; repealing 9 VAC 25-31-121**

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 40 CFR Parts 122, 123, 124, 403 and 503.

Effective Date: February 9, 2005, or 30 days after the U.S. Environmental Protection Agency's authorization for delegation of program authority for administering the issuance of national pollutant discharge elimination system permits for the control of stormwater discharges from MS4 and construction activities to the Virginia Soil and Water Conservation Board, whichever is the latter.

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

#### Summary:

*The 2004 General Assembly adopted legislation that transfers the VPDES construction activity and municipal separate storm sewer system (MS4) storm water permitting responsibilities from the Department of Environmental Quality to the Department of Conservation and Recreation (DCR) on January 1, 2005, or as soon thereafter as EPA authorizes DCR's VPDES permitting program. The VPDES Permit Regulation has been amended to remove the construction activity and MS4 permitting requirements. Two minor typos were also corrected in the storm water section.*

#### **9 VAC 25-31-10. Definitions.**

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

"Animal feeding operation" or "AFO" means a lot or facility (other than an aquatic animal production facility) where the

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# Final Regulations

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following conditions are met: (i) animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (ii) crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

"Applicable standards and limitations" means all state, interstate, and federal standards and limitations to which a discharge, a sewage sludge use or disposal practice, or a related activity is subject under the Clean Water Act (CWA) (33 USC § 1251 et seq.) and the law, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, pretreatment standards, and standards for sewage sludge use or disposal under §§ 301, 302, 303, 304, 306, 307, 308, 403 and 405 of CWA.

"Approval authority" means the Director of the Department of Environmental Quality.

"Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW that meets the criteria established in Part VII (9 VAC 25-31-730 et seq.) of this chapter and which has been approved by the director or by the administrator in accordance with 9 VAC 25-31-830.

"Approved program" or "approved state" means a state or interstate program which has been approved or authorized by EPA under 40 CFR Part 123 (2000).

"Aquaculture project" means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

"Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"Average weekly discharge limitation" means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Board" means the Virginia State Water Control Board or State Water Control Board.

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

"Class I sludge management facility" means any POTW identified under Part VII (9 VAC 25-31-730 et seq.) of this chapter as being required to have an approved pretreatment

program and any other treatment works treating domestic sewage classified as a Class I sludge management facility by the regional administrator, in conjunction with the director, because of the potential for its sludge use or disposal practices to adversely affect public health and the environment.

"Concentrated animal feeding operation" or "CAFO" means an AFO that is defined as a Large CAFO or as a Medium CAFO, or that is designated as a Medium CAFO or a Small CAFO. Any AFO may be designated as a CAFO by the director in accordance with the provisions of 9 VAC 25-31-130 B.

1. "Large CAFO." An AFO is defined as a Large CAFO if it stables or confines as many or more than the numbers of animals specified in any of the following categories:

- a. 700 mature dairy cows, whether milked or dry;
- b. 1,000 veal calves;
- c. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- d. 2,500 swine each weighing 55 pounds or more;
- e. 10,000 swine each weighing less than 55 pounds;
- f. 500 horses;
- g. 10,000 sheep or lambs;
- h. 55,000 turkeys;
- i. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
- j. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
- k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
- l. 30,000 ducks, if the AFO uses other than a liquid manure handling system; or
- m. 5,000 ducks if the AFO uses a liquid manure handling system.

2. "Medium CAFO." The term Medium CAFO includes any AFO with the type and number of animals that fall within any of the ranges below that has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if:

- a. The type and number of animals that it stables or confines falls within any of the following ranges:
  - (1) 200 to 699 mature dairy cattle, whether milked or dry;
  - (2) 300 to 999 veal calves;
  - (3) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
  - (4) 750 to 2,499 swine each weighing 55 pounds or more;

(5) 3,000 to 9,999 swine each weighing less than 55 pounds;

(6) 150 to 499 horses;

(7) 3,000 to 9,999 sheep or lambs;

(8) 16,500 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;

(9) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

(10) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;

(11) 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system;

(12) 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system; and

b. Either one of the following conditions are met:

(1) Pollutants are discharged into surface waters of the state through a manmade ditch, flushing system, or other similar manmade device; or

(2) Pollutants are discharged directly into surface waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

3. "Small CAFO." An AFO that is designated as a CAFO and is not a Medium CAFO.

"Concentrated aquatic animal production facility" means a hatchery, fish farm, or other facility which meets the criteria of this definition, or which the board designates under 9 VAC 25-31-140. A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility if it contains, grows, or holds aquatic animals in either of the following categories:

1. Cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year but does not include:

a. Facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and

b. Facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding; or

2. Warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

a. Closed ponds which discharge only during periods of excess run-off; or

b. Facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

Cold water aquatic animals include, but are not limited to, the Salmonidae family of fish (e.g., trout and salmon).

Warm water aquatic animals include, but are not limited to, the Ictaluridae, Centrarchidae and Cyprinidae families of fish (e.g., respectively, catfish, sunfish and minnows).

"Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone (37 FR 11906).

"Continuous discharge" means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

"Co-permittee" means a permittee to a VPDES permit that is only responsible for permit conditions relating to the discharge for which it is the operator.

"CWA" means the Clean Water Act (33 USC § 1251 et seq.) (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117.

"CWA and regulations" means the Clean Water Act (CWA) and applicable regulations promulgated thereunder. For the purposes of this chapter, it includes state program requirements.

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

"Department" means the Virginia Department of Environmental Quality.

"Designated project area" means the portions of surface within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

"Direct discharge" means the discharge of a pollutant.

"Director" means the Director of the Department of Environmental Quality or an authorized representative.

"Discharge," when used without qualification, means the discharge of a pollutant.

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"Discharge," when used in Part VII (9 VAC 25-31-730 et seq.) of this chapter, means "indirect discharge" as defined in this section.

"Discharge of a pollutant" means:

1. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface run-off which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

"Discharge Monitoring Report (DMR)" means the form supplied by the department or an equivalent form developed by the permittee and approved by the board, for the reporting of self-monitoring results by permittees.

"Draft permit" means a document indicating the board's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination is not a draft permit. A proposed permit is not a draft permit.

"Effluent limitation" means any restriction imposed by the board on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into surface waters, the waters of the contiguous zone, or the ocean.

"Effluent limitations guidelines" means a regulation published by the administrator under § 304(b) of the CWA to adopt or revise effluent limitations.

"Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency.

"Existing source" means any source which is not a new source or a new discharger.

"Facilities or equipment" means buildings, structures, process or production equipment or machinery which form a permanent part of a new source and which will be used in its operation, if these facilities or equipment are of such value as to represent a substantial commitment to construct. It excludes facilities or equipment used in connection with feasibility, engineering, and design studies regarding the new source or water pollution treatment for the new source.

"Facility or activity" means any VPDES point source or treatment works treating domestic sewage or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the VPDES program.

"General permit" means a VPDES permit authorizing a category of discharges under the CWA and the law within a geographical area.

"Hazardous substance" means any substance designated under the Code of Virginia and 40 CFR Part 116 (2000) pursuant to § 311 of the CWA.

~~"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a VPDES permit (other than the VPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.~~

"Incorporated place" means a city, town, township, or village that is incorporated under the Code of Virginia.

"Indian country" means (i) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (ii) all dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (iii) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

"Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under § 307(b), (c) or (d) of the CWA and the law.

"Indirect discharger" means a nondomestic discharger introducing pollutants to a POTW.

"Individual control strategy" means a final VPDES permit with supporting documentation showing that effluent limits are consistent with an approved wasteload allocation or other documentation that shows that applicable water quality standards will be met not later than three years after the individual control strategy is established.

"Industrial user" or "user" means a source of indirect discharge.

"Interference" means an indirect discharge which, alone or in conjunction with an indirect discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore (ii) is a cause of a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) (42 USC § 6901 et seq.), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act (42 USC § 701 et seq.), the Toxic Substances Control Act (15 USC § 2601 et seq.), and the Marine Protection, Research and Sanctuaries Act (33 USC § 1401 et seq.).

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the administrator under the CWA and regulations.

"Land application area" means land under the control of an AFO owner or operator, that is owned, rented, or leased to which manure, litter or process wastewater from the production area may be applied.

~~"Large municipal separate storm sewer system" means all municipal separate storm sewers that are either:~~

~~1. Located in an incorporated place with a population of 250,000 or more as determined by the latest decennial census by the Bureau of Census (40 CFR Part 122 Appendix F (2000));~~

~~2. Located in the counties listed in 40 CFR Part 122 Appendix H (2000), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties;~~

~~3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the board may consider the following factors:~~

- ~~a. Physical interconnections between the municipal separate storm sewers;~~
- ~~b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this definition;~~
- ~~c. The quantity and nature of pollutants discharged to surface waters;~~
- ~~d. The nature of the receiving waters; and~~
- ~~e. Other relevant factors.~~

~~4. The board may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in this definition.~~

"Log sorting" and "log storage facilities" means facilities whose discharges result from the holding of unprocessed wood, for example, logs or roundwood with bark or after removal of bark held in self-contained bodies of water (mill ponds or log ponds) or stored on land where water is applied intentionally on the logs (wet decking).

"Major facility" means any VPDES facility or activity classified as such by the regional administrator in conjunction with the board.

~~"Major municipal separate storm sewer outfall (or major outfall)" means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of two acres or more).~~

"Manmade" means constructed by man and used for the purpose of transporting wastes.

"Manure" means manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

"Maximum daily discharge limitation" means the highest allowable daily discharge.

~~"Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:~~

~~1. Located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the latest decennial census by the Bureau of Census (40 CFR Part 122 Appendix G (2000));~~

~~2. Located in the counties listed in 40 CFR Part 122 Appendix I (2000), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties;~~

~~3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the board may consider the following factors:~~

- ~~a. Physical interconnections between the municipal separate storm sewers;~~
- ~~b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this definition;~~
- ~~c. The quantity and nature of pollutants discharged to surface waters;~~
- ~~d. The nature of the receiving waters; or~~
- ~~e. Other relevant factors.~~

~~4. The board may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region~~

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~~defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivisions 1, 2 and 3 of this definition.~~

~~"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):~~

- ~~1. Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;~~
- ~~2. Designed or used for collecting or conveying storm water;~~
- ~~3. Which is not a combined sewer; and~~
- ~~4. Which is not part of a publicly owned treatment works (POTW).~~

~~"Municipal separate storm sewer system" or "MS4" means storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A-1.~~

"Municipality" means a city, town, county, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under §§ 307, 402, 318, and 405 of the CWA. The term includes an approved program.

"National pretreatment standard," "pretreatment standard," or "standard," when used in Part VII (9 VAC 25-31-730 et seq.) of this chapter, means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the CWA, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 9 VAC 25-31-770.

"New discharger" means any building, structure, facility, or installation:

1. From which there is or may be a discharge of pollutants;
2. That did not commence the discharge of pollutants at a particular site prior to August 13, 1979;
3. Which is not a new source; and
4. Which has never received a finally effective VPDES permit for discharges at that site.

This definition includes an indirect discharger which commences discharging into surface waters after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a site for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979.

"New source," except when used in Part VII of this chapter, means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under § 306 of the CWA which are applicable to such source; or
- (b) After proposal of standards of performance in accordance with § 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with § 306 of the CWA within 120 days of their proposal.

"New source," when used in Part VII of this chapter, means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the CWA which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. a. The building, structure, facility or installation is constructed at a site at which no other source is located;
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subdivision 1 b or c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this subdivision has commenced if the owner or operator has:

- a. Begun, or caused to begin, as part of a continuous on-site construction program:



(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subdivision.

~~"Outfall," when used in reference to municipal separate storm sewers, means a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters.~~

"Overburden" means any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.

"Owner" means the Commonwealth or any of its political subdivisions including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.

"Owner" or "operator" means the owner or operator of any facility or activity subject to regulation under the VPDES program.

"Pass through" means a discharge which exits the POTW into state waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation).

"Permit" means an authorization, certificate, license, or equivalent control document issued by the board to implement the requirements of this chapter. Permit includes a VPDES general permit. Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

"Point source" means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water run-off.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

1. Sewage from vessels; or
2. Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well if the well used either to facilitate production or for disposal purposes is approved by the board, and if the board determines that the injection or disposal will not result in the degradation of ground or surface water resources.

"POTW treatment plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited in Part VII of this chapter. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Part VII of this chapter.

"Pretreatment requirements" means any requirements arising under Part VII of this chapter including the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the board. Pretreatment requirements do not include the requirements of a national pretreatment standard.

"Primary industry category" means any industry category listed in the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in 40 CFR Part 122 Appendix A (2000).

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"Privately owned treatment works (PVOTW)" means any device or system which is (i) used to treat wastes from any facility whose operator is not the operator of the treatment works and (ii) not a POTW.

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater from an AFO means water directly or indirectly used in the operation of the AFO for any of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of the animals; or dust control. Process wastewater from an AFO also includes any water that comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

"Production area" means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage areas includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions that separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

"Proposed permit" means a VPDES permit prepared after the close of the public comment period (and, when applicable, any public hearing and administrative appeals) which is sent to EPA for review before final issuance. A proposed permit is not a draft permit.

"Publicly owned treatment works (POTW)" means a treatment works as defined by § 212 of the CWA, which is owned by a state or municipality (as defined by § 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in § 502(4) of the CWA, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recommencing discharger" means a source which recommences discharge after terminating operations.

"Regional administrator" means the Regional Administrator of Region III of the Environmental Protection Agency or the authorized representative of the regional administrator.

"Rock crushing and gravel washing facilities" means facilities which process crushed and broken stone, gravel, and riprap.

~~"Run-off coefficient" means the fraction of total rainfall that will appear at a conveyance as run-off.~~

"Schedule of compliance" means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the law, the CWA and regulations.

"Secondary industry category" means any industry category which is not a primary industry category.

"Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

"Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage from vessels" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under § 312 of CWA.

"Sewage sludge" means any solid, semisolid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, domestic septage, portable toilet pumpings, type III marine sanitation device pumpings, and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

"Sewage sludge use" or "disposal practice" means the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

"Significant industrial user," except as provided in subdivision 3 of this definition, means:

1. All industrial users subject to Categorical Pretreatment Standards under 9 VAC 25-31-780 and incorporated by reference in 9 VAC 25-31-30; and
2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5.0% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority, as defined in 9 VAC 25-31-840 A, on the basis that the industrial user has a reasonable potential for

adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

3. Upon a finding that an industrial user meeting the criteria in subdivision 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with Part VII (9 VAC 25-31-730 et seq.) of this chapter, determine that such industrial user is not a significant industrial user.

"Significant materials" means, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under § 101(14) of CERCLA (42 USC § 9601(14)); any chemical the facility is required to report pursuant to § 313 of Title III of SARA (42 USC § 11023); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Silvicultural point source" means any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into surface waters. The term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural run-off. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA § 404 permit.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sludge-only facility" means any treatment works treating domestic sewage whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to the law and § 405(d) of the CWA, and is required to obtain a VPDES permit.

~~"Small municipal separate storm sewer system" or "small MS4" means all separate storm sewers that are (i) owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters and (ii) not defined as "large" or "medium" municipal separate storm sewer systems or designated under 9 VAC 25-31-120 A 1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at~~

~~military bases, large hospital or prison complexes, and highway and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.~~

"Source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants.

"Standards for sewage sludge use or disposal" means the regulations promulgated pursuant to the law and § 405(d) of the CWA which govern minimum requirements for sludge quality, management practices, and monitoring and reporting applicable to sewage sludge or the use or disposal of sewage sludge by any person.

"State" means the Commonwealth of Virginia.

"State/EPA agreement" means an agreement between the regional administrator and the state which coordinates EPA and state activities, responsibilities and programs including those under the CWA and the law.

"State Water Control Law" or "Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"Storm water" means storm water run-off, snow melt run-off, and surface run-off and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program. For the categories of industries identified in this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in subdivisions 1 through 11 of this definition) include those facilities designated under the provisions of 9 VAC 25-31-120 A 1 e. The following categories of facilities are considered to be engaging in industrial activity for purposes of this subsection:

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1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards (except facilities with toxic pollutant effluent standards which are exempted under category 11);
2. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
3. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) (2000) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA (42 USC § 6901 et seq.);
5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA (42 USC § 6901 et seq.);
6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
7. Steam electric power generating facilities, including coal handling sites;
8. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subdivisions 1 through 7 or 9 through 14 and 10 of this definition are associated with industrial activity;

9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with § 405 of the CWA; and

~~10. Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more; and~~

~~14. 10. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.~~

~~"Storm water discharge associated with small construction activity" means the discharge of storm water from:~~

~~1. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The board may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five acres where storm water controls are not needed based on a "total maximum daily load" (TMDL) approved or established by EPA that addresses the pollutant(s) of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the board that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis.~~

~~2. Any other construction activity designated by the either the board or the EPA regional administrator, based on the~~

~~potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.~~

"Submission" means: (i) a request by a POTW for approval of a pretreatment program to the regional administrator or the director; (ii) a request by POTW to the regional administrator or the director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals; or (iii) a request to the EPA by the director for approval of the Virginia pretreatment program.

"Surface waters" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. Which are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as surface waters under this definition;
5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the Clean Water Act, the final authority regarding the Clean Water Act jurisdiction remains with the EPA.

"Total dissolved solids" means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136 (2000).

"Toxic pollutant" means any pollutant listed as toxic under § 307(a)(1) of the CWA or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing § 405(d) of the CWA.

"Treatment facility" means only those mechanical power driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

"Treatment works" means any devices and systems used for the storage, treatment, recycling or reclamation of sewage or liquid industrial waste, or other waste or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, or alterations thereof; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

"Treatment works treating domestic sewage" means a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, domestic sewage includes waste and waste water from humans or household operations that are discharged to or otherwise enter a treatment works.

"TWTDS" means treatment works treating domestic sewage.

"Uncontrolled sanitary landfill" means a landfill or open dump, whether in operation or closed, that does not meet the requirements for run-on or run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act (42 USC § 6901 et seq.).

"Upset," except when used in Part VII of this chapter, means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Variance" means any mechanism or provision under § 301 or § 316 of the CWA or under 40 CFR Part 125 (2000), or in the applicable effluent limitations guidelines which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of the CWA. This includes provisions which allow the establishment of alternative limitations based on fundamentally different factors or on §§ 301(c), 301(g), 301(h), 301(i), or 316(a) of the CWA.

"Virginia Pollutant Discharge Elimination System (VPDES) permit" means a document issued by the board pursuant to this chapter authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.

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"VPDES application" or "application" means the standard form or forms, including any additions, revisions or modifications to the forms, approved by the administrator and the board for applying for a VPDES permit.

"Wastewater," when used in Part VII of this chapter, means liquid and water carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

"Wastewater works operator" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control wastewater works operations. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of wastewater works.

"Water Management Division Director" means the director of the Region III Water Management Division of the Environmental Protection Agency or this person's delegated representative.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Whole effluent toxicity" means the aggregate toxic effect of an effluent measured directly by a toxicity test.

## **9 VAC 25-31-100. Application for a permit.**

A. Duty to apply. Any person who discharges or proposes to discharge pollutants or who owns or operates a sludge-only facility whose sewage sludge use or disposal practice is regulated by 9 VAC 25-31-420 through 9 VAC 25-31-720 and who does not have an effective permit, except persons covered by general permits, excluded from the requirement for a permit by this chapter, or a user of a privately owned treatment works unless the board requires otherwise, shall submit a complete application to the department in accordance with this section. All concentrated animal feeding operations have a duty to seek coverage under a VPDES permit.

B. Who applies. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

C. Time to apply.

1. Any person proposing a new discharge, shall submit an application at least 180 days before the date on which the discharge is to commence, unless permission for a later date has been granted by the board. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial

~~activity. Storm water discharges from construction activities included in subdivision 10 of the definition of storm water associated with industrial activity and storm water discharges associated with small construction activities shall submit applications at least 90 days before the date on which construction is to commence.~~ Different submittal dates may be required under the terms of applicable general permits. Persons proposing a new discharge are encouraged to submit their applications well in advance of the 90 or 180 day requirements to avoid delay. New discharges composed entirely of storm water, other than those dischargers identified in 9 VAC 25-31-120 A 1, shall apply for and obtain a permit according to the application requirements in 9 VAC 25-31-120 F B.

2. All TWTDS whose sewage sludge use or disposal practices are regulated by 9 VAC 25-31-420 through 9 VAC 25-31-720 must submit permit applications according to the applicable schedule in subdivision 2 a or b of this subsection.

a. A TWTDS with a currently effective VPDES permit must submit a permit application at the time of its next VPDES permit renewal application. Such information must be submitted in accordance with subsection D of this section.

b. Any other TWTDS not addressed under subdivision 2 a of this subsection must submit the information listed in subdivisions 2 b (1) through (5) of this subsection to the department within one year after publication of a standard applicable to its sewage sludge use or disposal practice(s), using a form provided by the department. The board will determine when such TWTDS must submit a full permit application.

(1) The TWTDS's name, mailing address, location, and status as federal, state, private, public or other entity;

(2) The applicant's name, address, telephone number, and ownership status;

(3) A description of the sewage sludge use or disposal practices. Unless the sewage sludge meets the requirements of subdivision P 8 d of this section, the description must include the name and address of any facility where sewage sludge is sent for treatment or disposal and the location of any land application sites;

(4) Annual amount of sewage sludge generated, treated, used or disposed (estimated dry weight basis); and

(5) The most recent data the TWTDS may have on the quality of the sewage sludge.

c. Notwithstanding subdivision 2 a or b of this subsection, the board may require permit applications from any TWTDS at any time if the board determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge.

d. Any TWTDS that commences operations after promulgation of an applicable standard for sewage sludge use or disposal shall submit an application to the

department at least 180 days prior to the date proposed for commencing operations.

D. Duty to reapply. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

E. Completeness.

1. The board shall not issue a permit before receiving a complete application for a permit except for VPDES general permits. An application for a permit is complete when the board receives an application form and any supplemental information which are completed to its satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

2. No application for a VPDES permit to discharge sewage into or adjacent to state waters from a privately owned treatment works serving, or designed to serve, 50 or more residences shall be considered complete unless the applicant has provided the department with notification from the State Corporation Commission that the applicant is incorporated in the Commonwealth and is in compliance with all regulations and relevant orders of the State Corporation Commission.

3. No application for a new individual VPDES permit authorizing a new discharge of sewage, industrial wastes, or other wastes shall be considered complete unless it contains notification from the county, city, or town in which the discharge is to take place that the location and operation of the discharging facility are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. The county, city or town shall inform in writing the applicant and the board of the discharging facility's compliance or noncompliance not more than 30 days from receipt by the chief administrative officer, or his agent, of a request from the applicant. Should the county, city or town fail to provide such written notification within 30 days, the requirement for such notification is waived. The provisions of this subsection shall not apply to any discharge for which a valid VPDES permit had been issued prior to March 10, 2000.

4. A permit application shall not be considered complete if the board has waived application requirements under subsection J or P of this section and the EPA has disapproved the waiver application. If a waiver request has been submitted to the EPA more than 210 days prior to permit expiration and the EPA has not disapproved the waiver application 181 days prior to permit expiration, the permit application lacking the information subject to the waiver application shall be considered complete.

F. Information requirements. All applicants for VPDES permits, other than POTWs and other TWTDS, shall provide the following information to the department, using the application form provided by the department (additional information required of applicants is set forth in subsections G through K of this section).

1. The activities conducted by the applicant which require it to obtain a VPDES permit;

2. Name, mailing address, and location of the facility for which the application is submitted;

3. Up to four SIC codes which best reflect the principal products or services provided by the facility;

4. The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;

5. Whether the facility is located on Indian lands;

6. A listing of all permits or construction approvals received or applied for under any of the following programs:

a. Hazardous Waste Management program under RCRA (42 USC § 6921);

b. UIC program under SDWA (42 USC § 300h);

c. VPDES program under the CWA and the law;

d. Prevention of Significant Deterioration (PSD) program under the Clean Air Act (42 USC § 4701 et seq.);

e. Nonattainment program under the Clean Air Act (42 USC § 4701 et seq.);

f. National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act (42 USC § 4701 et seq.);

g. Ocean dumping permits under the Marine Protection Research and Sanctuaries Act (33 USC § 14 et seq.);

h. Dredge or fill permits under § 404 of the CWA; and

i. Other relevant environmental permits, including state permits.

7. A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area; and

8. A brief description of the nature of the business.

G. Application requirements for existing manufacturing, commercial, mining, and silvicultural dischargers. Existing manufacturing, commercial mining, and silvicultural dischargers applying for VPDES permits, except for those facilities subject to the requirements of 9 VAC 25-31-100 H, shall provide the following information to the department, using application forms provided by the department.

1. The latitude and longitude of each outfall to the nearest 15 seconds and the name of the receiving water.

2. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a

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single unit, labeled to correspond to the more detailed identification under subdivision 3 of this subsection. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

3. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and storm water run-off; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms (for example, dye-making reactor, distillation tower). For a privately owned treatment works, this information shall include the identity of each user of the treatment works. The average flow of point sources composed of storm water may be estimated. The basis for the rainfall event and the method of estimation must be indicated.

4. If any of the discharges described in subdivision 3 of this subsection are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence (except for storm water run-off, spillage or leaks).

5. If an effluent guideline promulgated under § 304 of the CWA applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline. The reported measure must reflect the actual production of the facility.

6. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

7. a. Information on the discharge of pollutants specified in this subdivision (except information on storm water discharges which is to be provided as specified in 9 VAC 25-31-120). When quantitative data for a pollutant are required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136 (2000). When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. When an applicant has two or more outfalls with substantially identical effluents, the board may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls. The requirements in e and f of this subdivision that an applicant must provide quantitative data for certain pollutants known or believed to be present do not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant must report

such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus. For all other pollutants, 24-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, for discharges other than storm water discharges, the board may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four grab samples will be a representative sample of the effluent being discharged.

b. For storm water discharges, all samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50% from the average or median rainfall event in that area. For all applicants, a flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge. The flow-weighted composite sample for a storm water discharge may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes (applicants submitting permit applications for storm water discharges under 9 VAC 25-31-120 D may collect flow-weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the board). However, a minimum of one grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than 24 hours. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required. For storm water discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first 30 minutes (or as soon thereafter as practicable) of the discharge for all pollutants specified in 9 VAC 25-31-120 C 1. For all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in 9 VAC 25-31-120 except pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus. The board may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall), protocols for collecting samples under 40 CFR Part 136 (2000), and additional time for submitting data on a case-by-case basis. An applicant is expected to know or have reason to believe that a pollutant is present in an effluent based on an evaluation



of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide manufactured by a facility may be expected to be present in contaminated storm water run-off from the facility.)

c. Every applicant must report quantitative data for every outfall for the following pollutants:

Biochemical oxygen demand (BOD<sub>5</sub>)  
Chemical oxygen demand  
Total organic carbon  
Total suspended solids  
Ammonia (as N)  
Temperature (both winter and summer)  
pH

d. The board may waive the reporting requirements for individual point sources or for a particular industry category for one or more of the pollutants listed in subdivision 7 c of this subsection if the applicant has demonstrated that such a waiver is appropriate because information adequate to support issuance of a permit can be obtained with less stringent requirements.

e. Each applicant with processes in one or more primary industry category (see 40 CFR Part 122 Appendix A (2000)) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

(1) The organic toxic pollutants in the fractions designated in Table I of 40 CFR Part 122 Appendix D (2000) for the applicant's industrial category or categories unless the applicant qualifies as a small business under subdivision 8 of this subsection. Table II of 40 CFR Part 122 Appendix D (2000) lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes; and

(2) The pollutants listed in Table III of 40 CFR Part 122 Appendix D (2000) (the toxic metals, cyanide, and total phenols).

f. (1) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in Table IV of 40 CFR Part 122 Appendix D (2000) (certain conventional and nonconventional pollutants) is discharged from each outfall. If an applicable effluent limitations guideline either directly limits the pollutant or, by its express terms, indirectly limits the pollutant through limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged which is not so limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

(2) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants listed in Table II or Table III of 40 CFR Part 122 Appendix D (2000) (the toxic pollutants and total phenols) for which quantitative data are not otherwise required under subdivision 7 e of this subsection, is discharged from each outfall. For every pollutant expected to be discharged in concentrations of 10 ppb or greater the applicant must report quantitative data. For acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, where any of these four pollutants are expected to be discharged in concentrations of 100 ppb or greater the applicant must report quantitative data. For every pollutant expected to be discharged in concentrations less than 10 ppb, or in the case of acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, in concentrations less than 100 ppb, the applicant must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged. An applicant qualifying as a small business under subdivision 8 of this subsection is not required to analyze for pollutants listed in Table II of 40 CFR Part 122 Appendix D (2000) (the organic toxic pollutants).

g. Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in Table V of 40 CFR Part 122 Appendix D (2000) (certain hazardous substances and asbestos) are discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data it has for any pollutant.

h. Each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) if it:

(1) Uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or

(2) Knows or has reason to believe that TCDD is or may be present in an effluent.

8. An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements in subdivision 7 e (1) or 7 f (1) of this subsection to submit quantitative data for the pollutants listed in Table II of 40 CFR Part 122 Appendix D (2000) (the organic toxic pollutants):

a. For coal mines, a probable total annual production of less than 100,000 tons per year; or

b. For all other applicants, gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars).

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9. A listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate or final product or by-product. The board may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the board has adequate information to issue the permit.

10. Reserved.

11. An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last three years on any of the applicant's discharges or on a receiving water in relation to a discharge.

12. If a contract laboratory or consulting firm performed any of the analyses required by subdivision 7 of this subsection, the identity of each laboratory or firm and the analyses performed.

13. In addition to the information reported on the application form, applicants shall provide to the board, at its request, such other information, including pertinent plans, specifications, maps and such other relevant information as may be required, in scope and details satisfactory to the board, as the board may reasonably require to assess the discharges of the facility and to determine whether to issue a VPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

H. Application requirements for manufacturing, commercial, mining and silvicultural facilities which discharge only nonprocess wastewater. Except for storm water discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for VPDES permits which discharge only nonprocess wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information to the department using application forms provided by the department:

1. Outfall number, latitude and longitude to the nearest 15 seconds, and the name of the receiving water;

2. Date of expected commencement of discharge;

3. An identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, restaurant or cafeteria wastes, or noncontact cooling water. An identification of cooling water additives (if any) that are used or expected to be used upon commencement of operations, along with their composition if existing composition is available;

4. a. Quantitative data for the pollutants or parameters listed below, unless testing is waived by the board. The quantitative data may be data collected over the past 365 days, if they remain representative of current operations, and must include maximum daily value, average daily value, and number of measurements taken. The applicant must collect and analyze samples in accordance with 40 CFR Part 136 (2000). Grab samples must be used for pH, temperature, oil and grease, total residual chlorine, and

fecal coliform. For all other pollutants, 24-hour composite samples must be used. New dischargers must include estimates for the pollutants or parameters listed below instead of actual sampling data, along with the source of each estimate. All levels must be reported or estimated as concentration and as total mass, except for flow, pH, and temperature.

(1) Biochemical oxygen demand (BOD<sub>5</sub>).

(2) Total suspended solids (TSS).

(3) Fecal coliform (if believed present or if sanitary waste is or will be discharged).

(4) Total residual chlorine (if chlorine is used).

(5) Oil and grease.

(6) Chemical oxygen demand (COD) (if noncontact cooling water is or will be discharged).

(7) Total organic carbon (TOC) (if noncontact cooling water is or will be discharged).

(8) Ammonia (as N).

(9) Discharge flow.

(10) pH.

(11) Temperature (winter and summer).

b. The board may waive the testing and reporting requirements for any of the pollutants or flow listed in subdivision 4 a of this subsection if the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of a permit can be obtained through less stringent requirements.

c. If the applicant is a new discharger, he must submit the information required in subdivision 4 a of this subsection by providing quantitative data in accordance with that section no later than two years after commencement of discharge. However, the applicant need not submit testing results which he has already performed and reported under the discharge monitoring requirements of his VPDES permit.

d. The requirements of subdivisions 4 a and 4 c of this subsection that an applicant must provide quantitative data or estimates of certain pollutants do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report such pollutants as present. Net credit may be provided for the presence of pollutants in intake water if the requirements of 9 VAC 25-31-230 G are met;

5. A description of the frequency of flow and duration of any seasonal or intermittent discharge (except for storm water run-off, leaks, or spills);

6. A brief description of any treatment system used or to be used;

7. Any additional information the applicant wishes to be considered, such as influent data for the purpose of obtaining net credits pursuant to 9 VAC 25-31-230 G;

8. Signature of certifying official under 9 VAC 25-31-110; and

9. Pertinent plans, specifications, maps and such other relevant information as may be required, in scope and details satisfactory to the board.

I. Application requirements for new and existing concentrated animal feeding operations and aquatic animal production facilities. New and existing concentrated animal feeding operations and concentrated aquatic animal production facilities shall provide the following information to the department, using the application form provided by the department:

1. For concentrated animal feeding operations:

- a. The name of the owner or operator;
- b. The facility location and mailing address;
- c. Latitude and longitude of the production area (entrance to the production area);
- d. A topographic map of the geographic area in which the CAFO is located showing the specific location of the production area, in lieu of the requirements of subdivision F 7 of this section;
- e. Specific information about the number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);
- f. The type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter, and process wastewater storage (tons/gallons);
- g. The total number of acres under control of the applicant available for land application of manure, litter, or process wastewater;
- h. Estimated amounts of manure, litter, and process wastewater generated per year (tons/gallons); and
- i. For CAFOs that must seek coverage under a permit after December 31, 2006, certification that a nutrient management plan has been completed and will be implemented upon the date of coverage.

2. For concentrated aquatic animal production facilities:

- a. The maximum daily and average monthly flow from each outfall;
- b. The number of ponds, raceways, and similar structures;
- c. The name of the receiving water and the source of intake water;
- d. For each species of aquatic animals, the total yearly and maximum harvestable weight;

e. The calendar month of maximum feeding and the total mass of food fed during that month; and

f. Pertinent plans, specifications, maps and such other relevant information as may be required, in scope and details satisfactory to the board.

J. Application requirements for new and existing POTWs and treatment works treating domestic sewage. Unless otherwise indicated, all POTWs and other dischargers designated by the board must provide to the department, at a minimum, the information in this subsection using an application form provided by the department. Permit applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the department. The board may waive any requirement of this subsection if it has access to substantially identical information. The board may also waive any requirement of this subsection that is not of material concern for a specific permit, if approved by the regional administrator. The waiver request to the regional administrator must include the board's justification for the waiver. A regional administrator's disapproval of the board's proposed waiver does not constitute final agency action but does provide notice to the board and permit applicant(s) that the EPA may object to any board-issued permit issued in the absence of the required information.

1. All applicants must provide the following information:

- a. Name, mailing address, and location of the facility for which the application is submitted;
- b. Name, mailing address, and telephone number of the applicant and indication as to whether the applicant is the facility's owner, operator, or both;
- c. Identification of all environmental permits or construction approvals received or applied for (including dates) under any of the following programs:
  - (1) Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA), Subpart C;
  - (2) Underground Injection Control program under the Safe Drinking Water Act (SDWA);
  - (3) NPDES program under the Clean Water Act (CWA);
  - (4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act;
  - (5) Nonattainment program under the Clean Air Act;
  - (6) National Emission Standards for Hazardous Air Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;
  - (7) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act;
  - (8) Dredge or fill permits under § 404 of the CWA; and
  - (9) Other relevant environmental permits, including state permits;

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d. The name and population of each municipal entity served by the facility, including unincorporated connector districts. Indicate whether each municipal entity owns or maintains the collection system and whether the collection system is separate sanitary or combined storm and sanitary, if known;

e. Information concerning whether the facility is located in Indian country and whether the facility discharges to a receiving stream that flows through Indian country;

f. The facility's design flow rate (the wastewater flow rate the plant was built to handle), annual average daily flow rate, and maximum daily flow rate for each of the previous three years;

g. Identification of type(s) of collection system(s) used by the treatment works (i.e., separate sanitary sewers or combined storm and sanitary sewers) and an estimate of the percent of sewer line that each type comprises; and

h. The following information for outfalls to surface waters and other discharge or disposal methods:

(1) For effluent discharges to surface waters, the total number and types of outfalls (e.g., treated effluent, combined sewer overflows, bypasses, constructed emergency overflows);

(2) For wastewater discharged to surface impoundments:

- (a) The location of each surface impoundment;
- (b) The average daily volume discharged to each surface impoundment; and
- (c) Whether the discharge is continuous or intermittent;

(3) For wastewater applied to the land:

- (a) The location of each land application site;
- (b) The size of each land application site, in acres;
- (c) The average daily volume applied to each land application site, in gallons per day; and
- (d) Whether land application is continuous or intermittent;

(4) For effluent sent to another facility for treatment prior to discharge:

- (a) The means by which the effluent is transported;
- (b) The name, mailing address, contact person, and phone number of the organization transporting the discharge, if the transport is provided by a party other than the applicant;
- (c) The name, mailing address, contact person, phone number, and VPDES permit number (if any) of the receiving facility; and
- (d) The average daily flow rate from this facility into the receiving facility, in millions of gallons per day; and

(5) For wastewater disposed of in a manner not included in subdivisions 1 h (1) through (4) of this subsection (e.g., underground percolation, underground injection):

- (a) A description of the disposal method, including the location and size of each disposal site, if applicable;
- (b) The annual average daily volume disposed of by this method, in gallons per day; and
- (c) Whether disposal through this method is continuous or intermittent;

2. All applicants with a design flow greater than or equal to 0.1 mgd must provide the following information:

a. The current average daily volume of inflow and infiltration, in gallons per day, and steps the facility is taking to minimize inflow and infiltration;

b. A topographic map (or other map if a topographic map is unavailable) extending at least one mile beyond property boundaries of the treatment plant, including all unit processes, and showing:

- (1) Treatment plant area and unit processes;
- (2) The major pipes or other structures through which wastewater enters the treatment plant and the pipes or other structures through which treated wastewater is discharged from the treatment plant. Include outfalls from bypass piping, if applicable;
- (3) Each well where fluids from the treatment plant are injected underground;
- (4) Wells, springs, and other surface water bodies listed in public records or otherwise known to the applicant within 1/4 mile of the treatment works' property boundaries;
- (5) Sewage sludge management facilities (including on-site treatment, storage, and disposal sites); and
- (6) Location at which waste classified as hazardous under RCRA enters the treatment plant by truck, rail, or dedicated pipe;

c. Process flow diagram or schematic.

- (1) A diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system. This includes a water balance showing all treatment units, including disinfection, and showing daily average flow rates at influent and discharge points, and approximate daily flow rates between treatment units; and
- (2) A narrative description of the diagram; and

d. The following information regarding scheduled improvements:

- (1) The outfall number of each outfall affected;
- (2) A narrative description of each required improvement;

(3) Scheduled or actual dates of completion for the following:

- (a) Commencement of construction;
- (b) Completion of construction;
- (c) Commencement of discharge; and
- (d) Attainment of operational level; and

(4) A description of permits and clearances concerning other federal or state requirements;

3. Each applicant must provide the following information for each outfall, including bypass points, through which effluent is discharged, as applicable:

a. The following information about each outfall:

- (1) Outfall number;
- (2) State, county, and city or town in which outfall is located;
- (3) Latitude and longitude, to the nearest second;
- (4) Distance from shore and depth below surface;
- (5) Average daily flow rate, in million gallons per day;
- (6) The following information for each outfall with a seasonal or periodic discharge:
  - (a) Number of times per year the discharge occurs;
  - (b) Duration of each discharge;
  - (c) Flow of each discharge; and
  - (d) Months in which discharge occurs; and
- (7) Whether the outfall is equipped with a diffuser and the type (e.g., high-rate) of diffuser used.

b. The following information, if known, for each outfall through which effluent is discharged to surface waters:

- (1) Name of receiving water;
- (2) Name of watershed/river/stream system and United States Soil Conservation Service 14-digit watershed code;
- (3) Name of State Management/River Basin and United States Geological Survey 8-digit hydrologic cataloging unit code; and
- (4) Critical flow of receiving stream and total hardness of receiving stream at critical low flow (if applicable).

c. The following information describing the treatment provided for discharges from each outfall to surface waters:

- (1) The highest level of treatment (e.g., primary, equivalent to secondary, secondary, advanced, other) that is provided for the discharge for each outfall and:
  - (a) Design biochemical oxygen demand (BOD<sub>5</sub> or CBOD<sub>5</sub>) removal (percent);

(b) Design suspended solids (SS) removal (percent); and, where applicable,

- (c) Design phosphorus (P) removal (percent);
- (d) Design nitrogen (N) removal (percent); and

(e) Any other removals that an advanced treatment system is designed to achieve.

(2) A description of the type of disinfection used, and whether the treatment plant dechlorinates (if disinfection is accomplished through chlorination).

4. Effluent monitoring for specific parameters.

a. As provided in subdivisions 4 b through j of this subsection, all applicants must submit to the department effluent monitoring information for samples taken from each outfall through which effluent is discharged to surface waters, except for CSOs. The board may allow applicants to submit sampling data for only one outfall on a case-by-case basis, where the applicant has two or more outfalls with substantially identical effluent. The board may also allow applicants to composite samples from one or more outfalls that discharge into the same mixing zone.

b. All applicants must sample and analyze for the following pollutants:

- (1) Biochemical oxygen demand (BOD<sub>5</sub> or CBOD<sub>5</sub>);
- (2) Fecal coliform;
- (3) Design flow rate;
- (4) pH;
- (5) Temperature; and
- (6) Total suspended solids.

c. All applicants with a design flow greater than or equal to 0.1 mgd must sample and analyze for the following pollutants:

- (1) Ammonia (as N);
- (2) Chlorine (total residual, TRC);
- (3) Dissolved oxygen;
- (4) Nitrate/Nitrite;
- (5) Kjeldahl nitrogen;
- (6) Oil and grease;
- (7) Phosphorus; and
- (8) Total dissolved solids.

Facilities that do not use chlorine for disinfection, do not use chlorine elsewhere in the treatment process, and have no reasonable potential to discharge chlorine in their effluent may delete chlorine.

d. All POTWs with a design flow rate equal to or greater than one million gallons per day, all POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program, and other POTWs, as

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required by the board must sample and analyze for the pollutants listed in Table 2 of 40 CFR Part 122 Appendix J (2000), and for any other pollutants for which the board or EPA have established water quality standards applicable to the receiving waters.

e. The board may require sampling for additional pollutants, as appropriate, on a case-by-case basis.

f. Applicants must provide data from a minimum of three samples taken within 4-1/2 years prior to the date of the permit application. Samples must be representative of the seasonal variation in the discharge from each outfall. Existing data may be used, if available, in lieu of sampling done solely for the purpose of this application. The board may require additional samples, as appropriate, on a case-by-case basis.

g. All existing data for pollutants specified in subdivisions 4 b through e of this subsection that is collected within 4-1/2 years of the application must be included in the pollutant data summary submitted by the applicant. If, however, the applicant samples for a specific pollutant on a monthly or more frequent basis, it is only necessary, for such pollutant, to summarize all data collected within one year of the application.

h. Applicants must collect samples of effluent and analyze such samples for pollutants in accordance with analytical methods approved under 40 CFR Part 136 (2000) unless an alternative is specified in the existing VPDES permit. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform. For all other pollutants, 24-hour composite samples must be used. For a composite sample, only one analysis of the composite of aliquots is required.

i. The effluent monitoring data provided must include at least the following information for each parameter:

- (1) Maximum daily discharge, expressed as concentration or mass, based upon actual sample values;
- (2) Average daily discharge for all samples, expressed as concentration or mass, and the number of samples used to obtain this value;
- (3) The analytical method used; and
- (4) The threshold level (i.e., method detection limit, minimum level, or other designated method endpoints) for the analytical method used.

j. Unless otherwise required by the board, metals must be reported as total recoverable.

## 5. Effluent monitoring for whole effluent toxicity.

a. All applicants must provide an identification of any whole effluent toxicity tests conducted during the 4-1/2 years prior to the date of the application on any of the applicant's discharges or on any receiving water near the discharge.

b. As provided in subdivisions 5 c through i of this subsection, the following applicants must submit to the department the results of valid whole effluent toxicity tests for acute or chronic toxicity for samples taken from each outfall through which effluent is discharged to surface waters, except for combined sewer overflows:

- (1) All POTWs with design flow rates greater than or equal to one million gallons per day;
- (2) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program;
- (3) Other POTWs, as required by the board, based on consideration of the following factors:
  - (a) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment plant, and types of industrial contributors);
  - (b) The ratio of effluent flow to receiving stream flow;
  - (c) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the receiving stream segment and the relative contribution of the POTW;
  - (d) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, or a water designated as an outstanding natural resource water; or
  - (e) Other considerations (including, but not limited to, the history of toxic impacts and compliance problems at the POTW) that the board determines could cause or contribute to adverse water quality impacts.

c. Where the POTW has two or more outfalls with substantially identical effluent discharging to the same receiving stream segment, the board may allow applicants to submit whole effluent toxicity data for only one outfall on a case-by-case basis. The board may also allow applicants to composite samples from one or more outfalls that discharge into the same mixing zone.

d. Each applicant required to perform whole effluent toxicity testing pursuant to subdivision 5 b of this subsection must provide:

- (1) Results of a minimum of four quarterly tests for a year, from the year preceding the permit application; or
- (2) Results from four tests performed at least annually in the 4-1/2 year period prior to the application, provided the results show no appreciable toxicity using a safety factor determined by the board.

e. Applicants must conduct tests with multiple species (no less than two species, e.g., fish, invertebrate, plant) and test for acute or chronic toxicity, depending on the range of receiving water dilution. The board recommends that applicants conduct acute or chronic testing based on the following dilutions: (i) acute toxicity testing if the dilution of the effluent is greater than 100:1 at the edge of the mixing zone or (ii) chronic toxicity testing if the dilution of the

effluent is less than or equal to 100:1 at the edge of the mixing zone.

f. Each applicant required to perform whole effluent toxicity testing pursuant to subdivision 5 b of this subsection must provide the number of chronic or acute whole effluent toxicity tests that have been conducted since the last permit reissuance.

g. Applicants must provide the results using the form provided by the department, or test summaries if available and comprehensive, for each whole effluent toxicity test conducted pursuant to subdivision 5 b of this subsection for which such information has not been reported previously to the department.

h. Whole effluent toxicity testing conducted pursuant to subdivision 5 b of this subsection must be conducted using methods approved under 40 CFR Part 136 (2000), as directed by the board.

i. For whole effluent toxicity data submitted to the department within 4-1/2 years prior to the date of the application, applicants must provide the dates on which the data were submitted and a summary of the results.

j. Each POTW required to perform whole effluent toxicity testing pursuant to subdivision 5 b of this subsection must provide any information on the cause of toxicity and written details of any toxicity reduction evaluation conducted, if any whole effluent toxicity test conducted within the past 4-1/2 years revealed toxicity.

6. Applicants must submit the following information about industrial discharges to the POTW:

a. Number of significant industrial users (SIUs) and categorical industrial users (CIUs) discharging to the POTW; and

b. POTWs with one or more SIUs shall provide the following information for each SIU, as defined in 9 VAC 25-31-10, that discharges to the POTW:

- (1) Name and mailing address;
- (2) Description of all industrial processes that affect or contribute to the SIU's discharge;
- (3) Principal products and raw materials of the SIU that affect or contribute to the SIU's discharge;
- (4) Average daily volume of wastewater discharged, indicating the amount attributable to process flow and nonprocess flow;
- (5) Whether the SIU is subject to local limits;
- (6) Whether the SIU is subject to categorical standards and, if so, under which category and subcategory; and
- (7) Whether any problems at the POTW (e.g., upsets, pass through, interference) have been attributed to the SIU in the past 4-1/2 years.

c. The information required in subdivisions 6 a and b of this subsection may be waived by the board for POTWs with pretreatment programs if the applicant has submitted

either of the following that contain information substantially identical to that required in subdivisions 6 a and b of this subsection:

- (1) An annual report submitted within one year of the application; or
- (2) A pretreatment program.

7. Discharges from hazardous waste generators and from waste cleanup or remediation sites. POTWs receiving Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or RCRA Corrective Action wastes or wastes generated at another type of cleanup or remediation site must provide the following information:

a. If the POTW receives, or has been notified that it will receive, by truck, rail, or dedicated pipe any wastes that are regulated as RCRA hazardous wastes pursuant to 40 CFR Part 261 (2000), the applicant must report the following:

- (1) The method by which the waste is received (i.e., whether by truck, rail, or dedicated pipe); and
- (2) The hazardous waste number and amount received annually of each hazardous waste.

b. If the POTW receives, or has been notified that it will receive, wastewaters that originate from remedial activities, including those undertaken pursuant to CERCLA and § 3004(u) or 3008(h) of RCRA, the applicant must report the following:

- (1) The identity and description of the site or facility at which the wastewater originates;
- (2) The identities of the wastewater's hazardous constituents, as listed in Appendix VIII of 40 CFR Part 261 (2000), if known; and
- (3) The extent of treatment, if any, the wastewater receives or will receive before entering the POTW.

c. Applicants are exempt from the requirements of subdivision 7 b of this subsection if they receive no more than 15 kilograms per month of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) (2000).

8. Each applicant with combined sewer systems must provide the following information:

a. The following information regarding the combined sewer system:

- (1) A map indicating the location of the following:
  - (a) All CSO discharge points;
  - (b) Sensitive use areas potentially affected by CSOs (e.g., beaches, drinking water supplies, shellfish beds, sensitive aquatic ecosystems, and outstanding national resource waters); and
  - (c) Waters supporting threatened and endangered species potentially affected by CSOs; and

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(2) A diagram of the combined sewer collection system that includes the following information:

- (a) The location of major sewer trunk lines, both combined and separate sanitary;
- (b) The locations of points where separate sanitary sewers feed into the combined sewer system;
- (c) In-line and off-line storage structures;
- (d) The locations of flow-regulating devices; and
- (e) The locations of pump stations.

b. The following information for each CSO discharge point covered by the permit application:

(1) The following information on each outfall:

- (a) Outfall number;
- (b) State, county, and city or town in which outfall is located;
- (c) Latitude and longitude, to the nearest second;
- (d) Distance from shore and depth below surface;
- (e) Whether the applicant monitored any of the following in the past year for this CSO: (i) rainfall, (ii) CSO flow volume, (iii) CSO pollutant concentrations, (iv) receiving water quality, or (v) CSO frequency; and
- (f) The number of storm events monitored in the past year;

(2) The following information about CSO overflows from each outfall:

- (a) The number of events in the past year;
- (b) The average duration per event, if available;
- (c) The average volume per CSO event, if available; and
- (d) The minimum rainfall that caused a CSO event, if available, in the last year;

(3) The following information about receiving waters:

- (a) Name of receiving water;
- (b) Name of watershed/stream system and the United States Soil Conservation Service watershed (14-digit) code, if known; and
- (c) Name of State Management/River Basin and the United States Geological Survey hydrologic cataloging unit (8-digit) code, if known; and

(4) A description of any known water quality impacts on the receiving water caused by the CSO (e.g., permanent or intermittent beach closings, permanent or intermittent shellfish bed closings, fish kills, fish advisories, other recreational loss, or exceedance of any applicable state water quality standard).

9. All applicants must provide the name, mailing address, telephone number, and responsibilities of all contractors

responsible for any operational or maintenance aspects of the facility.

10. All applications must be signed by a certifying official in compliance with 9 VAC 25-31-110.

11. Pertinent plans, specifications, maps and such other relevant information as may be required, in scope and details satisfactory to the board.

K. Application requirements for new sources and new discharges. New manufacturing, commercial, mining and silvicultural dischargers applying for VPDES permits (except for new discharges of facilities subject to the requirements of subsection H of this section or new discharges of storm water associated with industrial activity which are subject to the requirements of 9 VAC 25-31-120 C 1 and this subsection (except as provided by 9 VAC 25-31-120 C 1 b) shall provide the following information to the department, using the application forms provided by the department:

1. The expected outfall location in latitude and longitude to the nearest 15 seconds and the name of the receiving water;

2. The expected date of commencement of discharge;

3. a. Description of the treatment that the wastewater will receive, along with all operations contributing wastewater to the effluent, average flow contributed by each operation, and the ultimate disposal of any solid or liquid wastes not discharged;

b. A line drawing of the water flow through the facility with a water balance as described in subdivision G 2;

c. If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration and maximum daily flow rate of each discharge occurrence (except for storm water run-off, spillage, or leaks); and

4. If a new source performance standard promulgated under § 306 of the CWA or an effluent limitation guideline applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard for each of the first three years. Alternative estimates may also be submitted if production is likely to vary;

5. The requirements in subdivisions H 4 a, b, and c of this section that an applicant must provide estimates of certain pollutants expected to be present do not apply to pollutants present in a discharge solely as a result of their presence in intake water; however, an applicant must report such pollutants as present. Net credits may be provided for the presence of pollutants in intake water if the requirements of 9 VAC 25-31-230 G are met. All levels (except for discharge flow, temperature, and pH) must be estimated as concentration and as total mass.

a. Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants or parameters. The board may waive the reporting requirements for any of these



pollutants and parameters if the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

- (1) Biochemical oxygen demand (BOD).
- (2) Chemical oxygen demand (COD).
- (3) Total organic carbon (TOC).
- (4) Total suspended solids (TSS).
- (5) Flow.
- (6) Ammonia (as N).
- (7) Temperature (winter and summer).
- (8) pH.

b. Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants, if the applicant knows or has reason to believe they will be present or if they are limited by an effluent limitation guideline or new source performance standard either directly or indirectly through limitations on an indicator pollutant: all pollutants in Table IV of 40 CFR Part 122 Appendix D (2000) (certain conventional and nonconventional pollutants).

c. Each applicant must report estimated daily maximum, daily average and source of information for the following pollutants if he knows or has reason to believe that they will be present in the discharges from any outfall:

- (1) The pollutants listed in Table III of 40 CFR Part 122 Appendix D (2000) (the toxic metals, in the discharge from any outfall, Total cyanide, and total phenols);
- (2) The organic toxic pollutants in Table II of 40 CFR Part 122 Appendix D (2000) (except bis (chloromethyl) ether, dichlorofluoromethane and trichlorofluoromethane). This requirement is waived for applicants with expected gross sales of less than \$100,000 per year for the next three years, and for coal mines with expected average production of less than 100,000 tons of coal per year.

d. The applicant is required to report that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) may be discharged if he uses or manufactures one of the following compounds, or if he knows or has reason to believe that TCDD will or may be present in an effluent:

- (1) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) (CAS #93-76-5);
- (2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #93-72-1);
- (3) 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-25-4);
- (4) 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) (CAS #299-84-3);
- (5) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or

(6) Hexachlorophene (HCP) (CAS #70-30-4);

e. Each applicant must report any pollutants listed in Table V of 40 CFR Part 122 Appendix D (2000) (certain hazardous substances) if he believes they will be present in any outfall (no quantitative estimates are required unless they are already available).

f. No later than two years after the commencement of discharge from the proposed facility, the applicant is required to submit the information required in subsection G of this section. However, the applicant need not complete those portions of subsection G of this section requiring tests which he has already performed and reported under the discharge monitoring requirements of his VPDES permit;

6. Each applicant must report the existence of any technical evaluation concerning his wastewater treatment, along with the name and location of similar plants of which he has knowledge;

7. Any optional information the permittee wishes to have considered;

8. Signature of certifying official under 9 VAC 25-31-110; and

9. Pertinent plans, specifications, maps and such other relevant information as may be required, in scope and details satisfactory to the board.

L. Variance requests by non-POTWs. A discharger which is not a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the times specified in this subsection:

1. Fundamentally different factors.

a. A request for a variance based on the presence of fundamentally different factors from those on which the effluent limitations guideline was based shall be filed as follows:

(1) For a request from best practicable control technology currently available (BPT), by the close of the public comment period for the draft permit; or

(2) For a request from best available technology economically achievable (BAT) and/or best conventional pollutant control technology (BCT), by no later than:

(a) July 3, 1989, for a request based on an effluent limitation guideline promulgated before February 4, 1987, to the extent July 3, 1989, is not later than that provided under previously promulgated regulations; or

(b) 180 days after the date on which an effluent limitation guideline is published in the Federal Register for a request based on an effluent limitation guideline promulgated on or after February 4, 1987.

b. The request shall explain how the requirements of the applicable regulatory or statutory criteria have been met.

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2. A request for a variance from the BAT requirements for CWA § 301(b)(2)(F) pollutants (commonly called nonconventional pollutants) pursuant to § 301(c) of the CWA because of the economic capability of the owner or operator, or pursuant to § 301(g) of the CWA (provided however that a § 301(g) variance may only be requested for ammonia; chlorine; color; iron; total phenols (when determined by the Administrator to be a pollutant covered by § 301(b)(2)(F) of the CWA) and any other pollutant which the administrator lists under § 301(g)(4) of the CWA) must be made as follows:
- a. For those requests for a variance from an effluent limitation based upon an effluent limitation guideline by:
- (1) Submitting an initial request to the regional administrator, as well as to the department, stating the name of the discharger, the permit number, the outfall number(s), the applicable effluent guideline, and whether the discharger is requesting a §§ 301(c) or 301(g) of the CWA modification, or both. This request must have been filed not later than 270 days after promulgation of an applicable effluent limitation guideline; and
- (2) Submitting a completed request no later than the close of the public comment period for the draft permit demonstrating that: (i) all reasonable ascertainable issues have been raised and all reasonably available arguments and materials supporting their position have been submitted; and (ii) that the applicable requirements of 40 CFR Part 125 (2000) have been met. Notwithstanding this provision, the complete application for a request under § 301(g) of the CWA shall be filed 180 days before EPA must make a decision (unless the Regional Division Director establishes a shorter or longer period); or
- b. For those requests for a variance from effluent limitations not based on effluent limitation guidelines, the request need only comply with subdivision 2 a (2) of this subsection and need not be preceded by an initial request under subdivision 2 a (1) of this subsection.
3. A modification under § 302(b)(2) of the CWA of requirements under § 302(a) of the CWA for achieving water quality related effluent limitations may be requested no later than the close of the public comment period for the draft permit on the permit from which the modification is sought.
4. A variance for alternate effluent limitations for the thermal component of any discharge must be filed with a timely application for a permit under this section, except that if thermal effluent limitations are established on a case-by-case basis or are based on water quality standards the request for a variance may be filed by the close of the public comment period for the draft permit. A copy of the request shall be sent simultaneously to the department.
- M. Variance requests by POTWs. A discharger which is a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory provisions as specified in this paragraph:
1. A request for a modification under § 301(h) of the CWA of requirements of § 301(b)(1)(B) of the CWA for discharges into marine waters must be filed in accordance with the requirements of 40 CFR Part 125, Subpart G (2000).
2. A modification under § 302(b)(2) of the CWA of the requirements under § 302(a) of the CWA for achieving water quality based effluent limitations shall be requested no later than the close of the public comment period for the draft permit on the permit from which the modification is sought.
- N. Expedited variance procedures and time extensions.
1. Notwithstanding the time requirements in subsections L and M of this section, the board may notify a permit applicant before a draft permit is issued that the draft permit will likely contain limitations which are eligible for variances. In the notice the board may require the applicant as a condition of consideration of any potential variance request to submit a request explaining how the requirements of 40 CFR Part 125 (2000) applicable to the variance have been met and may require its submission within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon final grant of the variance.
2. A discharger who cannot file a timely complete request required under subdivisions L 2 a (2) or L 2 b of this section may request an extension. The extension may be granted or denied at the discretion of the board. Extensions shall be no more than six months in duration.
- O. Recordkeeping. Except for information required by subdivision C 2 of this section, which shall be retained for a period of at least five years from the date the application is signed (or longer as required by Part VI (9 VAC 25-31-420 et seq.) of this chapter), applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this section for a period of at least three years from the date the application is signed.
- P. Sewage sludge management. All TWTDS subject to subdivision C 2 a of this section must provide the information in this subsection to the department using an application form approved by the department. New applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the department. The board may waive any requirement of this subsection if it has access to substantially identical information. The board may also waive any requirement of this subsection that is not of material concern for a specific permit, if approved by the regional administrator. The waiver request to the regional administrator must include the board's justification for the waiver. A regional administrator's disapproval of the board's proposed waiver does not constitute final agency action, but does provide notice to the board and the permit applicant that the EPA may object to any board issued permit issued in the absence of the required information.
1. All applicants must submit the following information:

- a. The name, mailing address, and location of the TWTDS for which the application is submitted;
  - b. Whether the facility is a Class I Sludge Management Facility;
  - c. The design flow rate (in million gallons per day);
  - d. The total population served;
  - e. The TWTDS's status as federal, state, private, public, or other entity;
  - f. The name, mailing address, and telephone number of the applicant; and
  - g. Indication whether the applicant is the owner, operator, or both.
2. All applicants must submit the facility's VPDES permit number, if applicable, and a listing of all other federal, state, and local permits or construction approvals received or applied for under any of the following programs:
- a. Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA);
  - b. UIC program under the Safe Drinking Water Act (SDWA);
  - c. NPDES program under the Clean Water Act (CWA);
  - d. Prevention of Significant Deterioration (PSD) program under the Clean Air Act;
  - e. Nonattainment program under the Clean Air Act;
  - f. National Emission Standards for Hazardous Air Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;
  - g. Dredge or fill permits under § 404 of the CWA;
  - h. Other relevant environmental permits, including state or local permits.
3. All applicants must identify any generation, treatment, storage, land application, or disposal of sewage sludge that occurs in Indian country.
4. All applicants must submit a topographic map (or other map if a topographic map is unavailable) extending one mile beyond property boundaries of the facility and showing the following information:
- a. All sewage sludge management facilities, including on-site treatment, storage, and disposal sites; and
  - b. Wells, springs, and other surface water bodies that are within 1/4 mile of the property boundaries and listed in public records or otherwise known to the applicant.
5. All applicants must submit a line drawing and/or a narrative description that identifies all sewage sludge management practices employed during the term of the permit, including all units used for collecting, dewatering, storing, or treating sewage sludge; the destination(s) of all liquids and solids leaving each such unit; and all processes used for pathogen reduction and vector attraction reduction.
6. The applicant must submit sewage sludge monitoring data for the pollutants for which limits in sewage sludge have been established in Part VI (9 VAC 25-31-420 et seq.) of this chapter for the applicant's use or disposal practices on the date of permit application with the following conditions:
- a. The board may require sampling for additional pollutants, as appropriate, on a case-by-case basis.
  - b. Applicants must provide data from a minimum of three samples taken within 4-1/2 years prior to the date of the permit application. Samples must be representative of the sewage sludge and should be taken at least one month apart. Existing data may be used in lieu of sampling done solely for the purpose of this application.
  - c. Applicants must collect and analyze samples in accordance with analytical methods specified in 9 VAC 25-31-490 unless an alternative has been specified in an existing sewage sludge permit.
  - d. The monitoring data provided must include at least the following information for each parameter:
    - (1) Average monthly concentration for all samples (mg/kg dry weight), based upon actual sample values;
    - (2) The analytical method used; and
    - (3) The method detection level.
7. If the applicant is a person who prepares sewage sludge, as defined in 9 VAC 25-31-500, the applicant must provide the following information:
- a. If the applicant's facility generates sewage sludge, the total dry metric tons per 365-day period generated at the facility.
  - b. If the applicant's facility receives sewage sludge from another facility, the following information for each facility from which sewage sludge is received:
    - (1) The name, mailing address, and location of the other facility;
    - (2) The total dry metric tons per 365-day period received from the other facility; and
    - (3) A description of any treatment processes occurring at the other facility, including blending activities and treatment to reduce pathogens or vector attraction characteristics.
  - c. If the applicant's facility changes the quality of sewage sludge through blending, treatment, or other activities, the following information:
    - (1) Whether the Class A pathogen reduction requirements in 9 VAC 25-31-710 A or the Class B pathogen reduction requirements in 9 VAC 25-31-710 B are met, and a description of any treatment processes used to reduce pathogens in sewage sludge;
    - (2) Whether any of the vector attraction reduction options of 9 VAC 25-31-720 B 1 through 8 are met, and

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a description of any treatment processes used to reduce vector attraction properties in sewage sludge; and

(3) A description of any other blending, treatment, or other activities that change the quality of sewage sludge.

d. If sewage sludge from the applicant's facility meets the ceiling concentrations in 9 VAC 25-31-540 B 1, the pollutant concentrations in 9 VAC 25-31-540 B 3, the Class A pathogen requirements in 9 VAC 25-31-710 A, and one of the vector attraction reduction requirements in 9 VAC 25-31-720 B 1 through 8, and if the sewage sludge is applied to the land, the applicant must provide the total dry metric tons per 365-day period of sewage sludge subject to this subsection that is applied to the land.

e. If sewage sludge from the applicant's facility is sold or given away in a bag or other container for application to the land, and the sewage sludge is not subject to subdivision 7 d of this subsection, the applicant must provide the following information:

(1) The total dry metric tons per 365-day period of sewage sludge subject to this subsection that is sold or given away in a bag or other container for application to the land; and

(2) A copy of all labels or notices that accompany the sewage sludge being sold or given away.

f. If sewage sludge from the applicant's facility is provided to another person who prepares sewage sludge, as defined in 9 VAC 25-31-500, and the sewage sludge is not subject to subdivision 7 d of this subsection, the applicant must provide the following information for each facility receiving the sewage sludge:

(1) The name and mailing address of the receiving facility;

(2) The total dry metric tons per 365-day period of sewage sludge subject to this subsection that the applicant provides to the receiving facility;

(3) A description of any treatment processes occurring at the receiving facility, including blending activities and treatment to reduce pathogens or vector attraction characteristic;

(4) A copy of the notice and necessary information that the applicant is required to provide the receiving facility under 9 VAC 25-31-530 G; and

(5) If the receiving facility places sewage sludge in bags or containers for sale or give-away to application to the land, a copy of any labels or notices that accompany the sewage sludge.

8. If sewage sludge from the applicant's facility is applied to the land in bulk form and is not subject to subdivision 7 d, e or f of this subsection, the applicant must provide the following information:

a. The total dry metric tons per 365-day period of sewage sludge subject to this subsection that is applied to the land.

b. If any land application sites are located in states other than the state where the sewage sludge is prepared, a description of how the applicant will notify the permitting authority for the state(s) where the land application sites are located.

c. The following information for each land application site that has been identified at the time of permit application:

(1) The name (if any), and location for the land application site;

(2) The site's latitude and longitude to the nearest second, and method of determination;

(3) A topographic map (or other map if a topographic map is unavailable) that shows the site's location;

(4) The name, mailing address, and telephone number of the site owner, if different from the applicant;

(5) The name, mailing address, and telephone number of the person who applies sewage sludge to the site, if different from the applicant;

(6) Whether the site is agricultural land, forest, a public contact site, or a reclamation site, as such site types are defined in 9 VAC 25-31-500;

(7) The type of vegetation grown on the site, if known, and the nitrogen requirement for this vegetation;

(8) Whether either of the vector attraction reduction options of 9 VAC 25-31-720 B 9 or 10 is met at the site, and a description of any procedures employed at the time of use to reduce vector attraction properties in sewage sludge; and

(9) Other information that describes how the site will be managed, as specified by the board.

d. The following information for each land application site that has been identified at the time of permit application, if the applicant intends to apply bulk sewage sludge subject to the cumulative pollutant loading rates in 9 VAC 25-31-540 B 2 to the site:

(1) Whether the applicant has contacted the permitting authority in the state where the bulk sewage sludge subject to 9 VAC 25-31-540 B 2 will be applied, to ascertain whether bulk sewage sludge subject to 9 VAC 25-31-540 B 2 has been applied to the site on or since July 20, 1993, and if so, the name of the permitting authority and the name and phone number of a contact person at the permitting authority;

(2) Identification of facilities other than the applicant's facility that have sent, or are sending, sewage sludge subject to the cumulative pollutant loading rates in 9 VAC 25-31-540 B 2 to the site since July 20, 1993, if, based on the inquiry in subdivision 8 d (1) of this subsection, bulk sewage sludge subject to cumulative pollutant loading rates in 9 VAC 25-31-540 B 2 has been applied to the site since July 20, 1993.

e. If not all land application sites have been identified at the time of permit application, the applicant must submit a land application plan that, at a minimum:

- (1) Describes the geographical area covered by the plan;
- (2) Identifies the site selection criteria;
- (3) Describes how the site(s) will be managed;
- (4) Provides for advance notice to the board of specific land application sites and reasonable time for the board to object prior to land application of the sewage sludge; and
- (5) Provides for advance public notice of land application sites in a newspaper of general circulation in the area of the land application site.

9. If sewage sludge from the applicant's facility is placed on a surface disposal site, the applicant must provide the following information:

a. The total dry metric tons of sewage sludge from the applicant's facility that is placed on surface disposal sites per 365-day period.

b. The following information for each surface disposal site receiving sewage sludge from the applicant's facility that the applicant does not own or operate:

- (1) The site name or number, contact person, mailing address, and telephone number for the surface disposal site; and
- (2) The total dry metric tons from the applicant's facility per 365-day period placed on the surface disposal site.

c. The following information for each active sewage sludge unit at each surface disposal site that the applicant owns or operates:

- (1) The name or number and the location of the active sewage sludge unit;
- (2) The unit's latitude and longitude to the nearest second, and method of determination;
- (3) If not already provided, a topographic map (or other map if a topographic map is unavailable) that shows the unit's location;
- (4) The total dry metric tons placed on the active sewage sludge unit per 365-day period;
- (5) The total dry metric tons placed on the active sewage sludge unit over the life of the unit;
- (6) A description of any liner for the active sewage sludge unit, including whether it has a maximum permeability of  $1 \times 10^{-7}$  cm/sec;
- (7) A description of any leachate collection system for the active sewage sludge unit, including the method used for leachate disposal, and any federal, state, and local permit number(s) for leachate disposal;
- (8) If the active sewage sludge unit is less than 150 meters from the property line of the surface disposal

site, the actual distance from the unit boundary to the site property line;

(9) The remaining capacity (dry metric tons) for the active sewage sludge unit;

(10) The date on which the active sewage sludge unit is expected to close, if such a date has been identified;

(11) The following information for any other facility that sends sewage sludge to the active sewage sludge unit:

- (a) The name, contact person, and mailing address of the facility; and
- (b) Available information regarding the quality of the sewage sludge received from the facility, including any treatment at the facility to reduce pathogens or vector attraction characteristics;

(12) Whether any of the vector attraction reduction options of 9 VAC 25-31-720 B 9 through 11 is met at the active sewage sludge unit, and a description of any procedures employed at the time of disposal to reduce vector attraction properties in sewage sludge;

(13) The following information, as applicable to any groundwater monitoring occurring at the active sewage sludge unit:

- (a) A description of any groundwater monitoring occurring at the active sewage sludge unit;
- (b) Any available groundwater monitoring data, with a description of the well locations and approximate depth to groundwater;
- (c) A copy of any groundwater monitoring plan that has been prepared for the active sewage sludge unit;
- (d) A copy of any certification that has been obtained from a qualified groundwater scientist that the aquifer has not been contaminated; and

(14) If site-specific pollutant limits are being sought for the sewage sludge placed on this active sewage sludge unit, information to support such a request.

10. If sewage sludge from the applicant's facility is fired in a sewage sludge incinerator, the applicant must provide the following information:

a. The total dry metric tons of sewage sludge from the applicant's facility that is fired in sewage sludge incinerators per 365-day period.

b. The following information for each sewage sludge incinerator firing the applicant's sewage sludge that the applicant does not own or operate:

- (1) The name and/or number, contact person, mailing address, and telephone number of the sewage sludge incinerator; and
- (2) The total dry metric tons from the applicant's facility per 365-day period fired in the sewage sludge incinerator.

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11. If sewage sludge from the applicant's facility is sent to a municipal solid waste landfill (MSWLF), the applicant must provide the following information for each MSWLF to which sewage sludge is sent:

- a. The name, contact person, mailing address, location, and all applicable permit numbers of the MSWLF;
- b. The total dry metric tons per 365-day period sent from this facility to the MSWLF;
- c. A determination of whether the sewage sludge meets applicable requirements for disposal of sewage sludge in a MSWLF, including the results of the paint filter liquids test and any additional requirements that apply on a site-specific basis; and
- d. Information, if known, indicating whether the MSWLF complies with criteria set forth in the Virginia Solid Waste Management Regulations, 9 VAC 20-80-10 et seq.

12. All applicants must provide the name, mailing address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the facility related to sewage sludge generation, treatment, use, or disposal.

13. At the request of the board, the applicant must provide any other information necessary to determine the appropriate standards for permitting under Part VI (9 VAC 25-31-420 et seq.) of this chapter, and must provide any other information necessary to assess the sewage sludge use and disposal practices, determine whether to issue a permit, or identify appropriate permit requirements; and pertinent plans, specifications, maps and such other relevant information as may be required, in scope and details satisfactory to the board.

14. All applications must be signed by a certifying official in compliance with 9 VAC 25-31-110.

Note 1: Until further notice subdivision G 7 e (1) of this section and the corresponding portions of the VPDES application Form 2C are suspended as they apply to coal mines.

Note 2: Until further notice subdivision G 7 e (1) of this section and the corresponding portions of Item V-C of the VPDES application Form 2C are suspended as they apply to:

- a. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (subpart C-Low water use processing of 40 CFR Part 410 (2000)), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.
- b. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (subpart B of 40 CFR Part 440 (2000)), and testing and reporting for all four fractions in all other subcategories of this industrial category.
- c. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

Note 3: Until further notice subdivision G 7 e (1) of this section and the corresponding portions of Item V-C of the VPDES application Form 2C are suspended as they apply to:

- a. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (subpart D) and Rosin-Based Derivatives Subcategory (subpart F) of the Gum and Wood Chemicals industry (40 CFR Part 454 (2000)), and testing and reporting for the pesticide and base-neutral fractions in all other subcategories of this industrial category.
- b. Testing and reporting for the pesticide fraction in the leather tanning and finishing, paint and ink formulation, and photographic supplies industrial categories.
- c. Testing and reporting for the acid, base/neutral and pesticide fractions in the petroleum refining industrial category.
- d. Testing and reporting for the pesticide fraction in the Papergrade Sulfite Subcategories (subparts J and U) of the Pulp and Paper industry (40 CFR Part 430 (2000)); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (subpart Q), Dissolving Kraft (subpart F), and Paperboard from Waste Paper (subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (subpart H), Semi-Chemical (subparts B and C), and Nonintegrated-Fine Papers (subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (subpart I), Dissolving Sulfite Pulp (subpart K), Groundwood-Fine Papers (subpart O), Market Bleached Kraft (subpart G), Tissue from Wastepaper (subpart T), and Nonintegrated-Tissue Papers (subpart S).
- e. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

## 9 VAC 25-31-120. Storm water discharges.

### A. Permit requirements.

1. Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain a VPDES permit except:

- a. A discharge with respect to which a permit has been issued prior to February 4, 1987;
- b. A discharge associated with industrial activity; or
- ~~c. A discharge from a large municipal separate storm sewer system;~~
- ~~d. A discharge from a medium municipal separate storm sewer system; or~~
- e. c. A discharge which either the board or the regional administrator determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to surface waters. This designation may

include a discharge from any conveyance or system of conveyances used for collecting and conveying storm water run-off or a system of discharges from municipal separate storm sewers, except for those discharges from conveyances which do not require a permit under subdivision 2 of this subsection or agricultural storm water run-off which is exempted from the definition of point source.

~~The board may designate discharges from municipal separate storm sewers on a system wide or jurisdiction wide basis. In making this determination the board may consider the following factors:~~

- ~~(1) The location of the discharge with respect to surface waters;~~
- ~~(2) The size of the discharge;~~
- ~~(3) The quantity and nature of the pollutants discharged to surface waters; and~~
- ~~(4) Other relevant factors.~~

2. The board may not require a permit for discharges of storm water run-off from mining operations or oil and gas exploration, production, processing or treatment operations, or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation run-off and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, by-product or waste products located on the site of such operations.

~~3. a. Permits must be obtained for all discharges from large and medium municipal separate storm sewer systems.~~

~~b. The board may either issue one system wide permit covering all discharges from municipal separate storm sewers within a large or medium municipal storm sewer system or issue distinct permits for appropriate categories of discharges within a large or medium municipal separate storm sewer system including, but not limited to: all discharges owned or operated by the same municipality; located within the same jurisdiction; all discharges within a system that discharge to the same watershed; discharges within a system that are similar in nature; or for individual discharges from municipal separate storm sewers within the system.~~

~~c. The operator of a discharge from a municipal separate storm sewer which is part of a large or medium municipal separate storm sewer system must either:~~

- ~~(1) Participate in a permit application (to be a permittee or a co-permittee) with one or more other operators of discharges from the large or medium municipal storm sewer system which covers all, or a portion of all, discharges from the municipal separate storm sewer system;~~

~~(2) Submit a distinct permit application which only covers discharges from the municipal separate storm sewers for which the operator is responsible; or~~

~~(3) A regional authority may be responsible for submitting a permit application under the following guidelines:~~

~~(a) The regional authority together with co-applicants shall have authority over a storm water management program that is in existence, or shall be in existence at the time Part 1 of the application is due;~~

~~(b) The permit applicant or co-applicants shall establish their ability to make a timely submission of Part 1 and Part 2 of the municipal application;~~

~~(c) Each of the operators of municipal separate storm sewers within large or medium municipal separate storm sewer systems, that are under the purview of the designated regional authority, shall comply with the application requirements of subsection C of this section.~~

~~d. One permit application may be submitted for all or a portion of all municipal separate storm sewers within adjacent or interconnected large or medium municipal separate storm sewer systems. The board may issue one system wide permit covering all, or a portion of all municipal separate storm sewers in adjacent or interconnected large or medium municipal separate storm sewer systems.~~

~~e. Permits for all or a portion of all discharges from large or medium municipal separate storm sewer systems that are issued on a system wide, jurisdiction wide, watershed or other basis may specify different conditions relating to different discharges covered by the permit, including different management programs for different drainage areas which contribute storm water to the system.~~

~~f. Co-permittees need only comply with permit conditions relating to discharges from the municipal separate storm sewers for which they are operators.~~

4- 3. In addition to meeting the requirements of subsection B of this section, an operator of a storm water discharge associated with industrial activity which discharges through a large or medium municipal separate storm sewer system shall submit, to the operator of the municipal separate storm sewer system receiving the discharge no later than May 15, 1991, or 180 days prior to commencing such discharge: the name of the facility; a contact person and phone number; the location of the discharge; a description, including Standard Industrial Classification, which best reflects the principal products or services provided by each facility; and any existing VPDES permit number.

5. The board may issue permits for municipal separate storm sewers that are designated under subdivision A 1 e of this section on a system wide basis, jurisdiction wide basis, watershed basis or other appropriate basis, or may issue permits for individual discharges.

6- 4. For storm water discharges associated with industrial activity from point sources which discharge through a

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nonmunicipal or nonpublicly owned separate storm sewer system, the board, in its discretion, may issue: a single VPDES permit, with each discharger a co-permittee to a permit issued to the operator of the portion of the system that discharges into surface waters; or, individual permits to each discharger of storm water associated with industrial activity through the nonmunicipal conveyance system.

a. All storm water discharges associated with industrial activity that discharge through a storm water discharge system that is not a municipal separate storm sewer must be covered by an individual permit, or a permit issued to the operator of the portion of the system that discharges to surface waters, with each discharger to the nonmunicipal conveyance a co-permittee to that permit.

b. Where there is more than one operator of a single system of such conveyances, all operators of storm water discharges associated with industrial activity must submit applications.

c. Any permit covering more than one operator shall identify the effluent limitations, or other permit conditions, if any, that apply to each operator.

~~7.~~ 5. Conveyances that discharge storm water run-off combined with municipal sewage are point sources that must obtain VPDES permits in accordance with the procedures of 9 VAC 25-31-100 and are not subject to the provisions of this section.

~~8.~~ 6. Whether a discharge from a municipal separate storm sewer is or is not subject to VPDES regulation ~~under this subsection~~ shall have no bearing on whether the owner or operator of the discharge is eligible for funding under Title II, Title III or Title VI of the CWA.

~~9.~~ 7. a. On and after October 1, 1994, for discharges composed entirely of storm water, that are not required by subdivision 1 of this subsection to obtain a permit, operators shall be required to obtain a VPDES permit only if:

~~(1) The discharge is from a small MS4 required to be regulated pursuant to 9 VAC 25-31-121 B;~~

~~(2) The discharge is a storm water discharge associated with small construction activity as defined in 9 VAC 25-31-10;~~

~~(3) (1) The board or the EPA regional administrator determines that storm water controls are needed for the discharge based on wasteload allocations that are part of "total maximum daily loads" (TMDLs) that address the pollutant(s) of concern; or~~

~~(4) (2) The board or the EPA regional administrator determines that the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to surface waters.~~

b. ~~Operators of small MS4s designated pursuant to subdivisions 9 a (1), (3), and (4) of this subsection shall seek coverage under a VPDES permit in accordance with 9 VAC 25-31-121 C through E.~~ Operators of nonmunicipal sources designated pursuant to subdivisions ~~9 a (2), (3),~~

~~7 a (1) and (4) (2)~~ of this subsection shall seek coverage under a VPDES permit in accordance with subdivision B 1 of this section.

c. Operators of storm water discharges designated pursuant to subdivisions ~~9 a (3)~~ ~~7 a (1) and (4) (2)~~ of this subsection shall apply to the board for a permit within 180 days of receipt of notice, unless permission for a later date is granted by the board.

B. Application requirements for storm water discharges associated with industrial activity ~~and storm water discharges associated with small construction activity.~~

1. Dischargers of storm water associated with industrial activity ~~and with small construction activity~~ are required to apply for an individual permit or seek coverage under a promulgated storm water general permit. Facilities that are required to obtain an individual permit, or any discharge of storm water which the board is evaluating for designation under subdivision A 1 e c of this section ~~and is not a municipal separate storm sewer~~, shall submit a VPDES application in accordance with the requirements of 9 VAC 25-31-100 as modified and supplemented by the provisions of this subsection.

a. Except as provided in subdivisions 1 b ~~through d~~ ~~and c~~ of this subsection, the operator of a storm water discharge associated with industrial activity subject to this section shall provide:

(1) A site map showing topography (or indicating the outline of drainage areas served by the outfall or outfalls covered in the application if a topographic map is unavailable) of the facility including: each of its drainage and discharge structures; the drainage area of each storm water outfall; paved areas and buildings within the drainage area of each storm water outfall, each past or present area used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in storm water run-off, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied, each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34 (2000)); each well where fluids from the facility are injected underground; springs, and other surface water bodies which receive storm water discharges from the facility;

(2) An estimate of the area of impervious surfaces (including paved areas and building roofs) and the total area drained by each outfall (within a mile radius of the facility) and a narrative description of the following: Significant materials that in the three years prior to the submittal of this application have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage or disposal of such materials; materials management practices employed, in the three years prior to the submittal of this application, to minimize contact by these materials with storm water runoff; materials loading and access



areas; the location, manner and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge;

(3) A certification that all outfalls that should contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of nonstorm water discharges which are not covered by a VPDES permit; tests for such nonstorm water discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. The certification shall include a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test;

(4) Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three years prior to the submittal of this application;

(5) Quantitative data based on samples collected during storm events and collected in accordance with 9 VAC 25-31-100 of this part from all outfalls containing a storm water discharge associated with industrial activity for the following parameters:

(a) Any pollutant limited in an effluent guideline to which the facility is subject;

(b) Any pollutant listed in the facility's VPDES permit for its process wastewater (if the facility is operating under an existing VPDES permit);

(c) Oil and grease, pH, BOD<sub>5</sub>, COD, TSS, total phosphorus, total Kjeldahl nitrogen, and nitrate plus nitrite nitrogen;

(d) Any information on the discharge required under 9 VAC 25-31-100 G 7 f and g;

(e) Flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event or events sampled, and the method of flow measurement or estimation; and

(f) The date and duration (in hours) of the storm event or events sampled, rainfall measurements or estimates of the storm event (in inches) which generated the sampled run-off and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event (in hours);

(6) Operators of a discharge which is composed entirely of storm water are exempt from the requirements of 9 VAC 25-31-100 G 2, G 3, G 4, G 5, G 7 c, G 7 d, G 7 e, and G 7 h; and

(7) Operators of new sources or new discharges which are composed in part or entirely of storm water must

include estimates for the pollutants or parameters listed in subdivision 1 a (5) of this subsection instead of actual sampling data, along with the source of each estimate. Operators of new sources or new discharges composed in part or entirely of storm water must provide quantitative data for the parameters listed in subdivision 1 a (5) of this subsection within two years after commencement of discharge, unless such data has already been reported under the monitoring requirements of the VPDES permit for the discharge. Operators of a new source or new discharge which is composed entirely of storm water are exempt from the requirements of 9 VAC 25-31-100 K 3 b, K 3 c, and K 5.

~~b. The operator of an existing or new storm water discharge that is associated with construction activity solely, or is associated with small construction activity solely, is exempt from the requirements of 9 VAC 25-31-100 G and subdivision 1 a of this subsection. Such operator shall provide a narrative description of:~~

~~(1) The location (including a map) and the nature of the construction activity;~~

~~(2) The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;~~

~~(3) Proposed measures, including best management practices, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements;~~

~~(4) Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements;~~

~~(5) An estimate of the run-off coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and~~

~~(6) The name of the receiving water.~~

e. b. The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with subdivision 1 a of this subsection, unless the facility:

(1) Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 (2000) or 40 CFR 302.6 (2000) at any time since November 16, 1987; or

(2) Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 (2000) at any time since November 16, 1987; or

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(3) Contributes to a violation of a water quality standard.

~~d. c.~~ The operator of an existing or new discharge composed entirely of storm water from a mining operation is not required to submit a permit application unless the discharge has come into contact with any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations.

~~e. d.~~ Applicants shall provide such other information the board may reasonably require to determine whether to issue a permit and may require any facility subject to subdivision 1 b of this subsection to comply with subdivision 1 a of this subsection.

~~G. Application requirements for large and medium municipal separate storm sewer discharges. The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the board under subdivision A 1 e of this section, may submit a jurisdiction wide or system wide permit application. Where more than one public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a coapplicant to the same application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under subdivision A 1 e of this section shall include;~~

~~1. Part 1 of the application shall consist of:~~

~~a. The applicants' name, address, telephone number of contact person, ownership status, and status as a state or local government entity;~~

~~b. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in subdivision 2 a of this subsection, the description shall list additional authorities as will be necessary to meet the criteria and shall include a schedule and commitment to seek such additional authority that will be needed to meet the criteria;~~

~~c. Source identification.~~

~~(1) A description of the historic use of ordinances, guidance or other controls which limited the discharge of nonstorm water discharges to any publicly owned treatment works serving the same area as the municipal separate storm sewer system.~~

~~(2) A USGS 7.5 minute topographic map (or equivalent topographic map with a scale between 1:10,000 and 1:24,000, if cost effective) extending one mile beyond the service boundaries of the municipal storm sewer system covered by the permit application. The following information shall be provided:~~

~~(a) The location of known municipal storm sewer system outfalls discharging to surface waters;~~

~~(b) A description of the land use activities (e.g., divisions indicating undeveloped, residential, commercial, agricultural, and industrial uses) accompanied with estimates of population densities and projected growth for a 10 year period within the drainage area served by the separate storm sewer. For each land use type, an estimate of an average run off coefficient shall be provided;~~

~~(c) The location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage or disposal facility for municipal waste;~~

~~(d) The location and the permit number of any known discharge to the municipal storm sewer that has been issued a VPDES permit;~~

~~(e) The location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and~~

~~(f) The identification of publicly owned parks, recreational areas, and other open lands;~~

~~d. Discharge characterization.~~

~~(1) Monthly mean rain and snow fall estimates (or summary of weather bureau data) and the monthly average number of storm events.~~

~~(2) Existing quantitative data describing the volume and quality of discharges from the municipal storm sewer, including a description of the outfalls sampled, sampling procedures and analytical methods used.~~

~~(3) A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, lakes and estuaries, where pollutants from the system discharges may accumulate and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts shall include a description of whether the water bodies receiving such discharges have been:~~

~~(a) Assessed and reported in § 305(b) of the CWA reports submitted by the state, the basis for the assessment (evaluated or monitored), a summary of designated use support and attainment of law and the CWA goals (fishable and swimmable waters), and causes of nonsupport of designated uses;~~

~~(b) Listed under §§ 304(l)(1)(A)(i), 304(l)(1)(A)(ii), or 304(l)(1)(B) of the CWA that is not expected to meet water quality standards or water quality goals;~~

~~(c) Listed in State Nonpoint Source Assessments required by § 319(a) of the CWA that, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance and run-off from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards);~~

(d) Identified and classified according to eutrophic condition of publicly owned lakes listed in state reports required under § 314(a) of the CWA (include the following: A description of those publicly owned lakes for which uses are known to be impaired; a description of procedures, processes and methods to control the discharge of pollutants from municipal separate storm sewers into such lakes; and a description of methods and procedures to restore the quality of such lakes);

(e) Areas of concern of the Great Lakes identified by the International Joint Commission;

(f) Designated estuaries under the National Estuary Program under § 320 of the CWA;

(g) Recognized by the applicant as highly valued or sensitive waters;

(h) Defined by the state or U.S. Fish and Wildlife Service's National Wetlands Inventory as wetlands; and

(i) Found to have pollutants in bottom sediments, fish tissue or biosurvey data.

(4) Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis shall include a narrative description, for either each field screening point or major outfall, of visual observations made during dry weather periods. If any flow is observed, two grab samples shall be collected during a 24 hour period with a minimum period of four hours between samples. For all such samples, a narrative description of the color, odor, turbidity, the presence of an oil sheen or surface scum as well as any other relevant observations regarding the potential presence of nonstorm water discharges or illegal dumping shall be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol, and detergents (or surfactants) shall be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 40 CFR Part 136 (2000), the applicant shall provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test. Field screening points shall be either major outfalls or other outfall points (or any other point of access such as manholes) randomly located throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. The field screening points shall be established using the following guidelines and criteria:

(a) A grid system consisting of perpendicular north-south and east west lines spaced 1/4 mile apart shall be overlayed on a map of the municipal storm sewer system, creating a series of cells;

(b) All cells that contain a segment of the storm sewer system shall be identified; one field screening point shall be selected in each cell; major outfalls may be used as field screening points;

(c) Field screening points should be located downstream of any sources of suspected illegal or illicit activity;

(d) Field screening points shall be located to the degree practicable at the farthest manhole or other accessible location downstream in the system, within each cell; however, safety of personnel and accessibility of the location should be considered in making this determination;

(e) Hydrological conditions; total drainage area of the site; population density of the site; traffic density; age of the structures or buildings in the area; history of the area; and land use types;

(f) For medium municipal separate storm sewer systems, no more than 250 cells need to have identified field screening points; in large municipal separate storm sewer systems, no more than 500 cells need to have identified field screening points; cells established by the grid that contain no storm sewer segments will be eliminated from consideration; if fewer than 250 cells in medium municipal sewers are created, and fewer than 500 in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system shall be subject to field screening (unless access to the separate storm sewer system is impossible); and

(g) Large or medium municipal separate storm sewer systems which are unable to utilize the procedures described in subdivisions 1 d (4) (a) through (f) of this subsection, because a sufficiently detailed map of the separate storm sewer systems is unavailable, shall field screen no more than 500 or 250 major outfalls respectively (or all major outfalls in the system, if less); in such circumstances, the applicant shall establish a grid system consisting of north-south and east-west lines spaced 1/4 mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells; the applicant will then select major outfalls in as many cells as possible until at least 500 major outfalls (large municipalities) or 250 major outfalls (medium municipalities) are selected; a field screening analysis shall be undertaken at these major outfalls.

(5) Information and a proposed program to meet the requirements of subdivision 2 c of this subsection. Such description shall include: the location of outfalls or field screening points appropriate for representative data collection under subdivision 2 c (1) of this subsection, a description of why the outfall or field screening point is representative, the seasons during which sampling is intended, a description of the sampling equipment. The proposed location of outfalls or field screening points for such sampling should

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reflect water quality concerns (see subdivision 1 d (3) of this subsection) to the extent practicable;

e. Management programs.

(1) A description of the existing management programs to control pollutants from the municipal separate storm sewer system. The description shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls, that are currently being implemented. Such controls may include, but are not limited to: Procedures to control pollution resulting from construction activities; floodplain management controls; wetland protection measures; best management practices for new subdivisions; and emergency spill response programs. The description may address controls established under state law as well as local requirements.

(2) A description of the existing program to identify illicit connections to the municipal storm sewer system. The description should include inspection procedures and methods for detecting and preventing illicit discharges, and describe areas where this program has been implemented; and

f. Fiscal resources. A description of the financial resources currently available to the municipality to complete Part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets, and sources of funds for storm water programs.

2. Part 2 of the application shall consist of:

a. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the applicant at a minimum to:

(1) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

(2) Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer;

(3) Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water;

(4) Control through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;

(5) Require compliance with conditions in ordinances, permits, contracts or orders; and

(6) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and

noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer;

b. The location of any major outfall that discharges to surface waters that was not reported under subdivision 1 c (2) (a) of this subsection. Provide an inventory, organized by watershed of the name and address, and a description (such as SIC codes) which best reflects the principal products or services provided by each facility which may discharge, to the municipal separate storm sewer, storm water associated with industrial activity;

c. When quantitative data for a pollutant are required under subdivision 2 c (1) (c) of this subsection, the applicant must collect a sample of effluent in accordance with 9 VAC 25-31-100-G-7 and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136 (2000). When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application, including:

(1) Quantitative data from representative outfalls designated by the board (based on information received in Part 1 of the application, the board shall designate between five and ten outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five outfalls covered in the application, the board shall designate all outfalls) developed as follows:

(a) For each outfall or field screening point designated under this subsection, samples shall be collected of storm water discharges from three storm events occurring at least one month apart in accordance with the requirements at 9 VAC 25-31-100-G-7 (the board may allow exemptions to sampling three storm events when climatic conditions create good cause for such exemptions);

(b) A narrative description shall be provided of the date and duration of the storm event or events sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event;

(c) For samples collected and described under subdivisions 2 c (1) (a) and (1) (b) of this subsection, quantitative data shall be provided for: the organic pollutants listed in Table II; the pollutants listed in Table III (toxic metals, cyanide, and total phenols) of 40 CFR Part 122 Appendix D (2000), and for the following pollutants:

Total suspended solids (TSS)  
Total dissolved solids (TDS)  
COD  
BOD<sub>5</sub>  
Oil and grease

Fecal coliform  
Fecal streptococcus  
pH  
Total Kjeldahl nitrogen  
Nitrate plus nitrite  
Dissolved phosphorus  
Total ammonia plus organic nitrogen  
Total phosphorus

(d) Additional limited quantitative data required by the board for determining permit conditions (the board may require that quantitative data shall be provided for additional parameters, and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to insure representativeness);

(2) Estimates of the annual pollutant load of the cumulative discharges to surface waters from all identified municipal outfalls and the event mean concentration of the cumulative discharges to surface waters from all identified municipal outfalls during a storm event (as described under 9 VAC 25-31-100 C 7) for BOD<sub>5</sub>, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead, and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modeling, data analysis, and calculation methods;

(3) A proposed schedule to provide estimates for each major outfall identified in either subdivision 2 b or 1 c (2) (a) of this subsection of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under subdivision 2 c (1) of this subsection; and

(4) A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment;

d. A proposed management program which covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The program shall also include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each coapplicant. Proposed programs may impose controls on a system wide basis, a watershed basis, a jurisdiction basis, or on individual outfalls. Proposed programs will be considered by the board when developing permit conditions to reduce pollutants in discharges to the

maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. Such programs shall be based on:

(1) A description of structural and source control measures to reduce pollutants from run off from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include:

(a) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;

(b) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed. (Controls to reduce pollutants in discharges from municipal separate storm sewers containing construction site run off are addressed in subdivision 2 d (4) of this subsection);

(c) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities;

(d) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible;

(e) A description of a program to monitor pollutants in run off from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste, which shall identify priorities and procedures for inspections and establishing and implementing control measures for such discharges (this program can be coordinated with the program developed under subdivision 2 d (3) of this subsection); and

(f) A description of a program to reduce to the maximum extent practicable, pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public right of ways and at municipal facilities;

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~~(2) A description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate VPDES permit for) illicit discharges and improper disposal into the storm sewer. The proposed program shall include:~~

~~(a) A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system; this program description shall address all types of illicit discharges, however the following category of nonstorm water discharges or flows shall be addressed where such discharges are identified by the municipality as sources of pollutants to surface waters: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration to separate storm sewers, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions shall address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to surface waters);~~

~~(b) A description of procedures to conduct on going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens;~~

~~(c) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of nonstorm water (such procedures may include: sampling procedures for constituents such as fecal coliform, fecal streptococcus, surfactants (Methylene Blue Active Substances-MBAS), residual chlorine, fluorides and potassium; testing with fluorometric dyes; or conducting in storm sewer inspections where safety and other considerations allow. Such description shall include the location of storm sewers that have been identified for such evaluation);~~

~~(d) A description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer;~~

~~(e) A description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers;~~

~~(f) A description of educational activities, public information activities, and other appropriate activities~~

~~to facilitate the proper management and disposal of used oil and toxic materials; and~~

~~(g) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary;~~

~~(3) A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to § 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA, 42 USC § 11023), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall:~~

~~(a) Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges;~~

~~(b) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in subdivision 2 d (3) of this subsection, to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing VPDES permit for a facility; oil and grease, COD, pH, BOD<sub>5</sub>, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under 9 VAC 25-31-100-G 7 f and g; and~~

~~(4) A description of a program to implement and maintain structural and nonstructural best management practices to reduce pollutants in storm water run off from construction sites to the municipal storm sewer system, which shall include:~~

~~(a) A description of procedures for site planning which incorporate consideration of potential water quality impacts;~~

~~(b) A description of requirements for nonstructural and structural best management practices;~~

~~(c) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and~~

~~(d) A description of appropriate educational and training measures for construction site operators;~~

~~e. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment shall also identify known impacts of storm water controls on groundwater;~~

~~f. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under subdivisions 2 c and d of this subsection. Such analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds;~~

~~g. Where more than one legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination; and~~

~~h. Where requirements under subdivisions 1 d (5), 2 b, 2 c (2), and 2 d of this subsection are not practicable or are not applicable, the board may exclude any operator of a discharge from a municipal separate storm sewer which is designated under subdivision A 1 e of this section, or which is located in the counties listed in 40 CFR Part 122 Appendix H or Appendix I (2000) (except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties) from such requirements. The board shall not exclude the operator of a discharge from a municipal separate storm sewer identified in 40 CFR Part 122 Appendix F, G, H or I (2000) from any of the permit application requirements under this subdivision except where authorized under this subsection.~~

~~D. C. Application deadlines. Any operator of a point source required to obtain a permit under this section that does not have an effective VPDES permit authorizing discharges from its storm water outfalls shall submit an application in accordance with the following deadlines:~~

~~1. Individual applications.~~

~~a. Except as provided in subdivision 1 b of this subsection, for any storm water discharge associated with industrial activity as defined in this chapter which is not authorized by a storm water general permit, a permit application made pursuant to subsection B of this section shall be submitted to the department by October 1, 1992;~~

~~b. For any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 that is not authorized by a general or individual permit, other than an airport, powerplant, or uncontrolled sanitary landfill, permit applications must be submitted to the department by March 10, 2003;~~

~~2. For any discharge from a large municipal separate storm sewer system:~~

~~a. Part 1 of the application shall be submitted to the department by November 18, 1991;~~

~~b. Based on information received in the Part 1 application the board will approve or deny a sampling plan under subdivision C 1 d (5) of this section within 90 days after receiving the Part 1 application; and~~

~~c. Part 2 of the application shall be submitted to the department by November 16, 1992;~~

~~3. For any discharge from a medium municipal separate storm sewer system:~~

~~a. Part 1 of the application shall be submitted to the department by May 18, 1992;~~

~~b. Based on information received in the Part 1 application the board will approve or deny a sampling plan under subdivision C 1 d (5) of this section within 90 days after receiving the Part 1 application; and~~

~~c. Part 2 of the application shall be submitted to the department by May 17, 1993;~~

~~4. 2. A permit application shall be submitted to the department within 180 days of notice, unless permission for a later date is granted by the board, for:~~

~~a. A storm water discharge which either the board or the regional administrator, determines that the discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to surface waters; or~~

~~b. A storm water discharge subject to subdivision B 1 e d of this section;~~

~~5. 3. Facilities with existing VPDES permits for storm water discharges associated with industrial activity shall maintain existing permits. Facilities with permits for storm water discharges associated with industrial activity which expire on or after May 18, 1992, shall submit a new application in accordance with the requirements of 9 VAC 25-31-100 and 9 VAC 25-31-120 C (Form 1, Form 2F, and other applicable forms) 180 days before the expiration of such permits.~~

~~6. For any storm water discharge associated with small construction activity, see 9 VAC 25-31-100 C 1. Discharges from these sources require permit authorization by March 10, 2003, unless designated for coverage before then.~~

~~7. For any discharge from a regulated small MS4, the permit application made under 9 VAC 25-31-121 C must be submitted to the department by:~~

~~a. March 10, 2003, if designated under 9 VAC 25-31-121 B 1, unless your MS4 serves a jurisdiction with a population under 10,000 and the board has established a phasing schedule under 40 CFR 123.35(d)(3) (2000); or~~

~~b. Within 180 days of notice, unless the board grants a later date.~~

~~E. D. Petitions.~~

~~1. Any operator of a municipal separate storm sewer system may petition the board to require a separate VPDES permit for any discharge into the municipal separate storm sewer system.~~

~~2. 1. Any person may petition the board to require a VPDES permit for a discharge which is composed entirely of storm water which contributes to a violation of a water quality standard or is a significant contributor of pollutants to surface waters.~~

~~3. The owner or operator of a municipal separate storm sewer system may petition the board to reduce the Census estimates of the population served by such separate system~~

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~~to account for storm water discharged to combined sewers as defined by 40 CFR 5.2005(b)(11) (2000) that is treated in a publicly owned treatment works. In municipalities in which combined sewers are operated, the Census estimates of population may be reduced proportional to the fraction, based on estimated lengths, of the length of combined sewers over the sum of the length of combined sewers and municipal separate storm sewers where an applicant has submitted the VPDES permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.~~

~~4. Any person may petition the board for the designation of a large, medium or small municipal separate storm sewer system as defined by this chapter.~~

~~5. 2. The board shall make a final determination on any petition received under this section within 90 days after receiving the petition with the exception of petitions to designate a small MS4, in which case the board shall make a final determination on the petition within 180 days after its receipt.~~

F. E. Conditional exclusion for no exposure of industrial activities and materials to storm water. Discharges composed entirely of storm water are not storm water discharges associated with industrial activity if there is no exposure of industrial materials and activities to rain, snow, snowmelt or run-off and the discharger satisfies the conditions in subdivisions 1 through 4 of this subsection. No exposure means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and run-off. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

1. To qualify for this exclusion, the operator of the discharge must:

- a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and run-off;
- b. Complete and sign (according to 9 VAC 25-31-110) a certification that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility, except as provided in subdivision 2 of this subsection;
- c. Submit the signed certification to the department once every five years;
- d. Allow the department to inspect the facility to determine compliance with the no exposure conditions;
- e. Allow the department to make any no exposure inspection reports available to the public upon request; and
- f. For facilities that discharge through an MS4, upon request, submit a copy of the certification of no exposure

to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

2. Storm resistant shelter is not required for:

- a. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("sealed" means banded or otherwise secured and without operational taps or valves);
- b. Adequately maintained vehicles used in material handling; and
- c. Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt).

~~3. a. Storm water discharges from construction activities are not eligible for this conditional exclusion.~~

~~b. a. This conditional exclusion from the requirement for a VPDES permit is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be no exposure discharges, individual permit requirements should be adjusted accordingly.~~

~~e. b. If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, or run-off, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for unpermitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.~~

~~d. c. Notwithstanding the provisions of this subsection, the board retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.~~

4. The no exposure certification ~~must require~~ requires the submission of the following information, at a minimum, to aid the board in determining if the facility qualifies for the no exposure exclusion:

- a. The legal name, address and phone number of the discharger.
- b. The facility name and address, the county name and the latitude and longitude where the facility is located.
- c. Certification that indicates that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:
  - (1) Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water;
  - (2) Materials or residuals on the ground or in storm water inlets from spills/leaks;
  - (3) Materials or products from past industrial activity;



- (4) Material handling equipment (except adequately maintained vehicles);
- (5) Materials or products during loading/unloading or transporting activities;
- (6) Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to storm water does not result in the discharge of pollutants);
- (7) Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
- (8) Materials or products handled/stored on roads or railways owned or maintained by the discharger;
- (9) Waste material (except waste in covered, nonleaking containers, e.g., dumpsters);
- (10) Application or disposal of process wastewater (unless otherwise permitted); and
- (11) Particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated, i.e., under an air quality control permit, and evident in the storm water outflow.

d. All no exposure certifications must include the following certification statement and be signed in accordance with the signatory requirements of 9 VAC 25-31-110: "I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of no exposure and obtaining an exclusion from VPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under 9 VAC 25-31-120 F E 2). I understand that I am obligated to submit a no exposure certification form once every five years to the Department of Environmental Quality and, if requested, to the operator of the local MS4 into which this facility discharges (where applicable). I understand that I must allow the department, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under a VPDES permit prior to any point source discharge of storm water associated with industrial activity from the facility. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**9 VAC 25-31-121. ~~Small municipal separate storm sewer systems. (Repealed.)~~**

~~A. Objectives of the storm water regulations for small MS4s.~~

~~1. Subsections A through G of this section are written in a "readable regulation" format that includes both rule requirements and guidance that is not legally binding. The recommended guidance is distinguished from the regulatory requirements by putting the guidance in a separate subdivision headed by the word "Note."~~

~~2. Under the statutory mandate in § 402(p)(6) of the Clean Water Act, the purpose of this portion of the storm water program is to designate additional sources that need to be regulated to protect water quality and to establish a comprehensive storm water program to regulate these sources.~~

~~3. Storm water run off continues to harm the nation's waters. Run off from lands modified by human activities can harm surface water resources in several ways including by changing natural hydrologic patterns and by elevating pollutant concentrations and loadings. Storm water run off may contain or mobilize high levels of contaminants, such as sediment, suspended solids, nutrients, heavy metals, pathogens, toxins, oxygen demanding substances, and floatables.~~

~~4. The board strongly encourages partnerships and the watershed approach as the management framework for efficiently, effectively, and consistently protecting and restoring aquatic ecosystems and protecting public health.~~

~~B. As an operator of a small MS4, am I regulated under the VPDES storm water program?~~

~~1. Unless you qualify for a waiver under subdivision 3 of this subsection, you are regulated if you operate a small MS4, including but not limited to systems operated by federal, state, tribal, and local governments, including the state Department of Transportation; and~~

~~a. Your small MS4 is located in an urbanized area as determined by the latest decennial census by the Bureau of the Census (If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated); or~~

~~b. You are designated by the board, including where the designation is pursuant to subdivisions E 2 c and d of this section or is based upon a petition under 9 VAC 25 31 120 E.~~

~~2. You may be the subject of a petition to the board to require a VPDES permit for your discharge of storm water. If the board determines that you need a permit, you are required to comply with subsections C through E of this section.~~

~~3. The board may waive the requirements otherwise applicable to you if you meet the criteria of subdivision 4 or 5 of this subsection. If you receive a waiver under this section, you may subsequently be required to seek coverage under a VPDES permit in accordance with~~

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subdivision C 1 of this section if circumstances change. (See also subdivision E 2 of this section).

4. The board may waive permit coverage if your MS4 serves a population of less than 1,000 within the urbanized area and you meet the following criteria:

a. Your system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program (see subdivision E 2 d of this section); and

b. If you discharge any pollutants that have been identified as a cause of impairment of any water body to which you discharge, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutants of concern.

5. The board may waive permit coverage if your MS4 serves a population under 10,000 and you meet the following criteria:

a. The board has evaluated all surface waters, including small streams, tributaries, lakes, and ponds, that receive a discharge from your MS4;

b. For all such waters, the board has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutants of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutants of concern;

c. For the purpose of subdivision 5 of this subsection, the pollutants of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from your MS4; and

d. The board has determined that future discharges from your MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

C. If I am an operator of a regulated small MS4, how do I apply for a VPDES permit and when do I have to apply?

1. If you operate a regulated small MS4 under subsection B of this section, you must seek coverage under a VPDES permit issued by the board.

2. You must seek authorization to discharge under a general or individual VPDES permit, as follows:

a. If the board has issued a general permit applicable to your discharge and you are seeking coverage under the general permit, you must submit a registration statement that includes the information on your best management practices and measurable goals required by subdivision D 4 of this section. You may file your own registration statement, or you and other municipalities or governmental entities may jointly submit a registration

statement. If you want to share responsibilities for meeting the minimum measures with other municipalities or governmental entities, you must submit a registration statement that describes which minimum measures you will implement and identify the entities that will implement the other minimum measures within the area served by your MS4. The general permit will explain any other steps necessary to obtain permit authorization.

b. (1) If you are seeking authorization to discharge under an individual permit and wish to implement a program under subsection D of this section, you must submit an application to the board that includes the information required under 9 VAC 25-31-100 F and subdivision D 4 of this section, an estimate of square mileage served by your small MS4, and any additional information that the board requests. A storm sewer map that satisfies the requirement of subdivision D 2 c (1) of this section will satisfy the map requirement in 9 VAC 25-31-100 F 7.

(2) If you are seeking authorization to discharge under an individual permit and wish to implement a program that is different from the program under subsection D of this section, you will need to comply with the permit application requirements of 9 VAC 25-31-120 C. You must submit both parts of the application requirements in 9 VAC 25-31-120 C 1 and 2 by March 10, 2003. You do not need to submit the information required by 9 VAC 25-31-120 C 1 b and C 2 regarding your legal authority, unless you intend for the permit writer to take such information into account when developing your other permit conditions.

(3) If allowed by the board, you and another regulated entity may jointly apply under either subdivision 2 b (1) or (2) of this subsection to be co-permittees under an individual permit.

c. If your small MS4 is in the same urbanized area as a medium or large MS4 with a VPDES storm water permit and that other MS4 is willing to have you participate in its storm water program, you and the other MS4 may jointly seek a modification of the other MS4 permit to include you as a limited co-permittee. As a limited co-permittee, you will be responsible for compliance with the permit's conditions applicable to your jurisdiction. If you choose this option you will need to comply with the permit application requirements of 9 VAC 25-31-120, rather than the requirements of subsection D of this section. You do not need to comply with the specific application requirements of 9 VAC 25-31-120 C 1 c and d and 9 VAC 25-31-120 C 2 c (discharge characterization). You may satisfy the requirements in 9 VAC 25-31-120 C 1 e and 2 d (identification of a management program) by referring to the other MS4's storm water management program.

d. NOTE: In referencing an MS4's storm water management program, you should briefly describe how the existing plan will address discharges from your small MS4 or would need to be supplemented in order to adequately address your discharges. You should also explain your role in coordinating storm water pollutant

control activities in your MS4 and detail the resources available to you to accomplish the plan.

3. If you operate a regulated small MS4:

a. Designated under subdivision B 1 a of this section, you must apply for coverage under a VPDES permit or apply for a modification of an existing VPDES permit under subdivision 2 c of this subsection by March 10, 2003, unless your MS4 serves a jurisdiction with a population under 10,000 and the board has established a schedule for phasing in permit coverage with a final deadline of March 8, 2007.

b. Designated under subdivision B 1 b of this section, you must apply for coverage under a VPDES permit or apply for a modification of an existing VPDES permit under subdivision 2 c of this subsection within 180 days of notice, unless the board grants a later date.

D. As an operator of a regulated small MS4, what will my VPDES MS4 storm water permit require?

1. Your VPDES MS4 permit will require at a minimum that you develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the State Water Control Law. Your storm water management program must include the minimum control measures described in subdivision 2 of this subsection unless you apply for a permit under 9 VAC 25-31-120 C. For purposes of this section, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this section and the provisions of the permit required pursuant to subsection C of this section constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. The board will specify a time period of up to five years from the date of permit issuance for you to develop and implement your program.

2. Minimum control measures.

a. Public education and outreach on storm water impacts.

(1) You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water run-off.

(2) NOTE: You may use storm water educational materials provided by the state, your tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce storm water pollution, such as

ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. The board recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. The board recommends that the public education program be tailored, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include: distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups. In addition, the board recommends that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. You are encouraged to tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

b. Public involvement/participation.

(1) You must, at a minimum, comply with state, tribal, and local public notice requirements when implementing a public involvement/participation program.

(2) The board recommends that the public be included in developing, implementing, and reviewing your storm water management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

c. Illicit discharge detection and elimination.

(1) You must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 9 VAC 25-31-10) into your small MS4.

(2) You must:

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~~(a) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all surface waters that receive discharges from those outfalls;~~

~~(b) To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, nonstorm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;~~

~~(c) Develop and implement a plan to detect and address nonstorm water discharges, including illegal dumping, to your system; and~~

~~(d) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.~~

~~(3) You need to address the following categories of nonstorm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20) (2000)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water. (Discharges or flows from fire fighting activities are excluded from the effective prohibition against nonstorm water and need only be addressed where they are identified as significant sources of pollutants to surface waters.)~~

~~(4) NOTE: The board recommends that the plan to detect and address illicit discharges include the following four components: (i) procedures for locating priority areas likely to have illicit discharges, (ii) procedures for tracing the source of an illicit discharge, (iii) procedures for removing the source of the discharge, and (iv) procedures for program evaluation and assessment. The board recommends visually screening outfalls during dry weather and conducting field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling; a program to promote, publicize, and facilitate public reporting of illicit connections or discharges; and distribution of outreach materials.~~

## ~~d. Construction site storm water run-off control.~~

~~(1) You must develop, implement, and enforce a program to reduce pollutants in any storm water run off to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale~~

~~that would disturb one acre or more. If the board waives requirements for storm water discharges associated with small construction activity in accordance with the definition in 9 VAC 25-31-10, you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.~~

~~(2) Your program must include the development and implementation of, at a minimum:~~

~~(a) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;~~

~~(b) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;~~

~~(c) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;~~

~~(d) Procedures for site plan review which incorporate consideration of potential water quality impacts;~~

~~(e) Procedures for receipt and consideration of information submitted by the public; and~~

~~(f) Procedures for site inspection and enforcement of control measures.~~

~~(3) NOTE: Examples of sanctions to ensure compliance include nonmonetary penalties, fines, bonding requirements and/or permit denials for noncompliance. The board recommends that procedures for site plan review include the review of individual pre construction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. You are encouraged to provide appropriate educational and training measures for construction site operators. You may wish to require a storm water pollution prevention plan for construction sites within your jurisdiction that discharge into your system. (See 9 VAC 25-31-220 R and subdivision E 2 of this section.) The board may recognize that another government entity may be responsible for implementing one or more of the minimum measures on your behalf.~~

## ~~e. Post-construction storm water management in new development and redevelopment.~~

~~(1) You must develop, implement, and enforce a program to address storm water run-off from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your~~

small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

(2) You must:

(a) Develop and implement strategies which include a combination of structural and/or nonstructural best management practices (BMPs) appropriate for your community;

(b) Use an ordinance or other regulatory mechanism to address post construction run off from new development and redevelopment projects to the extent allowable under state, tribal or local law; and

(c) Ensure adequate long term operation and maintenance of BMPs.

(3) NOTE: If water quality impacts are considered from the beginning stages of a project, new development and potentially redevelopment provide more opportunities for water quality protection. The board recommends that the BMPs chosen be appropriate for the local community, minimize water quality impacts, and attempt to maintain pre development run off conditions. In choosing appropriate BMPs, the board encourages you to participate in locally based watershed planning efforts which attempt to involve a diverse group of stakeholders, including interested citizens. When developing a program that is consistent with this measure's intent, the board recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post construction run off from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or nonstructural BMPs), operation and maintenance policies and procedures, and enforcement procedures. In developing your program, you should consider assessing existing ordinances, policies, programs and studies that address storm water run off quality. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program. Nonstructural BMPs are preventative actions that involve management and source controls such as: (i) policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (ii) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure; (iii) education programs for developers and the public about project designs that minimize water quality impacts; and (iv) measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas. Structural BMPs include: storage practices such as wet ponds and extended-

detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. The board recommends that you ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance. Storm water technologies are constantly being improved, and the board recommends that your requirements be responsive to these changes, developments or improvements in control technologies.

f. Pollution prevention/good housekeeping for municipal operations:

(1) You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant run off from municipal operations. Using training materials that are available from EPA, state, tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

(2) NOTE: The board recommends that, at a minimum, you consider the following in developing your program: maintenance activities, maintenance schedules, and long term inspection procedures for structural and nonstructural storm water controls to reduce floatables and other pollutants discharged from your separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.

3. If an existing qualifying local program requires you to implement one or more of the minimum control measures of subdivision 2 of this subsection, the board may include conditions in your VPDES permit that direct you to follow

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that qualifying program's requirements rather than the requirements of subdivision 2 of this subsection. A qualifying local program is a local, state or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of subdivision 2 of this subsection.

4. a. In your permit application (either a registration statement for coverage under a general permit or an individual permit application), you must identify and submit to the board the following information:

(1) The best management practices (BMPs) that you or another entity will implement for each of the storm water minimum control measures provided in subdivision 2 of this subsection;

(2) The measurable goals for each of the BMPs including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action; and

(3) The person or persons responsible for implementing or coordinating your storm water management program.

b. If you obtain coverage under a general permit, you are not required to meet any measurable goals identified in your registration statement in order to demonstrate compliance with the minimum control measures in subdivisions 2 c through f of this subsection unless, prior to submitting your registration statement, EPA or the board has provided or issued a menu of BMPs that addresses each such minimum measure. Even if no regulatory authority issues the menu of BMPs, however, you still must comply with other requirements of the general permit, including good faith implementation of BMPs designed to comply with the minimum measures.

c. NOTE: Either EPA or the board will provide a menu of BMPs. You may choose BMPs from the menu or select others that satisfy the minimum control measures.

5. a. You must comply with any more stringent effluent limitations in your permit, including permit requirements that modify or are in addition to the minimum control measures based on an approved total maximum daily load (TMDL) or equivalent analysis. The board may include such more stringent limitations based on a TMDL or equivalent analysis that determines such limitations are needed to protect water quality.

b. NOTE: The board strongly recommends that until the evaluation of the storm water program in subsection G of this section, no additional requirements beyond the minimum control measures be imposed on regulated small MS4s without the agreement of the operator of the affected small MS4, except where an approved TMDL or equivalent analysis provides adequate information to develop more specific measures to protect water quality.

6. You must comply with other applicable VPDES permit requirements, standards and conditions established in the individual or general permit developed consistent with the provisions of 9 VAC 25-31-190 through 9 VAC 25-31-250, as appropriate.

7. Evaluation and assessment.

a. You must evaluate program compliance, the appropriateness of your identified best management practices, and progress towards achieving your identified measurable goals. The board may determine monitoring requirements for you in accordance with monitoring plans appropriate to your watershed. Participation in a group monitoring program is encouraged.

b. You must keep records required by the VPDES permit for at least three years. You must submit your records to the department only when specifically asked to do so. You must make your records, including a description of your storm water management program, available to the public at reasonable times during regular business hours (see 9 VAC 25-31-80 for confidentiality provision). You may assess a reasonable charge for copying. You may require a member of the public to provide advance notice.

c. Unless you are relying on another entity to satisfy your VPDES permit obligations under subdivision E 1 of this section, you must submit annual reports to the department for your first permit term. For subsequent permit terms, you must submit reports in years two and four unless the department requires more frequent reports. Your report must include:

(1) The status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures;

(2) Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

(3) A summary of the storm water activities you plan to undertake during the next reporting cycle;

(4) A change in any identified best management practices or measurable goals for any of the minimum control measures; and

(5) Notice that you are relying on another governmental entity to satisfy some of your permit obligations (if applicable).

E. As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?

1. You may rely on another entity to satisfy your VPDES permit obligations to implement a minimum control measure if:

a. The other entity, in fact, implements the control measure;

b. The particular control measure, or component thereof, is at least as stringent as the corresponding VPDES permit requirement; and

c. The other entity agrees to implement the control measure on your behalf. In the reports you must submit under subdivision D 7 c of this section, you must also

~~specify that you rely on another entity to satisfy some of your permit obligations. If you are relying on another governmental entity regulated under the VPDES permit program to satisfy all of your permit obligations, including your obligation to file periodic reports required by subdivision D 7 c of this section, you must note that fact in your registration statement, but you are not required to file the periodic reports. You remain responsible for compliance with your permit obligations if the other entity fails to implement the control measure (or component thereof). Therefore, the board encourages you to enter into a legally binding agreement with that entity if you want to minimize any uncertainty about compliance with your permit.~~

~~2. In some cases, the board may recognize, either in your individual VPDES permit or in a VPDES general permit, that another governmental entity is responsible under a VPDES permit for implementing one or more of the minimum control measures for your small MS4. Where the board does so, you are not required to include such minimum control measure(s) in your storm water management program. Your permit may be reopened and modified to include the requirement to implement a minimum control measure if the entity fails to implement it.~~

~~F. As an operator of a regulated small MS4, what happens if I don't comply with the application or permit requirements in subsections C through E of this section?~~

~~VPDES permits are enforceable under the Clean Water Act and the State Water Control Law. Violators may be subject to the enforcement actions and penalties described in Clean Water Act §§ 309 (b), (c), and (g) and 505 or under §§ 62.1 44.20 through 62.1 44.32 of the Code of Virginia. Compliance with a permit issued pursuant to § 402 of the Clean Water Act is deemed compliance, for purposes of §§ 309 and 505, with §§ 301, 302, 306, 307, and 403, except any standard imposed under § 307 for toxic pollutants injurious to human health. If you are covered as a co-permittee under an individual permit or under a general permit by means of a joint registration statement, you remain subject to the enforcement actions and penalties for the failure to comply with the terms of the permit in your jurisdiction except as set forth in subdivision E 2 of this section.~~

~~G. Will the small MS4 storm water program regulations at subsections B through F of this section change in the future?~~

~~The board will evaluate the small MS4 regulations at subsections B through F of this section after December 10, 2012, and make any necessary revisions. (EPA intends to conduct an enhanced research effort and compile a comprehensive evaluation of the NPDES MS4 storm water program. The board will re-evaluate the regulations based on data from the EPA NPDES MS4 storm water program, from research on receiving water impacts from storm water, and the effectiveness of best management practices (BMPs), as well as other relevant information sources.)~~

**9 VAC 25-31-130. Concentrated animal feeding operations.**

A. Permit requirement for CAFOs.

1. Concentrated animal feeding operations are point sources that require VPDES permits for discharges or potential discharges. Once an operation is defined as a CAFO, the VPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter and process wastewater generated by those animals or the production of those animals, regardless of the type of animal.

2. Two or more animal feeding operations under common ownership are considered, for the purposes of this chapter, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

B. Case-by-case designations. The board may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to surface waters.

1. In making this designation the board shall consider the following factors:

- a. The size of the animal feeding operation and the amount of wastes reaching surface waters;
- b. The location of the animal feeding operation relative to surface waters;
- c. The means of conveyance of animal wastes and process wastewaters into surface waters;
- d. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewaters into surface waters; and
- e. Other relevant factors.

2. No animal feeding operation with less than the numbers of animals set forth in the definition of Medium CAFO in this regulation shall be designated as a concentrated animal feeding operation unless:

- a. Pollutants are discharged into surface waters through a manmade ditch, flushing system, or other similar manmade device; or
- b. Pollutants are discharged directly into surface waters which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

3. A permit application shall not be required from a concentrated animal feeding operation designated under this subsection until the board has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the VPDES permit program.

C. Who must seek coverage under a VPDES permit?

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1. All CAFO owners or operators must apply for a permit. All CAFO owners or operators must seek coverage under a VPDES permit, except as provided in subdivision 2 of this subsection. Specifically, the CAFO owner or operator must either apply for an individual VPDES permit or apply for coverage under a VPDES general permit. If there is no VPDES general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the board.

2. Exception. An owner or operator of a Large CAFO does not need to seek coverage under a VPDES permit if the owner or operator has received a notice from the board of a determination under 9 VAC 25-31-130 C 5 that the CAFO has "no potential to discharge" manure, litter or process wastewater.

3. Information to submit with permit application. A permit application for an individual permit must include the information specified in 9 VAC 25-31-100 I. A notice of intent for a general permit must include the information specified in 9 VAC 25-31-100 I and 9 VAC 25-31-170.

4. Land application discharges from a CAFO are subject to VPDES requirements. The discharge of manure, litter or process wastewater to surface waters from a CAFO as the result of the application of that manure, litter or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to VPDES requirements, except where it is an agricultural storm water discharge as provided in 33 USC § 1362(14). For purposes of this subdivision, where the manure, litter or process wastewater has been applied in accordance with a nutrient management plan approved by the Department of Conservation and Recreation and in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 9 VAC 25-31-200 F E, a discharge of manure, litter or process wastewater from land areas under the control of a CAFO is an agricultural storm water discharge.

5. "No potential to discharge" determinations for Large CAFOs.

a. Determination by the board. The board, upon request, may make a case-specific determination that a Large CAFO has "no potential to discharge" pollutants to surface waters. In making this determination, the board must consider the potential for discharges from both the production area and any land application areas. The board must also consider any record of prior discharges by the CAFO. In no case may the CAFO be determined to have "no potential to discharge" if it has had a discharge within the five years prior to the date of the request submitted under subdivision C 5 b of this section. For purposes of this section, the term "no potential to discharge" means that there is no potential for any CAFO manure, litter or process wastewater to be added to surface waters under any circumstance or climatic condition. A determination that there is "no potential to discharge" for purposes of this section only relates to the discharges of manure, litter and process wastewater covered by this section.

b. Information to support a "no potential to discharge" request. In requesting a determination of "no potential to discharge," the CAFO owner or operator must submit any information that would support such a determination within the time frame provided by the board and in accordance with subdivisions 6 and 7 of this subsection. Such information must include all the information specified in 9 VAC 25-31-100 F and 9 VAC 25-31-100 I 1. The board has discretion to require additional information to supplement the request, and may also gather additional information through onsite inspection of the CAFO.

c. Process for making a "no potential to discharge" determination. Before making a final decision to grant a "no potential to discharge" determination, the board must issue a notice to the public stating that a "no potential to discharge" request has been received. This notice must be accompanied by a fact sheet that includes, when applicable: a brief description of the type of facility or activity that is the subject of the "no potential to discharge" determination; a brief summary of the factual basis, upon which the request is based, for granting the "no potential to discharge" determination; and a description of the procedures for reaching a final decision on the "no potential to discharge" determination.

The board must base the decision to grant a "no potential to discharge" determination on the administrative record, which includes all information submitted in support of a "no potential to discharge" determination and any other supporting data gathered by the board. The board must notify any CAFO seeking a "no potential to discharge" determination of its final determination within 90 days of receiving the request.

d. Deadline for requesting a "no potential to discharge" determination. The owner or operator must request a "no potential to discharge" determination by the applicable permit application date specified in subdivision C 6 of this subsection.

e. The "no potential to discharge" determination does not relieve the CAFO from the consequences of an actual discharge. Any unpermitted CAFO that discharges pollutants into surface waters is in violation of State Water Control Law even if it has received a "no potential to discharge" determination from the board. Any CAFO that has received a determination of "no potential to discharge", but that anticipates changes in circumstances that could create the potential for a discharge, should contact the Department of Environmental Quality, and apply for and obtain permit authorization prior to the change of circumstances.

6. When a CAFO must seek coverage under a VPDES permit.

a. Operations defined as CAFOs prior to April 14, 2003. For operations that are defined as CAFOs under regulations that are in effect prior to April 14, 2003, the owner or operator must have or seek to obtain coverage under a VPDES permit as of April 14, 2003, and comply with all applicable VPDES requirements, including the



duty to maintain permit coverage in accordance with subdivision 7 of this subsection.

b. Operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date. For all CAFOs, the owner or operator of the CAFO must seek to obtain coverage under a VPDES permit by January 1, 2006.

c. Operations that become defined as CAFOs after April 14, 2003, but that are not new sources. For newly constructed AFOs and CAFOs that make changes to their operations that result in becoming defined as CAFOs for the first time, after April 14, 2003, but are not new sources, the owner or operator must seek to obtain coverage under a VPDES permit, as follows:

(1) For newly constructed operations not subject to effluent limitation guidelines, 180 days prior to the time the CAFO commences operation; or

(2) For other operations (e.g., resulting from an increase in the number of animals), as soon as possible, but no later than 90 days after becoming defined as a CAFO; except that

(3) If an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has at least until April 14, 2006.

d. New sources. New sources must seek to obtain coverage under a permit at least 180 days prior to the time the CAFO commences operation.

e. Operations that are designated CAFOs. For operations designated as a CAFO in accordance with subsection B of this section, the owner or operator must seek to obtain coverage under a VPDES permit no later than 90 days after receiving notice of the designation.

f. "No potential to discharge." Notwithstanding any other provision of this section, a CAFO that has received a "no potential to discharge" determination in accordance with subdivision 5 of this subsection is not required to seek coverage under a VPDES permit. If circumstances materially change at a CAFO that has received a "no potential to discharge" determination, such that the CAFO has a potential for a discharge, the CAFO has a duty to immediately notify the board and seek coverage under a VPDES permit within 30 days after the change in circumstances.

7. Duty to maintain permit coverage. No later than 180 days before the expiration of the permit, the permittee must submit an application to renew its permit, in accordance with 9 VAC 25-31-100. However, the permittee need not continue to seek continued permit coverage or reapply for a permit if:

a. The facility has ceased operation or is no longer a CAFO; and

b. The permittee has demonstrated to the satisfaction of the board that there is no remaining potential for a discharge of manure, litter or associated process wastewater that was generated while the operation was a

CAFO, other than agricultural storm water from application areas.

## 9 VAC 25-31-170. General permits.

A. The board may issue a general permit in accordance with the following:

1. The general permit shall be written to cover one or more categories or subcategories of discharges or sludge use or disposal practices or facilities described in the permit under subdivision 2 b of this subsection, except those covered by individual permits, within a geographic area. The area should correspond to existing geographic or political boundaries, such as:

a. Designated planning areas under §§ 208 and 303 of CWA;

b. Sewer districts or sewer authorities;

c. City, county, or state political boundaries;

d. State highway systems;

e. Standard metropolitan statistical areas as defined by the Office of Management and Budget;

f. Urbanized areas as designated by the Bureau of the Census according to criteria in 30 FR 15202 (May 1, 1974); or

g. Any other appropriate division or combination of boundaries.

2. The general permit may be written to regulate one or more categories or subcategories of discharges or sludge use or disposal practices or facilities, within the area described in subdivision 1 of this subsection, where the sources within a covered subcategory of discharges are either:

a. Storm water point sources; or

b. One or more categories or subcategories of point sources other than storm water point sources, or one or more categories or subcategories of treatment works treating domestic sewage, if the sources or treatment works treating domestic sewage within each category or subcategory all:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes or engage in the same types of sludge use or disposal practices;

(3) Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal;

(4) Require the same or similar monitoring; and

(5) In the opinion of the board, are more appropriately controlled under a general permit than under individual permits.

3. Where sources within a specific category of dischargers are subject to water quality-based limits imposed pursuant to 9 VAC 25-31-220, the sources in that specific category or

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subcategory shall be subject to the same water quality-based effluent limitations.

4. The general permit must clearly identify the applicable conditions for each category or subcategory of dischargers or treatment works treating domestic sewage covered by the permit.

5. The general permit may exclude specified sources or areas from coverage.

## B. Administration.

1. General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of this chapter.

2. Authorization to discharge, or authorization to engage in sludge use and disposal practices.

a. Except as provided in subdivisions 2 e and 2 f of this subsection, dischargers (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the department a written notice of intent to be covered by the general permit. A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with subdivision 2 e of this subsection, contains a provision that a notice of intent is not required or the board notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with subdivision 2 f of this subsection. A complete and timely notice of intent (NOI) to be covered in accordance with general permit requirements fulfills the requirements for permit applications for the purposes of this chapter.

b. The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream or streams. General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements. Notices of intent for coverage under a general permit for concentrated animal feeding operations must include the information specified in 9 VAC 25-31-100 I 1, including a topographic map. All notices of intent shall be signed in accordance with 9 VAC 25-31-110.

c. General permits shall specify the deadlines for submitting notices of intent to be covered and the date or dates when a discharger is authorized to discharge under the permit.

d. General permits shall specify whether a discharger (or treatment works treating domestic sewage) that has

submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice), in accordance with the permit either upon receipt of the notice of intent by the department, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the board. Coverage may be terminated or revoked in accordance with subdivision 3 of this subsection.

e. Discharges other than discharges from publicly owned treatment works, combined sewer overflows, ~~municipal separate storm sewer systems~~, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the board, be authorized to discharge under a general permit without submitting a notice of intent where the board finds that a notice of intent requirement would be inappropriate. In making such a finding, the board shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The board shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

f. The board may notify a discharger (or treatment works treating domestic sewage) that it is covered by a general permit, even if the discharger (or treatment works treating domestic sewage) has not submitted a notice of intent to be covered. A discharger (or treatment works treating domestic sewage) so notified may request an individual permit under subdivision 3 c of this subsection.

## 3. Requiring an individual permit.

a. The board may require any discharger authorized by a general permit to apply for and obtain an individual VPDES permit. Any interested person may request the board to take action under this subdivision. Cases where an individual VPDES permit may be required include the following:

(1) The discharger or treatment works treating domestic sewage is not in compliance with the conditions of the general VPDES permit;

(2) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;

(3) Effluent limitation guidelines are promulgated for point sources covered by the general VPDES permit;

(4) A water quality management plan containing requirements applicable to such point sources is approved;

(5) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general

permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;

(6) Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general VPDES permit; or

(7) The discharge(s) is a significant contributor of pollutants. In making this determination, the board may consider the following factors:

- (a) The location of the discharge with respect to surface waters;
- (b) The size of the discharge;
- (c) The quantity and nature of the pollutants discharged to surface waters; and
- (d) Other relevant factors;

b. Permits required on a case-by-case basis.

(1) The board may determine, on a case-by-case basis, that certain concentrated animal feeding operations, concentrated aquatic animal production facilities, storm water discharges, and certain other facilities covered by general permits that do not generally require an individual permit may be required to obtain an individual permit because of their contributions to water pollution.

(2) Whenever the board decides that an individual permit is required under this subsection, except as provided in subdivision 3 b (3) of this subsection, the board shall notify the discharger in writing of that decision and the reasons for it, and shall send an application form with the notice. The discharger must apply for a permit within 60 days of notice, unless permission for a later date is granted by the board. The question whether the designation was proper will remain open for consideration during the public comment period for the draft permit and in any subsequent public hearing.

(3) Prior to a case-by-case determination that an individual permit is required for a storm water discharge under this subsection, the board may require the discharger to submit a permit application or other information regarding the discharge under the law and § 308 of the CWA. In requiring such information, the board shall notify the discharger in writing and shall send an application form with the notice. The discharger must apply for a permit under 9 VAC 25-31-120 A 1 within 60 days of notice or under 9 VAC 25-31-120 A 9 7 within 180 days of notice, unless permission for a later date is granted by the board. The question whether the initial designation was proper will remain open for consideration during the public comment period for the draft permit and in any subsequent public hearing.

c. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under 9

VAC 25-31-100 with reasons supporting the request. The request shall be processed under the applicable parts of this chapter. The request shall be granted by issuing of an individual permit if the reasons cited by the owner or operator are adequate to support the request.

d. When an individual VPDES permit is issued to an owner or operator otherwise subject to a general VPDES permit, the applicability of the general permit to the individual VPDES permittee is automatically terminated on the effective date of the individual permit.

e. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

**9 VAC 25-31-200. Additional conditions applicable to specified categories of VPDES permits.**

The following conditions, in addition to those set forth in 9 VAC 25-31-190, apply to all VPDES permits within the categories specified below:

A. Existing manufacturing, commercial, mining, and silvicultural dischargers. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the department as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

- a. One hundred micrograms per liter (100 µg/l);
- b. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- c. Five times the maximum concentration value reported for that pollutant in the permit application; or
- d. The level established by the board in accordance with 9 VAC 25-31-220 F.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

- a. Five hundred micrograms per liter (500 µg/l);
- b. One milligram per liter (1 mg/l) for antimony;
- c. Ten times the maximum concentration value reported for that pollutant in the permit application; or
- d. The level established by the board in accordance with 9 VAC 25-31-220 F.

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B. Publicly and privately owned treatment works. All POTWs and PVOTWs must provide adequate notice to the department of the following:

1. Any new introduction of pollutants into the POTW or PVOTW from an indirect discharger which would be subject to § 301 or § 306 of the CWA and the law if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW or PVOTW by a source introducing pollutants into the POTW or PVOTW at the time of issuance of the permit.
3. For purposes of this subsection, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW or PVOTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW or PVOTW.
4. When the monthly average flow influent to a POTW or PVOTW reaches 95% of the design capacity authorized by the VPDES permit for each month of any three-month period, the owner shall within 30 days notify the department in writing and within 90 days submit a plan of action for ensuring continued compliance with the terms of the permit.
  - a. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current problem, or any problem which could be reasonably anticipated, resulting from high influent flows.
  - b. Upon receipt of the owner's plan of action, the board shall notify the owner whether the plan is approved or disapproved. If the plan is disapproved, such notification shall state the reasons and specify the actions necessary to obtain approval of the plan.
  - c. Failure to timely submit an adequate plan shall be deemed a violation of the permit.
  - d. Nothing herein shall in any way impair the authority of the board to take enforcement action under §§ 62.1-44.15, 62.1-44.23, or 62.1-44.32 of the Code of Virginia.

~~C. Municipal separate storm sewer systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the board under 9 VAC 25-31-120 A 1 e must submit an annual report by a date specified in the permit for such system. The report shall include:~~

- ~~1. The status of implementing the components of the storm water management program that are established as permit conditions;~~
- ~~2. Proposed changes to the storm water management programs that are established as permit condition. Such proposed changes shall be consistent with 9 VAC 25-31-120 C 2 d;~~
- ~~3. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application;~~
- ~~4. A summary of data, including monitoring data, that is accumulated throughout the reporting year;~~

~~5. Annual expenditures and budget for year following each annual report;~~

~~6. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and~~

~~7. Identification of water quality improvements or degradation.~~

D. C. Wastewater works operator requirements.

1. The permittee shall employ or contract at least one wastewater works operator who holds a current wastewater license appropriate for the permitted facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators (18 VAC 160-20). Notwithstanding the foregoing requirement, unless the discharge is determined by the board on a case-by-case basis to be a potential contributor of pollution, no licensed operator is required for wastewater treatment works:

- a. That have a design hydraulic capacity equal to or less than 0.04 mgd;
- b. That discharge industrial waste or other waste from coal mining operations; or
- c. That do not utilize biological or physical/chemical treatment.

2. In making this case-by-case determination, the board shall consider the location of the discharge with respect to state waters, the size of the discharge, the quantity and nature of pollutants reaching state waters and the treatment methods used at the wastewater works.

3. The permittee shall notify the department in writing whenever he is not complying, or has grounds for anticipating he will not comply with the requirements of subdivision 1 of this subsection. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

~~E. D. Lake level contingency plans. Any VPDES permit issued for a surface water impoundment whose primary purpose is to provide cooling water to power generators shall include a lake level contingency plan to allow specific reductions in the flow required to be released when the water level above the dam drops below designated levels due to drought conditions, and such plan shall take into account and minimize any adverse effects of any release reduction requirements on downstream users. This subsection shall not apply to any such facility that addresses releases and flow requirements during drought conditions in a Virginia Water Protection Permit.~~

~~F. E. Concentrated Animal Feeding Operations (CAFOs). The activities of the CAFO shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law. There shall be no point source discharge of manure, litter or process wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm, except that for swine, poultry, and veal calf operations constructed after April 14, 2003, in the case of a storm event greater than the 100-~~

year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic sewage or industrial waste shall not be managed under the Virginia Pollutant Discharge Elimination System General Permit for CAFOs (9 VAC 25-191). Any permit issued to a CAFO must include:

1. Requirements to develop and implement a nutrient management plan. At a minimum, a nutrient management plan must include best management practices and procedures necessary to implement applicable effluent limitations and standards. Permitted CAFOs must have their nutrient management plans developed and implemented by December 31, 2006. CAFOs that seek to obtain coverage under a permit after December 31, 2006, must have a nutrient management plan developed and implemented upon the date of permit coverage. The nutrient management plan must, to the extent applicable:

- a. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;
- b. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;
- c. Ensure that clean water is diverted, as appropriate, from the production area;
- d. Prevent direct contact of confined animals with surface waters of the state;
- e. Ensure that chemicals and other contaminants handled onsite are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
- f. Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to surface waters of the state;
- g. Identify protocols for appropriate testing of manure, litter, process wastewater and soil;
- h. Establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater; and
- i. Identify specific records that will be maintained to document the implementation and management of the minimum elements described above.

2. Recordkeeping requirements. The permittee must create, maintain for five years, and make available to the director upon request the following records:

- a. All applicable records identified pursuant to subdivision 1 i of this subsection;
- b. In addition, all CAFOs subject to EPA Effluent Guidelines for Feedlots (40 CFR Part 412) must comply

with recordkeeping requirements as specified in 40 CFR 412.37(b) and (c) and 40 CFR 412.47(b) and (c);

A copy of the CAFO's site-specific nutrient management plan must be maintained on site and made available to the director upon request.

3. Requirements relating to transfer of manure or process wastewater to other persons. Prior to transferring manure, litter or process wastewater to other persons, large CAFOs must provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of EPA Effluent Guidelines for Feedlots (40 CFR Part 412). Large CAFOs must retain for five years records of the date, recipient name and address and approximate amount of manure, litter or process wastewater transferred to another person.

4. Annual reporting requirements for CAFOs. The permittee must submit an annual report to the director. The annual report must include:

- a. The number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);
- b. Estimated amount of total manure, litter and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);
- c. Estimated amount of total manure, litter and process wastewater transferred to other persons by the CAFO in the previous 12 months (tons/gallons);
- d. Total number of acres for land application covered by the nutrient management plan developed in accordance with subdivision 1 of this subsection;
- e. Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous 12 months;
- f. Summary of all manure, litter and process wastewater discharges from the production area that occurred in the previous 12 months including date, time and approximate volume; and
- g. A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner.

### **9 VAC 25-31-220. Establishing limitations, standards, and other permit conditions.**

In addition to the conditions established under 9 VAC 25-31-210 A, each VPDES permit shall include conditions meeting the following requirements when applicable.

A. 1. Technology-based effluent limitations and standards based on effluent limitations and standards promulgated under § 301 of the CWA, on new source performance standards promulgated under § 306 of CWA, on case-by-case effluent limitations determined under § 402(a)(1) of

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CWA, or a combination of the three. For new sources or new dischargers, these technology-based limitations and standards are subject to the provisions of 9 VAC 25-31-180 B (protection period).

2. The board may authorize a discharger subject to technology-based effluent limitations guidelines and standards in a VPDES permit to forego sampling of a pollutant found at 40 CFR Subchapter N (2000) if the discharger has demonstrated through sampling and other technical factors that the pollutant is not present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the discharger. This waiver is good only for the term of the permit and is not available during the term of the first permit issued to a discharger. Any request for this waiver must be submitted when applying for a reissued permit or modification of a reissued permit. The request must demonstrate through sampling or other technical information, including information generated during an earlier permit term, that the pollutant is not present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the discharger. Any grant of the monitoring waiver must be included in the permit as an express permit condition and the reasons supporting the grant must be documented in the permit's fact sheet or statement of basis. This provision does not supersede certification processes and requirements already established in existing effluent limitations guidelines and standards.

## B. Other effluent limitations and standards.

1. Other effluent limitations and standards under §§ 301, 302, 303, 307, 318 and 405 of the CWA. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under § 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the board shall institute proceedings under this chapter to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

2. Standards for sewage sludge use or disposal under § 405(d) of the CWA and Part VI (9 VAC 25-31-420 et seq.) of this chapter unless those standards have been included in a permit issued under the appropriate provisions of Subtitle C of the Solid Waste Disposal Act (42 USC § 6901 et seq.), Part C of Safe Drinking Water Act (42 USC § 300f et seq.), the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC § 1401 et seq.), or the Clean Air Act (42 USC § 4701 et seq.), or in another permit issued by the Department of Environmental Quality, the Virginia Department of Health or any other appropriate state agency under another permit program approved by the administrator. When there are no applicable standards for sewage sludge use or disposal, the permit may include requirements developed on a case-by-case basis to protect public health and the environment from any adverse effects which may occur from toxic pollutants in sewage sludge. If any applicable standard for sewage sludge use or disposal is promulgated under § 405(d) of the CWA and that

standard is more stringent than any limitation on the pollutant or practice in the permit, the board may initiate proceedings under this chapter to modify or revoke and reissue the permit to conform to the standard for sewage sludge use or disposal.

C. Reopener clause. For any permit issued to a treatment works treating domestic sewage (including sludge-only facilities), the board shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under § 405(d) of the CWA. The board may promptly modify or revoke and reissue any permit containing the reopener clause required by this subdivision if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

D. Water quality standards and state requirements. Any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under §§ 301, 304, 306, 307, 318 and 405 of the CWA necessary to:

1. Achieve water quality standards established under the law and § 303 of the CWA, including state narrative criteria for water quality.

a. Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the board determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any Virginia water quality standard, including Virginia narrative criteria for water quality.

b. When determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a Virginia water quality standard, the board shall use procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and where appropriate, the dilution of the effluent in the receiving water.

c. When the board determines, using the procedures in subdivision 1 b of this subsection, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a Virginia numeric criteria within a Virginia water quality standard for an individual pollutant, the permit must contain effluent limits for that pollutant.

d. Except as provided in this subdivision, when the board determines, using the procedures in subdivision 1 b of this subsection, toxicity testing data, or other information, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion within an applicable Virginia water quality standard, the permit must contain effluent limits for whole effluent toxicity. Limits on whole effluent toxicity are not necessary where the board demonstrates in the fact sheet or statement of basis of the VPDES permit,

using the procedures in subdivision 1 b of this subsection, that chemical-specific limits for the effluent are sufficient to attain and maintain applicable numeric and narrative Virginia water quality standards.

e. Where Virginia has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable Virginia water quality standard, the board must establish effluent limits using one or more of the following options:

(1) Establish effluent limits using a calculated numeric water quality criterion for the pollutant which the board demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use. Such a criterion may be derived using a proposed Virginia criterion, or an explicit policy or regulation interpreting Virginia's narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, August 1994, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents; or

(2) Establish effluent limits on a case-by-case basis, using EPA's water quality criteria, published under § 307(a) of the CWA, supplemented where necessary by other relevant information; or

(3) Establish effluent limitations on an indicator parameter for the pollutant of concern, provided:

(a) The permit identifies which pollutants are intended to be controlled by the use of the effluent limitation;

(b) The fact sheet required by 9 VAC 25-31-280 sets forth the basis for the limit, including a finding that compliance with the effluent limit on the indicator parameter will result in controls on the pollutant of concern which are sufficient to attain and maintain applicable water quality standards;

(c) The permit requires all effluent and ambient monitoring necessary to show that during the term of the permit the limit on the indicator parameter continues to attain and maintain applicable water quality standards; and

(d) The permit contains a reopener clause allowing the board to modify or revoke and reissue the permit if the limits on the indicator parameter no longer attain and maintain applicable water quality standards.

f. When developing water quality-based effluent limits under this subdivision the board shall ensure that:

(1) The level of water quality to be achieved by limits on point sources established under this subsection is derived from, and complies with all applicable water quality standards; and

(2) Effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by Virginia and approved by EPA pursuant to 40 CFR 130.7 (2000);

2. Attain or maintain a specified water quality through water quality related effluent limits established under the law and § 302 of the CWA;

3. Conform to the conditions of a Virginia Water Protection Permit (VWPP) issued under the law and § 401 of the CWA.;

4. Conform to applicable water quality requirements under § 401(a)(2) of the CWA when the discharge affects a state other than Virginia;

5. Incorporate any more stringent limitations, treatment standards, or schedule of compliance requirements established under the law or regulations in accordance with § 301(b)(1)(C) of the CWA;

6. Ensure consistency with the requirements of a Water Quality Management plan approved by EPA under § 208(b) of the CWA;

7. Incorporate § 403(c) criteria under 40 CFR Part 125, Subpart M (2000), for ocean discharges; or

8. Incorporate alternative effluent limitations or standards where warranted by fundamentally different factors, under 40 the CFR Part 125, Subpart D (2000).

E. Technology-based controls for toxic pollutants. Limitations established under subsections A, B, or D of this section, to control pollutants meeting the criteria listed in subdivision 1 of this subsection. Limitations will be established in accordance with subdivision 2 of this subsection. An explanation of the development of these limitations shall be included in the fact sheet.

1. Limitations must control all toxic pollutants which the board determines (based on information reported in a permit application or in a notification required by the permit or on other information) are or may be discharged at a level greater than the level which can be achieved by the technology-based treatment requirements appropriate to the permittee; or

2. The requirement that the limitations control the pollutants meeting the criteria of subdivision 1 of this subsection will be satisfied by:

a. Limitations on those pollutants; or

b. Limitations on other pollutants which, in the judgment of the board, will provide treatment of the pollutants under subdivision 1 of this subsection to the levels required by the law and 40 CFR Part 125, Subpart A (2000).

F. A notification level which exceeds the notification level of 9 VAC 25-31-200 A 1 a, b, or c, upon a petition from the permittee or on the board's initiative. This new notification level may not exceed the level which can be

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achieved by the technology-based treatment requirements appropriate to the permittee.

G. Twenty-four-hour reporting. Pollutants for which the permittee must report violations of maximum daily discharge limitations under 9 VAC 25-31-190 L 7 b (3) (24-hour reporting) shall be listed in the permit. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

H. Durations for permits, as set forth in 9 VAC 25-31-240.

I. Monitoring requirements. The following monitoring requirements:

1. Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

2. Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

3. Applicable reporting requirements based upon the impact of the regulated activity and as specified in 9 VAC 25-31-190 and in subdivisions 5 through 8 of this subsection. Reporting shall be no less frequent than specified in the above regulation;

4. To assure compliance with permit limitations, requirements to monitor:

a. The mass (or other measurement specified in the permit) for each pollutant limited in the permit;

b. The volume of effluent discharged from each outfall;

c. Other measurements as appropriate including pollutants in internal waste streams; pollutants in intake water for net limitations; frequency, rate of discharge, etc., for noncontinuous discharges; pollutants subject to notification requirements; and pollutants in sewage sludge or other monitoring as specified in Part VI (9 VAC 25-31-420 et seq.) of this chapter; or as determined to be necessary on a case-by-case basis pursuant to the law and § 405(d)(4) of the CWA; and

d. According to test procedures approved under 40 CFR Part 136 (2000) for the analyses of pollutants having approved methods under that part, or alternative EPA approved methods, and according to a test procedure specified in the permit for pollutants with no approved methods;

5. Except as provided in subdivisions 7 and 8 of this subsection, requirements to report monitoring results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. For sewage sludge use or disposal practices, requirements to monitor and report results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the sewage sludge use or disposal practice; minimally this shall

be as specified in Part VI of this chapter (where applicable), but in no case less than once a year;

6. Requirements to report monitoring results for storm water discharges associated with industrial activity which are subject to an effluent limitation guideline shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year;

7. Requirements to report monitoring results for storm water discharges associated with industrial activity (other than those addressed in subdivision 6 of this subsection) shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, a permit for such a discharge must require:

a. The discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loading identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;

b. The discharger to maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, and identifying any incidents of noncompliance;

c. Such report and certification be signed in accordance with 9 VAC 25-31-110; and

d. Permits for storm water discharges associated with industrial activity from inactive mining operations may, where annual inspections are impracticable, require certification once every three years by a Registered Professional Engineer that the facility is in compliance with the permit, or alternative requirements; and

8. Permits which do not require the submittal of monitoring result reports at least annually shall require that the permittee report all instances of noncompliance not reported under 9 VAC 25-31-190 L 1, 4, 5, 6, and 7 at least annually.

J. Pretreatment program for POTWs. Requirements for POTWs to:

1. Identify, in terms of character and volume of pollutants, any significant indirect dischargers into the POTW subject to pretreatment standards under § 307(b) of the CWA and Part VII (9 VAC 25-31-730 et seq.) of this chapter;

2. Submit a local program when required by and in accordance with Part VII of this chapter to assure compliance with pretreatment standards to the extent applicable under § 307(b) of the CWA. The local program shall be incorporated into the permit as described in Part VII of this chapter. The program shall require all indirect dischargers to the POTW to comply with the reporting requirements of Part VII of this chapter;



3. Provide a written technical evaluation of the need to revise local limits under Part VII of this chapter following permit issuance or reissuance; and

4. For POTWs which are sludge-only facilities, a requirement to develop a pretreatment program under Part VII of this chapter when the board determines that a pretreatment program is necessary to assure compliance with Part VI of this chapter.

K. Best management practices to control or abate the discharge of pollutants when:

1. Authorized under § 304(e) of the CWA for the control of toxic pollutants and hazardous substances from ancillary industrial activities;

2. Authorized under § 402(p) of the CWA for the control of storm water discharges;

3. Numeric effluent limitations are infeasible; or

4. The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the law and the CWA.

L. Reissued permits.

1. In the case of effluent limitations established on the basis of § 402(a)(1)(B) of the CWA, a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under § 304(b) of the CWA subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. In the case of effluent limitations established on the basis of §§ 301(b)(1)(C) or 303(d) or (e) of the CWA, a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except in compliance with § 303(d)(4) of the CWA.

2. Exceptions. A permit with respect to which subdivision 1 of this subsection applies may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant, if:

a. Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation;

b. (1) Information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance; or

(2) The board determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under § 402(a)(1)(B) of the CWA;

c. A less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy;

d. The permittee has received a permit modification under the law and §§ 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a) of the CWA; or

e. The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

Subdivision 2 b of this subsection shall not apply to any revised waste load allocations or any alternative grounds for translating water quality standards into effluent limitations, except where the cumulative effect of such revised allocations results in a decrease in the amount of pollutants discharged into the concerned waters, and such revised allocations are not the result of a discharger eliminating or substantially reducing its discharge of pollutants due to complying with the requirements of the law or the CWA or for reasons otherwise unrelated to water quality.

3. In no event may a permit with respect to which subdivision 2 of this subsection applies be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters be renewed, issued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a Virginia water quality standard applicable to such waters.

M. For a privately owned treatment works, any conditions expressly applicable to any user, as a limited co-permittee, that may be necessary in the permit issued to the treatment works to ensure compliance with applicable requirements under this part. Alternatively, the board may issue separate permits to the treatment works and to its users, or may require a separate permit application from any user. The board's decision to issue a permit with no conditions applicable to any user, to impose conditions on one or more users, to issue separate permits, or to require separate applications, and the basis for that decision, shall be stated in the fact sheet for the draft permit for the treatment works.

N. Any conditions imposed in grants made by the board to POTWs under §§ 201 and 204 of the CWA which are reasonably necessary for the achievement of effluent limitations under § 301 of the CWA and the law.

O. Requirements governing the disposal of sewage sludge from publicly owned treatment works or any other treatment works treating domestic sewage for any use regulated by Part VI of this chapter.

P. When a permit is issued to a facility that may operate at certain times as a means of transportation over water, a condition that the discharge shall comply with any applicable regulations promulgated by the secretary of the department in which the Coast Guard is operating, that establish specifications for safe transportation, handling, carriage, and storage of pollutants.

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Q. Navigation. Any conditions that the Secretary of the Army considers necessary to ensure that navigation and anchorage will not be substantially impaired in accordance with 9 VAC 25-31-330.

~~R. Qualifying state, tribal, or local programs.~~

~~1. For storm water discharges associated with small construction activity identified in 9 VAC 25-31-10, the board may include permit conditions that incorporate qualifying state, tribal, or local erosion and sediment control program requirements by reference. Where a qualifying state, tribal, or local program does not include one or more of the elements in this subdivision, then the board must include those elements as conditions in the permit. A qualifying state, tribal, or local erosion and sediment control program is one that includes:~~

~~a. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;~~

~~b. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;~~

~~c. Requirements for construction site operators to develop and implement a storm water pollution prevention plan. A storm water pollution prevention plan includes site descriptions; descriptions of appropriate control measures; copies of approved state, tribal or local requirements; maintenance procedures; inspection procedures; and identification of nonstorm water discharges; and~~

~~d. Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.~~

~~2. For storm water discharges from construction activity that does not meet the definition of a small construction activity, the board may include permit conditions that incorporate qualifying state, tribal, or local erosion and sediment control program requirements by reference. A qualifying state, tribal or local erosion and sediment control program is one that includes the elements listed in subdivision 1 of this subsection and any additional requirements necessary to achieve the applicable technology-based standards of "best available technology" and "best conventional technology" based on the best professional judgment of the permit writer.~~

**9 VAC 25-31-390. Modification or revocation and reissuance of permits.**

A. Causes for modification. The following are causes for modification but not revocation and reissuance of permits except when the permittee requests or agrees.

1. There are material and substantial alterations or additions to the permitted facility or activity (including a change or changes in the permittee's sludge use or disposal practice) which occurred after permit issuance which justify the

application of permit conditions that are different or absent in the existing permit.

2. The department has received new information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For VPDES general permits this cause includes any information indicating that cumulative effects on the environment are unacceptable. For new source or new discharger VPDES permits this cause shall include any significant information derived from effluent testing required on the permit application after issuance of the permit.

3. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

a. For promulgation of amended standards or regulations, when:

(1) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved or promulgated water quality standards, or the Secondary Treatment Regulations incorporated by reference in 9 VAC 25-31-30; and

(2) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a state action with regard to a water quality standard on which the permit condition was based; and

(3) A permittee requests modification in accordance with this chapter within 90 days after Federal Register notice of the action on which the request is based;

b. For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this chapter within 90 days of judicial remand; or

c. For changes based upon modified state certifications of VPDES permits.

4. The board determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may a VPDES compliance schedule be modified to extend beyond an applicable CWA statutory deadline.

5. When the permittee has filed a request for a variance pursuant to 9 VAC 25-31-100 L or M within the time specified in this chapter.

6. When required to incorporate an applicable CWA § 307(a) toxic effluent standard or prohibition.

7. When required by the reopener conditions in a permit which are established under 9 VAC 25-31-220 B or C or 9 VAC 25-31-800 E.

8. a. Upon request of a permittee who qualifies for effluent limitations on a net basis under 9 VAC 25-31-230 G.

b. When a discharger is no longer eligible for net limitations as provided in 9 VAC 25-31-230 G 1 b.

9. As necessary under 9 VAC 25-31-800 E for a pretreatment program.

10. Upon failure to notify another state whose waters may be affected by a discharge.

11. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee.

12. To establish a notification level as provided in 9 VAC 25-31-220 F.

13. To modify a schedule of compliance to reflect the time lost during construction of an innovative or alternative facility, in the case of a POTW which has received a grant under § 202(a)(3) of the CWA for 100% of the costs to modify or replace facilities constructed with a grant for innovative and alternative wastewater technology under § 202(a)(2) of the CWA. In no case shall the compliance schedule be modified to extend beyond an applicable CWA statutory deadline for compliance.

14. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.

15. When the discharger has installed the treatment technology considered by the permit writer in setting effluent limitations imposed under the law and § 402(a)(1) of the CWA and has properly operated and maintained the facilities but nevertheless has been unable to achieve those effluent limitations. In this case, the limitations in the modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by a subsequently promulgated effluent limitations guideline).

16. When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.

17. ~~For a small MS4, to include an effluent limitation requiring implementation of a minimum control measure or measures as specified in 9 VAC 25-31-121 D-2 when:~~

~~a. The permit does not include such measures based upon the determination that another entity was responsible for implementation of the requirements; and~~

~~b. The other entity fails to implement measures that satisfy the requirements.~~

B. Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

1. Cause exists for termination under 9 VAC 25-31-410, and the board determines that modification or revocation and reissuance is appropriate; or

2. The department has received notification of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

VA.R. Doc. No. R05-94; Filed December 17, 2004, 2:43 p.m.

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

**Title of Regulation:** 9 VAC 25-720. Water Quality Management Planning Regulation (amending 9 VAC 25-720-50, 9 VAC 25-720-60, 9 VAC 25-720-80 and 9 VAC 25-720-90).

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

**Effective Date:** February 9, 2005.

**Agency Contact:** Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136 or e-mail [chmartin@deq.virginia.gov](mailto:chmartin@deq.virginia.gov).

**Summary:**

*The amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) consist of the inclusion of 13 Total Maximum Daily Load (TMDL) waste load allocations contained in nine TMDL reports. The TMDLs were developed in accordance with Federal Regulations (40 CFR 130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning."*

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## 9 VAC 25-720-50. Potomac-Shenandoah River Basin.

### A. Total maximum daily load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Muddy Creek	Nitrate TMDL Development for Muddy Creek/Dry River, Virginia	Rockingham	B21R	Nitrate	49,389.00	LB/YR
2.	Blacks Run	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Sediment	32,844.00	LB/YR
3.	Cooks Creek	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Sediment	69,301.00	LB/YR
4.	Cooks Creek	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Phosphorus	0.00	LB/YR
5.	Muddy Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham	B22R	Sediment	286,939.00	LB/YR
6.	Muddy Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham	B22R	Phosphorus	38.00	LB/YR
7.	Holmans Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham/Shenandoah	B45R	Sediment	78,141.00	LB/YR
8.	Mill Creek	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B29R	Sediment	276.00	LB/YR
9.	Mill Creek	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B29R	Phosphorus	138.00	LB/YR
10.	Pleasant Run	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B27R	Sediment	0.00	LB/YR
11.	Pleasant Run	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B27R	Phosphorus	0.00	LB/YR
12.	Linville Creek	Total Maximum Load Development for Linville Creek: Bacteria and Benthic Impairments	Rockingham	B46R	Sediment	5.50	TONS/YR
13.	Quail Run	Benthic TMDL for Quail Run	Rockingham	B35R	Ammonia	7,185.00	KG/YR
14.	Quail Run	Benthic TMDL for Quail Run	Rockingham	B35R	Chlorine	27.63	KG/YR
15.	Shenandoah River	Development of Shenandoah River PCB TMDL (South Fork and Main Stem)	Warren & Clarke	B41R, B55R, B57R, B58R	PCBs	179.38	G/YR
16.	Shenandoah River	Development of Shenandoah River PCB TMDL (North Fork)	Warren & Clarke	B51R	PCBs	0.00	G/YR
17.	Shenandoah River	Development of Shenandoah River PCB TMDL (Main Stem)	Warren & Clarke	WV	PCBs	179.38	G/YR
18.	Cockran Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Augusta	B10R	Organic Solids	1,556.00	LB/YR
19.	Lacey Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Rockingham	B47R	Organic Solids	680.00	LB/YR
20.	Orndorff Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Shenandoah	B52R	Organic Solids	103.00	LB/YR
21.	Toms Brook	Benthic TMDL for Toms Brook in Shenandoah County, Virginia	Shenandoah	B50R	Sediment	8.1	T/YR

22.	Goose	Benthic TMDLs for the Goose Creek Watershed	Loudoun, Fauquier	A08R	Sediment	1,587	T/YR
23.	Little River	Benthic TMDLs for the Goose Creek Watershed	Loudoun	A08R	Sediment	105	T/YR

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

TABLE B1 - POTOMAC RIVER SUB-BASIN RECOMMENDED SEGMENT CLASSIFICATIONS

SEGMENT NUMBER	DESCRIPTION OF SEGMENT	MILE TO MILE	CLASSIFICATION
1-23	Potomac River tributaries from the Virginia-West Virginia state line downstream to the boundary of the Dulles Area Watershed Policy	176.2 – 149.0	WQ
1-24	Potomac River tributaries located within the boundaries of the Dulles Area Watershed Policy	149.0 – 118.4	WQ
1-25	Potomac River tributaries from the downstream limit of the Dulles Area Watershed Policy to Jones Point	118.4 – 107.6	WQ
1-26	Potomac River tributaries from Jones Point downstream to Route 301 bridge	107.6 – 50.2	WQ
1-27	All Streams included in the Occoquan Watershed Policy	_____	WQ
1-28	Potomac tributaries from Route 301 bridge downstream to the mouth of the Potomac River	50.2-0.0	EL

TABLE B2 – POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER FACILITIES

Facility Number	Name	Receiving Stream	Recommended Action	SIZE	Treatment level (4)	BOD <sub>5</sub>	ODD	TKN	P	Institutional Arrangement
1	Hillsboro	North Fork Catocin Creek WQ (1-23)	Construct new facility	.043 <sup>(2)</sup>	AWT	7 <sup>(7)</sup>	-	-	-	Loudoun County Sanitation Authority (LCSA)
2	Middleburg	Wancopin Creek WQ (1-23)	Construct new facility; abandon old facility	.135	AST	14 <sup>(5)</sup>	-	-	-	LCSA
3	Middleburg East and West	Unnamed tributary to Goose Creek WQ (1-23)	Abandon- pump to new facility							
4	Round Hill	North Fork Goose Creek	No further action recommended	.2	AWT	10 <sup>(5)</sup>	-	-	-	Town of Round Hill
5	St. Louis	Beaver Dam Creek WQ (1-23)	Construct new facility	.086	AST	20 <sup>(5)</sup>	-	-	-	LSCA
6	Waterford	South Fork Catocin Creek WQ (1-23)	No further action recommended	.058	AST	24 <sup>(5)</sup>	-	-	-	LSCA
7	Hamilton	Unnamed tributary to South Fork of Catocin Creek WQ (1-23)	Upgrade and or expand	.605 <sup>(2)</sup>	AWT	7 <sup>(7)</sup>	-	-	-	Town of Hamilton
8	Leesburg	Tuscarora Creek (1-24)	Upgrade and or expand	2.5	AWT	1 <sup>(9)</sup>	-	1	0.1	Town of Leesburg
9	Lovettesville	Dutchman Creek WQ (1-23)	Upgrade and or expand	.269 <sup>(2)</sup>	AWT	7 <sup>(7)</sup>	-	-	-	Town of Lovettesville
10	Purcellville	Unnamed tributary to North Fork Goose Creek WQ (1-23)	No further action recommended	.5	AST	15 <sup>(5)</sup>	-	-	-	Town of Purcellville
11	Paeonian Springs	Unnamed tributary to South Fork of Catocin Creek WQ (1-23)	Construct new facility	.264 <sup>(2)</sup>	AWT	7 <sup>(7)</sup>	-	-	-	LCSA

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12	Cedar Run Regional	Walnut Branch or Kettle Run WQ (1-27)	Construct new facility	1.16 <sup>(2)</sup>	AWT	1 <sup>(6)</sup>	-	1	0.1	Fauquier County Sanitation Authority
13	Vint Hill Farms	South Run (1-27)	Upgrade and/or expand	.246	AST	14 <sup>(5)</sup>	-	-	2.5	U.S. Army
14	Arlington	Four Mile Run WQ (1-25)	Upgrade and/or expand	30 <sup>(3)</sup>	AWT	3 <sup>(8)</sup>	-	1	0.2	Arlington County
15	Alexandria	Hunting Creek WQ (1-26)	Upgrade and/or expand	54	AWT	3 <sup>(8)</sup>	-	1	.02	Alexandria Sanitation Authority
16	Westgate	Potomac River WQ (1-26)	Abandon- pump to Alexandria							
17	Lower Potomac	Pohick Creek WQ (1-26)	Upgrade and/or expand	36(3)	AWT	3/8	-	1	0.2	Fairfax County
18	Little Hunting Creek	Little Hunting Creek WQ (1-26)	Abandon- pump to Lower Potomac							
19	Doque Creek	Doque Creek WQ (1-26)	Abandon- pump to Lower Potomac							
20	Fort Belvoir 1 and 2	Doque Creek WQ (1-26)	Abandon- pump to Lower Potomac							
21	Lorton	Mills Branch WQ (1-26)	Upgrade and/or expand	1.0	AWT	3 <sup>(11)</sup>	-	1	0.1	District of Columbia
22	UOSA	Tributary to Bull Run WQ (1-27)	Expanded capacity by 5 mgd increments	10.9 <sup>(3)</sup>	AWT	1 <sup>(6)</sup>	-	1	0.1	USOA
23	Gainesville Haymarket	Tributary Rock Branch WQ (1-27)	Abandon Pump to UOSA							
24	Potomac (Mooney)	Neabsco Creek WQ (1-26)	Construct new facility	12 <sup>(3)</sup>	AWT	3 <sup>(8)</sup>	-	1	0.2	Occoquan-Woodbridge Dumfries-Triangle Sanitary District
25	Belmont	Marumsco Creek WQ (1-26)	Abandon- pump to Potomac							
26	Featherstone	Farm Creek WQ (1-26)	Abandon- pump to Potomac							
27	Neabsco	Neabsco Creek WQ (1-26)	Abandon- pump to Potomac							
28	Dumfries	Quantico Creek WQ (1-26)	Abandon- pump to Potomac							
29	Dale City #1	Neabsco Creek WQ (1-26)	Upgrade and /or expand	4.0	AWT	3 <sup>(8)</sup>	-	1	0.2	Dale Service Corporation (DSC)
30	Dale City #8	Neabsco Creek WQ (1-26)	Upgrade and /or expand	2.0	AWT	3 <sup>(8)</sup>	1	1	0.2	DSC
31	Quantico Mainside	Potomac River WQ (1-26)	Upgrade and /or expand	2.0	AWT	3 <sup>(8)</sup>	-	1	0.2	U.S. Marine Corps
32	Aquia Creek	Austin Run WQ (1-26)	Construct new facility	3.0	AWT	3 <sup>(8)</sup>	-	1	0.2	Aquia Sanitary District
33	Aquia	Aquia Creek WQ (1-26)	Abandon- pump to new facility							
34	Fairview Beach	Potomac River (estuary)	Construct new facility	.05	Secondary	Secondary	-	-	-	Fairview Beach Sanitary District
35	Dahlgren	Upper Machodoc Creek WQ (1-28)	Upgrade and /or and expand	.2	Secondary	Secondary	-	-	-	Dahlgren Sanitary District
36	Colonial Beach	Monroe Creek EL (1-28)	No further action recommended	.85	Secondary	28 <sup>(5)(13)</sup>				Town of Colonial Beach
37	Machodoc Kinsale		Construct new facility	.89	Secondary & Spray Irrigation	48 <sup>(10)(13)</sup>	-	-	-	Machodoc Kinsale Sanitary District
38	Callao		Construct new facility	.25	Secondary & Spray Irrigation	48 <sup>(10)(13)</sup>	-	-	-	Callao Sanitary District

39	Heathsville		Construct new facility	.10	Secondary & Spray Irrigation	48 <sup>(10)</sup> (13)	-	-	-	Heathsville Sanitary District
40	King George Courthouse	Pine Creek	Construct new facility	.039	Secondary	30 <sup>(13)</sup>	-	-	-	King George County

TABLE B2 - NOTES: POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER TREATMENT FACILITIES

- (1) Year 2000 design flow 201 Facility Plan, P.L. 92-500, unless otherwise noted.
- (2) Year 2000 average flow from Potomac/Shenandoah 303(e) Plans, Vol V-A Appendix, 1975 pp. B-33-B-44.
- (3) Future expansion at unspecified date.
- (4) Secondary treatment: 24-30 mg/l BOD<sub>5</sub>, advanced secondary treatment (AST): 11-23 mg/l, advanced wastewater treatment (AWT): <10mg/l BOD<sub>5</sub>. A range is given to recognize that various waste treatment processes have different treatment efficiencies.
- (5) Effluent limits calculated using mathematical modeling.
- (6) Effluent limits based on Occoquan Watershed Policy, presented under reevaluation.
- (7) Effluent limits based on treatment levels established by the Potomac/Shenandoah 303(e) Plan, Vol. V-A 1975, p. 237, to protect low flow streams and downstream water supply.
- (8) Effluent limits based on Potomac River Embayment Standards, presently under reevaluation. Nitrogen removal limits deferred until reevaluation is complete.
- (9) Effluent limits based on Dulles Watershed Policy, recommended for reevaluation. Interim effluent limits of 12 mg/l BOD<sub>5</sub> and 20 mg/l Suspended Solids will be met until the Dulles Area Watershed Standards are reevaluated.
- (10) Effluent limits based on Virginia Sewerage Regulation, Section 33.02.01.
- (11) Interim effluent limits of 30 mg/l BOD<sub>5</sub>, 30mg/l Suspended Solids, and 4 mg/l Phosphorus, will be effective until average daily flows exceeds 0.75 MGD. At greater flows than 0.75 MGD, the effluent limitations will be defined by the Potomac Embayment Standards.
- (12) Secondary treatment is permitted for this facility due to the the extended outfall into the main stem of the Potomac River.
- (13) This facility was also included in the Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.

TABLE B3 - SHENANDOAH RIVER SUB-BASIN RECOMMENDED SEGMENT CLASSIFICATIONS

SEGMENT NUMBER	DESCRIPTION OF SEGMENT	MILE TO MILE	CLASSIFICATION
1-1	North River-main stream and tributaries excluding segments 1-1a, 1-1b	56.4-0.0	EL
1-1a	Muddy Creek-main stream and War Branch, RM 0.1-0.0	3.7 - 1.7	WQ
1-1b	North River-main stream	16.1 - 4.6	WQ
1-2	Middle River-main stream and tributaries excluding segments 1-2a, 1-2b	69.9 - 0.0	EL
1-2a	Middle River-main stream	29.5 - 17.9	WQ
1-2b	Lewis Creek-main stream	9.6 - 0.0	WQ
1-3	South River-main stream and tributaries excluding segment 1-3a	52.2 - 0.0	EL
1-4	South Fork Shenandoah-main stream and tributaries excluding segments 1-4a, 1-4b, 1-4c	102.9 - 0.0	EL
1-4a	South Fork Shenandoah-main stream	88.1 - 78.2	WQ
1-4b	Hawksbill Creek-main stream	6.20 - 0.0	WQ
1-4c	Quail Run-main stream	5.2 - 3.2	WQ
1-5	North Fork Shenandoah- main stream and tributaries excluding segment 1-5a, 1-5h	108.9 - 0.0	EL
1-5a	Stony Creek-main stream	19.9 - 14.9	WQ
1-5b	North Fork Shenandoah-main stream	89.0 - 81.4	WQ
1-6	Shenandoah River-main stream and tributaries excluding segments 1-6a, 1-6b	57.4 - 19.8	EL
1- 6a	Stephens Run-main stream	8.3 - 0.0	WQ

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1-6b	Dog Run-main stream	5.2 - 0.0	WQ
1-7	Opequon Creek-main stream and tributaries excluding segments 1-7a, 1-7b	54.9 - 23.6	EL
1-7a	Opequon Creek-main stream	32.3 - 23.6	WQ
1-7b	Abrams Creek-main stream	8.7 - 0.0	WQ
1-8	All Virginia streams upstream of Opequon-Potomac confluence that have headwaters in Frederick County	--	EL
1-9	All Virginia streams upstream of Opequon-Potomac confluence that have headwaters in Highland County	--	EL

\* R.M. = River Mile, measured from the river mouth

TABLE B4 - SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN FOR SELECTED INDUSTRIAL WASTEWATER TREATMENT FACILITIES

FACILITY NUMBER	NAME <sup>(1)</sup>	INDUSTRIAL CATEGORY	RECEIVING STREAM CLASSIFICATION	RECOMMENDED WASTELOAD ALLOCATION <sup>(2)</sup>			COMPLIANCE SCHEDULE
				BOD <sub>5</sub>	TKN	NH <sub>3</sub> -N	
1	Wampler	Food Processing	War Branch WQ (1-1a)	84 <sup>(3)</sup>	-	-	None
6	Wayn-Tex	Plastic and Synthetic Materials Mfg.*	South River WQ (1-3a)	44 <sup>(5)</sup>	-	-	None
7	DuPont	Plastic and Synthetic Materials Mfg.*	South River WQ (1-3a)	600	-	50	None
8	Crompton-Shenandoah	Textile Mills*	South River WQ (1-3a)	60	173 <sup>(4)</sup>	88	None
10	General Electric	Electroplating*	South River WQ (1-3a)	BPT Effluent Limits			None
12	Merck	Miscellaneous Chemicals (Pharmaceutical)*	S. F. Shenandoah River WQ (1-4a)	3454	2846	1423	Consent Order
17	VOTAN	Leather, Tanning and Finishing*	Hawksbill Creek WQ (1-4b)	240	75	-	None
21	National Fruit	Food Processing	N. F. Shenandoah River WQ (1-5b)	(6)	(6)	(6)	None
22	Rockingham Poultry	Food Processing	N. F. Shenandoah River WQ (1-5b)	(6)	(6)	(6)	None
23	Shen-Valley Meat Packers	Food Processing	N. F. Shenandoah River WQ (1-5b)	(6)	(6)	(6)	None
35	O'Sullivan	Rubber Processing* Machinery and Mechanical Products Manufacturing	Abrams Creek WQ (1-7b)	BPT Effluent Limits			None

TABLE B4 - NOTES: SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN SELECTED INDUSTRIAL WASTEWATER TREATMENT FACILITIES

<sup>(1)</sup> An \* identifies those industrial categories that are included in EPA's primary industry classification for which potential priority toxic pollutants have been identified.

<sup>(2)</sup> Allocation (lb/d) based upon 7Q10 stream flow. Tiered permits may allow greater wasteloads during times of higher flow. BPT = Best Practicable Technology.

<sup>(3)</sup> A summer 1979 stream survey has demonstrated instream D.O. violations. Therefore, the identified wasteload allocation is to be considered as interim and shall be subject to further analysis.

<sup>(4)</sup> The NPDES permit does not specify TKN but does specify organic-N of 85 lb/d. TKN is the sum of NH<sub>3</sub>-N and organic -N.

<sup>(5)</sup> This allocation is based upon a flow of 0.847 MGD.

<sup>(6)</sup> The total assimilative capacity for segment WQ (1-5b) will be developed from an intensive stream survey program and development of an appropriate calibrated and verified model. Wasteload allocations for National Fruit, Rockingham Poultry and



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Shen-Valley will be determined after the development of the calibrated and verified model and the determination of the segment's assimilative capacity.

TABLE B5 - SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN FOR SELECTED MUNICIPAL WASTEWATER TREATMENT FACILITIES

FACILITY NUMBER	NAME	RECOMMENDED RECEIVING STREAM	FACILITY			WASTELOAD ALLOCATION <sup>(3)</sup> lb/d BOD <sub>5</sub>	INSTITUTIONAL ARRANGEMENT	COMPLIANCE SCHEDULE
			RECOMMENDED ACTION	SIZE <sup>(1)</sup>	TREATMENT <sup>(2)</sup> LEVEL			
2	Harrisonburg Rockingham Reg. Sewer Auth.	North River WQ (1-1)	Correct I/I	12.0 <sup>(5)</sup>	AST	2,000 <sup>(6)</sup>	Harrisonburg-Rockingham Regional Sewer Authority	None
3	Verona	Middle River WQ (1-2a)	Construct new facility, abandon old plant, correct I/I	0.8	Secondary	Secondary Limits	Augusta County Service Authority	July 1, 1983
4	Staunton	Middle River WQ (1-2a)	Upgrade, provide outfall to Middle River, correct I/I	4.5	Secondary	Secondary Limits	City of Staunton	July 1, 1983
5	Fishersville	Christians Creek EL (1-2)	No further action recommended	2.0	Secondary	Secondary Limits	Augusta County Service Authority	None
9	Waynesboro	South River WQ (1-3a)	Upgrade, correct I/I	4.0	AWT with nitrification	250 <sup>(5)</sup>	City of Waynesboro	July 1, 1983
11	Grottoes	South River EL (1-3)	Construct new facility	0.225	Secondary	Secondary Limits	Town of Grottoes	No existing facility
13	Elkton	S.F. Shenandoah River WQ (1-4a)	Construct new facility, abandon old plant	0.4	Secondary	Secondary Limits	Town of Elkton	July 1, 1983
14	Massanutten Public Service Corporation	Quail Run WQ (1-4c)	No further action recommended	1.0	AWT	84.0 <sup>(8)</sup>	Private	None
15	Shenandoah	S.F. Shenandoah River EL (1-4)	Upgrade, expand, correct I/I	0.35	Secondary	Secondary limits	Town of Shenandoah	No existing facility
16	Stanley	S.F. Shenandoah River EL (1-4)	Construct new facility	0.3	Secondary	Secondary limits	Town of Stanley	No existing facility
18	Luray	Hawksbill Creek WQ (1-4b)	Construct new facility, abandon old plant, correct I/I	0.8	Secondary	Secondary Limits	Town of Luray	July 1, 1983
19	Front Royal	Shenandoah River EL (1-6)	Construct new facility, abandon old plant, correct I/I	2.0	Secondary	Secondary Limits	Town of Front Royal	July 1, 1983
20	Broadway	N.F. Shenandoah River WQ (1-5b)	Upgrade, expand, investigate I/I	(6)	(6)	(6)	Town of Broadway	July 1, 1983
24	Timberville	N.F. Shenandoah River WQ (1-5b)	Upgrade, expand, investigate I/I	(6)	(6)	(6)	Town of Timberville	July 1, 1983
25	New Market	N.F. Shenandoah River EL (1-5)	Upgrade, investigate I/I	0.2	Secondary	Secondary Limits	Town of New Market	July 1, 1983
26	Mount Jackson	N.F. Shenandoah River EL (1-5)	Upgrade, expand, correct I/I	.0.2	Secondary	Secondary Limits	Town of Mount Jackson	July 1, 1983
27	Edinburg	N.F. Shenandoah River EL (1-5)	Upgrade, expand, investigate I/I	0.15	Secondary AST	Secondary Limits 65	Town of Edinburg Public	July 1, 1983 None
28	Stony Creek Sanitary District	River EL (1-5) Stony Creek WQ (1-5a)	No further action required	0.6	AST	65	Public	
29	Woodstock	N.F. Shenandoah River EL (1-5)		0.5	Secondary	Secondary Limits	Town of Woodstock	July 1, 1983
30	Toms Brook-Mauertown	Toms Brook EL (1-5)	Construct new facility	0.189	Secondary	Secondary Limits	Toms Brook	No existing facility

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31	Strasburg	N.F. Shenandoah River EL (1-5)	Upgrade, expand, correct I/I	0.8	Secondary	Secondary Limits	Town of Strasburg	July 1, 1983
32	Middletown	Meadow Brook EL (1-5)	Upgrade, expand	0.2	Secondary	Secondary	Town of Middletown	July 1, 1983
33	Stephens City Stephens Run	Stephens Run EL (1-6a)	Upgrade, expand	0.54	AST	72	Frederick-Winchester Service Authority	July 1, 1983
34	Berryville	Shenandoah River EL (1-6)	Upgrade, provide outfall to Shenandoah River, investigate I/I	0.41	Secondary	Secondary Limits	Town of Berryville	July 1, 1983
36	Frederick-Winchester Regional	Opequon Creek WQ (1-7a)	Construct new facility, abandon county and city plans, correct I/I	6.0	AWT with nitrification	456 <sup>(7)</sup>	Frederick-Winchester Service Authority	July 1, 1983
37	Monterey	West Strait Creek EL (1-9)	Upgrade, correct I/I	0.075	Secondary	Secondary Limits	Town of Monterey	July 1, 1983

TABLE B5 - NOTES: SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN FOR SELECTED MUNICIPAL WASTEWATER TREATMENT FACILITIES

(1) Year 2000 design flow (MGD) unless otherwise noted.

(2) Secondary treatment: 24-30 mg/l BOD<sub>5</sub>, advanced secondary treatment (AST): 11-23 mg/l BOD<sub>5</sub>, advanced wastewater treatment (AWT): <10 mg/l BOD<sub>5</sub>. A range is given to recognize that various waste treatment processes have different treatment efficiencies.

(3) Recommended wasteload allocation calculated using mathematical modeling based upon 7Q10 stream flows. Tiered permits may allow greater wasteloads during periods of higher stream flows. Allocations other than BOD<sub>5</sub> are noted by footnote.

(4) The July 1, 1983, data is a statutory deadline required by P.L. 92-500, as amended by P.L. 92-217. The timing of construction grant funding may result in some localities to miss this deadline.

(5) Year 2008 design.

(6) This BOD loading is based on a 7Q10 flow rate of 26.8 cfs at the HRRSA discharge.

(7) NH<sub>3</sub>-N = 50 lb/d.

(8) This allocation is based on a TKN loading no greater than 84 lb/day.

## 9 VAC 25-720-60. James River Basin.

### A. Total maximum daily load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Pheasanty Run	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Bath	I14R	Organic Solids	1,231.00	LB/YR
2.	Wallace Mill Stream	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Augusta	I32R	Organic Solids	2,814.00	LB/YR
3.	Montebello Sp. Branch	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Nelson	H09R	Organic Solids	37.00	LB/YR
4.	Unnamed Tributary to Deep Creek	General Standard Total Maximum Daily Load for Unnamed Tributary to Deep Creek	Nottoway	J11R	Raw Sewage	0	GAL/YR

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

TABLE B1 - UPPER JAMES RIVER BASIN RECOMMENDED SEGMENT CLASSIFICATION

Stream Name	Segment No.	Mile to Mile	Classification	Comments
Maury River	2-4	80.3-0.0	E.L.	Main & tributaries
James River	2-5	271.5-266.0	W.Q.	Main only
James River	2-6	266.0-115.0	E.L.	Main & tributaries except Tye & Rivanna River
Tye River	2-7	41.7-0.0	E.L.	Main & tributaries except Rutledge Creek
Rutledge Creek	2-8	3.0-0.0	W.Q.	Main only
Piney River	2-9	20.6-0.0	E.L.	Main & tributaries
Rivanna River	2-10	20.0-0.0	E.L.	Main & tributaries
Rivanna River	2-11	38.1-20.0	W.Q.	Main only
Rivanna River	2-12	76.7-38.1	E.L.	Main & tributaries
S.F. Rivanna River	2-13	12.2-0.0	E.L.	Main & tributaries
Mechum River	2-14	23.1-0.0	E.L.	Main & tributaries
N.F. Rivanna River	2-15	17.0-0.0	E.L.	Main & tributaries except Standardsville Run
Standardsville Run	2-16	1.2-0.0	W.Q.	Main only
Appomattox River	2-17	156.2-27.7	E.L.	Main & tributaries except Buffalo Creek, Courthouse Branch, and Deep Creek
Buffalo Creek	2-18	20.9-0.0	E.L.	Main & tributaries except Unnamed Tributary @ R.M. 9.3
Unnamed Tributary of Buffalo Creek @ R.M. 9.3	2-19	1.3-0.0	W.Q.	Main only
Courthouse Branch	2-20	0.6-0.0	W.Q.	Main only
Deep Creek	2-21	29.5-0.0	E.L.	Main & tributaries except Unnamed Tributary @ R.M. 25.0
Unnamed Tributary of Deep Creek @ R.M. 25.0	2-22	2.2-0.0	W.Q.	Main only

TABLE B2 - UPPER JAMES RIVER BASIN LOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT<sup>7</sup>

Stream Name	Segment Number	Classification	Mile to Mile	Significant Discharges	Total Assimilative Capacity of Stream BOD <sub>5</sub> lbs/day	Wasteload Allocation BOD <sub>5</sub> lbs/day <sup>2</sup>	Reserve BOD <sub>5</sub> lbs/day <sup>5</sup>
Cedar Creek	2-3	E.L.	1.9-0.0	Natural Bridge, Inc. STP	35.0	28.0	7.0 (20%)
Elk Creek	2-3	E.L.	2.8-0.0	Natural Bridge Camp for Boys STP	7.0	3.3	3.7 (53%)
Little Calpasture River	2-4	E.L.	10.9-4.0	Craigsville	12.0	9.6	2.4 (20%)
Cabin River	2-4	E.L.	1.7-0.0	Millboro	Self - sustaining	None	None
Maury River	2-4	E.L.	19.6-12.2	Lexington STP	380.0	380.0	None
Maury River	2-4	E.L.	12.2-1.2	Georgia Bonded Fibers	760.0	102.0 <sup>3</sup>	238.0 (31%)
				Buena Vista STP		420.0	
Maury River	2-4	E.L.	1.2-0.0	Lees Carpets	790.0	425.0 <sup>3</sup>	290.0 (37%)

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				Glasgow STP		75.0	
James River	2-5	W.Q.	271.5-266.0	Owens-Illinois	4,640.0	4,640.0 <sup>3</sup>	None
James River	2-6	E.L.	257.5-231.0	Lynchburg STP	10,100.0	8,000.0	2,060.0 (20%)
				Babcock & Wilcox- NNFD		40.0 <sup>3</sup>	
James River	2-6	E.L.	231.0-202.0	Virginia Fibre	3,500.0	3,500.0	None
Rutledge Creek	2-8	W.Q.	3.0-0.0	Amherst STP	46.0	37.0	9.0 (20%)
Town Creek	2-7	E.L.	2.1-0.0	Lovingston STP	26.0	21.0	5.0 (20%)
Ivy Creek	2-6	E.L.	0.1-0.0	Schuyler	13.8	11.0	2.8 (20%)
James River	2-6	E.L.	186.0-179.0	Uniroyal, Inc.	1,400.0	19.3 <sup>6</sup>	1,336.0 (95%)
				Scottsville STP		45.0	
North Creek	2-6	E.L.	3.1-0.0	Fork Union STP	31.0	25.0	6.0 (20%)
Howells Branch and Licking Hole Creek	2-14	E.L.	0.7-0.0	Morton Frozen Foods	20.0	20.0 <sup>3</sup>	None
Standardsville Run	2-16	W.Q.	1.2-0.0	Standardsville STP	17.9	14.3	3.6 (20%)
Rivanna River	2-11	W.Q.	23.5-20.0	Lake Monticello STP	480.0	380.0	100.0 (20%)
Rivanna River	2-10	E.L.	15.0-0.0	Palmyra	250.0	4.0	158.0 (63%)
				Schwarzenbach Huber		88.0 <sup>3</sup>	
Unnamed Tributary of Whispering Creek	2-6	E.L.	1.2-0.0	Dillwyn STP	38.0	30.0	8.0 (21%)
South Fork Appomattox River	2-17	E.L.	5.5-0.0	Appomattox Lagoon	18.8	15.0	3.8 (20%)
Unnamed Tributary of Buffalo Creek	2-19	W.Q.	1.3-0.0	Hampden-Sydney Coll. STP	10.0	8.0	2.0 (20%)
Appomattox River	2-17	E.L.	106.1-88.0	Farmville STP	280.0	220.0	60.0 (21%)
Unnamed Tributary of Little Guinea Creek	2-17	E.L.	2.5-1.3	Cumberland H.S. Lagoon	0.6	0.5	0.1 (20%)
Unnamed Tributary of Tear Wallet Creek	2-17	E.L.	0.68-0.0	Cumberland Courthouse	8.8	7.0	1.8 (20%)
Courthouse Branch	2-22	W.Q.	2.2-0.0	Amelia STP	21.0	17.0	4.0 (20%)
Unnamed Tributary of Deep Creek	2-22	W.Q.	2.2-0.0	Crewe STP	50.3 <sup>11,12</sup>	50.1 <sup>11,12</sup>	0.2 (0.4%) <sup>11,12,13</sup>

<sup>1</sup> Recommended classification.

<sup>2</sup> Based on 2020 loads or stream assimilative capacity less 20%.

<sup>3</sup> Load allocation based on published NPDES permits.

<sup>4</sup> This assimilative capacity is based upon an ammonia loading no greater than 125.1 lbs/day.

<sup>5</sup> Percentages refer to reserve as percent of total assimilative capacity. Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

<sup>6</sup> No NPDES Permits published (BPT not established) allocation base on maximum value monitored.

<sup>7</sup> This table is for the existing discharge point. The recommended plan may involve relocation or elimination of stream discharge.

<sup>8</sup> Assimilative capacity will be determined upon completion of the ongoing study by Hydrosience, Inc.

<sup>9</sup> Discharges into Karnes Creek, a tributary to the Jackson River.

<sup>10</sup> Discharges into Wilson Creek, near its confluence with Jackson River.

<sup>11</sup> Five-day Carbonaceous Biological Oxygen Demand (cBOD<sub>5</sub>).

<sup>12</sup> Revision supersedes all subsequent Crewe STP stream capacity, allocation, and reserve references.

<sup>13</sup> 0.4 percent reserve: determined by SWCB Piedmont Regional Office.

Source: Wiley & Wilson, Inc.

**TABLE B3 - UPPER JAMES RIVER BASIN ADDITIONAL LOAD ALLOCATIONS BASED ON RECOMMENDED DISCHARGE POINT**

Stream Name	Segment Number	Classification <sup>1</sup>		Significant Discharges	Total Assimilative Capacity of Stream BOD <sub>5</sub> lbs/day	Wasteload <sup>2</sup> Allocation BOD <sub>5</sub> lbs/day	Reserve <sup>4</sup> BOD <sub>5</sub> lbs/day <sup>5</sup>
Mill Creek	2-4	E.L.	5.5-0.0	Millboro	30.0	7.3	22.7 (76%)
Calfpasture River	2-4	E.L.	4.9-0.0	Goshen	65.0	12.0	53.0 (82%)
Maury River	2-4	E.L.	1.2-0.0	Lees Carpet	790.0	425.0 <sup>3</sup>	235.0 (30%)
				Glasgow Regional S.T.P.		130.0	
Buffalo River	2-7	E.L.	9.6-0.0	Amherst S.T.P.	150.0	120.0	30.0 (20%)
Rockfish River	2-6	E.L.	9.5-0.0	Schuyler S.T.P.	110.0	25.0	85.0 (77%)
Standardsville Run		E.L.		Standardsville	Land Application Recommended		
South Fork Appomattox River		E.L.		Appomattox Lagoon	Connect to Recommended Facility in Roanoke River Basin		
Buffalo Creek	2-17	E.L.	9.3-7.7	Hampden-Sydney College	46.0	23.0	23.0 (50%)
Unnamed trib. of Tear Wallet Creek		E.L.		Cumberland Courthouse	Land Application Recommended		
Courthouse Branch		E.L.		Amelia	Land Application Recommended		
Deep Creek	2-17	E.L.	25.0-12.8	Crewe S.T.P.	69.0	55.0	14.0 (20%)

<sup>1</sup>Recommended classification.

<sup>2</sup>Based on 2020 loads or stream assimilative capacity less 20%.

<sup>3</sup>Load allocation based on published NPDES permit.

<sup>4</sup>Percentages refer to reserve as percent of total assimilative capacity. Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

<sup>5</sup>Assimilative capacity will be determined upon completion of the ongoing study by Hydrosience, Inc.

Source: Wiley & Wilson, Inc.

**TABLE B4 - SEGMENT CLASSIFICATION UPPER JAMES-JACKSON RIVER SUBAREA**

Stream Name	Segment Number	Mile to Mile	Stream Classification	Comments
Back Creek	2-1	16.06-8.46	W.Q.	Main Only
Jackson River	2-1	95.70-24.90	E.L.	Main and Tributaries
Jackson River	2-2	24.90-0.00	W.Q.	Main Only
Jackson River	2-2	24.90-0.00	E.L.	Tributaries Only
James River	2-3	349.50-308.50	E.L.	Main and Tributaries
James River	2-3	308.50-279.41	E.L.	Main and Tributaries

**TABLE B5 - UPPER JAMES-JACKSON RIVER SUBAREA WASTELOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT<sup>1</sup>**

MAP LOCATION	STREAM NAME	SEGMENT NUMBER	SEGMENT CLASSIFICATION STANDARDS	MILE to <sup>2</sup> MILE	DISCHARGER	VPDES PERMIT NUMBER	VPDES PERMIT LIMITS BOD <sub>5</sub> kg/day	303(e) <sup>3</sup> WASTELOAD ALLOCATION BOD <sub>5</sub> kg/day
1	Jackson River	2-1	E.L.	93.05-	Virginia Trout	VA0071722	N/A	Secondary
B	Warm Springs Run	2-1	E.L.	3.62-0.00	Warm Springs STP	VA0028233	9.10	Secondary
3	Back Creek	2-1	W.Q.	16.06-8.46	VEPCO	VA0053317	11.50	11.50
C	X-trib to Jackson River	2-1	E.L.	0.40-0.0	Bacova	VA0024091	9.10	Secondary
D	Hot Springs Run	2-1	E.L.	5.30-0.00	Hot Springs Reg. STP	VA0066303	51.10	Secondary
E	X-trib to Cascades Creek	2-1	E.L.	3.00-0.00	Ashwood-Healing Springs STP	VA0023726	11.30	Secondary
F	Jackson River	2-1	E.L.	50.36-	U.S. Forest Service Bolar Mountain	VA0032123	1.98	Secondary

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G	Jackson River	2-1	E.L.	43.55	U.S. Army COE Morris Hill Complex	VA0032115	1.70	Secondary
H	Jackson River	2-1	E.L.	29.84-	Alleghany County Clearwater Park	VA0027955	5.70	Secondary
4	Jackson River	2-1	E.L.	25.99	Covington City Water Treatment Plant	VA0058491	N/A	Secondary
5	Jackson River	2-2	W.Q.	24.64-19.03	Westvaco	VA0003646	4,195.00	4,195.00 <sup>4</sup>
6					Covington City <sup>5</sup> Asphalt Plant	VA0054411	N/A	N/A
7					Hercules, Inc <sup>6</sup>	VA0003450	94.00	94.00
J	Jackson River	2-2	W.Q.	19.03-10.5	Covington STP	VA0025542	341.00	341.00
K	Jackson River			10.5-0.0	Low Moor STP <sup>7</sup>	VA0027979	22.70	22.70
M					D.S. Lancaster CC <sup>8</sup>	VA0028509	3.60	3.60
L					Selma STP <sup>9</sup>	VA0028002	59.00	59.00
10					The Chessie System <sup>10</sup>	VA0003344	N/A	N/A
N					Clifton Forge STP <sup>11</sup>	VA0002984	227.00	227.00
11					Lydall <sup>12</sup>	VA0002984	6.00	6.00
P					Iron Gate STP <sup>13</sup>	VA0020541	60.00	60.00
8	Paint Bank Branch	2-2	E.L.	1.52	VDGIF Paint Bank Hatchery	VA0098432	N/A	Secondary
I	Jerrys Run	2-2	E.L.	6.72-	VDOT 1-64 Rest Area	VA0023159	0.54	Secondary
AA	East Branch (Sulfer Spring)	2-2	E.L.	2.16	Norman F. Nicholas	VA0078403	0.05	Secondary
BB	East Branch (Sulfer Spring)	2-2	E.L.	1.91-	Daryl C. Clark	VA0067890	0.068	Secondary
9	Smith Creek	2-2	E.L.	3.44-	Clifton Forge Water Treatment Plant	VA0006076	N/A	Secondary
O	Wilson Creek	2-2	E.L.	0.20-0.0	Cliffondale <sup>14</sup> Park STP	VA0027987	24.00	Secondary
2	Pheasanty Run	2-3	E.L.	0.01-	Coursey Springs	VA0006491	434.90	Secondary
Q	Grannys Creek	2-3	E.L.	1.20-	Craig Spring Conference Grounds	VA0027952	3.40	Secondary
CC	X-trib to Big Creek	2-3	E.L.	1.10-	Homer Kelly Residence	VA0074926	0.05	Secondary
12	Mill Creek	2-3	E.L.	0.16-	Columbia Gas Transmission Corp.	VA0004839	N/A	Secondary
R	John Creek	2-3	E.L.	0.20-	New Castle STP(old)	VA0024139	21.00	Secondary
S	Craig Creek	2-3	E.L.	48.45-36.0	New Castle STP (new)	VA0064599	19.90	Secondary
T	Craig Creek	2-3	E.L.	46.98-	Craig County Schools McCleary E.S.	VA0027758	0.57	Secondary
DD	Eagle Rock Creek	2-3	E.L.	0.08-	Eagle Rock STP <sup>15</sup> (Proposed)	VA0076350	2.30	Secondary
U	X-trib to Catawba Creek	2-3	E.L.	0.16	VDMH & R Catawba Hospital	VA0029475	13.60	Secondary
14	Catawba Creek	2-3	E.L.	23.84	Tarmac-Lonestar	VA0078393	0.80	Secondary
FF	Borden Creek	2-3	E.L.	2.00-	Shenandoah Baptist Church Camp	VA0075451	0.88	Secondary
EE	X-trib to Borden Creek	2-3	E.L.	0.36	David B. Pope	VA0076031	0.07	Secondary
V	X-trib to Catawba Creek	2-3	E.L.	3.21-	U.S. FHA Flatwood Acres	VA0068233	0.03	Secondary
W	Catawba Creek	2-3	E.L.	11.54-	Fincastle STP	VA0068233	8.50	Secondary
X	Looney Mill Creek	2-3	E.L.	1.83-	VDOT I-81 Rest Area	VA0023141	0.91	Secondary
Y	X-trib to Stoney	2-3	E.L.	0.57	VDOC Field Unit No. 25 Battle Creek	VA0023523	1.10	Secondary
Z	James River	2-3	E.L.	308.5-286.0	Buchanan STP	VA0022225	27.00	Secondary

TABLE B5 - NOTES:

N/A Currently No BOD<sub>5</sub> limits or wasteload have been imposed by the VPDES permit. Should BOD<sub>5</sub> limits (wasteload) be imposed a WQMP amendment would be required for water quality limited segments only.

<sup>1</sup> Secondary treatment levels are required in effluent limiting (E.L.) segments. In water quality limiting (W.Q.) segments quantities listed represent wasteload allocations.

<sup>2</sup> Ending river miles have not been determined for some Effluent Limited segments.

<sup>3</sup> These allocations represent current and original (1977 WQMP) modeling. Future revisions may be necessary based on Virginia State Water Control Board modeling.

<sup>4</sup> The total assimilative capacity at critical stream flow for this portion of Segment 2-2 has been modeled and verified by Hydroscience, Inc. (March 1977) to be 4,914 kg/day BOD<sub>5</sub>.

<sup>5</sup> The discharge is to an unnamed tributary to the Jackson River at Jackson River mile 22.93.

<sup>6</sup> The discharge is at Jackson River mile 19.22.

<sup>7</sup> The discharge is to the mouth of Karnes Creek, a tributary to the Jackson River at Jackson River mile 5.44.

<sup>8</sup> The discharge is at Jackson River mile 6.67.

<sup>9</sup> The discharge is at Jackson River mile 5.14.

<sup>10</sup> The discharge is at Jackson River mile 4.72.

<sup>11</sup> The discharge is at Jackson River mile 3.46.

<sup>12</sup> The discharge is at Jackson River mile 1.17

<sup>13</sup> The discharge is at Jackson River mile 0.76

<sup>14</sup> The discharge is to the mouth of Wilson Creek, a tributary to the Jackson River at Jackson River mile 2.44.

<sup>15</sup> The discharge is to the mouth of Eagle Rock Creek, a tributary to the Jackson River at Jackson River mile 330.35.

TABLE B6 - RICHMOND CRATER INTERIM WATER QUALITY MANAGEMENT PLAN STREAM CLASSIFICATIONS - JAMES RIVER BASIN

SEGMENT	SEGMENT NUMBER	MILE TO MILE	CLASSIFICATION
USGS HUC02080206 James River	2-19	115.0-60.5	W.Q.
USGS HUC02080207 Appomattox	2-23	30.1-0.0	W.Q.

TABLE B6 - \* Note: A new stream segment classification for the Upper James Basin was adopted in 1981. The SWCB will renumber or realign these segments in the future to reflect these changes. This Plan covers only a portion of these segments.

TABLE B7 - RICHMOND CRATER INTERIM WATER QUALITY MANAGEMENT PLAN – CURRENT PERMITTED WASTE LOADS (March 1988)

	SUMMER (June-October)					WINTER (November-May)						
	FLOW (mgd)	BOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1</sup>		DO <sup>2</sup> (mg/l)	FLOW (mgd)	BOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1</sup>		DO <sup>2</sup> (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)			(lbs/d)	(mg/l)			
City of Richmond STP <sup>3</sup>	45.00	3002	8.0	-	-	-	45.00	5367	14.3	-	-	-
E.I. DuPont-Spruance	8.68	936	-	-	-	-	8.68	936	-	-	-	-
Falling Creek STP	9.00	1202	16.0	-	-	5.9	9.00	2253	30.0	-	-	5.9
Proctor's Creek STP	6.40	1601	30.0	-	-	5.9	11.80	2952	30.0	-	-	5.9
Reynolds Metals Company	0.39	138	-	7	-	-	0.39	138	-	7	-	-
Henrico STP	30.00	3005	12.0	-	-	5.9	30.00	7260	29.0	-	-	5.9
American Tobacco Company	1.94	715	-	-	-	-	1.94	716	-	-	-	-
ICI Americas, Inc.	0.20	152	-	-	-	-	0.20	152	-	-	-	-
Phillip Morris- Park 500	1.50	559	-	-	-	-	1.50	557	-	-	-	-
Allied (Chesterfield)	51.00	1207	-	-	-	-	51.00	1207	-	-	-	-
Allied (Hopewell)	150.00	2500	-	-	-	-	150.00	2500	-	-	-	-
Hopewell Regional WTF	34.08	12507	44.0	-	-	4.8	34.08	12507	44.0	-	-	4.8
Petersburg STP	15.00	2804	22.4	-	-	5.0	15.00	2804	22.4	-	-	5.0
TOTAL	353.19	30328					358.59	39349				

<sup>1</sup> NH<sub>3</sub>-N values represent ammonia as nitrogen.

<sup>2</sup> Dissolved oxygen limits represent average minimum allowable levels.

<sup>3</sup> Richmond STP's BOD<sub>5</sub> is permitted as CBOD<sub>5</sub>

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TABLE B7 - WASTE LOAD ALLOCATIONS FOR THE YEAR 1990

	SUMMER (June-October)					WINTER (November-May)					
	FLOW (mgd)	CBOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1,3</sup>		DO <sup>2</sup> (mg/l)	CBOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1</sup>		DO <sup>2</sup> (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.00	3002	8.0	2403	6.4	5.6	5367	14.3	5707	15.2	5.6
E.I. DuPont-Spruance	11.05	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	12.00	1602	16.0	961	9.6	5.9	2403	24.0	1402	14.0	5.9
Reynolds Metals Co.	0.49	172		8		6.5	172		8		6.5
Henrico STP	30.00	3002	12.0	2403	9.6	5.6	4756	19.0	3504	44.0	5.6
American Tobacco Co.	2.70	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris- Park 500	2.20	819		92		4.6	819		92		4.6
Allied (Chesterfield)	53.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	165.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	34.07	12502	44.0	12091	36.2	4.8	12502	44.0	10291	36.2	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	380.81	31084		28978			36679	35958			

<sup>1</sup> NH<sub>3</sub>-N values represent ammonia as nitrogen.

<sup>2</sup> Dissolved oxygen limits represent average minimum allowable levels.

<sup>3</sup> Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

TABLE B7 - WASTE LOAD ALLOCATION FOR THE YEAR 2000

	SUMMER (June-October)					WINTER (November-May)					
	FLOW (mgd)	CBOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1,3</sup>		DO <sup>2</sup> (mg/l)	CBOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1</sup>		DO <sup>2</sup> (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.08	3002	8.0	2403	6.4	5.6	5367	14.3	5707	15.2	5.6
E.I. DuPont-Spruance	196.99	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	16.80	1602	11.4	961	6.9	5.9	2403	17.1	1402	10.0	5.9
Reynolds Metals Co.	0.78	172		13		6.5	172		13		6.5
Henrico STP	32.80	3002	11.0	2403	8.8	5.6	4756	17.4	3504	12.8	5.6
American Tobacco Co.	3.00	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris- Park 500	2.90	819		92		4.6	819		92		4.6
Allied (Chesterfield)	56.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	170.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	36.78	12502	40.7	12091	33.5	4.8	12502	40.7	10291	33.5	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	406.43	31084		28982			36679		35963		

<sup>1</sup> NH<sub>3</sub>-N values represent ammonia as nitrogen.

<sup>2</sup> Dissolved oxygen limits represent average minimum allowable levels.

<sup>3</sup> Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

TABLE B7 - WASTE LOAD ALLOCATIONS FOR THE YEAR 2010

	SUMMER (June-October)					WINTER (November-May)					
	FLOW (mgd)	CBOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1,3</sup>		DO <sup>2</sup> (mg/l)	CBOD <sub>5</sub>		NH <sub>3</sub> -N <sup>1</sup>		DO <sup>2</sup> (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.86	3002	7.8	2403	6.3	5.6	5367	14.0	5707	14.9	5.6
E.I. DuPont-Spruance	16.99	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	24.00	1602	8.0	961	4.8	5.9	2403	12.0	1402	7.0	5.9
Reynolds Metals Co.	0.78	172		13		6.5	172		13		6.5
Henrico STP	38.07	3002	9.5	2403	7.6	5.6	4756	15.0	3504	11.0	5.6



American Tobacco Co.	3.00	715		113		5.8		715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8		167		8		3.1
Phillip Morris- Park 500	2.90	819		92		4.6		819		92		4.6
Allied (Chesterfield)	56.00	1255		442		5.7		1255		442		5.7
Allied (Hopewell)	180.00	2750		10326		6.1		2750		10326		6.1
Hopewell Regional WTF	39.61	12502	37.8	10291	31.1	4.8		12502	37.8	10291	31.1	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0		2802	22.4	2028	16.2	5.0
TOTAL	432.1	31084		28982				36679		35963		

<sup>1</sup> NH<sub>3</sub>-N values represent ammonia as nitrogen.

<sup>2</sup> Dissolved oxygen limits represent average minimum allowable levels.

<sup>3</sup> Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

## 9 VAC 25-720-80. Roanoke River Basin.

### A. Total maximum Daily Load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Ash Camp Creek	Total Maximum Daily Load Development for Ash Camp Creek	Charlotte	L39R	Sediment	20.7	T/YR
2.	North Fork Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Sediment	0	T/YR
3.	North Fork Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Phosphorus	0	T/YR
4.	Upper Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Sediment	0.526	T/YR

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

TABLE B1 - STREAM SEGMENT CLASSIFICATION

Classification	Segment description
WQMA IV	
E	All tributaries to the Roanoke River not previously classified in the WQMA.
WQMA V	
E	Roanoke River and all tributaries in this WQMA.
WQMA VI	
WQ	Ash Camp Creek.
EL	Twittys Creek.
E	Roanoke Creek to include all tributaries not previously classified in the WQMA.
WQMA VII	
WQ	Banister River from /confluence of Polecat Creek to confluence of Dan and Banister Rivers (River only).
EL	Dan River from confluence Miry Creek to backwaters of Kerr Reservoir (River only).
WQ	Kerr Reservoir.
WQ	Little Bluestone Creek.
WQ	Butcher Creek
WQ	Flat Creek.
E	All tributaries to Kerr Reservoir, Dan River and Banister River not previously classified in this WQMA.
E	Roanoke River from confluence Clover Creek to headwaters of Kerr Reservoir.
E	All tributaries to the Roanoke River in this WQMA not previously classified.

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WQMA VIII	E	Hycro River from the NC-VA, State Line to its confluence with the Dan River to include all tributaries.
WQMA IX	E	Banister River through this WQMA
	EL	Georges Creek.
	EL	Cherrystone Creek.
	E	All tributaries to the Banister River not previously classified in this WQMA.
WQMA X	E	Dan River from NC-VA State Line to one mile above the confluence of Sandy River (River only).
	E	Sandy River to include all tributaries.
	WQ	Dan River from one mile above confluence of Sandy River to NC-VA line.
	E	Dan River from NC-VA line to confluence Miry Creek
	E	All tributaries to the Dan River in Virginia not previously classified in this WQMA.
WQMA XII	E	Smith River from its headwaters to Philpot Dam.
	WQ	Smith River from Philpott Dam to the NC-VA State Line.
	EL	Marrowbone Creek.
	EL	Leatherwood Creek.
	E	All tributaries to the Smith River not previously classified in this WQMA.
WQMA XIII	E	North Mayo River from its headwaters to the NC-VA State Line to include all tributaries.
WQMA XIV	E	Headwaters South Mayo River to confluence North Fork South Mayo River.
	EL	South Mayo River from confluence with North Fork to NC-VA Line.
	E	All tributaries of the South Mayo River not previously classified in this WQMA.
WQMA XV	E	All streams in this WQMA.

Source: Hayes, Seay, Mattern & Mattern

TABLE B2 - SEWERAGE SERVICE AREAS - WASTELOAD ALLOCATIONS FOR ROANOKE RIVER BASIN WATER QUALITY MANAGEMENT PLAN.

Water Quality Management Area (WQMA)	Study Area Name	Discharger	Stream Name	Segment Classification	303(e)Wasteload Allocation BOD <sub>5</sub> lbs/day
WQMA IV	Appomattox	Appomattox STP	Falling R.	EL	100.00
WQMA IV	Brookneal	Brookneal STP and Dan River, Inc. -Brookneal	Roanoke R.	EL	1381.20
WQMA IV	Rustburg	Rustburg STP	Molleys Cr.	WQ	17.94
WQMA VI	Drakes Branch	West Point Stevens - Drakes Branch	Twittys Cr.	EL	27.82
WQMA VII	Clarksville	Chase City Regional STP	Little Blue Stone Cr.	WQ	N/A <sup>1</sup>
WQMA VII	Chase City-Boydton	Boydton	Coleman Cr.	EL	N/A <sup>1</sup>
		Clarksville STP	Kerr Reservoir	WQ	131.00
		Burlington Industries-Clarksville	Kerr Reservoir	WQ	1793.00
WQMA VII	South Boston	South Boston STP	Dan River	WQ	1854.00
	Halifax-Scottsburg	Halifax STP, Halifax Cotton Mills, Burlington Ind. - Halifax and Scottsburg STP	Banister R.	WQ	584.84
	Clover	Clover	Clover Cr.	EL	8.76

WQMA VII	South Hill - Lacrosse - Broadnax	South Hill, Lacrosse and Broadnax	Flat Cr.	WQ	N/A <sup>1</sup>	
WQMA VII	Virgilina	Virgilina	X-Trib. To Wolfpit Run	EL	13.00	
WQMA IX	Chatham-Gretna	Chatham-Gretna	Cherrystone Cr. Georges Cr.	EL EL	125.22 100.00	
WQMA X	Dan River	Danville and US Gypsum	Dan R.	WQ	4407.00	
WQMA X	Dan River, Inc.	WILL DISCHARGE PROCESS WATER TO THE CITY OF DANVILLE STP				
WQMA XII	Smith R.	Henry County PSA-Upper Smith R. STP	Smith R.	WQ	567.00	
		Collinsville STP Fieldcrest Mills	CONNECTED TO UPPER SMITH R. STP CONNECTED TO UPPER SMITH R. STP			
		E.I. duPont	Smith R.	WQ	503.00	
		Martinsville STP	Smith R.	WQ	1500.00	
		Henry County PSA-Lower Smith R. STP	Smith R.	WQ	567.00	
WQMA XIV	Stuart-Patrick Springs	Stuart STP	S. Mayo R.	EL	141.90	
		United Elastic Patrick Springs	S. Mayo R.	EL	8.38	
WQMA XIV	NONE	United Elastic Woolwine	Smith R.	EL	192.00	

NOTES:

<sup>1</sup>See Table B3 of this section.

TABLE B3 - WASTELOAD ALLOCATIONS FOR DISCHARGERS WITH TIERED PERMITS ROANOKE RIVER BASIN WATER QUALITY MANAGEMENT PLAN.

Water Quality Management Area (WQMA)	Study Area Name	Discharger	Months	Effluent Flow (mgd)	D.O. (mg/l)	CBOD <sub>5</sub> (lbs/day)	BOD <sub>5</sub> (mg/l)	Ammonia (mg/l)	Total Kjeldahl Nitrogen (mg/l)
WQMA VI	Keysville	Keysville	Dec.-Apr. May-Nov.	0.500 0.500	5.0 5.0	104.32 70.94	25.0 <sup>1</sup> 17.0 <sup>1</sup>	1.4	4.0
WQMA VII	South Hill-Lacrosse-Broadnax	South Hill	Jan.-Feb.-March Apr.-May June-Sept Oct. Nov. Dec.	1.000 1.000 1.000 1.000 1.000 1.000	6.5 6.5 6.5 6.5 6.5 6.5	250.00 83.0 75.00 83.00 142.00 250.00	30.0 10.0 9.0 10.0 17.0 30.0	20.0 1.0 1.0 1.0 5.0 20.0	
WQMA VII	Clarksville-Chase City-Boydton	Boydton	May-Nov. Dec.-Apr.	0.360 0.360	5.0 5.0	39.1 75.1	13.0 <sup>1</sup> 25.0 <sup>1</sup>		3.0
WQMA VII	Clarksville-Chase City-Boydton	Chase City	May-Nov. Dec.-Apr.	0.600 0.600	6.0 7.0	65.04 125.22	13.0 <sup>1</sup> 25.0 <sup>1</sup>	1.8 3.4	4.2 8.8

NOTES:

<sup>1</sup>CBOD<sub>5</sub> (CBOD<sub>5</sub>/BOD<sub>5</sub>=25/30).

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TABLE B4 - SEGMENT CLASSIFICATION - STANDARDS UPPER ROANOKE RIVER SUBAREA  
HUC CODE 03010101

Stream Name	303(e) Segment Number	Mile to Mile	Stream Classification	Comments
N.F. Roanoke River	4A-1	30.80 to 0.00	E.L.-P	Main and tributaries.
S.F. Roanoke River	4A-1 16.60 to 0.00 E.L.-P Main and tributaries.	16.60 to 0.00	E.L.-P W.Q.-FC	Main and tributaries. Main only.
Roanoke River	4A-2	227.74 to 202.20	W.Q.-DO,P	Main only to 14th Street Bridge.
Peters Creek	4A-2	8.00 to 0.00	W.Q.-DO,P	Main only.
Roanoke River	4A-2	202.20 to 195.87	W.Q.-DO,P	Main to confluence with Prater Creek.
Tinker Creek	4A-2	19.40 to 0.00	W.Q.-DO,P,FC	Main only.
Beck Creek	4A-2	25.70 to 0.00	E.L.-P	Main and tributaries.
Roanoke River	4A-2	195.87 to 158.20	W.Q.- DO,P	Main and impounded tributaries (impounded portions only) to Smith Mtn. Dam.
Other tributaries to the Roanoke River	4A-2	227.74 to 158.20	E.L.-P	Tributaries only.
Blackwater River	4A-3	58.80 to 19.75	E.L.-P	Main and tributaries.
Blackwater River	4A-3	19.75 to 0.00	W.Q.-DO,P	Main and impounded tributaries(impounded portions only) to mouth of Blackwater River.
Other tributaries to the Blackwater River	4A-3	58.80 to 0.00	E.L.-P	Tributaries only.
Pigg River	4A-4	79.80 to 58.00	E.L.	Main and tributaries from the headwaters to the confluence with Furnace Creek - except Story Creek.
Storey Creek	4A-4	10.30 to 0.00	W.Q.-DO	Main Only.
Pigg River	4A-4	58.00 to 47.60	W.Q.-DO	Main only from Furnace Creek to the confluence with Powder Mill Creek.
Pigg River	4A-4	47.60 to 0.00	E.L.	Main and tributaries.
Roanoke River	4A-5	158.20 to 140.54	E.L.	Main and tributaries. (Leesville Lake)
Goose Creek	4A-5	39.30 to 0.00	E.L.	Main and tributaries.
Little Otter River	4A-5	17.15 to 14.36	E.L.	Main and tributaries to confluence with Johns Creek.
Johns Creek	4A-5	4.00 to 0.00	W.Q.-DO	Main only.
Little Otter River	4A-5	14.36 to 0.00	W.Q.-DO	Main only from confluence with Johns Creek to Big Otter River.

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Big Otter River	4A-5	42.68 to 0.00	E.L.	Main and tributaries.
Roanoke River	4A-5	140.54 to 123.79	E.L.	Main and tributaries.

**Legend:**

DO = Dissolved Oxygen  
P = Phosphorus  
FC = Fecal Coliform  
T = Temperature

**TABLE B5 - WASTELOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT 1 UPPER ROANOKE RIVER SUBAREA**  
HUC 03010101

MAP LOCATION	STREAM NAME	SEGMENT NUMBER	SEGMENT CLASSIFICATION STANDARDS	MILE to MILE <sup>2</sup>	DISCHARGER	VPDES PERMIT NUMBER	VPDES PERMIT LIMITS BOD <sub>5</sub> <sup>4</sup> kg/day	303(e) 3/ WASTELOAD ALLOCATION BOD <sub>5</sub> <sup>4</sup> kg/day	TOTAL MAXIMUM DAILY LOAD W.Q. SEGMENTS BOD <sub>5</sub> <sup>4</sup> kg/day
A	S.F. Roanoke R.	4A-1	E.L.-P WQ-FC	6.33-	Montgomery County PSA Shawsville STP	VA0024031	11.40	Secondary	
B	S.F. Roanoke R.	4A-1	E.L.-P	0.76-	Montgomery County PSA Elliston- Lafayette STP	VA0062219	28.00	Secondary	
C	X-trib to N.F. Roanoke R.	4A-1	E.L.-P	0.25-	Lonnie J. Weddle Residence	VA0073229	0.03	Secondary	
D	X-trib to N.F. Roanoke R.	4A-1	E.L.-P	0.25-	James Luther Residence	VA0073237	0.05	Secondary	
E	N.F. Roanoke R.	4A-1	E.L.-P	17.57-	Blacksburg Country Club, Inc.	VA0027481	4.00	Secondary	
1	Cedar Run	4A-1	E.L.-P	2.64- 0.46-	Wolverine Gasket Co., Inc	VA0052825	N/A	Secondary	
F	Cedar Run	4A-1	E.L.-P	0.40-	Wendell Hensley Residence	VA0066737	0.07	Secondary	
G	X-trib to Cedar Run	4A-1	E.L.-P	0.20-	Ivan Gary Bland Residence	VA0077488	0.05	Secondary	
H	Cedar Run	4A-1	E.L.-P	0.46-	Velma D. Compton Residence	VA0080021	0.06	Secondary	
2	N.F. Roanoke R.	4A-1	E.L.-P	15.21-	Federal Mogal, Inc.	VA0001619	N/A	Secondary	
I	N.F. Roanoke R.	4A-1	E.L.-P	0.76-	VDOT-I-81 Ironto Rest Area	VA0060941	2.80	Secondary	
3	X-trib to Roanoke R.	4A-2	E.L.-P	1.04-	Salem Stone Corp.	VA0006459	N/A	Secondary	
4	Roanoke R.	4A-2	W.Q.-DO,P	218.13-	Roanoke Electric Steel Salem Plant	VA0001333	N/A	N/A	N/A
5	Roanoke R.	4A-2	W.Q.-DO,P	216.33-	Koppers Co. Inc.	VA0001341	N/A	N/A	N/A
6	Snyders Br.	4A-2	E.L.P	0.17-	Graham White Mfg., Inc.	VA0030031	N/A	Secondary	

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7	Bowmans's Br.	4A-2	E.L.P.	0.20-	Mechanical Development Co., Inc.	VA002311	N/A	Secondary	
8	Roanoke R.	4A-2	W.Q-DO,P	212.61-	Rowe Furniture Corp., Inc.	VA0024716	N/A	N/A	N/A
9	Roanoke R.	4A-2	W.Q.L.-DO,P	212.39-	Valleydale Packers, Inc.	VA0001317	N/A	N/A	N/A
J	X-trib to Mason Cr.	4A-2	E.L.P.	0.21	Gary L. Bryant Residence	VA0063398	0.07	Secondary	
K	Mason Cr.	4A-2	E.L.P.	0.30-	Roanoke County Schools Mason Cove E.S.	VA0027545	0.45	Secondary	
L	Mason Cr.	4A-2	E.L.P.	7.79-	Roanoke Moose Lodge 284	VA0077895	0.53	Secondary	
M	Gish Br.	4A-2	E.L.P.	1.80-	Eddie Miller Residence	VA0076759	0.06	Secondary	
10	Roanoke R.	4A-2	W.Q.-DO,P	209.58-	Virginia Plastics Co., Inc.	VA0052477	N/A	N/A	N/A
10	X-trib to Mud Lick	4A-2	E.L.P.	0.47-	Virginia Plastics Co., Inc.	VA002477	2.70	Secondary	
11	Peters Cr.	4A-2	W.Q.-DO,P	0.26-	Roanoke Electric Steel Roanoke Plant	VA0001589	N/A	N/A	N/A
12	Roanoke R.	4A-2	W.Q.-DO,P	207.60-	Fuel Oil & Equipment Co., Inc.	VA0001252	N/A	N/A	N/A
13	Roanoke R.	4A-2	W.Q.-DO,P	207.24	Norfolk & Western Railways Co., Inc.-Schaffers Crossing	VA0001597	N/A	N/A	N/A
13	Horton Cr.	4A-2	E.L.P.	0.41-	Norfolk & Western Railways Co., Inc.-Schaffers Crossing	VA0001597	N/A	Secondary	
N	Roanoke	4A-2	W.Q.-DO,P	201.81-	Roanoke City Regional STP	VA0025020	1173.00	1173.00	1352.00
14	Carvin Cr.	4A-2	E.L.-P.	5.77-	Roanoke City Carvin Cove	VA0001473	N/A	Secondary	
15	Carvin Cr.	4A-2	E.L.-P.	4.98-	ITT Electro-Optical Products Division	VA0020443	N/A	Secondary	
16	Tinker Cr	4A-2	W.Q.-DO,P,FC	5.17	Elizabeth Arden, Inc.	VA0001635	N/A	N/A	N/A
17	Tinker Cr	4A-2	W.Q.-DO,P,FC	1.45	Exxon Company, USA, Inc.	VA0079006	N/A	N/A	N/A
18	Lick Run	4A-2	E.L.-P.	3.51-	Norfolk & Western Railways Co., Inc.-Schaffers Crossing	VA0001597	N/A	Secondary	
18	Lick Run	4A-2	E.L.-P.	1.12-	Norfolk & Western Railways Co., Inc.-East End Shops	VA0001511	N/A	Secondary	
O	X-trib to Glade Cr	4A-2	E.L.-P.	1.60-	R.W. Bowers Commerical	VA0068497	0.06	Secondary	

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P	X-trib to Glade Cr	4A-2	E.L.-P.	1.24-	Geraldine B. Carter Residence	VA0076546	0.06	Secondary	
Q	Coyner Spring Br.	4A-2	E.L.-P.	0.50-	Roanoke City-Coyner Springs STP	VA0021121	0.80	Secondary	
R	Back Cr.	4A-2	E.L.-P.	16.14-	Roanoke Sanitary Disposal Corp.-Starkey STP	VA0027103	45.40	Secondary	
19	Back Cr.	4A-2	E.L.-P.	1.48-	Shell Oil Co., Inc.	VA0001431	N/A	Secondary	
S	X-trib to Back Cr.	4A-2	E.L.-P.	1.00-	Suncrest Development Co., Inc.- Suncrest Heights STP	VA0028711	2.30-	Secondary	
20	Falling Cr.	4A-2	E.L.-P.	7.70-	Roanoke City-Falling Cr. WTP	VA0001465	N/A	Secondary	
T	X-trib to Falling Cr.	4A-2	E.L.-P.	0.32-	Oak Ridge Mobile Home Park	VA0078392	3.40	Secondary	
U	Nat Branch	4A-2	E.L.-P.	0.59-	Bedford County Schools Stewartville E.S.	VA0020842	0.50	Secondary	
V	Roanoke R.	4A-2	W.Q.-DO,P	182.76-	L. Jack & Vicki S. Browning Residence	VA0067229	0.07	0.07	170.07
W	X-trib to Little Cr.	4A-2	E.L.-P.	0.16-	Robert R. Walter Residence	VA0074004	0.05	Secondary	
X	X-trib to Teals Cr.	4A-3	E.L.-P.	0.96-	Franklin County Schools Boones Mill E.S.	VA0060291	0.50	Secondary	
21	Blackwater R.	4A-3	E.L.-P.	40.05-	Rocky Mount Town Blackswater R. WTP	VA0055999	N/A/	Secondary	
Y	Blackwater R.	4A-3	E.L.-P.	38.95-	Franklin Manor Home for Adults	VA0067555	1.70	Secondary	
Z	X-trib to Blackwater R.	4A-3	E.L.-P.	1.15-	Franklin County Schools Rocky Mount E.S.	VA0060283	0.80	Secondary	
AA	X-trib to Maggodee Cr.	4A-3	E.L.-P.	0.28-	Boones Mill Town- Sand Filter	VA0078401	0.50	Secondary	
AB	Maggodee Cr.	4A-3	E.L.-P.	14.51	Boones Mill Town STP	VA0067245	3.40	Secondary	
AC	Roanoke R.	A-5	E.L.-P.	158.09-	APCO- SML Dam Visitors Center	VA0074179	0.57	Secondary	
AD	Roanoke R.	4A-5	E.L.-P.	157.49-	APCO- SML Dam Picnic Area	VA0074217	0.57	Secondary	
AE	Storey Cr.	4A-4	W.Q.-DO	9.78-	Ferrum Water & Sewage Authority Ferrum STP	VA0029254	14.20	14.20	14.60
23	X-trib to Pigg R.	4A-4	E.L.	1.28-	The Lane Company-Rocky Mount Plant	VA0098438	N/A	Secondary	
22	Pigg R.	4A-4	W.Q.-DO	57.24-	Ronile, Inc.	VA0076015	14.80	14.80	34.98
AF	Pigg R.	4A-4	W.Q.-DO	56.72-	Rocky Mt. Town Existing STP	VA0023728	133.00	133.00	153.18

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				52.68-	Rocky Mt. Town Proposed STP	VA0085952		133.00	
24	X-trib to Powder Mill Cr.	4A-4	E.L.	1.64-	Rocky Top Wood Preservers Inc.	VA0080071	N/A	Secondary	
AG	Willow Cr.	4A-4	E.L.	1.30-	Town & Country Subdivision	VA0028657	4.50	Secondary	
25	S.F. Goose Cr.	4A-5	E.L.	6.77-	Blue Ridge Stone Corp.- Blue Ridge Plant	VA0050636	N/A	Secondary	
AH	X-trib to Goose Cr.	4A-5	E.L.	0.66-	Woodhaven Village, Inc.	VA0074870	0.50	Secondary	
26	X-trib to Goose Cr.	4A-5	E.L.	0.08	Conoco, Inc.	VA0055328	N/A	Secondary	
27	S.F. Goose Cr.	4A-5	E.L.	2.58-	Chevron USA, Inc.	VA0026051	N/A	Secondary	
28	X-trib to Goose Cr.	4A-5	E.L.	0.20-	Phillips Petroleum Co., Inc.	VA0051446	N/A	Secondary	
29	X-trib to Goose Cr.	4A-5	E.L.	0.04-	Amoco Oil Co., Inc.	VA0054577	N/A	Secondary	
29	X-trib to Goose Cr.	4A-5	E.L.	0.06-	Amoco Oil Co., Inc.	VA0054577	N/A	Secondary	
29	X-trib to Goose Cr..	4A-5	E.L.	0.14-	Amoco Oil Co., Inc.	VA0054577	N/A	Secondary	
30	S.F. Goose Cr.	4A-5	E.L.	2.30-	Colonial Pipeline Co., Inc.	VA0051721	N/A	Secondary	
AI	X-trib to N.F. Goose Cr..	4A-5	E.L.	0.20-	Bedford County Schools- Montvale E.S.	VA0066206	0.42	Secondary	
31	S.F. Goose Cr.	4A-5	E.L.	2.18-	Texaco, Inc.	VA0001490	N/A	Secondary	
AJ	X-trib to Day Cr.	4A-5	E.L.	1.79-	Camp Virginia Jaycee Inc.	VA0060909	1.70	Secondary	
AK	X-trib to Reed Cr.	4A-5	E.L.	0.84-	Robincrest Mobile Home Park	VA0078413	2.70	Secondary	
AL	X-trib to Wolf Cr.	4A-5	E.L.	0.95	Bedford County Schools Thaxton E.S.	VA0020869	0.30	Secondary	
AM	X-trib to Shoulder Run	4A-5	E.L.	0.95-	Bedford County Schools- Staunton River H.S.	VA0068063	2.90	Secondary	
AN	Goose Cr.	4A-5	E.L.	19.55-	Camp Tipacano Inc.	VA0068063	1.10	Secondary	
AO	Mattock Cr.	4A-5	E.L.	3.76-	VDOC- Filed Unit #24 Smith Mtn. Lake	VA0023515	2.40	Secondary	
32	Staunton (Roa.) R.	4A-5	E.L.	129.72-	Burlington Industries- Klopman Division Altavista Plant	VA0001678	530.00	Secondary	
33	Staunton (Roa.) R	4A-5	E.L.	128.96-	Altavista Town WTP	VA0027189	N/A	Secondary	
34	Staunton (Roa.) R	4A-5	E.L.	128.94-	The Lane Co., Inc. Altavista Plant	VA0001520	N/A	Secondary	



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	Staunton (Roa.) R	4A-5	E.L.		Town of Hurt (Proposed)			Secondary	
AP	Staunton (Roa.) R	4A-5	E.L.	127.96-	Altavista Town STP	VA0020451	204.00	Secondary	
35	Staunton (Roa.) R	4A-5	E.L.	126.39-	Ross Laboratories	VA0001716	66.20 4	Secondary	
36	X-trib to Big Otter R.	4A-5	E.L.	1.63-	Bedford City WTP	VA0001503	N/A	Secondary	
37	Roaring Run	4A-5	E.L.	3.26-	Gunnoe Sausage Co., Inc.	VA0001449	0.55	Secondary	
AQ	X-trib to Big Otter R.	4A-5	E.L.	1.15-	Bedford County Schools Otter River E.S.	VA0020851	0.40	Secondary	
38	X-trib to Little Otter R.	4A-5	E.L.	0.76-	Wheelbrator Frye, Inc.	VA0058033	N/A	Secondary	
AR	X-trib to Little Otter R.	4A-5	E.L.	0.42-	Bedford County Schools –Liberty H.S.	VA0020796	2.80	Secondary	
AS	Little Otter R.	4A-5	W.Q.-DO	14.36-	Bedford City STP	VA0022390	52.80	52.80	64.15
39	Johns Cr.	4A-5	W.Q.-DO	2.61-	Golden West Foods, Inc.	VA0056430	N/A	N/A	N/A
AT	X-trib to Wells Cr.	4A-5	E.L.	2.22-	Bedford County Schools Body Camp E.S.	VA0020818	0.40	Secondary	
AU	X-trib to Big Otter R.	4A-5	E.L.	1.20-	David T. Callahan Residence	VA0080667	0.57	Secondary	
AV	X-trib to Buffalo Cr	4A-5	E.L.	0.67-	Bedford Counry Schools New London Academy	VA0020826	0.50	Secondary	
AW	Buffalo Cr	4A-5	E.L.	12.42-	Alum Springs Shopping Center	VA0078999	4.50	Secondary	
40	Big Otter R.	4A-5	E.L.	11.74-	Campbell County USA (Proposed WTP)	VA0078646	N/A	Secondary	
BF	X-trib to Big Otter R	4A-5	E.L.	1.07-	Otterwood Grocery Store	VA0082732	0.05	Secondary	
AX	Flat Cr.	4A-5	E.L.	13.34-	Virginia Track & Equipment Corp.	VA0068594	0.03	Secondary	
BD	X-trib to Flat Cr.	4A-5	E.L.	0.68	Montague Betts Co, Inc.	VA0075116	0.45	Secondary	
41	Flat Cr.	4A-5	E.L.	12.62-	Blue Ridge Stone Corp. Lynchburg Plant	VA0050628	N/A	Secondary	
AY	X-trib to Flat Cr.	4A-5	E.L.	0.12-	Winebarger Corp	VA0074969	0.70	Secondary	
AZ	Smith Br.	4A-5	E.L.	2.82-	Briarwood Village	VA0031194	2.70	Secondary	
BE	X-trib to Flat Cr.	4A-5	E.L.	0.88-	Ralph P. Shepard Residence	VA0081591	0.05	Secondary	
BA	X-trib to Flat Cr.	4A-5	E.L.	1.16-	Phillips, Arthur, Phillips Tract #6	VA0068098	0.05	Secondary	
BB	X-trib to Flat Cr.	4A-5	E.L.	1.12-	Kyle E. & Annette D. Shupe Residence	VA0068080	0.05	Secondary	

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BC	X-trib to Flat Cr.	4A-5	E.L.	1.08-	Wayne E. & Sherina D. Shupe Residence	VA0068071	0.05	Secondary	
BG	X-trib to Troublesome Cr.	4A-5	E.L.	2.15-	Kelly Convenience Store	VA0067078	0.11	Secondary	

## NOTES:

N/A - Not Applicable - currently no BOD<sub>5</sub> limits or wasteload have been required by the VPDES Permit. Should BOD<sub>5</sub> be required a WQMP amendment would be necessary for Water Quality Limited Segments only.

<sup>1</sup>Secondary Treatment levels are required in Effluent Limited segments. Quantities listed for Water Quality Limited segments represent wasteload allocation.

<sup>2</sup>Ending river miles are not available at this time.

<sup>3</sup>These allocations represent current and original (1976 WQMP) modeling with the exception of the Altavista segment, river miles 130.00 to 119.00 on the Staunton (Roanoke) River. Future revisions may be necessary based on State Water Control Board approved modeling.

<sup>4</sup>The VPDES Permit limit presented here is a future loading, not the current VPDES Permit limitation. The permitting process will determine the current loading not to exceed 1173 kg/d WLA established by this plan.

<sup>5</sup>The current permitted BOD<sub>5</sub> loading for this facility is 30 mg/l monthly average and 45 mg/l daily maximum. Based on maximum flows reported by this facility for 1987-88 (0.389 mgd) the resulting wasteload is 66.2 kg/d. Revocation of the permit has been requested by the permittee.

## 9 VAC 25-720-90. Tennessee-Big Sandy River Basin.

### A. Total maximum Daily Load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Guest River	Guest River Total Maximum Load Report	Wise	P11R	Sediment	317.52	LB/YR
2.	Cedar Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	1,789.93	LB/YR
3.	Hall/Byers Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	57,533.49	LB/YR
4.	Hutton Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	91.32	LB/YR
5.	<i>Clinch River</i>	<i>Total Maximum Daily Load Development for the Upper Clinch River Watershed</i>	<i>Tazewell</i>	<i>P01R</i>	<i>Sediment</i>	<i>206,636</i>	<i>LB/YR</i>
6.	<i>Lewis Creek</i>	<i>Total Maximum Daily Load Development for the Lewis Creek Watershed</i>	<i>Russell</i>	<i>P04R</i>	<i>Sediment</i>	<i>21,732</i>	<i>LB/YR</i>
7.	<i>Black Creek</i>	<i>General Standard Total Maximum Daily Load Development for Black Creek, Wise County, Virginia</i>	<i>Wise</i>	<i>P17R</i>	<i>Manganese</i>	<i>2,127</i>	<i>KG/YR</i>
8.	<i>Dumps Creek</i>	<i>General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia</i>	<i>Russell</i>	<i>P08R</i>	<i>Total Dissolved Solids</i>	<i>1,631,575</i>	<i>KG/YR</i>
9.	<i>Dumps Creek</i>	<i>General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia</i>	<i>Russell</i>	<i>P08R</i>	<i>Total Suspended Solids</i>	<i>316,523</i>	<i>KG/YR</i>

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

TABLE B1 - SEWERAGE SERVICE AREAS

Map No.	Locality	Receiving Stream Classification <sup>2</sup>	NPDES LIMITS <sup>3</sup>			Status of Applicable <sup>4</sup> Section 201 Programs (March 1977)
			FLOW (mgd)	BOD <sub>5</sub> (1lbs/day)	SS (lbs/day)	
14T	Abingdon	EL	0.6	840	840	Step III at EPA for award.
14B	Amonate	EL	Permit to be issued in future			Not on priority list.
4T	Appalachia	EL	0.3	75	75	To be studied with Big Stone Gap
5T	Big Stone Gap	EL	0.8	240	240	Recommended for FY 77 Step 1.
13B	Bishop	EL	Permit to be issued in future			Not on priority list.
	Bristol	EL	Served by plant in Tennessee			Health hazard area to be served by collection system funded in FY 76. Extension of existing interceptor into Bearer Creek & Sinking Creek area to be funded by Region IV EPA and Tennessee. Also infiltration/inflow study to be funded in FY 77.
23T	Chilhowie	EL	0.265	68.5	79.6	Proposed Step I study with Marion.
	Cleveland	WQ	0.05	12.5	12.5	Step III grant awarded by EPA.
	Clinchport	WQ	Not to exceed present discharge			Town and Country Authority has not yet applied for Step I from FY 76 funds.
2B	Clintwood	WQ	0.235	*70.5/117.5	*70.5/117.5	On FY 77 list for Step I.
11T	Coeburn	WQ	0.4	160	160	On FY 77 list for Step I.
18T	Damascus	EL	0.25	62.5	62.5	Final audit and inspection of facility completed.
6T	Duffield	EL	0.075	30	30	Not on priority list.
	Dungannon- Fort Blackmore	WQ	Permit to be issued in future			Not on priority list.
10T	Gate City- Weber City	EL	0.504	*151/252	*151/252	Step I in progress.
3B, 5B	Harmon-Big Rock		1.25	156	312	System is approved by state and submitted to EPA.
6B, 7B	Grundy-Vasant	WQ	Permit to be issued in future			System is approved and submitted to EPA.
9B	Haysi	WQ	Permit to be issued in future			Step I plan is complete. Town disapproved plan. SWCB evaluating alternatives.
8B T	Hurley	WQ	Permit to be issued in future			Step I plan complete and under review by state.
1T	Jonesville	EL	0.15	38	38	Not on priority list.
13T	Lebanon	WQ	0.2	60	60	Step III application at EPA.
25T	Marion	EL	1.7	510	510	Step I recommended for FY 77. Marion is proceeding on infiltration/inflow study under prior approval from EPA.
	Nickelsville	WQ	Permit to be issued in future			Not on priority list.
7T, 8T	Norton	WQ	0.77, 0.22	832,371	640,0184	Step I in process (with Wise).
2T	Pennington Gap	EL	0.315	410	315	Step I recommended for FY 76. Community has not yet completed Step I application.
1 B	Pound	WQ	0.175	44	44	Step III funded by EPA. Facility nearly completed.
19T	Raven-Doran	WQ	0.26	67.2	78	System to remain unchanged.
20T	Richlands	WQ	0.8	845	650	Step I in process. Step II recommended in FY 77.
	Rosedale	WQ	Permit to be issued in future			Not on priority list.
	Rose Hill-Ewing	EL	Permit to be issued in future			Not on priority list.
3T	St. Charles	EL	0.125	25	25	Abandonment proposed. Then to be served by Pennington Gap, subject to recommendations of Facility Plan.
12T	St. Paul	WQ	0.4	100	100	Complete and audited by EPA.
22T	Saltville	EL	0.5	125	125	Complete and audited by EPA.
	Sugar Grove-Teas	EL	Permit to be issued in future			Not on priority list.
15T	Swords Creek-Honaker	EL	0.144	187	144	Step I in FY 76. Step II recommended in FY 77.
24T	Tazewell, Town of	EL	0.70	*210/350	*210/350	Step I recommended in FY 77.
10B, 11B, 12B	Trammel-McClure	WQ	Permit to be issued in future			Not on priority list.
9T	Wise	WQ	0.28	112	112	Step I in progress (with Norton).

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<sup>1</sup>Dischargers are shown on Plate 3-B (Map No. with "B" designates Big Sandy) and 3-T (Map No. with "T" designates Tennessee).

<sup>2</sup>Effluent Limiting (EL) or Water Quality (WQ).

<sup>3</sup>For existing sewage treatment facility.

<sup>4</sup>For new sewage treatment facility.

\*Seasonal NPDES allowable loading: April to September/October to March.

Source: Thompson & Litton and State Water Control Board.

VA.R. Doc. No. R05-29; Filed September 16, 2004, 11:44 a.m.



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# FAST-TRACK REGULATIONS

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

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF NURSING

Titles of Regulations: **18 VAC 90-20. Regulations of the Board of Nursing (repealing 18 VAC 90-20-361 through 18 VAC 90-20-364).**

**18 VAC 90-25. Regulations Governing Certified Nurse Aides (amending 18 VAC 90-25-100; adding 18 VAC 90-25-15 and 18 VAC 90-25-110 through 18 VAC 90-25-140).**

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the Code of Virginia.

Public Hearing Date: January 25, 2005 - 1:30 p.m.

Public comments may be submitted until March 11, 2005.  
(See Calendar of Events section for additional information)

Effective Date: March 26, 2005.

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

Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Nursing the authority to promulgate regulations to administer the regulatory system. The specific statutory mandate for the board to establish an advanced certification for nurse aides is found in § 54.1-3025.1 of the Code of Virginia.

Purpose: The content of the current regulations establishing requirements for initial certification as an advanced certified nurse aide, for renewal and reinstatement, and for approval of a certification education program is not being amended. The purpose of the action is to place all regulations related to certified nurse aides in 18 VAC 90-25, which became effective on September 8, 2004. The current requirements are sufficient to ensure that a certified nurse aide seeking advanced certification with expanded duties has the additional education, training and experience to safely care for a vulnerable population of patients.

Likewise, the content of the regulations proposed in 18 VAC 90-25-15 are identical to current requirements in 18 VAC 90-20-35. Certified nurse aides are required to wear appropriate identification while working as a nurse aide and to notify the board in writing if they have a change of name or address. Wearing identification that indicates the type of licensure or certification held by a nurse or nurse aide is important for patient protection to ensure that patients are able to know what type of individual is providing care. Maintaining current information about nurse aides will ensure that disciplinary and renewal notices are given in a timely manner.

Rationale for Using Fast-Track Process: The fast-track process is being used to promulgate the amendments

because the action is technical and clarifying and does not change requirements for nurse aides or the advanced certification educational programs.

During a periodic review of regulations, the board determined that all regulations pertaining to certified nurse aides should be promulgated in a separate chapter from regulations for nurses. Therefore, it was proposed to approve a new chapter for nurse aide regulations. However, at that time, regulations for advanced certification were not yet in effect and therefore could not be transferred to the new chapter. Chapters 20 and 25, as amended during the periodic review, became effective on September 8, 2004, and the board believes that action is necessary to make the regulations consistent and clear.

Substance: There are no new substantive provisions or changes.

Issues: The advantage to the public is the consistency of the regulations. With this action, all regulations for certified nurse aides could be found in 18 VAC 90-25, and regulations for nurses would be found in 18 VAC 90-20. The board does not believe that these amendments pose any disadvantages to the public.

There are no disadvantages to the agency or the Commonwealth; the proposed regulation will be consistent with the board's determination that regulations for nurse aides should be in a separate chapter of regulations.

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

Summary of the proposed regulation. The Board of Nursing (board) proposes to transfer the regulations for certified nurse aides that pertain to: (i) wearing identification on the job, (ii) notification to the board of a name or address change; and (iii) requirements for advanced certification from Chapter 20, Regulations Governing the Practice of Nursing, to Chapter 25, Regulations Governing Certified Nurse Aides.

Estimated economic impact. The board's proposal is to merely move regulatory language from one set of regulations to another. The proposal will produce no impact since the actual regulatory language will not change.

Businesses and entities affected. The proposed transfer of regulatory language will have no impact. There are currently

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# Fast-Track Regulations

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40,680 certified nurse aides, six persons who have graduated from an advanced CNA program and become certified, and eight programs approved to teach the advanced certification course.<sup>1</sup>

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed amendments will not affect employment.

Effects on the use and value of private property. The proposed amendments will not affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Nursing concurs with the analysis of the Department of Planning and Budget for the fast-track action to incorporate requirements for nurse aides currently promulgated in 18 VAC 90-20, Regulations Governing the Practice of Nursing, into the regulations for nurse aides, 18 VAC 90-25.

## Summary:

*The amendments transfer the regulations for certified nurse aides that pertain to (i) wearing identification on the job; (ii) notification to the board of a name or address change; and (iii) requirements for advanced certification from 18 VAC 90-20, Regulations Governing the Practice of Nursing, to 18 VAC 90-25, Regulations Governing Certified Nurse Aides.*

## PART VI.

### ADVANCED CERTIFICATION FOR NURSE AIDES

#### **18 VAC 90-20-361. Requirements for initial certification as an advanced certified nurse aide. (Repealed.)**

~~A. In order to be certified as and use the title of "Advanced Certified Nurse Aide," an applicant shall meet the following qualifications:~~

- ~~1. Hold current certification as a certified nurse aide in Virginia;~~
- ~~2. Have been certified for at least three years as a certified nurse aide;~~
- ~~3. Have never had a finding of abuse, neglect or misappropriation of patient property entered on the Nurse Aide Registry and have not had any disciplinary actions taken by the board within the five years preceding application for advanced certification;~~
- ~~4. Have a recommendation for advanced certification from a licensed nurse who has supervised the applicant in providing direct patient care for at least six months within the past year; and~~
- ~~5. Have successfully completed a minimum of 120 hours of advanced training in an approved program that includes a competency evaluation acceptable to the board.~~

~~B. An application for certification shall be accompanied by an application fee of \$25.~~

#### **18 VAC 90-20-362. Renewal and reinstatement of certification as an advanced certified nurse aide. (Repealed.)**

~~A. Renewal. If an individual is not eligible to renew as a certified nurse aide, certification as an advanced certified nurse aide may not be renewed. An advanced certification shall be renewed concurrently with the biennial renewal of the basic certification as a nurse aide in Virginia by:~~

- ~~1. Submitting a completed renewal form and renewal fee of \$20; and~~
- ~~2. Attesting to completing at least three contact hours per year of continuing education and training in any of the competency areas identified in the advanced certification training program. Completion of the continuing education and training required by an advanced certified nurse aide shall be verified by the employer on the renewal form. The board may grant an extension or waiver of the continuing education requirement based on good cause shown by the certified nurse aide.~~

~~B. Late renewal. An advanced certified nurse aide may renew certification for 90 days following the expiration date by meeting the requirements of subsection A of this section.~~

~~C. Reinstatement. If an advanced certification has not been renewed for 90 days following the expiration date, it shall only be reinstated if the applicant for reinstatement:~~

- ~~1. Holds current certification as a nurse aide in Virginia;~~
- ~~2. Submits a completed reinstatement application on a form provided by the board;~~
- ~~3. Pays the reinstatement fee of \$30; and~~
- ~~4. Provides evidence that he has completed all required hours of continuing education and training.~~

#### **18 VAC 90-20-363. Requirements for an approved advanced certification education program. (Repealed.)**

~~A. The advanced certification education program shall be approved by the Virginia Board of Nursing. An approved advanced certification education program shall also be an approved nurse aide education program as set forth in 18 VAC 90-20-330.~~

~~B. An advanced certification education program shall consist of a minimum of 120 hours including a minimum of 40 hours of clinical skills instruction in direct client care with on-site supervision by instructional personnel. When nurse aides are engaged in direct client care in the course of advanced certification training, the ratio shall not exceed 10 students to one instructor.~~

~~C. The instructional personnel in an approved advanced certification education program shall meet the requirements as set forth in 18 VAC 90-20-330-C.~~

~~D. The curricula of an approved advanced certification education program shall, at a minimum, meet the requirements of 18 VAC 90-20-364.~~

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<sup>1</sup> Source: Department of Health Professions

~~E. Each advanced certification program shall develop an individual record of major skills taught and the date of performance by the student. At the completion of the program, the nurse aide must receive a copy of this record and a certificate of completion.~~

~~F. An advanced certification education program shall develop and submit to the board a competency evaluation based on the curriculum content required in 18 VAC 90-20-364. Such an evaluation shall include both a written test on the curriculum and an assessment of manual skills. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained for a minimum of three years.~~

~~G. Program review shall be in accordance with requirements of 18 VAC 90-20-330 I and shall be conducted concurrently with the on-site review of the basic nurse aide education program. Loss of board approval for the basic nurse aide education program shall automatically result in the loss of approval for the advanced certification education program.~~

~~H. When an advanced certification education program closes, the provider shall notify the board of the date of closing and submit a list of all graduates with their date of graduation.~~

**18 VAC 90-20-364. Required curriculum content for an advanced certification education program. (Repealed.)**

~~A. An advanced certification education program shall include classroom and clinical instruction in the following curriculum:~~

- ~~1. Leadership and mentoring skills.
  - a. Principles of adult learning;
  - b. Learning styles;
  - c. Evaluation methods to assess learner knowledge;
  - d. Communication techniques and communication barriers; emphasizing cultural diversity of coworkers and clients;
  - e. Conflict management;
  - f. Precepting and mentoring new certified nurse aides;
  - g. Teamwork;
  - h. Contributing to care plan development and implementation;
  - i. Organizational responsibilities; and
  - j. Principles of documentation.~~
- ~~2. Care of the cognitively impaired client.
  - a. Signs and symptoms of dementia;
  - b. Concepts and techniques for addressing the unique needs and behaviors of individuals with dementia, including but not limited to agitation, combativeness, sundown syndrome, wandering, forgetfulness;
  - c. Basic concepts of communication with cognitively impaired clients, including techniques to reduce the effects of cognitive impairment;~~

~~d. Basic concepts of behavior management with cognitively impaired clients; and~~

~~e. Recognizing changes in the client's condition and reporting and documenting such changes.~~

~~3. Restorative care.~~

~~a. Anatomy and physiology with emphasis on the effects of aging;~~

~~b. Pathophysiology of common disorders of the elderly;~~

~~c. Measures to assist clients with common medical problems;~~

~~d. Recognizing changes in the client's condition and reporting and documenting such changes;~~

~~e. Concepts to maintain or improve client mobility and ability to perform activities of daily living; and~~

~~f. Rehabilitation procedures.~~

~~4. Wound care.~~

~~a. Prevention, identification and treatment of Stage I and Stage II pressure ulcers;~~

~~b. Positioning;~~

~~c. Sterile and clean technique;~~

~~d. Dressing changes;~~

~~e. Concepts of hydration;~~

~~f. Nutrition and weight loss; and~~

~~g. Recognizing changes in the client's condition and reporting and documenting such changes.~~

~~B. Written objectives for each unit of instruction shall be stated in behavioral terms that are measurable and shall be reviewed with the students at the beginning of each unit.~~

~~PART VII VI.~~

~~MEDICATION ADMINISTRATION TRAINING PROGRAM.~~

~~PART VIII VII.~~

~~PROTOCOL FOR ADULT IMMUNIZATION.~~

~~PART IX VIII.~~

~~DELEGATION OF NURSING TASKS AND PROCEDURES~~

~~**18 VAC 90-25-15. Identification; accuracy of records.**~~

~~A. Any person regulated by this chapter who provides direct patient care shall, while on duty, wear identification that clearly indicates the person's first and last name and the appropriate title issued to such person by the board under which he is practicing in that setting.~~

~~B. A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence.~~

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# Fast-Track Regulations

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*C. Each certificate holder shall maintain a record of his current mailing address with the board, and any change of address shall be submitted in writing to the board within 30 days of such change. All notices required by law and by this chapter to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.*

## **18 VAC 90-25-100. Disciplinary provisions for nurse aides.**

The board has the authority to deny, revoke or suspend a certificate issued, or to otherwise discipline a certificate holder upon proof that he has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit in order to procure or maintain a certificate shall mean, but shall not be limited to:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial certification, reinstatement or renewal of a certificate; or
- c. Giving or receiving assistance in taking the competency evaluation.

2. Unprofessional conduct shall mean, but shall not be limited to:

a. Performing acts beyond those authorized for practice as a nurse aide or an advanced certified nurse aide as defined in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, and beyond those authorized by the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) or by provisions for delegation of nursing tasks in Part X (18 VAC 90-20-420 et seq.) of 18 VAC 90-20.

b. Assuming duties and responsibilities within the practice of a nurse aide or an advanced certified nurse aide without adequate training or when competency has not been maintained;

c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

d. Falsifying or otherwise altering client or employer records, including falsely representing facts on a job application or other employment-related documents;

e. Abusing, neglecting or abandoning clients;

f. Having been denied a license or certificate or having had a license or certificate issued by the board revoked or suspended;

g. Giving to or accepting from a client property or money for any reason other than fee for service or a nominal token of appreciation;

h. Obtaining money or property of a client by fraud, misrepresentation or duress;

i. Entering into a relationship with a client that constitutes a professional boundary violation in which the nurse aide uses his professional position to take advantage of a client's vulnerability, to include but not limited to actions

that result in personal gain at the expense of the client, an inappropriate personal involvement or sexual conduct with a client; or

j. Violating state laws relating to the privacy of client information, including but not limited to § 32.1-127.1:03 of the Code of Virginia.

3. For the purposes of interpreting provisions of § 54.1-3007 (7) of the Code of Virginia, a restriction on nurse aide certification shall be interpreted as having a finding of abuse, neglect or misappropriation of patient property made in another state or being placed on the abuse registry in another state.

### *PART III.*

#### *ADVANCED CERTIFICATION.*

## **18 VAC 90-25-110. Requirements for initial certification as an advanced certified nurse aide.**

*A. In order to be certified as and use the title of "Advanced Certified Nurse Aide," an applicant shall meet the following qualifications:*

*1. Hold current certification as a certified nurse aide in Virginia;*

*2. Have been certified for at least three years as a certified nurse aide;*

*3. Have never had a finding of abuse, neglect or misappropriation of patient property entered on the Nurse Aide Registry and have not had any disciplinary actions taken by the board within the five years preceding application for advanced certification;*

*4. Have a recommendation for advanced certification from a licensed nurse who has supervised the applicant in providing direct patient care for at least six months within the past year; and*

*5. Have successfully completed a minimum of 120 hours of advanced training in an approved program that includes a competency evaluation acceptable to the board.*

*B. An application for certification shall be accompanied by an application fee of \$25.*

## **18 VAC 90-25-120. Renewal and reinstatement of certification as an advanced certified nurse aide.**

*A. Renewal. If an individual is not eligible to renew as a certified nurse aide, certification as an advanced certified nurse aide may not be renewed. An advanced certification shall be renewed concurrently with the biennial renewal of the basic certification as a nurse aide in Virginia by:*

*1. Submitting a completed renewal form and renewal fee of \$20; and*

*2. Attesting to completing at least three contact hours per year of continuing education and training in any of the competency areas identified in the advanced certification training program. Completion of the continuing education and training required by an advanced certified nurse aide shall be verified by the employer on the renewal form. The*



board may grant an extension or waiver of the continuing education requirement based on good cause shown by the certified nurse aide.

**B. Late renewal.** An advanced certified nurse aide may renew certification for 90 days following the expiration date by meeting the requirements of subsection A of this section.

**C. Reinstatement.** If an advanced certification has not been renewed for 90 days following the expiration date, it shall only be reinstated if the applicant for reinstatement:

1. Holds current certification as a nurse aide in Virginia;
2. Submits a completed reinstatement application on a form provided by the board;
3. Pays the reinstatement fee of \$30; and
4. Provides evidence that he has completed all required hours of continuing education and training.

**18 VAC 90-25-130. Requirements for an approved advanced certification education program.**

**A.** The advanced certification education program shall be approved by the Virginia Board of Nursing. An approved advanced certification education program shall also be an approved nurse aide education program as set forth in 18 VAC 90-25-20.

**B.** An advanced certification education program shall consist of a minimum of 120 hours including a minimum of 40 hours of clinical skills instruction in direct client care with on-site supervision by instructional personnel. When nurse aides are engaged in direct client care in the course of advanced certification training, the ratio shall not exceed 10 students to one instructor.

**C.** The instructional personnel in an approved advanced certification education program shall meet the requirements as set forth in 18 VAC 90-25-30.

**D.** The curricula of an approved advanced certification education program shall, at a minimum, meet the requirements of 18 VAC 90-25-140.

**E.** Each advanced certification program shall develop an individual record of major skills taught and the date of performance by the student. At the completion of the program, the nurse aide must receive a copy of this record and a certificate of completion.

**F.** An advanced certification education program shall develop and submit to the board a competency evaluation based on the curriculum content required in 18 VAC 90-25-140. Such an evaluation shall include both a written test on the curriculum and an assessment of manual skills. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained for a minimum of three years.

**G.** Program review shall be in accordance with requirements of 18 VAC 90-25-60 and shall be conducted concurrently with the on-site review of the basic nurse aide education program. Loss of board approval for the basic nurse aide education

program shall automatically result in the loss of approval for the advanced certification education program.

**H.** When an advanced certification education program closes, the provider shall notify the board of the date of closing and submit a list of all graduates with their date of graduation.

**18 VAC 90-25-140. Required curriculum content for an advanced certification education program.**

**A.** An advanced certification education program shall include classroom and clinical instruction in the following curriculum:

1. Leadership and mentoring skills.
  - a. Principles of adult learning;
  - b. Learning styles;
  - c. Evaluation methods to assess learner knowledge;
  - d. Communication techniques and communication barriers; emphasizing cultural diversity of coworkers and clients;
  - e. Conflict management;
  - f. Precepting and mentoring new certified nurse aides;
  - g. Teamwork;
  - h. Contributing to care plan development and implementation;
  - i. Organizational responsibilities; and
  - j. Principles of documentation.
2. Care of the cognitively impaired client.
  - a. Signs and symptoms of dementia;
  - b. Concepts and techniques for addressing the unique needs and behaviors of individuals with dementia, including but not limited to agitation, combativeness, sundown syndrome, wandering, forgetfulness;
  - c. Basic concepts of communication with cognitively impaired clients, including techniques to reduce the effects of cognitive impairment;
  - d. Basic concepts of behavior management with cognitively impaired clients; and
  - e. Recognizing changes in the client's condition and reporting and documenting such changes.
3. Restorative care.
  - a. Anatomy and physiology with emphasis on the effects of aging;
  - b. Pathophysiology of common disorders of the elderly;
  - c. Measures to assist clients with common medical problems;
  - d. Recognizing changes in the client's condition and reporting and documenting such changes;
  - e. Concepts to maintain or improve client mobility and ability to perform activities of daily living; and

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# Fast-Track Regulations

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*f. Rehabilitation procedures.*

4. *Wound care.*

*a. Prevention, identification and treatment of Stage I and Stage II pressure ulcers;*

*b. Positioning;*

*c. Sterile and clean technique;*

*d. Dressing changes;*

*e. Concepts of hydration;*

*f. Nutrition and weight loss; and*

*g. Recognizing changes in the client's condition and reporting and documenting such changes.*

*B. Written objectives for each unit of instruction shall be stated in behavioral terms that are measurable and shall be reviewed with the students at the beginning of each unit.*

**NOTICE:** The forms used in administering 18 VAC 90-25, Regulations Governing Certified Nurse Aides, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Evaluation of On-Site Visitor (rev. 12/02).

Request for Statistical Information (rev. 12/02).

Renewal Notice and Application, 1401, Certified Nurse Aide (rev. 12/02).

Renewal Notice and Application, Advanced Certified Nurse Aide (eff. 12/02).

## FORMS

Instructions for Application for Nurse Aide Certification by Endorsement (rev. 12/02).

Application for Nurse Aide Certification by Endorsement (rev. 12/02).

Nurse Aide Certification Verification Form (rev. 12/02).

Instructions for Applicant for Advanced Certified Nurse Aide Registration (eff. 2/03).

Application for Certification as Advanced Certified Nurse Aide (eff. 2/03).

Instructions for Application for Reinstatement of Nurse Aide Certification (rev. 12/02).

Application for Reinstatement of Nurse Aide Certification (rev. 12/02).

Instructions for Application for Reinstatement of Advanced Nurse Aide Certification (eff. 2/03).

Application for Reinstatement of Advanced Nurse Aide Certification (eff. 2/03).

Application to Establish Nurse Aide Education Program (rev. 12/02).

Application to Establish an Advanced Certification Nurse Aide Education Program (eff. 12/02).

Nurse Aide Education Program Evaluation Report (rev. 11/02).

Nurse Aide Education Program-On-site Review Report (rev. 11/02).

Advanced Certification Nurse Aide Education Program-On-site Review Report (eff. ~~12/02~~ 12/04).

# Fast-Track Regulations

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COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF NURSING  
 6603 WEST BROAD STREET, FIFTH FLOOR  
 RICHMOND, VIRGINIA 23230-1712

**Advanced Certification Nurse Aide Education Program**

**On-site Review Report**

**Nurse Aide Education Program Name:** \_\_\_\_\_  
(School/Agency/Institution)

**Address:** \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

**Program Contact Person:** \_\_\_\_\_  
(Name) (Title) (Phone No.)

**Person Completing this Report:** \_\_\_\_\_  
(Printed Name) (Signature)

**Program Coordinator (must be an RN):** \_\_\_\_\_

**Visitor:** \_\_\_\_\_ **Date of Visit:** \_\_\_\_\_ **Date of Last Visit:** \_\_\_\_\_

**Summary of Factual Data**

Type of Program:      \_\_\_\_\_ Facility Based      \_\_\_\_\_ Non-Facility Based

Approved Basic Nurse Aide Education Program:      \_\_\_\_\_ Yes      \_\_\_\_\_ No

**Length of Program:**

Total Hours \_\_\_\_\_; Classroom Hours \_\_\_\_\_; Clinical Hours \_\_\_\_\_

Current Student Enrollment: \_\_\_\_\_ Frequency of Program Offering: \_\_\_\_\_

Date of Last Program Offering: \_\_\_\_\_

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# Fast-Track Regulations

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## Instructional Personnel

Number of Primary Instructors: RNs \_\_\_\_\_

Number of Other (Nurse) Instructors: RNs \_\_\_\_\_ ; LPNs \_\_\_\_\_

Number of Resource Personnel: \_\_\_\_\_

## Clinical Resource(s) Used

Name and Location of Facility(ies)	Most Recent Date of Licensure by VDOH	Title of Agency (Licensed Nursing Home or Medicare/Medicaid Cert. Facility/Unit)

### **Curriculum Change:**

\_\_\_\_\_ Yes \_\_\_\_\_ No Are you requesting Board of Nursing approval for a curriculum change?

If yes, please provide the following:

1. A statement explaining the nature of the requested change;
2. The rationale for the change; and
3. A comparison of the existing pertinent sections of the curriculum and the proposed revised curriculum.

# Fast-Track Regulations

REGULATION NUMBERS	CRITERIA	YES	NO	N/A	COMMENTS/REMARKS	*VISITOR'S REMARKS
18 VAC 90-25-130	<p><b>Basic Requirements</b></p> <p>A. Approved nurse aide education program.</p> <p>B. 120 hours, including a minimum of 40 hours of clinical skills instruction in direct client care with on-site supervision by instructional personnel. The ratio shall not exceed 10 students to one instructor.</p> <p>C. Instructional personnel meet the requirements of 18 VAC 90-25-30.</p> <p>D. Curriculum meets the requirements of 18 VAC 90-25-140.</p> <p>E. Individual record of major skills taught and the date of performance by the student. At the completion of the program, the nurse aide must receive a copy of this record and a certificate of completion.</p> <p>F. Competency evaluation based on the curriculum content required in 18 VAC 90-25-140 and include both a written test on the curriculum and an assessment of manual skills. A record of the graduates' performance shall be maintained for a minimum of three years.</p> <p>G. Program review shall be conducted concurrently with the on-site review of the basic nurse aide education program. Loss of board approval for the basic nurse aide education program shall automatically result in the loss of approval for the advanced certification program.</p> <p>H. When an advanced certification education program closes, the provider shall notify the board of the date of closing and submit a list of all graduates with their date of graduation.</p>					

# Fast-Track Regulations

REGULATION NUMBERS	CRITERIA	YES	NO	N/A	COMMENTS/REMARKS	*VISITOR'S REMARKS
18 VAC 90-25-140.A	<p>An advanced certification nurse aide education program shall include classroom and clinical instruction in the following curriculum:</p> <ol style="list-style-type: none"> <li>1. Leadership and mentoring skills               <ol style="list-style-type: none"> <li>a. Principles of adult learning;</li> <li>b. Learning styles;</li> <li>c. Evaluation methods to assess learner knowledge;</li> <li>d. Communication techniques and communication barriers; emphasizing cultural diversity of co-workers and clients;</li> <li>e. Conflict management;</li> <li>f. Precepting and mentoring new certified nurse aides;</li> <li>g. Teamwork;</li> <li>h. Contributing to care plan development and implementation;</li> <li>i. Organizational responsibilities; and</li> <li>j. Principles of documentation.</li> </ol> </li> <li>2. Care of the cognitively impaired client               <ol style="list-style-type: none"> <li>a. Signs and symptoms of dementia;</li> <li>b. Concepts and techniques for addressing the unique needs and behaviors of individuals with dementia, including but not limited to, agitation, combativeness, sundown syndrome, wandering, forgetfulness;</li> <li>c. Basic concepts of communication with cognitively impaired clients; including techniques to reduce the effects of cognitive impairment;</li> <li>d. Basic concepts of behavior management with cognitively impaired clients; and</li> <li>e. Recognizing changes in the client's condition and reporting and documenting such changes.</li> </ol> </li> </ol>					

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# EMERGENCY REGULATIONS

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-590. Waterworks Regulations (adding 12 VAC 5-590-505).**

Statutory Authority: § 32.1-170 of the Code of Virginia.

Effective Dates: December 21, 2004, through December 20, 2005.

Agency Contact: Chris Adkins, Geologist Supervisor, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7495, FAX (804) 864-7521, or e-mail [chris.adkins@vdh.virginia.gov](mailto:chris.adkins@vdh.virginia.gov).

Preamble:

*Chapter 317 of the 2004 Acts of Assembly requires that these emergency regulations be effective 280 days from the date of enactment (April 12, 2004).*

*Key provisions in the regulations are the development and maintenance of an emergency management plan by community waterworks to provide pure water during extended power outages of no less than five days. The plan will address procedures for obtaining and distributing potable water, notification procedures to public officials, customers and the media, emergency disinfection procedures, and telephone numbers for state regulatory personnel, waterworks personnel, and energy suppliers to the waterworks.*

**12 VAC 5-590-505. Emergency Management Plan for Extended Power Outages.**

*A. Each community waterworks shall develop and maintain an Emergency Management Plan for extended power outages.*

*B. Each plan shall be kept current and shall be kept at a location that is readily accessible in the event of an extended power outage.*

*C. Each community waterworks shall certify to the appropriate field office of the Office of Drinking Water in the Department of Health that the waterworks has completed such plan.*

*D. Each plan shall address the following where applicable:*

- 1. Identification of the criteria (events, duration of power outage, etc.) that will initiate activation of the plan.*
- 2. How the community waterworks will respond to an extended power outage for a minimum of five days.*
- 3. Procedures for obtaining and distributing potable water in the event that primary source(s) becomes unavailable.*
- 4. Notification procedures and example notices to the public and media (radio stations, etc.) including conservation and boil water advisories.*
- 5. Emergency disinfection procedures for distribution system(s) and storage tank(s).*

*6. The telephone number of the appropriate field office of the Office of Drinking Water in the Virginia Department of Health.*

*7. The names and telephone numbers of the waterworks personnel who should be notified.*

*8. The name and telephone number of the Local Emergency Coordinator designated by the Virginia Department of Emergency Management.*

*9. The names and telephone numbers of the electric power, natural gas, and propane distributors, or other energy supplier to the waterworks.*

*E. The effective date for compliance is April 15, 2005 for waterworks serving a population of 3,300 or greater and September 5, 2005 for waterworks serving a population under 3,300.*

/s/ Mark R. Warner  
Governor

Date: December 17, 2004

VA.R. Doc. No. R05-97; Filed December 21, 2004, 11 a.m.



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## GENERAL NOTICES/ERRATA

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### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### **Total Maximum Daily Loads (TMDLs) and an Implementation Plan (IP) to Address Multiple Impairments in the Blackwater River Basin and Its Tributaries**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) and an Implementation Plan (IP) to address multiple impairments in the Blackwater River Basin and its tributaries. The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report, the Virginia 2002 303(d) Report on Impaired Waters, and the 2004 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include: 16.78 miles of Mill Swamp located in Isle of Wight and Surry Counties, 8.16 miles of Rattlesnake (Creek) Swamp located in Isle of Wight, and 17.1 miles of Cypress Swamp located in Surry County.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report. Section 62.1-44.19:7 A and C of the Code of Virginia require the development of an 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.

A public meeting on the development of the Blackwater River Tributary TMDL has been scheduled for Wednesday, January 19, 2005, at 7 p.m. at the Surry Community Center, 205 Enos Farm Drive in Surry, Virginia. The purpose of the meeting is to discuss the TMDL development process in the Blackwater tributaries and to share information on bacteria sources in these watersheds. Anyone interested in attending this meeting should contact the regional TMDL coordinator, Chris French (contact information provided below). Information from this meeting will be made available on the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl/>.

The public comment period for this phase of the TMDL development will end on February 18, 2005. A fact sheet on the development of the Blackwater River Tributary TMDL is available upon request or can be viewed on the DEQ website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Chris French. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Chris French, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail [rcfrench@deq.virginia.gov](mailto:rcfrench@deq.virginia.gov).

#### **Total Maximum Daily Loads (TMDLs) for Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the following six watersheds: Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek. The subject stream segments are identified in Virginia's 2002 303(d) Report on Impaired Waters as impaired due to exceedances of the state's water quality criterion for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) list.

The impaired stream segments are located in Louisa, Orange, and Spotsylvania counties. The first impairment is a 7.16-mile segment of Goldmine Creek extending from the headwaters of the Creek, near the intersection of Routes 22 and 625, downstream to the confluence with Lake Anna, about 1 mile north of Route 613. The second impairment is a 2.51-mile segment of Beaver Creek extending from the confluence of Cooks Creek and Beaver Creek, approximately 0.68 rivermiles upstream from the Route 638 bridge, downstream to its confluence with the North Anna River, about 1 mile west of Route 669. The third impairment is a 2.52-mile segment of Mountain Run beginning at the confluence of Madison Run and Mountain Run, about 1.5 miles east of Route 15, downstream to its confluence with the North Anna River, about 1 mile south of Route 643. The fourth impairment is a 12.14-mile segment of Pamunkey Creek extending from the confluence of Tomahawk Creek and Church Creek (where Pamunkey Creek begins), near the intersection of Routes 612 and 631, downstream to the confluence with Lake Anna, about 1 mile east of Route 651. The fifth impairment is a 5.45-mile segment of Terrys Run extending from confluence of Horsepen Branch to Terrys Run, near Route 619, downstream to the confluence with Lake Anna, near Route 651. The sixth impairment is a 3.15-mile segment of Plentiful Creek extending from the confluence of an unnamed tributary to Plentiful Creek, near Route 601, downstream to the confluence with Lake Anna, about 1 mile south of Route 653.

The second public meeting on the development of the Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek Bacteria TMDLs will be held on Tuesday, January 25, 2005 at 7 p.m. at Prospect Heights Middle School, located at 300 Macon Road in Orange, Virginia.

The public comment period will begin on January 25, 2005, and end on February 23, 2005. Fact sheets on the development of the TMDLs for the impairments referenced above are available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental



Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).

### **Total Maximum Daily Load (TMDL) for Lewis Creek in Augusta County and the City of Staunton**

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) for Lewis Creek in Augusta County and the City of Staunton. This stream was first listed on the 1996 303(d) TMDL Priority List and Report as impaired due to violations of the state's general standard (benthic) for aquatic life. This impairment extend from just south of Staunton (river mile 9.55) to the confluence with the Middle River for a total of 9.55 miles.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of the benthic TMDL will be held on Monday, January 24, 2005, 7 p.m. at the Staunton City Council Chambers, Staunton City Hall, 116 W. Beverley St., Staunton, VA 24402.

The public comment period for this first public meeting will end on February 24, 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 [mbrent@deq.virginia.gov](mailto:mbrent@deq.virginia.gov).

### **Total Maximum Daily Loads (TMDLs) for Mountain Run and Mine Run Watersheds**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the Mountain Run and Mine Run watersheds. The subject stream segments are identified in Virginia's 2002 303(d) Report on Impaired Waters as impaired due to exceedances of the state's water quality criterion for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) list.

The impaired stream segments are located in Orange County. The first impairment is a 9.79-mile segment of Mountain Run that extends from the confluence of Mill Run to Mountain Run, approximately 0.25 rivermiles downstream of Route 617, downstream to its confluence with Mine Run, near the Orange County line. The second impairment is a 9.95-mile segment of Mine Run that extends from the confluence of Cormack Run to Mine Run, approximately 0.6 rivermiles upstream of

Route 20, and continues downstream to its confluence with the Rapidan River, at the Orange County line.

The second public meeting on the development of the Mountain Run and Mine Run Bacteria TMDLs will be held on Wednesday, January 19, 2005, at 7 p.m. at Unionville Elementary School, located at 10285 Zachary Taylor Highway (Rt. 522) in Unionville, Virginia.

The public comment period will begin on January 19, 2005, and end on February 17, 2004. Fact sheets on the development of the TMDLs for the impairments referenced above are available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).

### **Total Maximum Daily Loads (TMDLs) and an Implementation Plan (IP) to Address Impairments in the Raccoon Creek Watershed**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) and an Implementation Plan (IP) to address impairments in the Raccoon Creek watershed. The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report, the Virginia 2002 303(d) Report on Impaired Waters, and the 2004 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. This stream therefore does not supporting the Primary Contact Recreation (Swimmable) Designated Use. This impairment includes 19.3 miles of Raccoon Creek in Sussex and Southampton counties.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report. Section 62.1-44.19:7 A and C of the Code of Virginia require the development of an 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.

A public meeting on the development of the Raccoon Creek TMDL and Implementation Plan will be held on Thursday, January 20, 2005, 7 p.m. at the Virginia Department of Forestry, Waverly Region Office, located at 135 Bank Street in Waverly, Virginia. A map to the facilities can be found on the internet at <http://www.dof.virginia.gov/info/vdof-directory.shtml>. The purpose of the meeting is to discuss the proposed reductions in fecal bacteria needed in the Raccoon Creek watershed and to solicit public participation for the IP development.

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## General Notices/Errata

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The public comment period for this phase of the TMDL development will end on February 19, 2005. A fact sheet on the development of the Raccoon Creek TMDL is available upon request or can be viewed on the DEQ website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Chris French. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Chris French, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail [rcfrench@deq.virginia.gov](mailto:rcfrench@deq.virginia.gov).

### **Total Maximum Daily Loads (TMDLs) for Robinson River and Little Dark Run Watersheds**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the Robinson River and Little Dark Run watersheds. The subject stream segments are identified in Virginia's 2002 303(d) Report on Impaired Waters and the 2004 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report as impaired due to exceedances of the state's water quality criterion for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) list.

The impaired stream segments are located in Madison County. The first impairment is a 2.92-mile segment of the Robinson River extending from the confluence of the Rose River, near the intersection of Routes 600 and 670, downstream to Route 231. The second impairment is a 5.21-mile segment of the Robinson River extending from the confluence of White Oak Run, downstream to the Robinson's confluence with the Rapidan River. The third impairment is a 4.26-mile segment of Little Dark Run extending from the headwaters of Little Dark Run, near the intersection of Routes 231 and 687, downstream to its confluence with Dark Run, near Route 680.

The second public meeting on the development of the Robinson River and Little Dark Run TMDLs will be held on Tuesday, January 18, 2005, at 7 p.m. at the War Memorial Building located at the corner of Main and Church Streets in the Town of Madison, Virginia.

The public comment period will begin on January 18, 2005, and end on February 16, 2005. Fact sheets on the development of the TMDLs for the impairments referenced above are available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).

## **STATE WATER CONTROL BOARD**

### **Proposed Consent Special Order for Travel Centers of America**

The State Water Control Board proposes to take an enforcement action against Travel Centers of America #143. Under the terms of the proposed special order, the owner of this facility has agreed to be bound by the terms and conditions of a schedule of compliance contained in the appendix of the order. The requirements contained in the order bring the facility into compliance with state law and protect water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive comments relating to the special order for 30 days after the date of publication of this notice. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, Virginia 24212 and should refer to the consent special order. Comments can also be sent by e-mail to [drsizemore@deq.virginia.gov](mailto:drsizemore@deq.virginia.gov). Anyone wishing to comment must include their name, address and phone number and all comments must be received before the end of the comment period.

The proposed order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, VA. A copy of the order may be obtained in person or by mail from the above office.

### **Water Quality Management Planning Regulation Amendment**

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

The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt three Total Maximum Daily Load (TMDL) waste load allocations contained in three TMDL reports. These TMDL reports have been developed in accordance with federal regulations (40 CFR 130.7) and are exempt from the provisions of Article 2 of the Virginia Administrative Process Act. These TMDL reports have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at <http://www.deq.state.va.us/tmdl/>.

DEQ staff intends to recommend that (i) the board approve the TMDL reports as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments; (ii) the board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan,

and (iii) the board adopt the three TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §§ 2.2-4006A 4 c and 2.2-4006 B of the Code of Virginia.

Specifically, staff will propose amendments of the state's Water Quality Management Planning regulation for the following river basins: Roanoke River Basin (9 VAC 25-720-80 A), Chowan River Basin (9 VAC 25-720-100 A), and the New River Basin (9 VAC 25-720-130 A). The three TMDL reports and specific TMDLs affected by the proposed board actions are listed below:

In the Roanoke River Basin (9 VAC 25-720-80 A):

"Benthic TMDL for Twittys Creek Watershed, Virginia"

1. Twittys Creek benthic TMDL, located in Charlotte County, proposes sediment reductions for portions of the watershed.

In the Chowan River Basin (9 VAC 25-720-100 A):

"Benthic TMDL for Hurricane Branch Unnamed Tributary, Virginia"

2. Hurricane Branch (Unnamed Tributary) benthic TMDL, located in Nottoway County, proposes sediment reductions for portions of the watershed.

In the New River Basin (9 VAC 25-720-130 A):

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Bluestone River"

3. Bluestone River benthic TMDL, located in Tazewell County, proposes sediment reductions for portions of the watershed.

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

Public Participation: The board is seeking comments on the intended amendments to the Water Quality Management Regulation and approval of the TMDL reports. Anyone wishing to submit written comments may do so by mail or by e-mail to Jutta Schneider at the address given below. Written comments must include the name and address of the commenter and must be received no later than 4 p.m. on February 9, 2005.

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

A copy of the full text of these procedures is available electronically at [gisweb.deq.virginia.gov/tmdlapp/tmdl\\_notices.cfm](http://gisweb.deq.virginia.gov/tmdlapp/tmdl_notices.cfm). The electronic copy is in PDF format and may be read online or downloaded. Also, hard copies are available upon request.

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

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

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

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

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

#### FORMS:

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

## ERRATA

### STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **9 VAC 5-20. General Provisions.**

Publication: 21:7 VA.R. 790 December 13, 2004.

Correction to Final Regulation:

Page 790, Title of Regulation, change "Rev. B04" to "Rev. N04"

### STATE BOARD OF EDUCATION

Title of Regulation: **8 VAC 20-200. Diploma - High School Completion.**

Publication: 21:7 VA.R. 804-805 December 13, 2004.

Correction to Fast-Track Regulation:

Page 805, end of column 1, change "VA.R. Doc. No. 74" to "VA.R. Doc. No. 71"

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## General Notices/Errata

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### STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-191. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concentrated Animal Feeding Operations.**

Publication: 21:2 VA.R. 183-198 October 4, 2004.

Correction to Final Regulation:

Page 187, Groundwater Monitoring table, column 2, unstrike "NL" in two places

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Title of Regulation: **9 VAC 25-630. Virginia Pollutant Abatement General Permit Regulation for Poultry Waste Management.**

Publication: 21:2 VA.R. 211-222 October 4, 2004.

Correction to Final Regulation:

Page 219, Forms, unstrike "Registration Statement, VPA General Permit for Poultry Waste Management, RS VPS2 (rev. 12/1/00)"; delete added form "Virginia Pollution Abatement General Permit Registration Statement for Animal Feeding Operation (eff. 11/04)."

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# CALENDAR OF EVENTS

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## 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](http://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

† **January 10, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 378, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to discuss open complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the board office at (804) 367-8505 or TDD (804) 367-9753.

**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.virginia.gov](mailto:boa@boa.virginia.gov).

### COMMONWEALTH COUNCIL ON AGING

† **January 26, 2005 - 11 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, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

† **January 26, 2005 - 1 p.m.** -- Open Meeting  
Department for the Aging, 1610 Forest Avenue, Suite 100,  
Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

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

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Virginia Aquaculture Advisory Board

† **January 26, 2005 - 12:30 p.m.** -- Open Meeting  
Virginia Farm Bureau Federation, 12580 West Creek  
Parkway, Conference 3C, Third Floor, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia aquaculture. For directions call 800-768-8323, extension 1155. 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 T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** T. Robins Buck, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., 2nd Floor, Richmond, VA 23219, telephone (804) 371-6094, FAX (804) 371-2945, e-mail [Robins.Buck@vdacs.virginia.gov](mailto:Robins.Buck@vdacs.virginia.gov).

#### Virginia Corn Board

† **February 21, 2005 - 8 a.m.** -- Open Meeting  
DoubleTree Hotel, Richmond Airport, 5501 Eubank Street,  
Richmond, Virginia.♿

A meeting to (i) discuss checkoff revenues resulting from sales of the 2004 corn crop and approve the previous meeting minutes; (ii) hear FY 2004-2005 project reports and receive FY 2005-2006 project proposals; and (iii) make funding decisions for the fiscal year beginning July 1, 2005. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman

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## Calendar of Events

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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 Irish Potato Board

**January 12, 2005 - 7 p.m.** -- Open Meeting  
Eastern Shore Agriculture Research and Extension Center, Research Drive, Painter, Virginia. 

A meeting to approve the minutes of the previous meeting. In addition, the board will discuss its financial statement and previously funded promotion, research, and education programs. The board will review the annual budget and review and evaluate grant proposals for the next fiscal year. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Butch Nottingham at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Butch Nottingham, Program Manager, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.


### 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 Pork Industry Board


**† January 26, 2005 - 4:30 p.m.** -- Open Meeting  
Paul D. Camp Community College, Franklin, Virginia. 

A meeting to (i) review and approve the board's minutes of the last meeting; (ii) reiveu the financial statement; (iii) review and approve promotion, research, and educaton and projects/grants; (iv) select National Pork Board committee candidates; and (v) conduct the general business of 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 John H. Parker at least three days before the meeting date so that suitable arrangements can be made.

**Contact:** John H. Parker, Executive Director, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786, e-mail John.Park@vdacs.virginia.gov.


### Virginia Soybean Board

**† March 10, 2005 - 8 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A meeting to (i) discuss checkoff revenues resulting from sales of the 2004 soybean crop and approve previous meeting minutes; (ii) hear project reports for FY 2004-2005 and project proposals for FY 2005-2006; and (iii) make funding decisions for the fiscal year beginning July 1, 2005. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman 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

**† February 24, 2005 - 11 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. 

A meeting to (i) approve the minutes of the last meeting held on November 18, 2004; (ii) review its financial statement; and (iii) 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 David Robishaw at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** David Robishaw, Board Secretary, Virginia Wine Board, 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

**January 20, 2005 - 7 p.m.** -- Public Hearing  
Frederick County Administration Office Building, Supervisors' Room, 107 North Kent Street, Winchester, Virginia. 

A public hearing on a proposed revision to the Commonwealth of Virginia State Implementation Plan. The hearing will be held to accept testimony concerning the proposed revision. The proposed revision will consist of a determination of reasonably available control technology (RACT) for the control of emissions of nitrogen oxides (NO<sub>x</sub>) to the atmosphere from the Global Stone Chemstone Corporation's lime manufacturing plant located in the Frederick County portion of the Western Virginia Emissions Control Area. The RACT determination is being made pursuant to 9 VAC 5-40-310. A state operating permit is being issued as an administrative mechanism to enforce the RACT determination. The permit is being issued pursuant to Article 5 (9 VAC 5-80-800 et seq.) of 9 VAC 5 Chapter 80 and is federally enforceable upon issuance. RACT for emissions of NO<sub>x</sub> from the rotary lime kiln has been determined to be proper kiln design and operation capable of not exceeding NO<sub>x</sub> emissions of 60.9 lb per hour and 3.2 lb per ton of lime produced.

**Contact:** Janardan Pandey, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7817, FAX (540) 574-7878, e-mail [jrpandey@deq.virginia.gov](mailto:jrpandey@deq.virginia.gov).

NOTE: CHANGE IN MEETING DATE


† **January 26, 2005 - 6 p.m.** -- Open Meeting

Paul D. Camp Workforce Development Center, Franklin, Virginia. 

International Paper will host a public information meeting on a variance to the regulations for the control and abatement of air pollution establishing a sitewide emissions cap.

**Contact:** Laurel D. Corl, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2178, FAX (757) 518-2009, e-mail [ldcorl@deq.virginia.gov](mailto:ldcorl@deq.virginia.gov).

**March 2, 2005 - 9:30 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A regular meeting of the 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 [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).

## ALCOHOLIC BEVERAGE CONTROL BOARD

**February 11, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-50, Retail Operations**. The purpose of the proposed action is to prescribe the conditions under which restaurants holding mixed beverage licenses may serve bottles of soju in the original container for on-premises consumption.

Statutory Authority: §§ 4.1-103, 4.1-111 and 4.1-221 of the Code of Virginia.


**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, 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](mailto:wccolen@abc.state.va.us).

## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**March 22, 2005 - 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, Department for the Aging, 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](mailto:janet.honeycutt@vda.virginia.gov).

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


† **February 3, 2005 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [APELSCIDLA@dpor.state.va.us](mailto:APELSCIDLA@dpor.state.va.us).

† **February 8, 2005 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified

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## Calendar of Events

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Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

† **February 10, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Landscape Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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

† **March 17, 2005 - 9 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 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.state.va.us.

### VIRGINIA COMMISSION FOR THE ARTS

† **March 31, 2005 - 9 a.m.** -- Open Meeting  
Location to be determined. ♿

A quarterly meeting.

**Contact:** Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail peggy.baggett@arts.virginia.gov.

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**February 16, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

**Contact:** David E. Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail alhi@dpor.virginia.gov.

### AUCTIONEERS BOARD

† **January 20, 2005 - 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 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:** 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.state.va.us.

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**January 12, 2005 - 10:30 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

**February 11, 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 Board of Audiology and Speech-Language Pathology intends to amend regulations entitled **18 VAC 30-20, Regulations of the Board of Audiology and Speech-Language Pathology**. The purpose of the proposed action is to establish criteria for delegation of certain informal fact-finding proceedings to an agency subordinate.

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

Public comments may be submitted until February 11, 2005, Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 6603 West Broad Street, Richmond, VA 23230-1712.

**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.

† **February 24, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions 6603 West Broad Street,  
5th Floor, Room #3 Richmond, Virginia. ♿



A meeting to discuss issues and matters as related to the Board of Audiology and Speech Language Pathology business.

**Contact:** Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 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](mailto:elizabeth.young@dhp.virginia.gov).

## BOARD FOR BARBERS AND COSMETOLOGY

**January 24, 2005 - 9 a.m.** -- Open Meeting

† **April 4, 2005 - 9 a.m.** -- Open Meeting

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

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person 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.

**Contact:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov).

## BOARD FOR THE BLIND AND VISION IMPAIRED

† **January 11, 2005 - 1 p.m.** -- Open Meeting

Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to review endowment fund expenditures, receive update on various agency programs, and consider any other items brought before the board for review and action.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail [kathy.proffitt@dbvi.virginia.gov](mailto:kathy.proffitt@dbvi.virginia.gov).

## BOARD FOR BRANCH PILOTS

† **February 1, 2005 - 8:30 a.m.** -- Open Meeting

Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿

A meeting of the examination administrators to conduct examinations.

**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,

telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

† **February 2, 2005 - 9:30 a.m.** -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person 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.

**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

## CEMETERY BOARD

**February 24, 2005 - 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:** 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 [oneal@dpor.virginia.gov](mailto:oneal@dpor.virginia.gov).

## CHILD DAY-CARE COUNCIL

**January 13, 2005 - 10 a.m.** -- Open Meeting

Department of Social Services, 7 North 8th Street, 6th Floor, Conference Room, Richmond, Virginia. ♿

A business 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](mailto:patricia.rengnerth@dss.virginia.gov).

## CHARITABLE GAMING BOARD

† **March 1, 2005 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia. ♿

A regular quarterly meeting.

**Contact:** Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail [clyde.cristman@dpg.virginia.gov](mailto:clyde.cristman@dpg.virginia.gov).

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# Calendar of Events

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## STATE CHILD FATALITY REVIEW TEAM

**January 11, 2005 - 10 a.m.** -- Open Meeting

**March 11, 2005 - 10 a.m.** -- Open Meeting

Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 


The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m. is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

**Contact:** Angela Myrick, Coordinator, Department of Health, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail Angela.Myrick@vdh.virginia.gov.


## STATE BOARD FOR COMMUNITY COLLEGES

**January 19, 2005 - 1:30 p.m.** -- Open Meeting

**March 16, 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 Development 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 

**January 20, 2005 - 9 a.m.** -- Open Meeting

**March 17, 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

**January 11, 2005 - 2 p.m.** -- Open Meeting

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

A board meeting with Constitutional Officer Association presidents regarding upcoming legislation.

**Contact:** Cindy P. 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.

**January 26, 2005 - 11 a.m.** -- Open Meeting  
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

**Contact:** Cindy P. 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

### Virginia Cave Board

**March 19, 2005 - 11 a.m.** -- Open Meeting

Endless Caverns, New Market, Virginia.

Committee meetings will begin at 11 a.m. A general board meeting will begin at 1 p.m.

**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

**January 11, 2005 - 9 a.m.** -- Open Meeting

**January 12, 2005 - 9 a.m.** -- Open Meeting

**January 20, 2005 - 9 a.m.** -- Open Meeting

**January 25, 2005 - 9 a.m.** -- Open Meeting


**February 3, 2005 - 9 a.m.** -- Open Meeting

**† February 8, 2005 - 9 a.m.** -- Open Meeting


**† February 9, 2005 - 9 a.m.** -- Open Meeting

**† February 15, 2005 - 9 a.m.** -- Open Meeting

**† February 23, 2005 - 1:30 p.m.** -- Open Meeting

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

Informal fact-finding conferences.

**Contact:** Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

**January 18, 2005 - 9 a.m.** -- Open Meeting

**March 1, 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-2785 at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate

accommodation. 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](mailto:contractors@dpor.virginia.gov).

**February 23, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Tradesman and Education Committee to conduct committee business. The department fully complies with the Americans with Disabilities Act.

**Contact:** Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

## BOARD OF CORRECTIONS

† **January 18, 2005 - 10 a.m.** -- Open Meeting  
† **March 15, 2005 - 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](mailto:woodhousebl@vadoc.state.va.us).

† **January 18, 2005 - 1 p.m.** -- Open Meeting  
† **March 15, 2005 - 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](mailto:woodhousebl@vadoc.state.va.us).

† **January 19, 2005 - 9:30 a.m.** -- Open Meeting  
† **March 16, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, 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](mailto:woodhousebl@vadoc.state.va.us).

† **January 19, 2005 - 10 a.m.** -- Open Meeting  
† **March 16, 2005 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ♿

A regular meeting to discuss 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](mailto:woodhousebl@vadoc.state.va.us).

## BOARD OF COUNSELING

† **February 11, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting of the Discipline Committee to determine if possible violations of the regulations that govern the practice of counseling in Virginia have occurred.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

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**February 18, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

**February 25, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-2007 of the Code of Virginia that the Board of Counseling intends to adopt regulations entitled **18 VAC 115-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set criteria for the delegation of certain types of cases to an appropriately qualified agency subordinate to conduct informal fact-finding on behalf of the board.

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

Public comments may be submitted until February 25, 2005, to Evelyn B. Brown, Executive Director, Board of Counseling, 6603 West Broad Street, Richmond, VA 23219.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **February 2, 2005 - 10 a.m.** -- Open Meeting  
1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the advisory board.

**Contact:** Leslie Hutcheson Prince, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602

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# Calendar of Events

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Rolling Hills Dr., Suite 203, Richmond, VA 23235, telephone (804) 662-9703, (804) 662-9703/TTY ☎, e-mail [leslie.prince@vddhh.virginia.gov](mailto:leslie.prince@vddhh.virginia.gov).

## BOARD OF DENTISTRY

**January 20, 2005 - 1 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](mailto:Cheri.Emma-Leigh@dhp.virginia.gov).

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**January 21, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

**February 11, 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 Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to establish the criteria for delegation of certain informal fact-finding to an agency subordinate.

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

Public comments may be submitted until February 11, 2005, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

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**January 21, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

**January 28, 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 Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to update certain requirements and terminology; clarify the board's requirements, especially related to dental education; eliminate a jurisprudence examination; and add requirements for additional training for applicants who have

had multiple examination failures. Amendments also modify educational, monitoring and equipment requirements for administration of various forms of analgesia, sedation and anesthesia as minimally necessary to ensure public safety.

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

Public comments may be submitted until January 28, 2005, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

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† **January 21, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

† **March 11, 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 Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to establish the qualifications for issuance of a temporary resident license in dentistry.

Statutory Authority: §§ 54.1-2400 and 54.1-2711.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**January 21, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss board business. There will be a public comment period during the first 15 minutes 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](mailto:sandra.reen@dhp.virginia.gov).

## BOARD OF EDUCATION

**January 12, 2005 - 9 a.m.** -- Open Meeting

**February 23, 2005 - 9 a.m.** -- Open Meeting

**March 23, 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](mailto:mroberts@mail.vak12ed.edu).

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**January 18, 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 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](mailto:mroberts@mail.vak12ed.edu).

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**February 13, 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 Board of Education intends to repeal regulations entitled **8 VAC 20-200, Diploma - High School Completion**. The purpose of the proposed action is to repeal this regulation. The requirements for a diploma are prescribed by the Standards of Quality in § 22.1-253.13:4 of the Code of Virginia and by the Board of Education in the Regulations for Establishing Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131-50. Additionally, the Regulations Governing Adult High School Programs, 8 VAC 20-30-20, prescribe the requirements for an adult high school diploma and the Emergency Regulations Governing the General Achievement Diploma, 8 VAC 20-680-10, prescribe the requirements for that diploma. Therefore, this regulation should be repealed because it is no longer necessary.

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](mailto:mroberts@mail.vak12ed.edu).

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**February 14, 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 Board of Education intends to repeal regulations entitled **8 VAC 20-260, Regulations Governing Financial Retention Schedule**. 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](mailto:mroberts@mail.vak12ed.edu).

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**February 14, 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 Board of Education intends to repeal regulations entitled **8 VAC 20-380, Regulations Governing Public School Building Construction (Literary Fund)**. The requirements for literary loans are now prescribed by the Board of Education in the Regulations Governing Literary Loan Applications in Virginia (8 VAC 20-100). Therefore, this regulation should be repealed because the requirements for loans from the literary fund have been promulgated by the Board of Education in another regulation and the provisions in this regulation are no longer correct.

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](mailto:mroberts@mail.vak12ed.edu).

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**February 14, 2005** - Public comments may be submitted until this date.

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## Calendar of Events

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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 20-400, Rules Governing Division Superintendent Salary and Expenses**. Section 22.1-253.13:2 E of the Code of Virginia provides that, pursuant to the appropriation act, support services shall be funded from basic school aid on the basis of prevailing statewide costs. The term "support services" includes those services provided by the superintendent. Therefore, this regulation should be repealed because the requirements are out of date and incorrect.

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](mailto:mroberts@mail.vak12ed.edu).

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**February 14, 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 Board of Education intends to repeal regulations entitled **8 VAC 20-430, Regulations Governing Contractual Agreements with Professional Personnel**. The provisions in this regulation are now prescribed by the Board of Education in the Regulations Governing the Employment of Professional Personnel (8 VAC 20-440-10). Therefore, this regulation should be repealed because the requirements have been promulgated by the Board of Education in another regulation making this regulation 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](mailto:mroberts@mail.vak12ed.edu).

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**February 14, 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 Board of Education intends to repeal regulations entitled **8 VAC 20-480, Regulations Governing Pupil Rights and Hearings**. This regulation should be repealed because the requirements are unnecessary. The Regulations Governing Management of the Student's Scholastic Record (8 VAC 20-150), require local school divisions to adhere to provisions of the Family Education Rights and Privacy Act (FERPA). FERPA regulations at 34 CFR 99.21 and 99.22, require that school divisions provide a hearing when the parent or eligible student wants to challenge information in the student's educational record. FERPA also includes the process that must be followed. Since school divisions are required to

adhere to the board's regulation and to FERPA, this regulation is redundant and 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](mailto:mroberts@mail.vak12ed.edu).

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**February 28, 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 Board of Education intends to amend regulations entitled **8 VAC 20-360, Rules Governing General Educational Development Certificates**. The purpose of the proposed action is to increase testing fees, change the language governing to whom a Virginia GED certificate may be issued, and change scoring requirements for issuance of a Virginia GED certificate.

Statutory Authority: §§ 22.1-16 and 22.1-224 of the Code of Virginia.

**Contact:** Dr. Yvonne Thayer, Director, Adult Education Programs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2293.

### DEPARTMENT OF EDUCATION

NOTE: CHANGE IN MEETING TIMES

**January 20, 2005 - 8:30 a.m.** -- Open Meeting

**January 21, 2005 - 8 a.m.** -- Open Meeting

Richmond Holiday Inn, Koger Center, 10800 Midlothian Turnpike, Richmond, Virginia.

A meeting of the State Special Education Advisory Committee. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. 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 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, or e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu).

## Advisory Board on Teacher Education and Licensure

**January 24, 2005 - 8:45 a.m.** -- Open Meeting

**March 21, 2005 - 8:45 a.m.** -- Open Meeting


Location to be announced.

A regular meeting. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. 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](mailto:mroberts@mail.vak12ed.edu).

## DEPARTMENT OF ENVIRONMENTAL QUALITY


**January 11, 2005 - 7 p.m.** -- Open Meeting

Russell Prater Elementary School, Route 83 east of Haysi, Prater, Virginia. 

A public meeting on a draft TMDL for benthics for Russell Prater Creek in Buchanan and Dickenson counties. The public comment period begins with publication of the notice in the Virginia Register of Regulations on December 27, 2004, and closes on February 11, 2005.

**Contact:** Nancy T. Norton, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899, e-mail [ntnorton@deq.virginia.gov](mailto:ntnorton@deq.virginia.gov).


**January 12, 2005 - 7 p.m.** -- Open Meeting

Southern Piedmont Agricultural Research and Extension Center, Auditorium, 2375 Davills Road, Blackstone, Virginia. 

A public meeting on the development of TMDLs and an implementation plan to address multiple impairments in the Nottoway River Basin and its tributaries located in Prince Edward, Nottoway, Lunenburg and Dinwiddie Counties. The public comment period begins with publication of the notice in the Virginia Register of Regulations on December 27, 2005 and closes on February 11, 2005.

**Contact:** Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail [kjwills@deq.virginia.gov](mailto:kjwills@deq.virginia.gov).

**† January 18, 2005 - 7 p.m.** -- Open Meeting


War Memorial Building, Main and Church Streets, Madison, Virginia. 

The second public meeting on the development of bacteria TMDLs for the Robinson River and Little Dark Run located in Madison County. The public comment period will begin

on January 18, 2005, and end on February 16, 2005. Fact sheets on the development of the TMDLs for the impairments referenced above are available upon request.

**Contact:** Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (730) 583-3843, FAX (703) 583-3841, e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).


**† January 19, 2005 - 7 p.m.** -- Open Meeting

Surry Community Center, 205 Enos Farm Drive, Surry, Virginia. 

A public meeting on the development of TMDLs to address multiple impairments in the Blackwater River Basin and its tributaries located in Isle of Wight and Surry counties. The public notice will appear in the Virginia Register of Regulations on January 10, 2005. The public comment period runs from January 19, 2005, through February 18, 2005.

**Contact:** Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail [fcfrench@deq.virginia.gov](mailto:fcfrench@deq.virginia.gov).


**† January 19, 2005 - 7 p.m.** -- Open Meeting

Unionville Elementary School, 10285 Zachary Taylor Highway, Unionville, Virginia. 

The second public meeting on the development of bacteria TMDLs for Mountain Run and Mine Run in Orange County. The public comment period begins on January 19, 2005, and closes on February 17, 2005.

**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](mailto:bhthomas@deq.virginia.gov).


**† January 20, 2005 - 7 p.m.** -- Open Meeting

Department of Forestry, Waverly Regional Office, 135 Bank Street, Waverly, Virginia. 

A public meeting on the development of the Raccoon Creek bacteria TMDL implementation plan located in Sussex and Southampton counties. The public notice will appear in the Virginia Register of Regulations on January 10, 2005. The public comment period runs from January 20, 2005 through February 19, 2005.

**Contact:** Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail [rcfrench@deq.virginia.gov](mailto:rcfrench@deq.virginia.gov).

**January 20, 2005 - 7 p.m.** -- Open Meeting

Advanced Technology Center, Tidewater Community College, Virginia Beach Campus, Virginia Beach, Virginia. 

The second public meeting on the development of bacteria TMDLs for waters in the Back Bay and North Landing River watersheds located in Virginia Beach. The public comment period begins with publication of the notice in the Virginia Register of Regulations on December 27, 2004, and closes on February 20, 2005.


**Contact:** Jennifer Howell, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462,

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# Calendar of Events


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telephone (757) 518-2111, FAX (757) 518-2003, e-mail jshowell@deq.virginia.gov.

† **January 24, 2005 - 7 p.m.** -- Open Meeting  
Staunton City Council Chambers, Staunton City Hall, 116 West Beverley Street, Staunton, Virginia. 

The first public meeting on the development of the benthic TMDL for Lewis Creek in Augusta County and the City of Staunton. The public comment period begins on January 24, 2005, and closes on February 24, 2005. The public notice will appear in the Virginia Register on January 10, 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.

† **January 25, 2005 - 7 p.m.** -- Open Meeting  
Prospect Heights Middle School, 300 Macon Road, Orange, Virginia. 


The second public meeting on the development of the Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek Bacteria TMDLs. The public comment period will begin on January 25, 2005, and end on February 23, 2005.

**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.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS


**January 18, 2005 - 10 a.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.

† **March 8, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss issues and matters as they relate the board.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 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.

## GOVERNOR'S EMERGENCY MEDICAL SERVICES ADVISORY BOARD

**February 3, 2005 - 3 p.m.** -- Open Meeting  
The Place at Innsbrook, Glen Allen, Virginia.

A regular meeting to review suggested changes to specific EMS regulations.

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

## STATE BOARD OF HEALTH

**January 28, 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 Board of Health intends to amend regulations entitled **12 VAC 5-410, Rules and Regulations for the Licensure of Hospitals**. The purpose of the proposed action is to extend the storage time of breastmilk from 24 to 48 hours and to reformat section 440 of the regulations.

Statutory Authority: § 32.1-127 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, e-mail carrie.eddy@vdh.virginia.gov.

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**February 1, 2005 - 7 p.m.** -- Public Hearing  
16441 Court Street, Amelia Court House, Virginia.

**February 2, 2005 - 7 p.m.** -- Public Hearing  
109 North Cross Street, Tappahannock, Virginia.


**February 3, 2005 - 7 p.m.** -- Public Hearing  
302 North Main Street, Culpeper, Virginia.

**February 28, 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 Board of Health intends to amend regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide standards for installation and operation of biosolids storage areas on permitted sites.

**Contact:** C.M. Sawyer, Division Director, 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.


## DEPARTMENT OF HEALTH

† **January 13, 2005 - 8:30 a.m.** -- Open Meeting  
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia. 




A meeting of the HIV Prevention Community Planning Committee to plan programmatic activities and funding.


**Contact:** Elaine Martin, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7962, e-mail [elaine.martin@vdh.virginia.gov](mailto:elaine.martin@vdh.virginia.gov).

† **March 11, 2005 - 10:30 a.m.** -- Open Meeting  
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 

The role of the Advisory Committee is to assist the Virginia Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program. The advisory committee meets four times a year.

**Contact:** Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (804) 828-1120/TTY , e-mail [pat.dewey@vdh.virginia.gov](mailto:pat.dewey@vdh.virginia.gov).


## Sewage Handling and Disposal Appeal Review Board

**January 19, 2005 - 10 a.m.** -- Open Meeting  
**February 23, 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](mailto:susan.sherertz@vdh.virginia.gov).

## BOARD OF HEALTH PROFESSIONS

† **January 12, 2005 - 10 a.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


The Enforcement Committee will receive an update on the Sanction Reference Study and evaluation of the new priority system as well as the Enforcement Division's strategies dealing with case load for the coming year. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).


† **January 12, 2005 - 11:30 a.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

The board will meet to review its workplan for 2005 and to review current board regulation proposals and pertinent legislative proposals. Additionally, the board will receive a report from the Enforcement Committee and from the

respective boards. The board will also consider any other general business as may be required. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).


## DEPARTMENT OF HEALTH PROFESSIONS

† **February 18, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia. 


A meeting of the Health Practitioners' Intervention Program Committee.


**Contact:** Peggy W. Call, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, telephone (804) 662-9424, FAX (804) 662-7358, e-mail [peggy.call@dhp.virginia.gov](mailto:peggy.call@dhp.virginia.gov).

## BOARD FOR HEARING AID SPECIALISTS


**January 19, 2005 - 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](mailto:hearingaidspec@dpor.virginia.gov).

**March 21, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-8590 at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail [hearingaidspec@dpor.virginia.gov](mailto:hearingaidspec@dpor.virginia.gov).

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# Calendar of Events

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## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA


NOTE: CHANGE IN MEETING TIME

**January 11, 2005 - 12:30 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Richmond, Virginia.


Agenda materials will be available on the website approximately one week prior to the meeting at [www.schev.edu](http://www.schev.edu). A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA, telephone (804) 225-2602, FAX (804) 371-7911, e-mail [LeeAnnRung@schev.edu](mailto:LeeAnnRung@schev.edu).

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT


**January 18, 2005 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A general business meeting.

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

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### State Building Code Technical Review Board

**January 21, 2005 - 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 meeting to hear appeals concerning the application of state building and fire regulations and issues interpretations concerning the content of those regulations to recommend future changes.

**Contact:** Vernon Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA, 23219-1321, telephone (804) 371-7150.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**January 19, 2005 - 9 a.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

This will be the regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations for the prior months; and consider such other matters and take such other actions as deemed 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 

## STATEWIDE INDEPENDENT LIVING COUNCIL

**January 19, 2005 - 7:30 a.m.** -- Open Meeting  
Sheraton Richmond West, 6624 West Broad Street, Restaurant, Richmond, Virginia.

A meeting of the Executive Committee. Directions to the meeting sites may be obtained by visiting the council's website at [www.vasilc.org](http://www.vasilc.org), by calling the council office at (804) 897-7228, or via Virginia Relay at 711 (804) 897-8088. If interpreter services or other accommodations are required, please notify the SILC office no later than Wednesday, January 5, 2005. The Statewide Independent Living Council respects individuals with chemical sensitivity by requesting that all attendees refrain from using scented products during all meetings.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Richmond, VA 23114, telephone (804) 897-7228, e-mail [VirginiaSILC@comcast.net](mailto:VirginiaSILC@comcast.net).


**January 19, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms 101, 103 and 105, Richmond, Virginia. 

A regular meeting. Directions to the meeting sites may be obtained by visiting the council's website at [www.vasilc.org](http://www.vasilc.org), by calling the council office at (804) 897-7228 or via Virginia Relay at (711) 804 897-8088. If interpreter services or other accommodations are required, please notify the SILC office no later than Wednesday, January 5, 2005. The Virginia Statewide Independent Living Council respects individuals with chemical sensitivity by requesting that all attendees refrain from using scented products during all meetings.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Richmond, VA 23114, telephone (804) 897-7228, e-mail VirginiaSILC@comcast.net.


## VIRGINIA INFORMATION TECHNOLOGIES AGENCY

### Wireless E-911 Services Board

**January 12, 2005 - 9 a.m.** -- Open Meeting  
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia. 

A meeting of the CMRS subcommittee. A request will be made to hold the meeting in closed session.


**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

**January 12, 2005 - 10 a.m.** -- Open Meeting  
110 South 7th Street, 4th Floor, Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting.

**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).


### Information Technology Investment Board

† **January 19, 2005 - 8:30 a.m.** -- Open Meeting  
The Center for Innovative Technology, 2214 Rock Hill Road, Fairfax Meeting Room, Herndon, Virginia 

The IT Project Review Committee will meet in a planning session. The purpose of this meeting will be to define the reporting requirements and desired outcomes for the 2005 Recommended Technology Investment Projects Report.

**Contact:** Roz Witherspoon, Executive Director, Information Technology Investment Board, 411 E. Franklin St., Richmond, VA 23219, telephone (804) 343-9057, FAX (804) 343-9015, e-mail [roz.witherspoon@vita.virginia.gov](mailto:roz.witherspoon@vita.virginia.gov).

### STATE LIBRARY BOARD

**January 27, 2005 - 8:15 a.m.** -- Open Meeting  
**March 14, 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](mailto:jtaylor@lva.lib.va.us).

### COMMISSION ON LOCAL GOVERNMENT

**January 10, 2005 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia. 

A regular meeting to consider such matters as may be presented.

**Contact:** Ted McCormack, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY , e-mail [ted.mccormack@dhcd.virginia.gov](mailto:ted.mccormack@dhcd.virginia.gov).


### LONGWOOD UNIVERSITY

† **January 13, 2005 - 10 a.m.** -- Open Meeting  
Retail Merchant's Association of Greater Richmond, 5101 Monument Avenue, Richmond, Virginia.


A meeting of the taskforce to develop strategy to increase base adequacy funding.

**Contact:** Jeanne Hayden, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail [haydenjs@longwood.edu](mailto:haydenjs@longwood.edu).

### VIRGINIA MANUFACTURED HOUSING BOARD

**January 20, 2005 - 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 carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations by handling license questions, claims to the recovery fund, consumer complaints and warranty provisions in the regulations.

**Contact:** Curtis L. McIver, State Building Code Administrator, Department of Housing and Community Development, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail [curtis.mciver@dhcd.virginia.gov](mailto:curtis.mciver@dhcd.virginia.gov).

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# Calendar of Events

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## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

(804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

**January 28, 2005** - Public comments may be submitted until this date.

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Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-141, Family Access to Medical Insurance Security Plan**. The purpose of the proposed action is to implement a program of retrospective and prospective utilization review of pharmacy services for noninstitutionalized fee-for-service and PCCM FAMIS enrollees who are prescribed more than nine unique prescriptions within a 180-day period.

† **January 21, 2005 - 8 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

† **March 11, 2005** - Public comments may be submitted until this date.

Statutory Authority: § 32.1-351 of the Code of Virginia; Item 324 H of Chapter 1042 of the 2003 Acts of Assembly.

**Contact:** Linda Nablo, Director, Child Health Insurance Programs, FAMIS Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680 or e-mail Linda.Nablo@dmas.virginia.gov.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to adopt regulations entitled **18 VAC 85-15, Regulations for Delegation to an Agency Subordinate**. The purpose of the proposed action is to establish criteria for the types of cases that may be heard by an agency subordinate in an informal fact-finding proceeding.

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

Public comments may be submitted until March 11, 2005, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**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.

## BOARD OF MEDICINE

**January 11, 2005 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

† **January 19, 2005 - 9:15 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

**January 25, 2005 - 9:15 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

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**January 21, 2005 - 8:15 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

**January 28, 2005** - Public comments may be submitted until this date.

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.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled:

**18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic;**

**18 VAC 85-40. Regulations Governing the Practice of Respiratory Care Practitioners;**

**18 VAC 85-50. Regulations Governing the Practice of Physician Assistants;**

**18 VAC 85-80. Regulations for Licensure of Occupational Therapists;**

**18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists Limited;**

**18 VAC 85-110. Regulations Governing the Practice of Licensed Acupuncturists;**

**18 VAC 85-120. Regulations Governing the Certification of Athletic Trainers.**

**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.

**January 21, 2005 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 2, 5th Floor, Richmond, Virginia. ☎

A meeting of the Executive Committee to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX

The purpose of the proposed action is to establish or amend standards for professional conduct, to include, but not be limited to, retention and release of patient records; patient confidentiality; practitioner-patient communication and termination of that relationship; sexual contact; and practitioner responsibilities.

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

Public comments may be submitted until January 28, 2005, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**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.

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† **February 1, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

† **March 11, 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 Board of Medicine intends to amend regulations entitled **18 VAC 85-80, Regulations Governing the Practice of Occupational Therapy**. The purpose of the proposed action is to establish criteria for use of title of OTA.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.5 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

**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.

**February 11, 2005 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 2, 5th Floor, Richmond, Virginia. ♿

A meeting to consider regulatory matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

## Advisory Board on Acupuncture

**February 2, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

† **April 6, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

## Advisory Board on Athletic Training

**February 3, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

† **April 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

## Advisory Board of Occupational Therapy

**February 1, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

**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

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# Calendar of Events

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(804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

**† April 5, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

**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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Physician Assistants

**February 3, 2005 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

**† April 7, 2005 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Radiologic Technology

**February 2, 2005 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technologists and radiologic technologists-limited. 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](mailto:william.harp@dhp.virginia.gov).

**† April 6, 2005 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technologists and radiologic technologists-limited. 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Respiratory Care

**February 1, 2005 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of respiratory care. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

**† April 5, 2005 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of respiratory care. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**January 26, 2005 - 1 p.m.** -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A meeting of the Community Integration Implementation Team.

**Contact:** Kathie Shifflett, Administrative Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23288, telephone (804) 662-7069, FAX (804) 662-7663, e-mail [Kathie.Shifflett@drs.virginia.gov](mailto:Kathie.Shifflett@drs.virginia.gov).

## STATE MILK COMMISSION


**† February 16, 2005 - 10:30 a.m.** -- Open Meeting

Department of Mines, Minerals and Energy, Forestry Office Building, 900 Natural Resources Drive, Charlottesville, Virginia ☎


A regular meeting to consider industry issues, 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 the agency 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 Edward.Wilson@vdacs.virginia.gov.


## DEPARTMENT OF MINES, MINERALS AND ENERGY

† **February 11, 2005 - 1 p.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, Room 116, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to give interested persons an opportunity to be heard in regard to the FY2005 Abandoned Mine Land Consolidated Grant Application to be submitted to the Federal Office of Surface Mining.

**Contact:** Roger Williams, Abandoned Mine Land Services Manager, Department of Mines, Minerals and Energy, Big Stone Gap, VA 24219, telephone (276) 523-8208, (800) 828-1120/TTY , e-mail roger.williams@dmme.virginia.gov.


## Virginia Gas and Oil Board

† **January 18, 2005 - 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 for the hearing should contact the Department of Mines, Minerals and Energy, Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center TTY/TDD 1-800-828-at the Southwest Virginia Higher Education Center, Abingdon, Virginia at least 7 business days prior to the meeting.

**Contact:** Bob Wilson, Division Director, Department of Mines, Minerals and Energy, 230 Charwood Dr., Abingdon, VA 24219, telephone (276) 676-5423, (800) 828-1120/TTY , e-mail bob.wilson@dmme.virginia.gov.

## MOTOR VEHICLE DEALER BOARD


**January 10, 2005 - 8:30 a.m.** -- Open Meeting  
2300 West Broad Street, Room 702, Richmond, Virginia  (Interpreter for the deaf provided upon request)

Committees will meet as follows: Dealer Practices Committee - 8:30 a.m. Licensing Committee - Immediately


following Dealer Practices. Advertising Committee - 9:30 a.m. or immediately after Licensing, whichever is later. Transaction Recovery Fund Committee - Immediately following Advertising. Franchise Law Committee - To be scheduled as needed. Full board meeting - 10 a.m. or 5-45 minutes following Transaction Recovery Fund. NOTE: Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mrvdb.virginia.gov.


## VIRGINIA MUSEUM OF FINE ARTS

**February 1, 2005 - 8 a.m.** -- Open Meeting  
**March 1, 2005 - 8 a.m.** -- Open Meeting  
† **April 5, 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

**January 24, 2005 - 9 a.m.** -- Open Meeting  
**January 26, 2005 - 9 a.m.** -- Open Meeting  
**January 27, 2005 - 9 a.m.** -- Open Meeting  
**March 14, 2005 - 9 a.m.** -- Open Meeting  
**March 16, 2005 - 9 a.m.** -- Open Meeting  
**March 17, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

**Contact:** 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.

**January 25, 2005 - 9 a.m.** -- Open Meeting  
**March 15, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 W. Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A general business meeting including committee reports, consideration of regulatory action and discipline case

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# Calendar of Events

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decisions as presented on the agenda. Public comment will be received at 11 a.m.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.virginia.gov.

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† **January 25, 2005 - 1:30 p.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† **March 11, 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 Board of Nursing intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**, and **18 VAC 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to consolidate requirements for advanced certified nurse aides and for wearing identification and notifications to the Board of Nursing into 18 VAC 90-25, regulations for nurse aides.

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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.

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† **January 25, 2005 - 1:30 p.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† **March 11, 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 Board of Nursing intends to amend regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to clarify requirements in the nurse practitioner regulations for consistency with the Nurse Licensure Compact.

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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.

**February 8, 2005 - 9 a.m.** -- Open Meeting

**February 14, 2005 - 9 a.m.** -- Open Meeting

**February 15, 2005 - 9 a.m.** -- Open Meeting

**February 22, 2005 - 9 a.m.** -- Open Meeting

† **April 5, 2005 - 9 a.m.** -- Open Meeting

† **April 6, 2005 - 9 a.m.** -- Open Meeting

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

A Special Conference Committee, comprised of two members of the Virginia Board of Nursing or agency subordinate, 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

† **January 25, 2005 -1:30 p.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† **March 11, 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 Board of Nursing intends to amend regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to clarify requirements in the nurse practitioner regulations for consistency with the Nurse Licensure Compact.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

**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.

**February 23, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

**Contact:** Jay P. Douglas, RN, MSM, CSAC, 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.



## BOARD OF NURSING HOME ADMINISTRATORS

**January 19, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 1, Richmond, Virginia. ♿

**February 11, 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 Board of Nursing Home Administrators intends to amend regulations entitled **18 VAC 95-20, Regulations Governing the Practice of Nursing Home Administrators**. The purpose of the proposed regulation is to establish criteria for delegation of certain informal fact-finding in disciplinary cases to an agency subordinate.

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

Public comments may be submitted until February 11, 2005, to Sandra K. Reen, Executive Director, Board of Nursing Home Administrators, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**January 19, 2005 - 9:15 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor Richmond, Virginia. ♿

A meeting to discuss business matters. There will be a public comment period during the first 15 minutes 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](mailto:sandra.reen@dhp.virginia.gov).

**January 19, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

The 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) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail [Cheri.Emma-Leigh@dhp.virginia.gov](mailto:Cheri.Emma-Leigh@dhp.virginia.gov).

## OLD DOMINION UNIVERSITY

NOTE: CHANGE IN MEETING DATE

**February 14, 2005 - 3 p.m.** -- Open Meeting

**March 21, 2004 - 3 p.m.** -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. ♿

A regular meeting of the Board of Visitors' Executive Committee to discuss business of the board and the institution as determined by the Rector and the President.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail [dmeeks@odu.edu](mailto:dmeeks@odu.edu).

† **April 8, 2005 - 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](mailto:dmeeks@odu.edu).

## BOARD OF OPTOMETRY

**January 21, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 3, Richmond, Virginia. ♿

**February 11, 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 Board of Optometry intends to amend regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry**. The purpose of the proposed regulation is to establish criteria for delegation of certain informal fact-finding in disciplinary cases to an agency subordinate.

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

Public comments may be submitted until February 11, 2005, to Elizabeth A. Carter Ph.D., Executive Director, Board of Optometry, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

† **January 21, 2005 - 11 a.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. ♿

A meeting to conduct general business. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov)

† **January 21, 2005 - 11:30 a.m.** -- Open Meeting  
Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. ♿

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## Calendar of Events

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The Legislative/Regulatory Review Committee will review and consider public comment submitted by the Virginia Society of Ophthalmology. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

### VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **March 16, 2005 - 10 a.m.** -- Open Meeting  
202 North 9th Street, 9th Floor, Richmond, Virginia. ♿

An Executive Committee meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail [Sandra.Smalls@vbpd.virginia.gov](mailto:Sandra.Smalls@vbpd.virginia.gov).

† **March 17, 2005 - 9 a.m.** -- Open Meeting  
Holiday Inn, 6531 West Broad Street, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A quarterly meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail [Sandra.Smalls@vbpd.virginia.gov](mailto:Sandra.Smalls@vbpd.virginia.gov).

### PESTICIDE CONTROL BOARD

**January 20, 2005 - 9 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor Boardroom, Richmond, Virginia. ♿

A meeting open to the public to discuss general business matters requiring board action. However, portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. The board will entertain public comment at the beginning of the meeting on all other business for a period not to exceed 30 minutes. Any person desiring to attend the meeting and requiring special accommodations in order to participate in 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:** Dr. W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., 4th Floor, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail [Wayne.Surles@vdacs.virginia.gov](mailto:Wayne.Surles@vdacs.virginia.gov).

### BOARD OF PHARMACY

**January 20, 2005 - 8:45 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

**February 11, 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 Board of Pharmacy intends to amend regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed regulation is to establish criteria for delegation of certain informal fact-finding in disciplinary cases to an agency subordinate.

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

Public comments may be submitted until February 11, 2005, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

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† **January 20, 2005 - 8:45 a.m.** -- Public Hearing  
† **March 4, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

† **March 11, 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 Board of Pharmacy intends to amend regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed regulation is to set requirements that must be met for a dispensing pharmacy to outsource prescription order processing to a remote or centralized pharmacy.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230-1712.


**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

† **January 20, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

## BOARD OF PHYSICAL THERAPY

**January 28, 2005 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

**February 11, 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 Board of Physical Therapy intends to amend regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed regulation is to establish criteria for delegation of certain types of cases by an agency subordinate.

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


Public comments may be submitted until February 11, 2005, to Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).


## POLYGRAPH EXAMINERS ADVISORY BOARD

**March 3, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulations, 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 interpreter services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail [kevin.hoeft@dpor.virginia.gov](mailto:kevin.hoeft@dpor.virginia.gov).

## BOARD OF PSYCHOLOGY

**January 11, 2005 - 9:30 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. 

**February 11, 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 Board of Psychology intends to

amend regulations entitled **18 VAC 125-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed regulation is to establish criteria for delegation of certain types of cases by an agency subordinate.


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

Public comments may be submitted until February 11, 2005, to Evelyn B. Brown, Executive Director, Board of Psychology, 6603 West Broad Street, Richmond, VA 23230-1712.


**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**January 11, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).


## REAL ESTATE APPRAISER BOARD

**January 11, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 


Informal fact-finding conferences.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [karen.oneal@dpor.virginia.gov](mailto:karen.oneal@dpor.virginia.gov).

## REAL ESTATE BOARD

**January 20, 2005 - 9 a.m.** -- Open Meeting  
† **January 26, 2005 - 2 p.m.** -- Open Meeting  
**February 3, 2005 - 9 a.m.** -- Open Meeting  
† **February 9, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, 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](mailto:karen.oneal@dpor.virginia.gov).

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# Calendar of Events

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## DEPARTMENT OF REHABILITATIVE SERVICES

**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 [elizabeth.smith@drs.virginia.gov](mailto:elizabeth.smith@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](mailto:kristie.chamberlain@drs.virginia.gov).

## VIRGINIA RESOURCES AUTHORITY


† **January 11, 2005 - 9 a.m.** -- Open Meeting  
† **February 8, 2005 - 9 a.m.** -- Open Meeting  
† **March 8, 2005 - 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 [bmcræ@vra.state.va.us](mailto:bmcræ@vra.state.va.us).

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **January 19, 2005 - 12 p.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the board's agenda.

**Contact:** Scott E. Parsons, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail [scott.parsons@dba.virginia.gov](mailto:scott.parsons@dba.virginia.gov).

## STATE BOARD OF SOCIAL SERVICES


**January 28, 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 Board of Social Services intends to amend regulations entitled **22 VAC 40-325, Fraud Reduction/Elimination Effort**. The purpose of the proposed action is to amend the criteria for local departments of social services to receive full reimbursement for program costs, expand the responsibilities of local departments of social services' fraud units and enhance the definitions section of the regulation.


Statutory Authority: §§ 63.2-217 and 63.2-526 of the Code of Virginia.

**Contact:** S. Michelle Lauter, Manager, Division of Fraud Management, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7679, FAX (804) 726-7669 or e-mail [michelle.lauter@dss.virginia.gov](mailto:michelle.lauter@dss.virginia.gov).


## BOARD OF SOCIAL WORK

† **January 28, 2005 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 


A meeting of the Ad Hoc Committee on Regulatory Standards to review of Standards of Practice (18 VAC 140-20-150) for possible regulatory action.

**Contact:** Benjamin Foster, Deputy Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail [benjamin.foster@dhp.virginia.gov](mailto:benjamin.foster@dhp.virginia.gov).


## BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **February 1, 2005 - 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. Public comment will be heard at the beginning of the meeting. Person 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 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](mailto:soilscientist@dpor.virginia.gov).

## COMMONWEALTH TRANSPORTATION BOARD

**January 19, 2005 - 2 p.m.** -- Open Meeting  
Department of Transportation 1221 East Broad Street,  
Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and transportation staff.


**Contact:** Carol A. Mathis, Administrative Staff Assistant, Virginia Department of Transportation 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, FAX (804) 786-2940, e-mail [Carol.Mathis@VDOT.Virginia.gov](mailto:Carol.Mathis@VDOT.Virginia.gov).

**January 20, 2005 - 9 a.m.** -- Open Meeting  
Department of Transportation 1221 East Broad Street,  
Auditorium, Richmond, Virginia. 

A regularly scheduled meeting to transact business, such as permits, additions/deletions to the highway system, and other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804)786-2715 for schedule.

**Contact:** Carol A. Mathis, Administrative Staff Assistant, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4871, FAX (804) 225-4700, e-mail [Frankie.Giles@VirginiaDOT.org](mailto:Frankie.Giles@VirginiaDOT.org).

## TREASURY BOARD

**January 19, 2005 - 9 a.m.** -- Open Meeting  
† **February 16, 2005 - 9 a.m.** -- Open Meeting  
† **March 16, 2005 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor,  
Treasury Board Room, Richmond, Virginia. 

A regular meeting.

**Contact:** Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-2142, e-mail [melissa.mayes@trs.virginia.gov](mailto:melissa.mayes@trs.virginia.gov).

## DEPARTMENT OF VETERANS SERVICES


### Joint Leadership Council of Veterans Service Organization

**January 11, 2005 - 11 a.m.** -- Open Meeting  
American Legion Department of Virginia, 1708  
Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

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


### Veterans Services Foundation

† **March 9, 2005 - 11 a.m.** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street,  
Richmond, Virginia. 

A meeting of the Board of Trustees.

**Contact:** Steve Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, e-mail [steven.combs@dvs.virginia.gov](mailto:steven.combs@dvs.virginia.gov).

## BOARD OF VETERINARY MEDICINE

**February 3, 2005 - 9 a.m.** -- Public Hearing  
Hotel Roanoke, Roanoke, Virginia. 

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Veterinary Medicine intends to amend regulations entitled **18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed regulation is to establish criteria for delegation of certain informal fact-finding in disciplinary cases to an agency subordinate.

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

Public comments may be submitted until February 11, 2005, to Elizabeth Carter, Executive Director, Board of Veterinary Medicine, 6603 West Broad Street, Richmond, VA 23230-1712.


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# Calendar of Events

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**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

## VIRGINIA INDIGENT DEFENSE COMMISSION

† **January 10, 2005 - 9:45 a.m.** -- Open Meeting  
Virginia Indigent Defense Commission, 701 East Franklin Street, Suite 1416, Richmond, Virginia. 

A meeting of the Virginia Indigent Defense Commission.

**Contact:** Lori E. Hoover, Training Administrator, Public Defender Commission, 701 E. Franklin St., Suite 1416, Richmond, VA 23219, telephone (804) 225-3297, FAX (804) 692-0487, e-mail [lhoover@pdcmail.state.va.us](mailto:lhoover@pdcmail.state.va.us).

## VIRGINIA WASTE MANAGEMENT BOARD

**January 11, 2005 - 1:30 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

**January 28, 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 Virginia Waste Management Board intends to amend regulations entitled **9 VAC 20-80, Solid Waste Management Regulations**. The purpose of the proposed action is to establish an expedited process for permitting waste piles.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

**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](mailto:mjdieter@deq.virginia.gov).

## STATE WATER CONTROL BOARD


**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 [emdau@deq.virginia.gov](mailto:emdau@deq.virginia.gov).

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


**March 9, 2005 - 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](mailto:waterwasteoper@dpor.virginia.gov).

## INDEPENDENT


### STATE LOTTERY BOARD

† **February 9, 2005 - 9:30 a.m.** -- Open Meeting  
State Lottery Department, 900 East Main Street, 13th Floor, Richmond, Virginia. 


A regular meeting to conduct routine business. There will be an opportunity for public comment shortly after the meeting is convened.

**Contact:** Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7905, e-mail [fferguson@valottery.state.va.us](mailto:fferguson@valottery.state.va.us).

### BOARD FOR PROTECTION AND ADVOCACY

**January 25, 2005 - 9 a.m.** -- Open Meeting  
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

This is an open meeting and public comment is welcomed and will be accepted at the start of the meeting. If you wish to provide public comment via telephone, or if interpreter services or other accommodations are required, please contact Lisa Shehi at 1-800-552-3962 or via e-mail at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than Tuesday, January 11, 2005.

**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

### VIRGINIA RETIREMENT SYSTEM

**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.

**February 16, 2005 - 11 a.m.** -- Open Meeting

**March 23, 2005 - 11 a.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.

**February 16, 2005 - 2:30 p.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

Meetings of the following committees:  
2:30 p.m. - Benefits and Actuarial  
4 p.m. - Audit and Compliance  
4 p.m. - Administration and Personnel

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.

**February 17, 2005 - 9 a.m.** -- Open Meeting

**March 24, 2005 - 9 a.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main 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.

## LEGISLATIVE

### JOINT COMMISSION ON ADMINISTRATIVE RULES

**January 11, 2005 - 10 a.m.** -- Open Meeting

General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia. ♿

A meeting to discuss certain agency regulations.

**Contact:** Elizabeth Palen, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., 2nd Floor,

Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail EPalen@leg.state.va.us.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### January 10

† Accountancy, Board of  
Local Government, Commission on  
Motor Vehicle Dealer Board  
† Indigent Defense Commission

#### January 11

Administrative Rules, Joint Commission on  
† Blind and Vision Impaired, Board for the  
Child Fatality Review Team, State  
Compensation Board  
Contractors, Board for  
Environmental Quality, Department of  
Higher Education for Virginia, State Council of  
Medicine, Board of  
Psychology, Board of  
Real Estate Appraiser Board  
† Resources Authority, Virginia  
Veterans Services, Department of  
- Joint Leadership Council of Veterans Service  
Organization

#### January 12

Agriculture and Consumer Services, Department of  
- Virginia Irish Potato Board  
Contractors, Board for  
Education, Board of  
Environmental Quality, Department of  
† Health Professions, Board of  
Information Technologies Agency, Virginia  
- Wireless E-911 Service Board

#### January 13

Child Day-Care Council  
† Health, Department of  
- HIV Prevention Community Planning Committee  
† Longwood University

#### January 18

Contractors, Board for  
† Corrections, Board of  
† Environmental Quality, Department of  
Funeral Directors and Embalmers, Board of  
Housing and Community Development, Board of  
† Mines, Minerals and Energy, Department of  
- Virginia Gas and Oil Board

#### January 19

Community Colleges, State Board for  
† Corrections, Board of  
† Environmental Quality, Department of  
Health, Department of  
- Sewage Handling and Disposal Appeal Review Board  
Hearing Aid Specialists, Board for  
Housing Development Authority, Virginia  
Independent Living Council, Statewide  
† Information Technologies Agency, Virginia  
- Information Technology Investment Board  
† Medicine, Board of

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# Calendar of Events

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- Nursing Home Administrators, Board of  
† Small Business Financing Authority, Virginia  
Transportation Board, Commonwealth  
Treasury Board
- January 20**  
† Auctioneers Board  
Community Colleges, State Board for  
Contractors, Board for  
Dentistry, Board of  
Education, Department of  
- Special Education Advisory Committee  
† Environmental Quality, Department of  
Manufactured Housing Board, Virginia  
Pesticide Control Board  
† Pharmacy, Board of  
Real Estate Board  
Rehabilitative Services, Department of  
- Commonwealth Neurotrauma Initiative Trust Fund  
Advisory Board  
Transportation Board, Commonwealth
- January 21**  
Dentistry, Board of  
Education, Department of  
- Special Education Advisory Committee  
Housing and Community Development, Department of  
- State Building Code Technical Review Board  
† Optometry, Board of
- January 24**  
Barbers and Cosmetology, Board for  
Education, Department of  
- Advisory Board on Teacher Education and Licensure  
† Environmental Quality, Department of  
Nursing, Board of
- January 25**  
Agriculture and Consumer Services, Department of  
- Virginia Marine Products Board  
Contractors, Board for  
† Environmental Quality, Department of  
Medicine, Board of  
Nursing, Board of  
Protection and Advocacy, Board for
- January 26**  
† Aging, Commonwealth Council on  
Agriculture and Consumer Services, Department of  
- Virginia Aquaculture Advisory Board  
- Virginia Pork Industry Board  
† Air Pollution Control Board, State  
Compensation Board  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
- Community Integration Implementation Team  
Nursing, Board of  
† Real Estate Board
- January 27**  
Library Board, State  
Nursing, Board of
- January 28**  
† Social Work, Board of
- February 1**  
† Branch Pilots, Board for  
Medicine, Board of  
- Advisory Board on Occupational Therapy  
- Advisory Board on Respiratory Care  
Museum of Fine Arts, Virginia  
† Soil Scientists and Wetland Professionals, Board for
- February 2**  
† Branch Pilots, Board for  
† Deaf and Hard-of-Hearing, Department for the  
Medicine, Board of  
- Advisory Board on Acupuncture  
- Advisory Board on Radiologic Technology
- February 3**  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Contractors, Board for  
Governor's Emergency Medical Services Advisory Board  
Medicine, Board of  
- Advisory Board on Athletic Training  
- Advisory Board on Physicians Assistants  
Real Estate Board
- February 8**  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Contractors, Board for  
Nursing, Board of  
† Resources Authority, Virginia
- February 9**  
† Contractors, Board for  
† Lottery Board, State  
† Real Estate Board
- February 10**  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for
- February 11**  
† Counseling, Board of  
Medicine, Board of  
† Mines, Minerals and Energy, Department of
- February 14**  
Nursing, Board of  
Old Dominion University
- February 15**  
† Contractors, Board for  
Nursing, Board of  
Retirement System, Virginia
- February 16**  
Asbestos, Lead, and Home Inspectors, Virginia Board for  
† Milk Commission, State  
Retirement System, Virginia  
† Treasury Board
- February 17**  
Retirement System, Virginia
- February 18**  
† Health Professions, Department of  
- Health Practitioners' Intervention Program Committee
- February 21**  
† Agriculture and Consumer Services, Department of  
- Virginia Corn Board
- February 22**  
Nursing, Board of
- February 23**  
† Contractors, Board for



Education, Board of  
 Health, Department of  
 - Sewage Handling and Disposal Appeal Review Board  
 Nursing and Medicine, Joint Boards of

**February 24**

† Agriculture and Consumer Services, Department of  
 - Virginia Wine Board  
 † Audiology and Speech-Language Pathology, Board of  
 Cemetery Board

**March 1**

Contractors, Board for  
 † Gaming Board, Charitable  
 Museum of Fine Arts, Virginia

**March 2**

Air Pollution Control Board, State

**March 3**

Polygraph Examiners Advisory Board

**March 8**

† Funeral Directors and Embalmers, Board of  
 † Resources Authority, Virginia

**March 9**

† Veterans Services, Department of  
 - Veterans Services Foundation  
 Waterworks and Wastewater Works Operators, Board for

**March 10**

† Agriculture and Consumer Services, Department of  
 - Virginia Soybean Board

**March 11**

Child Fatality Review Team, State  
 † Health, Department of  
 - Virginia Early Hearing Detection and Intervention  
 Program Advisory Committee

**March 14**

Library Board, State  
 Nursing, Board of

**March 15**

† Corrections, Board of  
 Nursing, Board of

**March 16**

Community Colleges, State Board for  
 † Corrections, Board of  
 Nursing, Board of  
 † People with Disabilities, Virginia Board for  
 † Treasury Board

**March 17**

† Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 Community Colleges, State Board for  
 Nursing, Board of  
 † People with Disabilities, Virginia Board for

**March 19**

Conservation and Recreation, Department of  
 - Virginia Cave Board

**March 21**

Education, Department of  
 - Advisory Board on Teacher Education and Licensure  
 Hearing Aid Specialists, Board for  
 Old Dominion University

**March 22**

Alzheimer's Disease and Related Disorders Commission

**March 23**

Education, Board of  
 Retirement System, Virginia

**March 24**

Retirement System, Virginia

**March 31**

† Arts, Virginia Commission for the

**April 4**

† Barbers and Cosmetology, Board for

**April 5**

† Medicine, Board  
 - Advisory Board of Occupational Therapy  
 - Advisory Board on Respiratory Care  
 † Museum of Fine Arts, Virginia  
 † Nursing, Board of

**April 6**

† Medicine, Board of  
 - Advisory Board on Acupuncture  
 - Advisory Board on Radiologic Technology  
 † Nursing, Board of

**April 7**

† Medicine, Board of  
 - Advisory Board on Athletic Training  
 - Advisory Board on Physician Assistants

**April 8**

† Old Dominion University

**PUBLIC HEARINGS**

**January 10**

Rehabilitative Services, Department of

**January 11**

Psychology, Board of  
 Waste Management Board, Virginia

**January 12**

Audiology and Speech-Language Pathology, Board of

**January 19**

Nursing Home Administrators, Board of

**January 20**

Air Pollution Control Board, State  
 Pharmacy, Board of

**January 21**

† Dentistry, Board of  
 Medicine, Board of  
 Optometry, Board of

**January 25**

† Nursing, Board of  
 † Nursing and Medicine, Joint Boards of

**January 28**

Physical Therapy, Board of

**February 1**

Health, State Board of  
 † Medicine, Board of

**February 2**

Health, State Board of

**February 3**

Health, State Board of  
 Veterinary Medicine, Board of

**February 4**

† Pharmacy, Board of

**February 18**

Counseling, Board of

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# Calendar of Events

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**March 4**

† Pharmacy, Board of