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REGISTER OF REGULATIONS

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Virginia Code Commission

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VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

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.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*. During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards**, Chair; **James A. "Jay" Leftwich**, Vice Chair; **Ryan T. McDougle**; **Nicole Cheuk**; **Rita Davis**; **Leslie L. Lilley**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Charles S. Sharp**; **Samuel T. Towell**; **Malfourd W. Trumbo**.

Staff of the Virginia Register: **Karen Perrine**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Senior Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

April 2020 through May 2021

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
36:17	March 25, 2020	April 13, 2020
36:18	April 8, 2020	April 27, 2020
36:19	April 22, 2020	May 11, 2020
36:20	May 4, 2020 (Monday)	May 25, 2020
36:21	May 20, 2020	June 8, 2020
36:22	June 3, 2020	June 22, 2020
36:23	June 17, 2020	July 6, 2020
36:24	July 1, 2020	July 20, 2020
36:25	July 15, 2020	August 3, 2020
36:26	July 29, 2020	August 17, 2020
37:1	August 12, 2020	August 31, 2020
37:2	August 26, 2020	September 14, 2020
37:3	September 9, 2020	September 28, 2020
37:4	September 23, 2020	October 12, 2020
37:5	October 7, 2020	October 26, 2020
37:6	October 21, 2020	November 9, 2020
37:7	November 4, 2020	November 23, 2020
37:8	November 16, 2020 (Monday)	December 7, 2020
37:9	December 2, 2020	December 21, 2020
37:10	December 14, 2020 (Monday)	January 4, 2021
37:11	December 28, 2020 (Monday)	January 18, 2021
37:12	January 13, 2021	February 1, 2021
37:13	January 27, 2021	February 15, 2021
37:14	February 10, 2021	March 1, 2021
37:15	February 24, 2021	March 15, 2021
37:16	March 10, 2021	March 29, 2021
37:17	March 24, 2021	April 12, 2021
37:18	April 7, 2021	April 26, 2021
37:19	April 21, 2021	May 10, 2021

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Agency Decision

Title of Regulation: 18VAC85-21. Regulations Governing Prescribing of Opioids and Buprenorphine.

Statutory Authority: §§ 54.1-2400 and 54.1-2928.2 of the Code of Virginia.

Name of Petitioner: Dr. Lee Tannenbaum.

Nature of Petitioner's Request: To amend 18VAC85-21-150 I to allow prescribing of up to the federal Food and Drug Administration approved limit of 32 mg QD (one a day).

Agency Decision: Request denied.

Statement of Reason for Decision: Opposition to the change noted that the federal Food and Drug Administration and the American Society for Addiction Medicine support a maximum of 24 mg per day and that there is little evidence of further benefit from increasing the dosage. It was also noted that if a patient is unable to reach full recovery on 24 mg daily, it signals drug failure and other options must be considered.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4558, or email william.harp@dhp.virginia.gov.

VA.R. Doc. No. R20-19 Filed February 21, 2020, 9:09 a.m.

Agency Decision

Title of Regulation: 18VAC85-50. Regulations Governing the Practice of Physician Assistants.

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

Name of Petitioner: Virginia Academy of Physician Assistants.

Nature of Petitioner's Request: To eliminate the requirement for the name of a patient care team physician to appear on a prescription written by a physician assistant for a controlled substance in Schedules II through V.

Agency Decision: Request denied.

Statement of Reason for Decision: At its meeting on February 20, 2020, the board considered the petition and the comments in support and opposition. The board decided to take no action and confirmed that it was appropriate for the physician's name to be included on a prescription for Schedules II through V drugs. Board members noted that the electronic medical record should be configured to comply with the law and that there are options available to allow for compliance.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4558, or email william.harp@dhp.virginia.gov.

VA.R. Doc. No. R20-14 Filed February 21, 2020, 9:16 a.m.

BOARD OF VETERINARY MEDICINE

Initial Agency Notice

Title of Regulation: 18VAC150-20. Regulations Governing the Practice of Veterinary Medicine.

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

Name of Petitioner: Jeffree Hudson.

Nature of Petitioner's Request: To amend regulations to require sedation of an animal to be euthanized.

Agency Plan for Disposition of Request: The petition will be published on March 16, 2020, in the Virginia Register of Regulations and also posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov to receive public comment ending April 15, 2020. Following receipt of all comments on the petition to amend regulations, the board will decide whether to make any changes to the regulatory language. This matter will be on the board's agenda for its first meeting after the comment period, which is scheduled for July 28, 2020. The petitioner will be informed of its decision after that meeting.

Public Comment Deadline: April 15, 2020.

Agency Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R20-25 Filed February 21, 2020, 9:23 a.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PSYCHOLOGY

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review: **18VAC125-30, Regulations Governing the Certification of Sex Offender Treatment Providers**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins March 16, 2020, and ends April 6, 2020.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Jaime Hoyle, Executive Director, Board of Psychology, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4406, FAX (804) 327-4435, or email jaime.hoyle@dhp.virginia.gov.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Final Regulation

<p><u>REGISTRAR'S NOTICE:</u> The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.</p>

Title of Regulation: **4VAC20-110. Pertaining to Lobsters (amending 4VAC20-110-15 through 4VAC20-110-65).**

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

Effective Date: March 1, 2020.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23651, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments establish the minimum size of escape vents in lobster traps and clarify regulatory language.

4VAC20-110-15. Definitions.

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

"Berried female" means a female lobster bearing eggs attached to the abdominal appendages.

"Carapace" means the unsegmented body shell of the ~~American~~ lobster.

"Carapace length" means the straight line measurement from the rear of the eye socket parallel to the center line of the carapace to the posterior edge of the carapace.

"Escape vent" means an opening in a lobster pot designed to allow for the escapement of undersized lobster.

"Ghost panel" means a panel, or other mechanism, in a lobster trap designed to allow for the escapement of lobster after a period of time if the trap has been abandoned or lost.

"Land" or "landing" means to (i) enter port with finfish, shellfish, crustaceans, or other marine seafood on board any boat or vessel; (ii) begin offloading finfish, shellfish,

crustaceans, or other marine seafood; or (iii) offload finfish, shellfish, crustaceans, or other marine seafood.

"Lobster" means any crustacean of the species *Homarus americanus*.

"V-notched female lobster" means any female lobster bearing a V-shaped notch (i.e., a straight-sided triangular cut without setal hairs, at least 1/4 inch in depth and not greater than 1/2 inch in depth and tapering to a sharp point) in the flipper next to the right of the center flipper as viewed from the rear of the female lobster. V-notched female lobster also means any female that is mutilated in a manner that could hide, obscure, or obliterate such a mark.

4VAC20-110-20. Minimum and maximum size limit.

It shall be unlawful for any person to possess ~~for a period longer than is necessary for immediate measurement~~ any lobster less than 3-17/32 inches in carapace length or any lobster greater than 5-1/4 inches in carapace length, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources.

4VAC20-110-30. Possession prohibitions.

A. It shall be unlawful for any person to possess ~~for a period longer than is necessary for immediate determination of the presence of eggs,~~ any berried female lobster, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources.

B. It shall be unlawful for any person to possess ~~for a period longer than is necessary for immediate determination of unnatural removal of eggs,~~ a lobster that has been scrubbed or ~~has in any manner other than natural hatching had the eggs removed therefrom~~ a lobster that has had eggs removed unnaturally.

C. It shall be unlawful for any person, including fishermen, dealers, shippers, and restaurants, to possess a V-notched female lobster. ~~The prohibition on possession of a V-notched female lobster applies to all persons, including but not limited to fishermen, dealers, shippers, and restaurants.~~

D. It shall be unlawful to possess a lobster that has an outer shell that has been speared.

E. It shall be unlawful to land lobster from February 1 through March 31.

F. It shall be unlawful for any person to possess aboard any vessel or to land lobster meat, detached tails or claws, or any other part of a lobster that has been separated.

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4VAC20-110-40. Marking of lobsters.

Any All berried female harvested in or females from Virginia waters shall be V-notched before being returned to the sea water immediately.

4VAC20-110-50. Lobster parts. (Repealed.)

~~It shall be unlawful for any person to possess aboard any vessel or to land picked or cooked meat of the lobster, lobster meats, detached tails or claws, or any other part of a lobster that has been separated from the lobster.~~

4VAC20-110-55. Gear requirements.

A. All lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) shall contain a ghost panel that complies with subdivisions 1 through 4 of this subsection. The opening in a trap to be covered by the ghost panel shall be rectangular and shall not be less than 3 3/4 inches (9.53) by 3 3/4 inches (9.53 cm). The panel shall be constructed of, or fastened to the trap with, one of the following untreated materials: wood lath; cotton; hemp; sisal or jute twine not greater than 3/16 inch (0.48 cm) in diameter; or nonstainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter. The door of the trap may serve as the ghost panel if fastened with a material specified in this section. The ghost panel shall be located in the outer parlor(s) of the trap and not the bottom of the trap.

1. The rectangular ghost panel shall not be less than 3-3/4 inches (9.53 cm) by 3-3/4 inches (9.53 cm).

2. The ghost panel shall be constructed of or fastened to the trap with one of the following untreated materials: wood lath; cotton; hemp; sisal or jute twine not greater than 3/16 inch (0.48 cm) in diameter; or nonstainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter.

3. The door of the trap may serve as the ghost panel if fastened with a material specified in subdivision 2 of this subsection.

4. The ghost panel shall be located in the outer parlor of the trap and not the bottom of the trap.

B. All lobster traps shall have one rectangular escape vent with minimum measurements of two inches (5.08 cm) by 5-3/4 inches (14.61 cm) or two circular escape vents at 2-5/8 inches (7.20 cm).

4VAC20-110-60. License and Commercial fishery permit requirements.

~~A. In accordance with the provisions of § 28.2-201 of the Code of Virginia, the Marine Resources Commission does hereby establish a Lobster Boat License to be valid for one calendar year and does hereby require that each such vessel engaged in the fishing for or landing of lobster within or upon the waters within the jurisdiction of the Commonwealth~~

~~procure and display such license provided that such vessel be not otherwise licensed for fishing by the Marine Resources Commission or engaged in the use of fishing gear that is not otherwise licensed by the Marine Resources Commission. It shall be unlawful for any person to take, catch, possess, or land lobster by lobster trap in Virginia unless that person possesses a Lobster Under 200 Permit or a Lobster Over 200 Permit.~~

~~B. In accordance with the provisions of § 28.2-201 of the Code of Virginia, the Marine Resources Commission establishes a no cost commercial lobster permit for any American lobster harvester using any gear or methods other than lobster traps in Virginia waters. It shall be unlawful for any person to take, catch, possess, or land lobster from gear other than lobster traps in Virginia unless that person possesses a Lobster Incidental Harvest Permit.~~

~~C. It shall be unlawful for any boat or vessel to possess or land American lobster in Virginia for commercial purposes without first obtaining a Virginia lobster permit, as described in subsection B of this section, or a Federal Lobster Permit.~~

4VAC20-110-65. Landing limit.

~~Landings by fishermen using gear or methods other than lobster traps (nontrap fishermen) shall be limited to no more than 100 lobsters per day (based on a 24-hour period), up to a maximum of 500 lobsters per trip, for trips five days or longer. Possession by any nontrap fishermen aboard any vessel on Virginia waters or the landing by any nontrap fishermen of quantities greater than those specified shall constitute a violation of this chapter.~~

VA.R. Doc. No. R20-6323; Filed February 25, 2020, 3:14 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4VAC20-450. Pertaining to the Taking of Bluefish (amending 4VAC20-450-15, 4VAC20-450-20).

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

Effective Date: March 1, 2020.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23651, telephone (757) 247-2248 or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments set the harvest and possession limits at three fish for recreational fishing and five fish for fishing from a charter or for-hire vessel.

4VAC20-450-15. Definitions.

The following word words or term terms when used in this chapter shall have the following meaning meanings unless the context clearly indicates otherwise:

"Bluefish" means any fish of the species Pomatomus saltatrix.

"Captain" means the person licensed by the U.S. Coast Guard to carry passengers for hire who operates the charter boat or head boat.

"Charter vessel" or "for-hire vessel" means a vessel operating with a captain who possesses either a Class A Fishing Guide License, Class B Fishing Guide License, or Fishing Guide Reciprocity Permit.

4VAC20-450-20. Bluefish possession ~~limit~~ limits.

A. It shall be unlawful for any person fishing ~~with recreational hook and line, rod and reel, spear, gig, or other recreational gear~~ recreationally to harvest ~~and or~~ possess more than ~~10~~ three bluefish, except as described in subsection B of this section. Any bluefish taken after the possession limit ~~of 10 fish~~ has been reached shall be returned to the water immediately.

B. It shall be unlawful for any person fishing from a charter or for-hire vessel to harvest or possess more than five bluefish. Any bluefish taken after the possession limit has been reached shall be returned to the water immediately.

~~B. C.~~ C. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board who are legally licensed eligible to fish multiplied by ~~10~~ the personal possession limits as described in subsections A and B of this section. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

VA.R. Doc. No. R20-6325; Filed February 25, 2020, 2:16 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-620. Pertaining to Summer Flounder (amending 4VAC20-620-40).**

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

Effective Date: February 27, 2020.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23651, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments (i) change the dates of the off-shore commercial summer flounder spring season to February 24, 2020, through March 31, 2020, and (ii) raise the landing limit for the season to 12,500 pounds.

4VAC20-620-40. Commercial vessel possession and landing limitations.

A. It shall be unlawful for any person harvesting summer flounder outside of Virginia's waters to do any of the following, except as described in subsections B, C, D, E, and F of this section:

1. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of 10% by weight of Atlantic croaker or the combined landings, on board a vessel, of black sea bass, scup, squid, scallops, and Atlantic mackerel.
2. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of 1,500 pounds landed in combination with Atlantic croaker.
3. Fail to sell the vessel's entire harvest of all species at the point of landing.

B. Nothing in this chapter shall preclude a vessel from possessing any North Carolina or New Jersey vessel possession limit of summer flounder in Virginia; however, no vessel that possesses the North Carolina or New Jersey vessel possession limit of summer flounder shall offload any amount of that possession limit, except as described in subsection K of this section.

C. From ~~March 1~~ February 24 through ~~April 19~~ March 31, it shall be unlawful for any person harvesting summer flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of the combined total of the Virginia landing limit described in subdivision 2 of this subsection and the amount of the legal North Carolina or New Jersey landing limit or trip limit.
2. Land in Virginia more than a total of ~~10,000~~ 12,500 pounds of summer flounder.
3. Land in Virginia any amount of summer flounder more than once in any consecutive five-day period.

D. From October 1 through November 15, it shall be unlawful for any person harvesting summer flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of the combined total of the Virginia landing limit described in subdivision 2 of this subsection and the amount of the legal North Carolina or New Jersey landing limit or trip limit.

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2. Land in Virginia more than a total of 10,000 pounds of summer flounder.

3. Land in Virginia any amount of summer flounder more than once in any consecutive five-day period.

E. From November 16 through December 31, it shall be unlawful for any person harvesting summer flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of the total of the Virginia landing limit described in subdivision 2 of this subsection and the amount of the legal North Carolina or New Jersey landing limit or trip limit.

2. Land in Virginia more than a total of 10,000 pounds of summer flounder.

3. Land in Virginia any amount of summer flounder more than once in any consecutive five-day period.

F. From January 1 through December 31, any boat or vessel issued a valid federal summer flounder moratorium permit and owned and operated by a legal Virginia Commercial Hook-and-Line Licensee that possesses a Restricted Summer Flounder Endorsement shall be restricted to a possession and landing limit of 200 pounds of summer flounder, except as described in 4VAC20-620-30 F.

G. Upon request by a marine police officer, the seafood buyer or processor shall offload and accurately determine the total weight of all summer flounder aboard any vessel landing summer flounder in Virginia.

H. Any possession limit described in this section shall be determined by the weight in pounds of summer flounder as customarily packed, boxed, and weighed by the seafood buyer or processor. The weight of any summer flounder in pounds found in excess of any possession limit described in this section shall be prima facie evidence of violation of this chapter. Persons in possession of summer flounder aboard any vessel in excess of the possession limit shall be in violation of this chapter unless that vessel has requested and been granted safe harbor. Any buyer or processor offloading or accepting any quantity of summer flounder from any vessel in excess of the possession limit shall be in violation of this chapter, except as described by subsection K of this section. A buyer or processor may accept or buy summer flounder from a vessel that has secured safe harbor, provided that vessel has satisfied the requirements described in subsection K of this section.

I. If a person violates the possession limits described in this section, the entire amount of summer flounder in that person's possession shall be confiscated. Any confiscated summer flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine police officer shall inventory the confiscated summer flounder and, at a minimum, secure two

bids for purchase of the confiscated summer flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder, and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

J. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading summer flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel, its captain, an estimate of the amount in pounds of summer flounder on board that vessel, and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed summer flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of summer flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any summer flounder during the period of 9 p.m. to 7 a.m.

K. Any boat or vessel that has entered Virginia waters for safe harbor shall only offload summer flounder when the state that licenses that vessel requests to transfer quota to Virginia, in the amount that corresponds to that vessel's possession limit, and the commissioner agrees to accept that transfer of quota.

L. After any commercial harvest or landing quota as described in 4VAC20-620-30 has been attained and announced as such, any boat or vessel possessing summer flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

M. It shall be unlawful for any person harvesting summer flounder outside of Virginia waters to possess aboard any vessel, in Virginia, any amount of summer flounder, once it has been projected and announced that 100% of the quota described in 4VAC20-620-30 A has been taken.

VA.R. Doc. No. R20-6298; Filed February 25, 2020, 1:55 p.m.

Final Regulation

<p>REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.</p>

Title of Regulation: 4VAC20-995. Pertaining to Commercial Hook-And-Line Fishing (amending 4VAC20-995-30).

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

Effective Date: March 1, 2020.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23651, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendment prohibits the use of commercial hook-and-line gear within 300 feet of any bridge, bridge-tunnel, jetty, or pier on weekends (Friday through Sunday) during any open recreational striped bass season.

4VAC20-995-30. Prohibitions.

A. It shall be unlawful for any person licensed under the provisions of 4VAC20-995-20 A 1 or A 2 as a commercial hook-and-line fisherman to do any of the following unless otherwise specified:

1. Fail to be on board the vessel when that vessel is operating in a commercial hook-and-line fishing capacity.
2. Have more than three crew members on board the vessel at any given time provided that:
 - a. Crew members do not need to be licensed commercial fishermen but shall be registered on a crew member list with the commission on an annual basis and in advance of any fishing in any year;
 - b. One crew member per vessel needs not be registered on a crew member list;
 - c. The maximum number of crew members registered to any commercial hook-and-line licensee at any one time shall be 15;
 - d. Any crew registration list submitted by any commercial hook-and-line fisherman may be revised once per calendar year; and
 - e. A legible and approved crew member list must be maintained on board the vessel during all commercial hook-and-line activities.
3. Fail to display prominently the commercial hook-and-line decals, as provided by the commission, on the starboard and port sides of the vessel.
4. Fish within 300 yards of any bridge, bridge-tunnel, jetty, or pier from 6 p.m. Friday through 6 p.m. Sunday.
5. Fish within 300 yards of any fixed fishing device.
6. Harvest black drum within 300 yards of the Chesapeake Bay-Bridge-Tunnel at any time.
7. Fish recreationally on any commercial hook and line vessel during a commercial fishing trip.

8. Use any hydraulic fishing gear or deck-mounted fishing equipment.

9. Use any fishing rod and reel or hand line equipped with more than six hooks.

10. Fish commercially with hook and line aboard any vessel licensed as a charter boat or head boat while carrying customers for recreational fishing.

B. It shall be unlawful for any person to use a commercial hook and line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during Thanksgiving Day through the following day. ~~It shall be unlawful for any person to use a commercial hook and line~~ or during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through 6 a.m. Friday.

VA.R. Doc. No. R20-6326; Filed February 25, 2020, 2:02 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-1310. Pertaining to Jonah Crab (amending 4VAC20-1310-20 through 4VAC20-1310-50).**

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

Effective Date: March 1, 2020.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23651, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments establish a 2.75-inch minimum claw size for claw-specific harvest greater than five gallons, define Jonah crab bycatch, modify non-lobster trap possession limits, and clarify language.

4VAC20-1310-20. Definition.

The following ~~word~~ words or ~~term~~ terms when used in this chapter shall have the following ~~meaning~~ meanings unless the context clearly indicates otherwise:

"Carapace" means the unsegmented body shell of a Jonah crab.

"Carapace length" means the straight line measurement across the widest part of the shell including the tips of the posterior-most, longest spines along the lateral margins of the carapace.

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"Claw length" means the straight line measurement along the bottom of the claw from the joint to the lower tip of the claw.

"Jonah crab," as described in this chapter, means solely any crustacean of the erustacean species *Cancer borealis*.

"Target species" means those species primarily sought by the fishermen in the fishery and that are the subject of directed fishing effort.

4VAC20-1310-30. Possession prohibitions and commercial fishery minimum size limit.

A. It shall be unlawful for any person individual to possess any egg-bearing female Jonah crab, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources. Any harvested egg-bearing female Jonah crab shall be returned to the water immediately.

B. It shall be unlawful for any person individual to land any Jonah crab unless the whole crab is in that person's individual's possession, except as provided in 4VAC20-1310-40 ~~D C~~.

C. It shall be unlawful for any person individual to possess or land any Jonah crab for commercial purposes that measures less than 4.75 inches ~~across the widest point of the~~ in carapace length.

D. It shall be unlawful for any individual to possess or land for commercial purposes any Jonah crab claws that measure less than 2.75 inches in claw length in any amount greater than five gallons.

4VAC20-1310-40. Commercial fishery harvest, permits, possession limits, and reporting.

A. ~~In accordance with the provisions of § 28.2-201 of the Code of Virginia, the Marine Resources Commission establishes a no cost Jonah crab incidental commercial permit for any harvester using any gear or methods other than lobster traps in Virginia waters. It shall be unlawful for any individual to take, catch, possess, or land any Jonah crab from gear other than lobster traps unless that individual possesses a Jonah Crab Incidental Commercial Permit.~~

1. Such permits shall only be issued to an individual who possesses (i) a valid federal lobster permit and (ii) either a Commercial Fisherman Registration License or a Seafood Landing License.

~~B. 2.~~ It shall be unlawful for any person individual using gear or harvesting methods other than lobster traps ~~(nontrap fishermen)~~ to land or possess more than 200 Jonah crabs in a 24 hour period or more than 500 Jonah crabs when a fishing trip exceeds 24 hours the incidental bycatch limit of 1,000 Jonah crabs.

3. It shall be unlawful for any individual to possess any Jonah crab caught under the Jonah Crab Incidental Commercial Permit unless the weight of the target species on board the vessel is greater than the weight of the Jonah Crab in that individual's possession.

~~C. B.~~ It shall be unlawful for any person individual to take, catch, possess, or land any Jonah crab in excess of the amounts listed in ~~subsection B subdivision A 2~~ of this section, unless that ~~person has obtained~~ individual possesses a Limited Entry Jonah Crab Fishery Permit ~~from the Marine Resources Commission. Permits shall only be issued to a Virginia registered commercial fisherman or a Virginia seafood landing licensee who is a legal federal lobster permittee and has at least one pound of documented landings of Jonah crab prior to June 2, 2015, in the Marine Resources Commission's mandatory harvest reporting system. Federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement. There is no landing limit for any person that possesses a Jonah Crab Limited Entry Fishery Permit.~~

1. Such permits shall only be issued to an individual who possesses (i) a valid a federal lobster permit and (ii) either a Commercial Fisherman Registration License or a Seafood Landing License.

2. Individuals shall have at least one pound of landings of Jonah crab prior to June 2, 2015, recorded in the Marine Resources Commission's mandatory harvest reporting system or in federal dealer reports to the Standard Atlantic Fisheries Information System.

3. There shall be no landing limit of Jonah crabs for any individual who possesses a Jonah Crab Limited Entry Fishery Permit.

~~D. C.~~ It shall be unlawful for any person individual to take, catch, possess, or land any Jonah crab claws ~~without first having obtained~~ unless that individual possesses a Limited Entry Jonah Crab Claw Fishery Permit ~~from the Marine Resources Commission. Permits shall only be issued to a Virginia registered commercial fisherman who is a legal federal lobster permittee and who has at least one pound of documented claw landings, prior to June 2, 2015, in the Marine Resources Commission's mandatory harvest reporting system. Federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement.~~

1. Such permits shall only be issued to an individual who possesses (i) a valid a federal lobster permit and (ii) either a Commercial Fisherman Registration License or a Seafood Landing License.

2. Individuals shall have at least one pound of claw landings prior to June 2, 2015, recorded in the Marine Resources Commission's mandatory harvest reporting

system or in federal dealer reports to the Standard Atlantic Fisheries Information System.

3. There shall be no landing limit of Jonah crab claws for any individual who possesses a Limited Entry Jonah Crab Claw Fishery Permit.

~~E.~~ D. Any Virginia licensed seafood buyer who purchases any whole Jonah crab or its claws shall provide reports to the commission of daily purchases and harvest information, organized by month. Such information shall include: (i) the date of the purchase, (ii) the harvester's commercial fisherman registration license number or Virginia seafood landing license number, (iii) the gear type, (iv) water area fished, (v) city or county of landing, (vi) total amount of pounds landed, and (vii) the price per pound. These reports shall be completed in full and submitted to the commission no later than the 15th day of January for the prior year's purchases. Federal dealer reports to the Standard Atlantic Fisheries Information System ~~can~~ shall satisfy the reporting requirements.

4VAC20-1310-50. Daily recreational harvest and possession limits.

It shall be unlawful for any ~~person~~ individual fishing recreationally to possess more than 50 Jonah crabs per ~~person~~ individual per day.

VA.R. Doc. No. R20-6324; Filed February 25, 2020, 2:54 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Title of Regulation: **12VAC5-421. Food Regulations.**

Contact Information: Kristin Marie Clay, Senior Policy Analyst, Office of Environmental Health Services, Virginia Department of Health, 109 Governor Street, 5th Floor, Richmond, VA 23219, telephone (804) 864-7474, or email kristin.clay@vdh.virginia.gov.

FORMS (12VAC5-421)

[Food Establishment Inspection Report Form - Cover Page \(rev. 1/2019\)](#)

~~Food Establishment Inspection Report Form - Narrative (rev. 9/2017)~~

[Food Establishment Inspection Report Form - Narrative \(rev. 2/2020\)](#)

[Food Establishment Inspection Report Form - Narrative with Temperatures \(rev. 9/2017\)](#)

VA.R. Doc. No. R20-6316; Filed February 21, 2020, 4:32 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Final Regulation

REGISTRAR'S NOTICE: The Virginia Board for Asbestos, Lead, and Home Inspectors is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Virginia Board for Asbestos, Lead, and Home Inspectors will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC15-20. Virginia Asbestos Licensing Regulations (amending 18VAC15-20-33).**

Statutory Authority: § 54.1-501 of the Code of Virginia.

Effective Date: May 1, 2020.

Agency Contact: Trisha Henshaw, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (866) 350-5354, or email alhi@dpwr.virginia.gov.

Summary:

The amendment removes the requirement regarding registering a trade or fictitious name with the clerk of court in the locality where the business is conducted to conform the regulation to Chapter 594 of the 2017 Acts of Assembly, which became effective January 1, 2020.

18VAC15-20-33. General qualifications for licensure: firms.

A. Each firm applying for a license shall meet the requirements of this section.

B. The applicant shall disclose the name under which the business entity conducts business and holds itself out to the

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public. The firm shall register trade or fictitious names, when applicable, with the State Corporation Commission ~~or the clerk of the circuit court in the locality where the business is to be conducted~~ in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia before submitting an application to the board.

C. The applicant shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Applicants shall meet the additional requirements listed in this subsection for the firm's form of organization:

1. Corporations. Applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with requirements governing corporations pursuant to Title 13.1 of the Code of Virginia. Corporations shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. Applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with requirements governing limited liability companies pursuant to Title 13.1 of the Code of Virginia. Companies shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. Applicants shall have a written partnership agreement. The partnership agreement shall state that asbestos abatement services of the partnership shall be under the direction and control of the appropriate asbestos abatement licensee.

E. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall disclose the following information about the firm and its owners, officers, managers, members, and directors, as applicable:

1. All felony convictions;
2. All misdemeanor convictions involving lying, cheating, or stealing; and
3. Any conviction resulting from engaging in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

Any plea of nolo contendere or finding of guilt, regardless of adjudication or deferred adjudication, shall be considered a

conviction for the purposes of this section. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

F. The applicant shall report (i) the suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action by any jurisdiction and (ii) whether the firm, owners, officers, managers, members, or directors have been the subject of discipline in any jurisdiction prior to applying for licensure and while the application is under review by the board. The board, at its discretion, may deny licensure to an applicant based on disciplinary action by any jurisdiction.

G. The board may deny the application of an applicant who is shown to have a substantial identity of interest with a person whose license or certificate has been revoked or not renewed by the board. A substantial identity of interest includes (i) a controlling financial interest by the individual or corporate principals of the person whose license or certificate has been revoked or has not been renewed or (ii) substantially identical owners, officers, managers, members, or directors, as applicable.

H. An applicant shall not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact requested in connection with an application submitted to the board.

NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (18VAC15-20)

[Asbestos Worker License Application, A506-3301LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Supervisor License Application, A506-3302LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Inspector License Application, A506-3303LIC-v5 \(rev. 8/2015\)](#)

[Asbestos Management Planner License Application, A506-3304LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Project Designer License Application, A506-3305LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Project Monitor License Application, A506-3309LIC-v5 \(rev. 8/2015\)](#)

[Individual - Asbestos License Renewal Form, A506-33AREN-v5 \(rev. 2/2020\)](#)

[Asbestos Analytical Laboratory License Renewal/Branch Office Renewal Form, A506-3333_34REN-v5 \(rev. 2/2020\)](#)

[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-v6 \(rev. 2/2020\)](#)

[Asbestos - Experience Verification Application, A506-33AEXP-v5 \(rev. 3/2019\)](#)

[Asbestos - Education Verification Application, A506-33AED-v3 \(rev. 8/2015\)](#)

[Virginia Asbestos Licensing Consumer Information Sheet, A506-33ACIS-v2 \(rev. 8/2013\)](#)

[Inspector/Project Designer/Contractor Disclosure Form, A506-33DIS-v2 \(rev. 8/2013\)](#)

~~[Asbestos Contractor License Application, A506-3306LIC-v5 \(rev. 9/2019\)](#)~~

~~[Asbestos Analytical Laboratory License Application, A506-3333LIC v7 \(rev. 9/2019\)](#)~~

[Asbestos Contractor License Application, A506-3306LIC-v6 \(rev. 3/2020\)](#)

[Asbestos Analytical Laboratory License Application, A506-3333LIC-v8 \(rev. 3/2020\)](#)

[Asbestos Analytical Laboratory - Branch Office Application, A506-3333BR-v1 \(rev. 9/2019\)](#)

[Change of Laboratory Analysis Type Form, A506-3333COA-v1 \(rev. 9/2019\)](#)

~~[Asbestos Training Program Review and Audit Application, A506-3331ACRS v4 \(rev. 8/2015\)](#)~~

[Asbestos Training Program Review and Audit Application, A506-3331ACRS-v5 \(rev. 3/2020\)](#)

[Asbestos Project Monitor - Work Experience Log, A506-3309EXP-v3 \(rev. 8/2015\)](#)

VA.R. Doc. No. R20-6284; Filed February 25, 2020, 2:48 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Virginia Board for Asbestos, Lead, and Home Inspectors is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Virginia Board for Asbestos, Lead, and Home Inspectors will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC15-30. Virginia Lead-Based Paint Activities Regulations (amending 18VAC15-30-53).**

Statutory Authority: § 54.1-501 of the Code of Virginia.

Effective Date: May 1, 2020.

Agency Contact: Trisha Henshaw, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (866) 350-5354, or email alhi@dpor.virginia.gov.

Summary:

The amendment removes the requirement regarding registering a trade or fictitious name with the clerk of court in the locality where the business is conducted to conform the regulation to Chapter 594 of the 2017 Acts of Assembly, which became effective January 1, 2020.

18VAC15-30-53. Qualifications for licensure - business entities.

A. General. Every business entity shall secure a license before transacting business.

B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission ~~or the clerk of court in the county or jurisdiction where the business is to be conducted~~ in accordance with ~~§§ 59.1-69 through 59.1-76 Chapter 5 (§ 59.1-69 et seq.)~~ of Title 59.1 of the Code of Virginia before submitting their ~~application~~ applications to the board.

C. Address. The applicant shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:

1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with

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the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.

4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.

E. Qualifications.

1. Lead contractor. Each applicant for lead contractor licensure shall:

a. Hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors and comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

b. Certify that:

(1) Only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities;

(2) A licensed lead abatement supervisor is present at each job site during all work site preparation and during post-abatement cleanup, and shall be on site or available by telephone, pager, or answering service and able to be present at the work site in no more than two hours when abatement activities are being conducted;

(3) The standards for conducting lead-based paint activities established in this chapter and standards established by the EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities; and

(4) The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.

F. Conviction or guilt. Neither the firm nor the owners, officers, or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any

plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

G. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

H. Standing. Both the firm and the owners, officers, and directors shall be in good standing in every jurisdiction where licensed, and the applicant shall not have had a license that was suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.

I. Denial of license. The board may refuse to issue a license to any lead contractor applicant if the applicant or its owners, officers, or directors have a financial interest in a lead contractor whose lead license has been revoked, suspended or denied renewal in any jurisdiction.

NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (18VAC15-30)

[Lead Abatement Worker License Application, A506-3351LIC-v3 \(eff. 8/2015\)](#)

[Lead Abatement Supervisor License Application, A506-3353LIC-v4 \(eff. 8/2015\)](#)

[Lead Abatement Inspector License Application, A506-3355LIC-v3 \(eff. 8/2015\)](#)

[Lead Abatement Risk Assessor License Application, A506-3356LIC-v5 \(eff. 8/2015\)](#)

[Lead Abatement Project Designer License Application, A506-3357LIC-v3 \(eff. 8/2015\)](#)

~~[Lead Abatement Contractor License Application, A506-3358LIC-v3 \(eff. 8/2015\)](#)~~

[Lead Abatement Contractor License Application, A506-3358LIC-v4 \(eff. 3/2020\)](#)

[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-v6 \(rev. 2/2020\)](#)

[Individual - Lead License Renewal Form, A506-33LREN-v4 \(rev. 2/2020\)](#)

[Lead - Education Verification Application, A506-33LED-v3 \(rev. 8/2015\)](#)

[Lead - Experience Verification Application, A506-33LEXP-v3 \(rev. 8/2015\)](#)

~~[Lead Training Course Application, 3331LCRS v4 \(eff. 8/2015\)](#)~~

[Lead Training Course Application, 3331LCRS-v5 \(eff. 3/2020\)](#)

[Inspector/Risk Assessor/Project Designer/Contractor Disclosure Form, A506-33LDIS-v2 \(eff. 8/2013\)](#)

[Virginia Lead Licensing Consumer Information Sheet, A506-33LCIS-v2 \(eff. 8/2013\)](#)

VA.R. Doc. No. R20-6287; Filed February 25, 2020, 2:55 p.m.

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Title of Regulation: **18VAC15-40. Home Inspector Licensing Regulations.**

Contact Information: Joseph C. Haughwout, Jr., Regulatory Administrator, Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2684, or email joseph.haughwout@dpor.virginia.gov.

FORMS (18VAC15-40)

[Home Inspector License Application, A506-3380LIC-v3 \(eff. 9/2017\)](#)

[Home Inspector NRS Specialty Designation Application, A506-3380NRS-v1 \(eff. 7/2017\)](#)

[Home Inspector Experience Verification Form, A506-3380EXP-v7 \(eff. 9/2017\)](#)

[Home Inspectors – Inspection Log, A506-3380ILOG-v1 \(eff. 9/2017\)](#)

[Home Inspector Reinstatement Application, A506-3380REI-v3 \(eff. 2/2020\)](#)

~~[Home Inspector – Course Approval Application, Prelicense Education Course/NRS Training Module/NRS CPE, A506-3331HICRS v2 \(eff. 8/2019\)](#)~~

[Home Inspector - Course Approval Application, Prelicense Education Course/NRS Training Module/NRS CPE, A506-3331HICRS-v3 \(eff. 3/2020\)](#)

VA.R. Doc. No. R20-6313; Filed February 21, 2020, 8:51 a.m.

CEMETERY BOARD

Final Regulation

REGISTRAR'S NOTICE: The Cemetery Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 6 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 of the Code of Virginia that are limited to reducing fees charged to regulants and applicants. The Cemetery Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC47-20. Cemetery Board Rules and Regulations (amending 18VAC47-20-140).**

Statutory Authority: §§ 54.1-201 and 54.1-2313 of the Code of Virginia.

Effective Date: May 1, 2020.

Agency Contact: Christine Martine, Executive Director, Cemetery Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 527-4299, or email cemetery@dpor.virginia.gov.

Summary

The amendments reduce renewal fees for cemetery company licenses and sales personnel registrations that expire after May 1, 2020, and before May 1, 2022, to conform with § 54.1-113 of the Code of Virginia.

18VAC47-20-140. Renewal and reinstatement fees.

A. All fees required by the board are nonrefundable. The date on which the fee is received by the department or its agent shall determine whether the licensee or registrant is eligible for renewal or reinstatement or must reapply as a new applicant.

Renewal of cemetery company license	\$580 per cemetery
Renewal of sales personnel registration	\$60 per cemetery
Reinstatement of cemetery company license	\$580 per cemetery
Reinstatement of sales personnel registration	\$60 per cemetery

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B. For licenses and registrations expiring on May 31, ~~2018~~ 2020, and before May 1, ~~2020~~ 2022, the renewal fees are as follows:

Renewal of cemetery company license	\$ 250 \$300 per cemetery license
Renewal of sales personnel registration	\$40 per cemetery registration

VA.R. Doc. No. R20-6318; Filed February 24, 2020, 4:23 p.m.

REAL ESTATE APPRAISER BOARD

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Real Estate Appraiser Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18VAC130-20. Real Estate Appraiser Board Rules and Regulations (amending 18VAC130-20-10).

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Effective Date: May 1, 2020.

Agency Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 527-4298, or email reappraisers@dpor.virginia.gov.

Background: Section 1110 of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC § 3339) requires that real estate appraisals be performed in accordance with and reviewed for compliance with generally accepted standards as evidenced by the appraisal standards promulgated by the Appraisal Standards Board (ASB) of the Appraisal Foundation, which are known as the Uniform Standards of Professional Appraisal Practice (USPAP). The ASB updates USPAP every two years and has issued the 2020-2021 edition, which is effective from January 1, 2020, through December 31, 2021.

Summary:

The amendments update the edition of the Uniform Standards of Professional Appraisal Practice in the definition of "USPAP" and as incorporated by reference.

Part I
General

18VAC130-20-10. Definitions.

The following words and terms when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Accredited colleges, universities, junior and community colleges" means those accredited institutions of higher learning approved by the State Council of Higher Education for Virginia or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers or a recognized international equivalent.

"Adult distributive or marketing education programs" means those programs offered at schools approved by the Virginia Department of Education or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.

"Analysis" means a study of real estate or real property other than the estimation of value.

"Appraisal Foundation" means the foundation incorporated as an Illinois Not for Profit Corporation on November 30, 1987, to establish and improve uniform appraisal standards by defining, issuing, and promoting such standards.

"Appraisal subcommittee" means the designees of the heads of the federal financial institutions regulatory agencies established by the Federal Financial Institutions Examination Council Act of 1978 (12 USC § 3301 et seq.), as amended.

"Appraiser" means an individual who is expected to perform valuation services competently and in a manner that is independent, impartial, and objective.

"Appraiser classification" means any category of appraiser, which the board creates by designating criteria for qualification for such category and by designating the scope of practice permitted for such category.

"Appraiser Qualifications Board" means the board created by the Appraisal Foundation to establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing, and promoting such qualification criteria; to disseminate such qualification criteria to states, governmental entities, and others; and to develop or assist in the development of appropriate examinations for qualified appraisers.

"Appraiser trainee" means an individual who is licensed as an appraiser trainee to appraise those properties that the supervising appraiser is permitted to appraise.

"Business entity" means any corporation, partnership, association, or other business entity under which appraisal services are performed.

"Certified general real estate appraiser" means an individual who meets the requirements for licensure that relate to the appraisal of all types of real estate and real property and is licensed as a certified general real estate appraiser.

"Certified instructor" means an individual holding an instructor certificate issued by the Real Estate Appraiser Board to act as an instructor.

"Certified residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of or the review appraisal of any residential real estate or real property of one to four residential units regardless of transaction value or complexity. Certified residential real estate appraisers may also appraise or provide a review appraisal of nonresidential properties with a transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice up to \$250,000, whichever is the lesser.

"Classroom hour" means 50 minutes out of each 60-minute segment. The prescribed number of classroom hours includes time devoted to tests which are considered to be part of the course.

"Distance education" means an educational process based on the geographical separation of provider and student (i.e., CD-ROM, online learning, correspondence courses, etc.).

"Experience" as used in this chapter includes experience gained in the performance of traditional appraisal assignments, or in the performance of the following: fee and staff appraisals, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis or study.

For the purpose of this chapter, experience has been divided into four major categories: (i) fee and staff appraisal, (ii) ad valorem tax appraisal, (iii) review appraisal, and (iv) real estate consulting.

1. "Fee and staff appraiser experience" means experience acquired as a sole appraiser, as a cosigner, or through disclosure of assistance in the certification in accordance with the Uniform Standards of Professional Appraisal Practice.

Sole appraiser experience is experience obtained by an individual who makes personal inspections of real estate, assembles and analyzes the relevant facts, and by the use of reason and the exercise of judgment forms objective opinions and prepares reports as to the market value or other properly defined value of identified interests in said real estate.

Cosigner appraiser experience is experience obtained by an individual who signs an appraisal report prepared by another, thereby accepting full responsibility for the content and conclusions of the appraisal.

To qualify for fee and staff appraiser experience, an individual must have prepared written appraisal reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standards 1 and 2.

2. "Ad valorem tax appraisal experience" means experience obtained by an individual who assembles and analyzes the relevant facts and who correctly employs those recognized methods and techniques that are necessary to produce and communicate credible appraisals within the context of the real property tax laws. Ad valorem tax appraisal experience may be obtained either through individual property appraisals or through mass appraisals as long as applicants under this category of experience can demonstrate that they are using techniques to value real property similar to those being used by fee and staff appraisers and that they are effectively utilizing the appraisal process.

To qualify for ad valorem tax appraisal experience for individual property appraisals, an individual must have prepared written appraisal reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation.

To qualify for ad valorem tax appraisal experience for mass appraisals, an individual must have prepared mass appraisals or have documented mass appraisal reports after January 30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standard 6.

In addition to the preceding, to qualify for ad valorem tax appraisal experience, the applicant's experience log must be attested to by the applicant's supervisor.

3. "Reviewer experience" means experience obtained by an individual who examines the reports of appraisers to determine whether their conclusions are consistent with the data reported and other generally known information. An individual acting in the capacity of a reviewer does not necessarily make personal inspection of real estate but does review and analyze relevant facts assembled by fee and staff appraisers and by the use of reason and exercise of judgment forms objective conclusions as to the validity of fee and staff appraisers' opinions. Reviewer experience shall not constitute more than 1,000 hours of total experience claimed, and at least 50% of the review experience claimed must be in field review wherein the individual has personally inspected the real property which is the subject of the review.

To qualify for reviewer experience, an individual must have prepared written reports after January 30, 1989, recommending the acceptance, revision, or rejection of the

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fee and staff appraiser's opinions that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standard 3.

Signing as "Review Appraiser" on an appraisal report prepared by another will not qualify an individual for experience in the reviewer category. Experience gained in this capacity will be considered under the cosigner subcategory of fee and staff appraiser experience.

4. "Real estate consulting experience" means experience obtained by an individual who assembles and analyzes the relevant facts and by the use of reason and the exercise of judgment forms objective opinions concerning matters other than value estimates relating to real property. Real estate consulting experience includes the following:

- Absorption Study
- Ad Valorem Tax Study
- Annexation Study
- Assemblage Study
- Assessment Study
- Condominium Conversion Study
- Cost-Benefit Study
- Cross Impact Study
- Depreciation/Cost Study
- Distressed Property Study
- Economic Base Analysis
- Economic Impact Study
- Economic Structure Analysis
- Eminent Domain Study
- Feasibility Study
- Highest and Best Use Study
- Impact Zone Study
- Investment Analysis Study
- Investment Strategy Study
- Land Development Study
- Land Suitability Study
- Land Use Study
- Location Analysis Study
- Market Analysis Study
- Market Strategy Study
- Market Turning Point Analysis
- Marketability Study
- Portfolio Study
- Rehabilitation Study
- Remodeling Study
- Rental Market Study
- Right of Way Study
- Site Analysis Study
- Utilization Study
- Urban Renewal Study
- Zoning Study

To qualify for real estate consulting experience, an individual must have prepared written reports after January

30, 1989, that comply with the Uniform Standards of Professional Appraisal Practice in the edition in effect at the time of the reports' preparation, including Standards 4 and 5. Real estate consulting shall not constitute more than 500 hours of experience for any type of appraisal license.

"Inactive license" means a license that has been renewed without meeting the continuing education requirements specified in this chapter. Inactive licenses do not meet the requirements set forth in § 54.1-2011 of the Code of Virginia.

"Licensed residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of or the review appraisal of any noncomplex, residential real estate or real property of one to four residential units, including federally related transactions, where the transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice is less than \$1 million. Licensed residential real estate appraisers may also appraise or provide a review appraisal of noncomplex, nonresidential properties with a transaction value or market value as defined by the Uniform Standards of Professional Appraisal Practice up to \$250,000, whichever is the lesser.

"Licensee" means any individual holding an active license issued by the Real Estate Appraiser Board to act as a certified general real estate appraiser, certified residential real estate appraiser, licensed residential real estate appraiser, or appraiser trainee as defined, respectively, in § 54.1-2009 of the Code of Virginia and in this chapter.

"Local, state or federal government agency, board or commission" means an entity established by any local, federal, or state government to protect or promote the health, safety, and welfare of its citizens.

"Proprietary school" means a privately owned school offering appraisal or appraisal related courses approved by the board.

"Provider" means accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations.

"Real estate appraisal activity" means the act or process of valuation of real property or preparing an appraisal report.

"Real estate appraisal" or "real estate related organization" means any appraisal or real estate related organization formulated on a national level, where its membership extends to more than one state or territory of the United States.

"Reciprocity agreement" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Registrant" means any corporation, partnership, association, or other business entity that provides appraisal services and that is registered with the Real Estate Appraiser Board in accordance with § 54.1-2011 E of the Code of Virginia.

"Reinstatement" means having a license or registration restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or registration for another period of time.

"Sole proprietor" means any individual, but not a corporation, partnership, or association, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent" means any educational course or seminar, experience, or examination taken in this or another jurisdiction ~~which~~ that is equivalent in classroom hours, course content and subject, and degree of difficulty, respectively, to those requirements outlined in this chapter and Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1 of the Code of Virginia for licensure and renewal.

"Supervising appraiser" means any individual holding a license issued by the Real Estate Appraiser Board to act as a certified general real estate appraiser or certified residential real estate appraiser who supervises any unlicensed individual acting as a real estate appraiser or an appraiser trainee as specified in this chapter.

"Transaction value" means the monetary amount of a transaction ~~which~~ that may require the services of a certified or licensed appraiser for completion. The transaction value is not always equal to the market value of the real property interest involved. For loans or other extensions of credit, the transaction value equals the amount of the loan or other extensions of credit. For sales, leases, purchases, and investments in or exchanges of real property, the transaction value is the market value of the real property interest involved. For the pooling of loans or interests in real property for resale or purchase, the transaction value is the amount of the loan or the market value of real property calculated with respect to each such loan or interest in real property.

"Uniform Standards of Professional Appraisal Practice" means the ~~2018-2019~~ 2020-2021 edition of those standards promulgated by the Appraisal Standards Board of the Appraisal Foundation for use by all appraisers in the preparation of appraisal reports.

"Valuation" means an estimate or opinion of the value of real property.

"Valuation assignment" means an engagement for which an appraiser is employed or retained to give an analysis, opinion, or conclusion that results in an estimate or opinion of the

value of an identified parcel of real property as of a specified date.

"Waiver" means the voluntary, intentional relinquishment of a known right.

DOCUMENTS INCORPORATED BY REFERENCE (18VAC130-20)

~~Uniform Standards of Professional Appraisal Practice, 2018-2019 Edition, Appraisal Standards Board, The Appraisal Foundation~~

[Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition, Appraisal Standards Board, The Appraisal Foundation](#)

VA.R. Doc. No. R20-6319; Filed February 24, 2020, 5:19 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Real Estate Appraiser Board is claiming an exemption from Article 2 of 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 Real Estate Appraiser Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC130-20. Real Estate Appraiser Board Rules and Regulations (amending 18VAC130-20, 18VAC130-20-180).**

Statutory Authority: §§ 54.1-201 and 54.1-2013 of the Code of Virginia.

Effective Date: May 1, 2020.

Agency Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 527-4298, or email reappraisers@dpor.virginia.gov.

Summary:

The amendment removes the requirement regarding registering a trade or fictitious name with the clerk of court in the locality where the business is conducted to conform the regulation to Chapter 594 of the 2017 Acts of Assembly, which became effective January 1, 2020.

18VAC130-20-20. Requirement for registration.

All business entities, both domestic (in-state) and foreign (out-of-state), providing appraisal services shall register with the board by completing an application furnished by the board describing the location, nature, and operation of their practices, and the name and address of the registered agent, an associate, or a partner of the business entity. Along with a completed application form, domestic corporations and limited liability companies shall provide a copy of the

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certificate as issued by the State Corporation Commission; foreign (out-of-state) corporations and limited liability companies shall provide a copy of the certificate from the State Corporation Commission; partnerships shall provide a copy of the certified Partnership Certificate; and other business entities trading under a fictitious name shall ~~provide a copy of the certificate filed with the clerk of the court where business is to be conducted~~ be authorized to conduct business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia. Every business entity providing appraisal services shall provide the name and license number of a board licensee who shall serve as the contact person for the board.

18VAC130-20-180. Standards of professional practice.

A. The provisions of subsections C through L of this section shall not apply to local, state, and federal employees performing in their official capacity.

B. Maintenance of licenses. The board shall not be responsible for the failure of a licensee, registrant, or certificate holder to receive notices, communications, and correspondence.

1. Change of address.

a. All licensed real estate appraisers, appraiser trainees, and certified instructors shall at all times keep the board informed in writing of their current home address and shall report any change of address to the board within 30 days of such change.

b. Registered real estate appraisal business entities shall at all times keep the board informed in writing of their current business address and shall report any change of address to the board within 30 days of such change.

2. Change of name.

a. All real estate appraisers, appraiser trainees, and certified instructors shall promptly notify the board in writing and provide appropriate written legal verification of any change of name.

b. Registered real estate appraisal business entities shall promptly notify the board of any change of name or change of business structure in writing. In addition to written notification, corporations shall provide a copy of the Certificate of Amendment from the State Corporation Commission, partnerships shall provide a copy of a certified Partnership Certificate, and other business entities trading under a fictitious name shall ~~provide a copy of the certificate filed with the clerk of the court where business is to be conducted~~ be authorized to conduct business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.

3. Upon the change of name or address of the registered agent, associate, or partner, or sole proprietor designated

by a real estate appraisal business entity, the business entity shall notify the board in writing of the change within 30 days of such event.

4. No license, certification, or registration issued by the board shall be assigned or otherwise transferred.

5. All licensees, certificate holders, and registrants shall operate under the name in which the license or registration is issued.

6. All certificates of licensure, registration, or certification in any form are the property of the Real Estate Appraiser Board. Upon death of a licensee, dissolution or restructure of a registered business entity, or change of a licensee's, registrant's, or certificate holder's name or address, such licenses, registrations, or certificates must be returned with proper instructions and supplemental material to the board within 30 days of such event.

7. All appraiser licenses issued by the board shall be visibly displayed.

C. Use of signature and electronic transmission of report.

1. The signing of an appraisal report or the transmittal of a report electronically shall indicate that the licensee has exercised complete direction and control over the appraisal. Therefore, no licensee shall sign or electronically transmit an appraisal ~~which~~ that has been prepared by an unlicensed person unless such work was performed under the direction and supervision of the licensee in accordance with § 54.1-2011 C of the Code of Virginia.

2. All original appraisal reports shall be signed by the licensed appraiser. For narrative and letter appraisals, the signature and final value conclusion shall appear on the letter of transmittal and certification page. For form appraisals, the signature shall appear on the page designated for the appraiser's signature and final estimate of value. All temporary licensed real estate appraisers shall sign and affix their temporary license to the appraisal report or letter for which they obtained the license to authenticate such report or letter. Appraisal reports may be transmitted electronically. Reports prepared without the use of a seal shall contain the license number of the appraiser.

a. An appraiser may provide market analysis studies or consulting reports, which do not constitute appraisals of market value, provided such reports, studies, or evaluations shall contain a conspicuous statement that such reports, studies, or evaluations are not an appraisal as defined in § 54.1-2009 of the Code of Virginia.

b. Application of the seal and signature or electronic transmission of the report indicates acceptance of responsibility for work shown thereon.

c. The seal shall conform in detail and size to the design illustrated below in this subdivision:



*The number on the seal shall be the 10-digit number or the last six digits, or the last significant digits on the license issued by the board.

D. Development of appraisal. In developing a real property appraisal, all licensees shall comply with the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP) as defined in this chapter or in the prior edition in effect at the time of the reports' preparation. If the required definition of value uses the word "market," licensees must use the definition of market value set forth in USPAP "DEFINITIONS."

E. Appraisal report requirements. In reporting a real property appraisal, a licensee shall meet the requirements of the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation.

F. Reviewing an appraisal. In performing a review appraisal, a licensee shall comply with the requirements of the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation. The reviewer's signature and seal shall appear on the certification page of the report.

G. Mass appraisals. In developing and reporting a mass appraisal for ad valorem tax purposes, a licensee shall comply with the requirements of the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation.

H. Recordkeeping requirements.

1. A licensee shall abide by the Record Keeping Rule as stated in the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation.
2. A licensee or registrant of the Real Estate Appraiser Board shall, upon request or demand, promptly produce to the board or any of its agents within 10 working days of

the request, any document, book, record, work file, or electronic record in a licensee's possession concerning any appraisal ~~which~~ that the licensee performed, or for which the licensee is required to maintain records for inspection by the board or its agents. The board or any of its agents may extend such ~~time frame~~ timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

3. Upon the completion of an assignment, a licensee or registrant shall return to the rightful owner, upon demand, any document or instrument ~~which~~ that the licensee possesses.

4. The appraiser trainee shall be entitled to obtain copies of appraisal reports he prepared. The supervising appraiser shall keep copies of appraisal reports for a period of at least five years or at least two years after final disposition of any judicial proceedings in which testimony was given, whichever period expires last.

I. Disclosure requirements. A licensee appraising property in which he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest, has any interest shall disclose, in writing, to any client such interest in the property and his status as a real estate appraiser licensed in the Commonwealth of Virginia. As used in the context of this chapter, "any interest" includes ~~but is not limited to~~ an ownership interest in the property to be appraised or in an adjacent property or involvement in the transaction, such as deciding whether to extend credit to be secured by such property.

J. Competency. A licensee shall abide by the Competency Rule as stated in the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation.

K. Scope of work. A licensee shall abide by the Scope of Work Rule as stated in the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation.

L. Jurisdictional exception. A licensee shall abide by the Jurisdictional Exception Rule as stated in the Uniform Standards of Professional Appraisal Practice as defined in this chapter or in the prior edition in effect at the time of the reports' preparation.

M. Prohibited acts.

1. A licensee shall act as a certified general real estate appraiser, certified residential real estate appraiser, or licensed residential real estate appraiser in such a manner as to safeguard the interests of the public, and shall not engage in improper, fraudulent, or dishonest conduct.
2. A licensee may not have been convicted, found guilty, or pled guilty, regardless of adjudication, in any jurisdiction of the United States of a misdemeanor

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involving moral turpitude or of any felony there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. A certified copy of a final order, decree, or case decision by a court with the lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such guilt.

3. A licensee shall inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty, regardless of adjudication, of any felony or of a misdemeanor involving moral turpitude.

4. A licensee may not have had a license or certification as a real estate appraiser ~~which that~~ was suspended, revoked, or surrendered in connection with a disciplinary action or ~~which that~~ has been the subject of discipline in any jurisdiction.

5. A licensee shall inform the board in writing within 30 days of the suspension, revocation, or surrender of an appraiser license or certification in connection with a disciplinary action in any other jurisdiction, and a licensee shall inform the board in writing within 30 days of any appraiser license or certification which has been the subject of discipline in any jurisdiction.

6. A licensee shall perform all appraisals in accordance with Virginia Fair Housing Law, (§ 36-96.1 et seq. of the Code of Virginia).

7. A licensee shall respond to an inquiry by the board or its agents, other than requested under subdivision H 2 of this section, within 21 days.

8. A licensee shall not provide false, misleading or incomplete information in the investigation of a complaint filed with the board.

VA.R. Doc. No. R20-6320; Filed February 24, 2020, 4:24 p.m.

REAL ESTATE BOARD Final Regulation

REGISTRAR'S NOTICE: The Real Estate Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Real Estate Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC135-20. Virginia Real Estate Board Licensing Regulations (amending 18VAC135-20-20).**

Statutory Authority: §§ 54.1-201 and 54.1-2105 of the Code of Virginia.

Effective Date: May 1, 2020.

Agency Contact: Christine Martine, Executive Director, Real Estate Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 527-4299, or email reboard@dpor.virginia.gov.

Summary:

The amendment removes the requirement regarding registering a trade or fictitious name with the clerk of court in the locality where the business is conducted to conform the regulation to Chapter 594 of the 2017 Acts of Assembly, which became effective January 1, 2020.

18VAC135-20-20. Necessity for license. (Refer to § 54.1-2106.1 of the Code of Virginia.)

A. Sole proprietor (principal broker owner). A real estate broker's license shall be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, only after the individual signs and acknowledges a certificate provided by the board, ~~setting that~~ sets forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business. ~~Each certificate must be attested by the clerk of court of the county or jurisdiction wherein the business is to be conducted. The attention of all applicants and licensees is directed to §§ 59.1-69 through 59.1-76~~ The board will consider the application of an individual only after the individual is authorized to conduct business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.

B. Sole proprietor (nonbroker owner), partnership, association, limited liability company, or corporation. Every sole proprietor (nonbroker owner), partnership, association, limited liability company, or corporation must secure a real estate license for its firm before transacting real estate business. This license is separate and distinct from the individual broker license required of each partner, associate, manager of a limited liability company, and officer of a corporation who is active in the firm's brokerage business. Each applicant for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out to the public. Each applicant shall also disclose the business address of the firm. The board will consider the application of any partnership, association, corporation, or limited liability company only after the entity is authorized to conduct business in accordance with ~~§§ 59.1-69 through 59.1-76~~ Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.

C. Each real estate firm is required to have a principal broker whose license is in good standing with the board in order to transact real estate business.

D. Branch office license. If a real estate broker maintains more than one place of business within the state, a branch office license shall be issued for each place of business maintained. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. The branch office license shall be maintained at the branch office location.

VA.R. Doc. No. R20-6317; Filed February 24, 2020, 4:24 p.m.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE SEWAGE SYSTEM PROFESSIONALS

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Titles of Regulations: 18VAC160-30. Waterworks and Wastewater Works Operators Licensing Regulations.

18VAC160-40. Onsite Sewage System Professionals Licensing Regulations.

Contact Information: Joseph C. Haughwout, Jr., Regulatory Administrator, Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2684, or email joseph.haughwout@dpor.virginia.gov.

FORMS (18VAC160-30)

[Waterworks Operator License Application, A436-1955EXLIC-v1 \(eff. 4/2017\)](#)

[Provisional Waterworks Operator License Application, A436-1955PLIC-v2 \(eff. 4/2017\)](#)

[Wastewater Works Operator License Application, A436-1965EXLIC-v2 \(eff. 4/2017\)](#)

[Provisional Wastewater Works Operator License Application, A436-1965PLIC-v2 \(eff. 4/2017\)](#)

[Waterworks and Wastewater Works Operator - Provisional License Change in Classification Application, A436-1955_65CHG-v1 \(eff. 4/2017\)](#)

[Out-of-State Facility Description and Experience Verification Application, A436-19STATE_EXP-v3 \(eff. 4/2015\)](#)

[Waterworks and Wastewater Works Operator Virginia Experience Verification Application, A436-19WWEXP-v4 \(eff. 4/2017\)](#)

[Provisional Description and Experience Verification Application, A436-1955_65PEXP-v3 \(eff. 12/2014\)](#)

[Continuing Professional Education \(CPE\) Application - Certificate of Completion, A436-19CPE-v3 \(eff. 10/2015\)](#)

~~[Training Course Approval Application, A465-19CRS-v4 \(eff. 2/2019\)](#)~~

[Training Course Approval Application, A465-19CRS-v5 \(eff. 3/2020\)](#)

[Education and Training Substitution Form, A436-19EDTRv4, \(eff. 4/2017\)](#)

[Wastewater Works Operator Class 4 Application - Department of Corrections Apprenticeship Program, A436-1965APLIC-v3 \(eff. 6/2019\)](#)

FORMS (18VAC160-40)

[Conventional Onsite Sewage System Installer License Application, A465-1944CONLIC-v1 \(eff. 4/2017\)](#)

[Alternative Onsite Sewage System Installer License Application, A465-1944ALTLIC-v1 \(eff. 4/2017\)](#)

[Conventional Onsite Sewage System Operator License Application, A465-1942CONLIC-v1 \(eff. 4/2017\)](#)

[Alternative Onsite Sewage System Operator License Application, A465-1942ALTLIC-v2 \(eff. 4/2018\)](#)

[Waiver of Examination - Master Conventional Onsite Sewage System Operator License Application, A436-1942WAIV-v2 \(eff. 4/2017\)](#)

[Continuing Professional Education \(CPE\) Application - Certificate of Completion, A436-19CPE-v3 \(eff. 10/2015\)](#)

~~[Training Course Approval Application, A465-19CRS-v4 \(eff. 2/2019\)](#)~~

[Training Course Approval Application, A465-19CRS-v5 \(eff. 3/2020\)](#)

[Education and Training Substitution Form, A436-19EDTRv4 \(eff. 4/2017\)](#)

[Onsite Sewage System Applicant Experience Verification Application, A436-19OSSPEXP-v4 \(eff. 4/2017\)](#)

VA.R. Doc. No. R20-6314; Filed February 21, 2020, 9:12 a.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, Richmond, Virginia 23219.

STATE AIR POLLUTION CONTROL BOARD

Titles of Documents:

[Title V Air Permits Guidance Manual.](#)

[Title V Air Permits Guidance Manual, Chapter 2 - Permit Applications -Timely and Complete Review.](#)

[Title V Air Permits Guidance Manual, Chapter 9 - Compliance Assurance Monitoring.](#)

[Title V Air Permits Guidance Manual, Chapter 11 - Changing Status from Title V to Minor.](#)

Public Comment Deadline: April 15, 2020.

Effective Date: April 16, 2020.

Agency Contact: Patrick Corbett, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4016, or email patrick.corbett@deq.virginia.gov.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Titles of Documents:

[Clarification Regarding Abatement Projects that Require a Project Monitor.](#)

[Meaning of "Direct Supervision" as used in 18VAC15-40-32.](#)

Public Comment Deadline: April 15, 2020.

Effective Date: April 16, 2020.

Agency Contact: Trisha L. Henshaw, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, or email alhi@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Document: [Virginia Board of Audiology and Speech-Language Pathology Bylaws.](#)

Public Comment Deadline: April 15, 2020.

Effective Date: April 16, 2020.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Title of Document: [Social Media Rules of Engagement.](#)

Public Comment Deadline: April 15, 2020.

Effective Date: April 16, 2020.

Agency Contact: Melissa K. Velazquez, Senior Policy Analyst, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-1844, or email melissa.velazquez@dmv.virginia.gov.

BOARD OF PSYCHOLOGY

Title of Document: [Virginia Board of Psychology Bylaws.](#)

Public Comment Deadline: April 15, 2020.

Effective Date: April 16, 2020.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY Announcing the Availability of the 2020 Annual Monitoring Plan

The Virginia Department of Environmental Quality (DEQ) is announcing the availability of the 2020 Water Quality Monitoring Plan (MonPlan). The 2020 MonPlan is now available on the agency's website at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualityMonitoring/AnnualWaterQualityMonitoringPlan.aspx>.

A map view of the 2020 MonPlan is available through DEQ's VEGIS viewer at https://apps.deq.virginia.gov/mapper_ext/default.aspx.

Background: Every year, DEQ staff from the six agency regional offices collect water samples for testing from more than 1,000 locations across the Commonwealth. The agency's various monitoring activities for each calendar year are outlined in the annual statewide MonPlan.

2020 MonPlan: The 2020 MonPlan summarizes DEQ's water quality monitoring activities to be conducted from January 1, 2020, through December 31, 2020, and is developed for the purpose of implementing the goals and objectives of DEQ's 2013 Water Quality Monitoring Strategy¹. This water quality information is presented in compliance with the Virginia Water Quality Monitoring, Information and Restoration Act (§ 62.1-44.19:4 et seq. of the Code of Virginia) to help ensure public awareness of water quality issues and conditions. The MonPlan contains detailed information on DEQ's monitoring activities, including the station locations, specific conditions, frequency of monitoring, and costs.

Contacts for more information: Requests for more information on the 2020 MonPlan can be directed to Roger Stewart at telephone (804) 698-4449 or at email roger.stewart@deq.virginia.gov. Additional information is also available on DEQ's Water Quality Monitoring website at <https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualityMonitoring.aspx>.

Citizen nominations for the 2021 MonPlan: Citizens can nominate portions of lakes, streams, and rivers of Virginia for water quality monitoring by DEQ. Nominations received on or before April 30, 2020, will be considered for inclusion in DEQ's 2020 MonPlan. Contact Stuart Torbeck at telephone (804) 698-4461 or at email charles.torbeck@deq.virginia.gov for more information. More information on the citizen nomination process is also available on DEQ's Citizen Monitoring website at <https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualityMonitoring/CitizenMonitoring/FollowupMonitoring.aspx>.

Contact Information: Roger Stewart, Department of Environmental Quality, P.O. Box 1105, Richmond, VA

23218, telephone (804) 698-4449, or email roger.stewart@deq.virginia.gov.

¹The 2013 Water Quality Monitoring Strategy is available on DEQ's website at <http://www.DEQ.Virginia.gov/programs/water/waterqualityinformationtmdls/waterqualitymonitoring/deqswaterqualitymonitoringstrategy.aspx>.

Cabin Point Solar Center LLC Notice of Intent for Small Renewable Energy Project (Solar) - Sussex County

Cabin Point Solar Center LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a renewable energy project (solar) in Sussex County. The project is to be sited on approximately 700 acres adjacent to Cabin Point Road. The project will have a maximum capacity of 75 megawatts alternating current and, depending on final design, consist of approximately 260,000 solar photovoltaic modules installed on single-axis tracking racking structures and inverters installed on approximately 27 separate concrete pads.

Contact Information: Mary E. Major, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4319, or email mary.major@deq.virginia.gov.

Stratford Solar Center LLC Notice of Intent for Small Renewable Energy Project (Solar) - City of Suffolk

Stratford Solar Center LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a renewable energy project (solar) in the City of Suffolk. The project is to be located on approximately 150 acres adjacent to White Marsh Road. The project will have a maximum capacity of 15 megawatts alternating current and, depending on final design, consist of approximately 50,000 solar photovoltaic modules installed on single-axis tracking racking structures and inverters installed on approximately five separate concrete pads.

Contact Information: Mary E. Major, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4319, or email mary.major@deq.virginia.gov.

DEPARTMENT OF GENERAL SERVICES

Request for Comments on Revision to Fees for Drinking Water Laboratory Certification Effective May 1, 2020 - April 30, 2021

Purpose of notice and background information: The Division of Consolidated Laboratory Services (DCLS) is seeking

General Notices/Errata

public comment on the revision to fees charged for certifying drinking water laboratories under 1VAC30-41-270.

1VAC30-41-270 I 2 requires DCLS to increase or decrease annually the fees charged for certifying drinking water laboratories using the Consumer Price Index-Urban percentage change, average-average for the previous calendar year published by the U.S. Bureau of Labor Statistics in January. The percentage change, average-average for 2019 is an additional 1.8%. See the table labeled "Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, index averages" (page 4) at <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-201912.pdf>.

The revised fees are exempt from the requirements of the Administrative Process Act. The Budget of the Commonwealth of Virginia (Chapter 854 of the 2019 Acts of Assembly) in Part I, Item 74 C 3a requires DCLS to provide notice and an opportunity to submit written comments on the revised fees.

The notice of fees for May 1, 2020, through April 30, 2021, will be published on the DCLS drinking water laboratory certification webpage after consideration of submitted comments.

Public comment period: March 16, 2020, through April 15, 2020.

How to comment: DCLS accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DCLS by the last day of the comment period. All materials received are part of the public record. Written comments should be sent to Rhonda Bishton, Regulatory Coordinator, Department of General Services, Attn: DCLS DW Fee Comments, 1100 Bank Street, Richmond, VA 23219, email rhonda.bishton@dgs.virginia.gov, FAX (804) 371-8305, or telephone (804) 786-3311.

NOTICE OF FEES FOR MAY 1, 2020 – APRIL 30, 2021

DCLS requests comments on the listed revised fees.

TESTING CATEGORY	FEE
Microbiological testing	
1 - 2 methods	\$659
3 - 5 methods	\$768
6+ methods	\$878
Inorganic chemistry, nonmetals testing	
1 - 2 methods	\$713
3 - 5 methods	\$931

6 - 8 methods	\$1152
9+ methods	\$1371
Inorganic chemistry, metals testing	
1 - 2 methods	\$1096
3 - 5 methods	\$1315
6+ methods	\$1533
Organic chemistry	
1 - 2 methods	\$1152
3 - 5 methods	\$1371
6 - 8 methods	\$1589
9+ methods	\$1810
Radiochemistry	
1 - 2 methods	\$1207
3 - 5 methods	\$1425
6+ methods	\$1645
Asbestos	
1 - 2 methods	\$986
3 - 5 methods	\$1207
6+ methods	\$1425

Contact Information: Rhonda Bishton, Director's Executive Administrative Assistant, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, telephone (804) 786-3311, FAX (804) 371-8305, or email rhonda.bishton@dgs.virginia.gov.

STATE BOARD OF HEALTH

Public Meeting and Public Comment for Drinking Water State Revolving Fund Program Intended Use Plan for Fiscal Year 2020

Under the Safe Drinking Water Act, Congress authorizes capitalization grants to the states through the Drinking Water State Revolving Loan Fund Program (DWSRF). As part of the annual DWSRF grant application process, Virginia seeks meaningful public involvement through input, review, and comments. The Virginia Department of Health's Office of Drinking Water (ODW) prepared a draft intended use plan (IUP) that explains the goals of the program, funding priorities, how VDH intends to use the grant funds, and other important information submitted from the funding requests and set-aside suggestions.

The Virginia Department of Health (VDH) received several funding requests and set-aside suggestions following the January 2019 DWSRF funding solicitation announcement.

The draft IUP and draft project lists are open for review and comment by the public for a period of 30 days. The document entitled "Virginia Drinking Water State Revolving Fund Program Design Manual" dated January 2020 is part of the IUP and is available on the ODW website.

The VDH will hold a public meeting to solicit comments and recommendations regarding the IUP on Thursday, March 19, 2020, from 2 p.m. to 3 p.m. at the VDH's Office of Drinking Water, 6th floor library, 109 Governor Street, VA 23219. Those individuals planning to attend the public meeting should contact Theresa Hewlett at telephone (804) 864-7501 by the close of business on Thursday, March 12, 2020.

The public comment period closes on Thursday, March 19, 2020. Any written comments from the public must be submitted by Thursday, March 19, 2020, immediately after the conclusion of the public meeting. VDH considers all meaningful public input and comments and will make revisions to the IUP and project priority list if necessary. Please direct requests for information and forward written comments to: Kelly Ward, DWSRF Director, Office of Drinking Water, Virginia Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7500, FAX (804) 864-7521.

The following information is provided under Financial and Construction Assistance Programs at <http://www.vdh.virginia.gov/drinking-water/financial-construction-assistance-programs/drinking-water-state-revolving-fund-program/>.

Alternatively, it may be found at these links:

- [VDH's FY2020 Draft IUP](#)
- [VDH's FY2020 Preliminary Project Priority List/Comprehensive Project List](#)

The IUP is subject to change depending on Environmental Protection Agency award allocations.

Contact Information: Kelly Ward, DWSRF Director, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7500, FAX (804) 864-7521, or email kelly.ward@vdh.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Consent Special Order for East West-Hallsley LLC

An enforcement action is proposed for East West-Hallsley LLC for alleged violations that occurred in Chesterfield, Virginia. The State Water Control Board proposes to issue a consent special order to East West-Hallsley LLC to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Frank Lupini will accept comments

by email at frank.lupini@deq.virginia.gov or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from March 16, 2020, to April 16, 2020.

Proposed Consent Order for Hartland Institute of Health and Education

An enforcement action has been proposed for Hartland Institute of Health and Education for violations of the State Water Control Law and regulations at the Hartland Institute facility located in Rapidan, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the Hartland Institute facility. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Benjamin Holland will accept comments by email at benjamin.holland@deq.virginia.gov or by postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from March 17, 2020, through April 16, 2020.

Proposed Consent Order for Hessian Co. Ltd.

An enforcement action has been proposed for Hessian Co. Ltd. for violations of the State Water Control Law and regulations at Faddis Concrete Products located in King George, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with Faddis Concrete Products. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Benjamin Holland will accept comments by email at benjamin.holland@deq.virginia.gov or by postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from March 17, 2020, through April 16, 2020.

Proposed Consent Special Order for TA Operating LLC and HPT TA Properties Trust d/b/a Travel Centers of America

An enforcement action is proposed for the TA Operating LLC and HPT TA Properties Trust d/b/a Travel Centers of America for alleged violations that occurred at Richmond Travel Center, Hanover County, Virginia. The State Water Control Board proposes to issue a consent special order to Travel Centers of America to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from March 2, 2020, to April 2, 2020.

General Notices/Errata

Proposed Consent Special Order for Twittys Creek Solar LLC

An enforcement action has been proposed with Twittys Creek Solar LLC for violations in Charlotte County, Virginia. The special order by consent will address and resolve violations of environmental law and regulations. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Jerry Ford, Jr. will accept comments by email at jerry.ford@deq.virginia.gov or postal mail at Department of Environmental Quality, Blue Ridge Regional Office, 901 Russell Drive, Salem, VA 24153, from March 16, 2020, to April 17, 2020.

Public Meeting and Public Comment for a TMDL Implementation Plan for the McClure River Watershed in Dickenson County

Public meeting: The final public meeting to review the draft total maximum daily load (TMDL) implementation plan (IP) for the McClure River watershed will be held on Thursday, March 26, 2020, from 5 p.m. until 7 p.m. in the McClure River Kiwanis building, State Route 63 (Dante Mountain Road) and State Route 773 (Herndon Road) in the McClure Community, Dickenson County, Virginia. An alternative date in case of inclement weather is April 2, 2020, at the same time and location.

Purpose of notice: The Department of Environmental Quality (DEQ) is seeking input from watershed stakeholders to address the best way to restore water quality in the McClure River watershed. A draft implementation plan has been developed to explain the pollutant reductions needed to meet the targets contained in the 2018 TMDL report prepared for the watershed. A 30-day public comment period starts March 27, 2020, for interested persons to submit written comments.

Description of study: There are six different impaired stream segments in the McClure River watershed, including three segments of the McClure River mainstem, Big Spraddle Branch, Buffalo Creek, and Roaring Fork. All segments are listed as impaired on Virginia's § 303(d) TMDL Priority List and Report due to violations of Virginia's recreational use water quality standard from excess levels of E. coli 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) TMDL Priority List and Report. DEQ completed the bacteria TMDL for the McClure River in 2018. To obtain a copy of the TMDL report, use the contact information listed. In addition, § 62.1-44.19:7 C of the Code of Virginia requires expeditious implementation of total maximum daily loads when appropriate. The implementation plan (IP) provides measurable goals and the date of expected achievement of water quality objectives. The IP also recommends a specific set of voluntary best management

practices for agricultural lands, residential septic systems, and pet waste disposal to reduce bacteria entering area streams and their associated costs, benefits, and environmental impacts. Obtain a copy of the draft IP at <https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLImplementation/TMDLImplementationPlans.aspx>.

How to comment and participate: This meeting is open to the public and all interested parties are welcome. A public comment period on the development of the TMDL IP will begin on March 27, 2020, and end April 27, 2020. All comments must be written and submitted via postal mail or email by 11:59 p.m. on April 27, 2020. Comments must include the name, address, and telephone number of the person submitting the comments. Please submit comments to Stephanie Kreps, Department of Environmental Quality, Southwest Regional Office, 355A Deadmore Street, Abingdon, VA 24210, telephone (276) 676-4803, or email stephanie.kreps@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <https://commonwealthcalendar.virginia.gov>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

**STATE BOARD OF BEHAVIORAL HEALTH AND
DEVELOPMENTAL SERVICES**

Title of Regulation: **12VAC35-260. Certified Recovery Residences.**

Publication: 36:11 VA.R. 1338-1342, January 20, 2020.

Correction to Final Regulation:

Page 1342, FORMS list, in the hyperlinked form name, after "eff." change "8/2019" to "3/2020"

VA.R. Doc. No. R20-6077; Filed February 24, 2020, 1:20 p.m.

