



VIRGINIA

REGISTER OF REGULATIONS

VOL. 38 ISS. 24

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

JULY 18, 2022

TABLE OF CONTENTS

Register Information Page	2537
Publication Schedule and Deadlines	2538
Petitions for Rulemaking	2539
Periodic Reviews and Small Business Impact Reviews	2541
Notices of Intended Regulatory Action	2544
Regulations	2545
3VAC5-70. Other Provisions (Final)	2545
4VAC20-270. Pertaining to Blue Crab Fishery (Final)	2545
4VAC20-1140. Prohibition of Crab Dredging in Virginia Waters (Final)	2547
4VAC20-1270. Pertaining to Atlantic Menhaden (Final)	2547
8VAC20-150. Management of the Student's Scholastic Record in the Public Schools of Virginia (Action Withdrawn)	2549
8VAC20-180. Regulations Governing School Community Programs (Action Withdrawn)	2549
8VAC20-210. Classifications of Expenditures (Action Withdrawn)	2549
8VAC20-240. Regulations Governing School Activity Funds (Action Withdrawn)	2549
8VAC20-250. Regulations Governing the Testing of Sight and Hearing of Pupils (Action Withdrawn)	2549
8VAC20-310. Rules Governing Instructions Concerning Drugs and Substance Abuse (Action Withdrawn)	2549
8VAC20-320. Regulations Governing Physical and Health Education (Action Withdrawn)	2549
8VAC20-390. Rules Governing Division Superintendent of Schools (Action Withdrawn)	2549
8VAC20-410. Regulations Governing Allowable Credit for Teaching Experience (Action Withdrawn)	2549
8VAC20-420. Regulations Governing Personnel in Public School Libraries Operated under Control of Local School Board or Boards (Action Withdrawn)	2549
8VAC20-460. Regulations Governing Sick Leave Plan for Teachers (Action Withdrawn)	2549
8VAC20-490. Regulations Governing School Boards Local (Action Withdrawn)	2549
8VAC20-565. Regulations for the Protection of Students As Participants in Human Research (Action Withdrawn)	2549
8VAC20-720. Regulations Governing Local School Boards and School Divisions (Action Withdrawn)	2549
8VAC20-720. Regulations Governing Local School Boards and School Divisions (Action Withdrawn)	2549
9VAC25-196. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (Proposed)	2550
11VAC5-60. Self-Exclusion Program (Fast-Track)	2562
16VAC25-210. Heat Illness Prevention Standard (Action Withdrawn)	2570
18VAC65-40. Regulations for the Funeral Service Internship Program (Forms)	2570
22VAC40-411. General Relief Program (Action Withdrawn)	2571
Governor	2572
Guidance Documents	2576
General Notices	2578

Virginia Code Commission

<http://register.dls.virginia.gov>

THE VIRGINIA REGISTER OF REGULATIONS (USPS 001-831) is published biweekly for \$263.00 per year by Matthew Bender & Company, Inc., 3 Lear Jet Lane, Suite 102, P.O. Box 1710, Latham, NY 12110. Periodical postage is paid at Easton, MD and at additional mailing offices. POSTMASTER: Send address changes to The Virginia Register of Regulations, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

THE 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

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing 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 proposed regulation 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 of Regulations 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 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 the final regulation contains changes made after publication of the proposed regulation that 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*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, 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 alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. 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; Ward L. Armstrong; Nicole Cheuk; Leslie L. Lilley; Jennifer L. McClellan; Christopher R. Nolen; Steven Popps; Don L. Scott, Jr.; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade; Wren M. Williams.

Staff of the Virginia Register: Holly Trice, 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>).

August 2022 through August 2023

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
38:25	July 13, 2022	August 1, 2022
38:26	July 27, 2022	August 15, 2022
39:1	August 10, 2022	August 29, 2022
39:2	August 24, 2022	September 12, 2022
39:3	September 7, 2022	September 26, 2022
39:4	September 21, 2022	October 10, 2022
39:5	October 5, 2022	October 24, 2022
39:6	October 19, 2022	November 7, 2022
39:7	November 2, 2022	November 21, 2022
39:8	November 14, 2022 (Monday)	December 5, 2022
39:9	November 30, 2022	December 19, 2022
39:10	December 14, 2022	January 2, 2023
39:11	December 27, 2022 (Tuesday)	January 16, 2023
39:12	January 11, 2023	January 30, 2023
39:13	January 25, 2023	February 13, 2023
39:14	February 8, 2023	February 27, 2023
39:15	February 22, 2023	March 13, 2023
39:16	March 8, 2023	March 27, 2023
39:17	March 22, 2023	April 10, 2023
39:18	April 5, 2023	April 24, 2023
39:19	April 19, 2023	May 8, 2023
39:20	May 3, 2023	May 22, 2023
39:21	May 17, 2023	June 5, 2023
39:22	May 31, 2023	June 19, 2023
39:23	June 14, 2023	July 3, 2023
39:24	June 28, 2023	July 17, 2023
39:25	July 12, 2023	July 31, 2023
39:26	July 26, 2023	August 14, 2023

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Agency Decision

Title of Regulation: 18VAC85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic.

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

Name of Petitioner: Michael J. Schultz.

Nature of Petitioner's Request: The petitioner requests that the board amend its regulations to (i) prohibit physicians, podiatrists, and chiropractors from refusing to provide medical care to patients or prospective patients if those individuals or their accompanying representatives refuse to wear masks; (ii) prohibit physicians, podiatrists, and chiropractors from enforcing any requirements for patients, prospective patients, or patient representatives to wear masks to receive medical care, including when following policies of insurers or organizations or when following guidance issued by the Centers for Disease Control and Prevention, local health departments, or the Virginia Department of Health; (iii) prohibit physicians, podiatrists, and chiropractors from refusing to provide medical care to any patient or prospective patient based on the vaccination status of the patient or the patient's representative for any COVID-19 vaccine or for any vaccine under Emergency Use Authorization status; and (iv) prohibit physicians, podiatrists, and chiropractors from refusing to provide medical care to any patient or prospective patient who refuses to disclose whether they have received any vaccine, including any COVID-19 vaccine.

Agency Decision: Request denied.

Statement of Reason for Decision: The board considered the petition at its June 16, 2022, meeting, and decided it would take no action. Regulating the business decisions of practices, health systems, and hospitals is beyond the board's jurisdiction. The board has no authority over health system or hospital policy and will not categorically penalize practitioners for following directives of those organizations. Additionally, the board wishes to preserve physician autonomy, particularly the medical judgment of practitioners, in ways that are in the best interests of public health or individual patients.

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. PFR22-28; Filed June 16, 2022, 12:05 p.m.

Agency Decision

Title of Regulation: 18VAC85-150. Regulations Governing the Practice of Behavior Analysis.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.16 of the Code of Virginia.

Name of Petitioner: Michael Moates.

Nature of Petitioner's Request: Remove the specific requirement for Behavior Analyst Certification Board certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis.

Agency Decision: Request granted.

Statement of Reason for Decision: At its meeting on June 16, 2022, the board voted to initiate a rulemaking to amend 18VAC85-150-60 to comply with the language in § 54.1-2957.16 B of the Code of Virginia.

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. PFR22-21; Filed June 16, 2022, 11:51 a.m.

BOARD OF COUNSELING

Initial Agency Notice

Title of Regulation: 18VAC115-20. Regulations Governing the Practice of Professional Counseling.

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

Name of Petitioner: Ethan Kaste.

Nature of Petitioner's Request: The petitioner requests that the board amend 18VAC115-20-52 B 10 to allow residents in counseling to use the title Licensed Professional Counselor – Resident (LPC-R).

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on July 18, 2022. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov. The Board of Counseling will receive public comment from July 18, 2022, to August 17, 2022.

The board will consider the petition at the next scheduled meeting following the close of the comment period. Currently, the board's next scheduled meeting after the close of the comment period is September 16, 2022. The board will inform the petitioner of its decision following that meeting.

Public Comment Deadline: August 17, 2022.

Petitions for Rulemaking

Agency Contact: Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4406, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. PFR22-38; Filed June 26, 2022, 2:32 p.m.

BOARD OF PSYCHOLOGY

Agency Decision

Title of Regulation: **18VAC125-20. Regulations Governing the Practice of Psychology.**

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

Name of Petitioner: Basharat Shah.

Nature of Petitioner's Request: Establish guidelines and qualifications for psychologists involved in custody and visitation cases and prohibit those who do not meet those qualifications from testifying in court.

Agency Decision: Request denied.

Statement of Reason for Decision: In accordance with Virginia law, the petition was filed with the Virginia Registrar of Regulations and published on March 14, 2022, with comment requested until April 13, 2022. The petition and all comments received in support or opposition were reviewed by the board at its meeting on June 28, 2022. The board decided to take no action based on lack of jurisdiction to dictate evidentiary matters that are within the purview of the state court system.

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

VA.R. Doc. No. PFR22-22; Filed June 28, 2022, 12:55 p.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Water Control Board conducted a periodic review and a small business impact review of **9VAC25-196, Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less**, and determined that the regulation should be amended.

The Proposed regulatory action to amend 9VAC25-196, which is published in this issue of the Virginia Register, serves as the report of findings.

Contact Information: Joseph Bryan, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2659.



TITLE 12. HEALTH

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Behavioral Health and Developmental Services conducted a periodic review and a small business impact review of **12VAC35-46, Regulations for Children's Residential Facilities**, and determined that this regulation should be amended. The board is publishing its report of findings dated June 15, 2022, to support this decision.

This regulation is necessary to carry out the licensure requirements of § 37.2-408 of the Code of Virginia. The regulation helps to protect the health, safety, and welfare of children as it articulates specific standards for licensing of facilities providing 24-hour support in conjunction with care and treatment or a training program for behavioral health and developmental services and brain injury services in a setting other than a hospital or training center. The structure of the regulation is straightforward.

Related to this periodic review, an overhaul of this regulation has been underway since the last periodic review, and of 12VAC35-105, Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services. The plan is to combine 12VAC35-46 into the main licensing regulations. Three of six planned draft chapters (one general chapter and five service-specific chapters) were published for public comment in May 2021, two more drafts

will be published for initial comment by September 2022, and the last is under development. Therefore, the decision remains to amend the regulation.

The regulation is needed to carry out the licensure requirements in Title 37.2 of the Code of Virginia, specifically § 37.2-408. No comments were received. The regulation articulates specific standards for licensing of organizations and facilities that provide behavioral health and developmental disability services. Because it is intended to establish structures for the health, safety, and welfare of some of Virginia's most vulnerable citizens, some parts of the regulation are more detailed by necessity to help ensure the safety standards. There are parts of the regulation that are closely associated with regulations from the Department of Social Services, Department of Education, Virginia Department of Health, Department of Human Resources Management, Department of Health Professions, and the Department of Medical Assistance Services, but the regulation does not overlap, duplicate, or conflict with federal or state law or regulation.

The regulation was evaluated four years ago, and an overhaul of the regulation has been underway since that time. Technology, economic conditions, or other factors changed during the pandemic. While the department anticipates some of these factors will someday return to their pre-pandemic status, there is also an understanding that some systemic changes resulting from COVID may be more permanent. The overhaul of 12VAC35-46 and 12VAC35-105 will address all permanent changes. The agency's decision to amend the chapter may minimize the economic impact of regulations on small businesses by clarifying expectations for providers. The agency's decision to amend the chapter may also cause an economic impact on small businesses as a goal of the overhaul is to raise the standard of care.

Contact Information: Ruth Anne Walker, Director of Regulatory Affairs, Department of Behavioral Health and Developmental Services, Jefferson Building, 1220 Bank Street, 4th Floor, Richmond, VA 23219, telephone (804) 225-2252.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Agency Notice

Pursuant to Executive Order 19 (June 30, 2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **18VAC85-15, Regulations Governing Delegation to an Agency Subordinate; 18VAC85-20, Regulations Governing the Practice of**

Periodic Reviews and Small Business Impact Reviews

Medicine, Osteopathic Medicine, Podiatry, and Chiropractic; 18VAC85-40, Regulations Governing the Practice of Respiratory Therapists; 18VAC85-50, Regulations Governing the Practice of Physician Assistants; 18VAC85-80, Regulations Governing the Practice of Occupational Therapy; 18VAC85-101, Regulations Governing the Practice of Radiologic Technology; 18VAC85-110, Regulations Governing the Practice of Licensed Acupuncturists; 18VAC85-120, Regulations Governing the Licensure of Athletic Trainers; 18VAC85-130, Regulations Governing the Practice of Licensed Midwives; 18VAC85-140, Regulations Governing the Practice of Polysomnographic Technologists; 18VAC85-150, Regulations Governing the Practice of Behavior Analysis; 18VAC85-160, Regulations Governing the Licensure of Surgical Assistants and Certification of Surgical Technologists; and 18VAC85-170, Regulations Governing the Practice of Genetic Counselors.

The purpose of a periodic review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each 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 July 18, 2022, and ends August 17, 2022.

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: William L. Harp, M.D., Executive Director, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4558.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Social Services conducted a periodic review and a small business impact review of **22VAC40-73, Standards for Licensed Assisted Living Facilities**, and determined that this regulation should be

amended. The board is publishing its report of findings dated June 15, 2022, to support this decision.

The regulation meets the criteria set forth in Executive Order 14 (as amended July 16, 2018) and is necessary because it provides minimum requirements for the protection of health, safety, and welfare of infirm or disabled adults residing in an assisted living facility (ALF). The regulation is clearly written and easy to understand.

The State Board of Social Services recommends amending the regulation to clarify the purpose of requirements for protecting the health, safety, and well-being of aged, infirm, or disabled adults residing in an ALF and to align regulation requirements with the Code of Virginia, federal requirements, and applicable practices.

The regulation is necessary for the protection of public health, safety, and welfare of aged, infirm, or disabled adults residing in an ALF. Comments received are being considered during regulation revision. The regulation is concise and understandable. The regulation does not overlap or duplicate any other federal or state law. Changes in laws and technology since the regulation has been evaluated include legalization of marijuana, advancements in technology systems to monitor residents at risk for falls and wandering, and the availability or use of e-cigarettes and vaping. The regulation has a limited impact on small businesses and only proposes the minimal regulations necessary to protect the health and safety of residents served in assisted living facilities.

Contact Information: Sharon Stroble, Program Consultant, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7037.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Social Services conducted a periodic review and a small business impact review of **22VAC40-160, Fee Requirements for Processing Applications**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated June 15, 2022, to support this decision.

The regulation meets the criteria set forth in Executive Order 14 (as amended July 16, 2018) and is necessary because it clarifies the fees and method of payment options available to licensed Department of Social Services programs to submit payments for licensure fees. The regulation is clearly written and easy to understand. The State Board of Social Services recommends to retain the regulation as is without making changes. As required by § 2.2-4007.1 E and F of the Code of Virginia (i) the regulation is necessary to provide information regarding licensure fees; (ii) there were no complaints or comments received concerning the regulation; (iii) the regulation is concise, understandable, and not complex; (iv) the regulation does not overlap or duplicate any other federal or

Periodic Reviews and Small Business Impact Reviews

state law or regulation; and the regulation has been evaluated and there is a pending action for revision. There will be no significant impact on small businesses.

Contact Information: Sherri Williams, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7141.



TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Agency Notice

Pursuant to Executive Order 19 (June 30, 2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **23VAC10-20, General Provisions Applicable to All Taxes Administered by the Department of Taxation; 23VAC10-220, Aircraft Sales and Use Tax; 23VAC10-320, Recordation Tax Regulations; and 23VAC10-500, Business, Professional and Occupational License Tax Regulations.** The purpose of a periodic review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each 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 July 18, 2022, and ends August 8, 2022.

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: Joe Mayer, Lead Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2299.

Agency Notice

Pursuant to Executive Order 19 (June 30, 2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **23VAC10-110, Individual Income Tax; 23VAC10-112, Declaration of Estimated Income Tax by Individuals; 23VAC10-115, Fiduciary Income Tax; 23VAC10-120, Corporation Income Tax; 23VAC10-140,**

Income Tax Withholding; and 23VAC10-330, Bank Franchise Tax. The purpose of a periodic review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each 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 July 18, 2022, and ends August 8, 2022.

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: James Savage, Senior Tax Policy Analyst, Department of Taxation, P.O. Box 27185, Richmond, VA 23261, telephone (804) 371-2301.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Withdrawal of Notice of Intended Regulatory Action

Titles of Regulations: **12VAC30-10. State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions (amending 12VAC30-10-10, 12VAC30-10-410; repealing 12VAC30-10-20).**

12VAC30-20. Administration of Medical Assistance Services (amending 12VAC30-20-205, 12VAC30-20-210).

12VAC30-30. Groups Covered and Agencies Responsible for Eligibility Determination (amending 12VAC30-30-10).

12VAC30-40. Eligibility Conditions and Requirements (adding 12VAC30-40-348).

Statutory Authority: § 32.1-325 of the Code of Virginia; 42 USC § 1396 et seq.

Notice is hereby given that the Department of Medical Assistance Services has WITHDRAWN the Notice of Intended Regulatory Action for **12VAC30-10, State Plan under Title XIX of the Social Security Act Medical Assistance Program - General Provisions; 12VAC30-20, Administration of Medical Assistance Services; 12VAC30-30, Groups Covered and Agencies Responsible for Eligibility Determination; and 12VAC30-40, Eligibility Conditions and Requirements**, that was published in [35:25 VA.R. 2979 August 5, 2019](#). The notice was published concurrently with an emergency action that was effective September 19, 2019, through September 17, 2021. The amendments described in the notice were addressed through a fast-track regulatory action that was published in [38:12 VA.R. 1340-1355 January 31, 2022](#); therefore, the notice is withdrawn.

Agency Contact: Emily McClellan, Regulatory Supervisor, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, or email emily.mcclellan@dmas.virginia.gov.

VA.R. Doc. No. R19-5692; Filed January 1, 0001, 12:00 a.m.

Withdrawal of Notice of Intended Regulatory Action

Title of Regulation: **12VAC30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (adding 12VAC30-50-610).**

Statutory Authority: § 32.1-325 of the Code of Virginia; 42 USC § 1396 et seq.

Notice is hereby given that the Department of Medical Assistance Services has WITHDRAWN the Notice of Intended Regulatory Action for **12VAC30-50, Amount, Duration, and Scope of Medical and Remedial Care Services**, that was published in [35:25 VA.R. 2979 August 5,](#)

2019. The notice was published concurrently with an emergency action that was effective September 19, 2019, through September 17, 2021. The amendments described in the notice were addressed through a fast-track regulatory action that was published in [38:10 VA.R. 844-846 January 3, 2022](#); therefore, the notice is withdrawn.

Agency Contact: Emily McClellan, Regulatory Supervisor, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, or email emily.mcclellan@dmas.virginia.gov.

VA.R. Doc. No. R19-5693; Filed January 1, 0001, 12:00 a.m.

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 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL AUTHORITY

Final Regulation

REGISTRAR'S NOTICE: The Board of Directors of the Alcoholic Beverage Control Authority 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 authority will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **3VAC5-70. Other Provisions (amending 3VAC5-70-200).**

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

Effective Date: August 17, 2022.

Agency Contact: LaTonya D. Hucks-Watkins, Senior Legal Counsel, Alcoholic Beverage Control Authority, 7450 Freight Way, Mechanicsville, VA 23116, telephone (804) 213-4698, FAX (804) 213-4574, or email latonya.hucks-watkins@virginiaabc.com.

Summary:

Pursuant to Chapter 155 of the 2017 Acts of Assembly and Chapter 583 of the 2022 Acts of Assembly, the amendment changes the proof limit for grain alcohol to 151 proof limit and removes a sunset clause.

3VAC5-70-200. Grain alcohol; permits; qualifications; records; refusal, suspension, or revocation.

A. The board may issue a yearly permit authorizing the permittee to purchase grain alcohol with a proof greater than ~~104~~ 151 at government stores for any of the following purposes:

1. Industrial use;
2. Commercial use;
3. Culinary use; or
4. Medical use.

~~During the period July 1, 2017, through June 30, 2022, the board may issue a yearly permit authorizing the permittee to purchase grain alcohol with a proof greater than 151 at~~

~~government stores for any of the purposes listed in this subsection.~~

B. The application for such permits shall be on forms provided by the board.

C. Permits may be issued to legitimate businesses for any one or more of the purposes stated in subsection A of this section upon presentation of satisfactory evidence of the conduct of the business activity involved. For good cause shown, the board may issue a permit to an individual for any of the uses stated in subsection A of this section.

D. A person obtaining a permit shall maintain complete and accurate records of all purchases for a period of two years. The board and its special agents shall have free access during reasonable hours to all records required to be kept pursuant to this section.

E. The board may refuse to issue, suspend, or revoke a permit if the board has reasonable cause to believe that (i) the permittee would use, has used, or allowed to be used grain alcohol for any unlawful purpose or (ii) any cause exists under § 4.1-222 of the Code of Virginia for which the board may refuse to grant the applicant any license or has done any act for which the board might suspend or revoke a license under § 4.1-225 of the Code of Virginia.

VA.R. Doc. No. R22-7290; Filed June 23, 2022, 8:06 a.m.



TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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: **4VAC20-270. Pertaining to Blue Crab Fishery (amending 4VAC20-270-40, 4VAC20-270-51; adding 4VAC20-270-25).**

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

Effective Date: July 5, 2022.

Regulations

Agency Contact: Jennifer Farmer, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23551, telephone (757) 2472248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments establish management measures, including season and bushel limits, for the 2022-2023 commercial crab fisheries and define legal commercial harvest gears.

4VAC20-270-25. Lawful commercial harvest gears.

It shall be unlawful to possess or sell crabs harvested for commercial purposes by any means other than by hard crab pot, peeler pot, dip net, ordinary or patent trotline, crab dredge, crab scrape, or crab trap or pound.

4VAC20-270-40. Season limits.

A. In ~~2024~~ 2022, the lawful season for the commercial harvest of crabs by hard crab pot shall be March 17 through November 30. In ~~2022~~ 2023, the lawful season for the commercial harvest of crabs by hard crab pot shall be March 17 through November 30. For all other lawful commercial gear used to harvest crabs, as described in 4VAC20-1040, the lawful seasons for the harvest of crabs shall be April ~~4~~ 15 through October ~~31~~ 15.

B. It shall be unlawful for any person to harvest crabs or to possess crabs on board a vessel, except during the lawful season as described in subsection A of this section.

C. It shall be unlawful for any person knowingly to place, set, fish, or leave any hard crab pot in any tidal waters of Virginia from December 1, ~~2021~~ 2022, through March 16, ~~2022~~ 2023. It shall be unlawful for any person to knowingly place, set, fish, or leave any lawful commercial gear used to harvest crabs, except any hard crab pot or any gear as described in 4VAC20-460-25, in any tidal waters of Virginia from ~~November 1, 2021~~ October 16, 2022, through ~~March 31, 2022~~ April 14, 2023.

D. It shall be unlawful for any person knowingly to place, set, fish, or leave any fish pot in any tidal waters from March 12 through March 16, except as provided in subdivisions 1 and 2 of this subsection.

1. It shall be lawful for any person to place, set, or fish any fish pot in those Virginia waters located upriver of the following boundary lines:

- a. In the James River the boundary shall be a line connecting Hog Point and the downstream point at the mouth of College Creek.
- b. In the York River the boundary lines shall be the Route 33 bridges at West Point.
- c. In the Rappahannock River the boundary line shall be the Route 360 bridge at Tappahannock.
- d. In the Potomac River the boundary line shall be the Route 301 bridge that extends from Newberg, Maryland to Dahlgren, Virginia.

2. This subsection shall not apply to legally licensed eel pots as described in 4VAC20-500-50.

E. It shall be unlawful for any person to place, set, or fish any number of fish pots in excess of 10% of the amount allowed by the gear license limit, up to a maximum of 30 fish pots per vessel, when any person on that vessel has set any crab pots.

1. This subsection shall not apply to fish pots set in the areas described in subdivision D 1 of this section.

2. This subsection shall not apply to legally licensed eel pots as described in 4VAC20-500.

3. This subsection shall not apply to fish pots constructed of a mesh less than one-inch square or hexagonal mesh.

4VAC20-270-51. Daily commercial harvester, vessel, and harvest and possession limits.

A. Any barrel used by a harvester to contain or possess any amount of crabs will be equivalent in volume to no more than three bushels of crabs.

B. From July 5, ~~2021~~ 2022, through ~~November 30, 2021~~ September 30, 2022, and ~~April 1, 2022~~ May 16, 2023, through July 4, ~~2022~~ 2023, any commercial fisherman registration licensee legally licensed for any hard crab pot license, as described in 4VAC20-270-50 B, shall be limited to the following maximum daily harvest and possession limits for any of the following hard crab pot license categories:

1. 10 bushels, or three barrels and one bushel, of crabs if licensed for up to 85 crab pots.
2. 14 bushels, or four barrels and two bushels, of crabs if licensed for up to 127 crab pots.
3. 18 bushels, or six barrels, of crabs if licensed for up to 170 crab pots.
4. 29 bushels, or nine barrels and two bushels, of crabs if licensed for up to 255 crab pots.
5. 47 bushels, or 15 barrels and two bushels, of crabs if licensed for up to 425 crab pots.

C. From October 1, 2022, through November 30, 2022, and March 17, 2022 2023, through ~~March 31, 2022~~ May 15, 2023, any commercial fisherman registration licensee legally licensed for any hard crab pot license, as described in 4VAC20-270-50 B, shall be limited to the following maximum daily harvest and possession limits for any of the following crab pot license categories:

1. Eight bushels, or two barrels and two bushels, of crabs if licensed for up to 85 crab pots.
2. 10 bushels, or three barrels and one bushel, of crabs if licensed for up to 127 crab pots.
3. 13 bushels, or four barrels and one bushel, of crabs if licensed for up to 170 crab pots.

4. 21 bushels, or seven barrels, of crabs if licensed for up to 255 crab pots.

5. 27 bushels, or nine barrels, of crabs if licensed for up to 425 crab pots.

D. When a single harvester or multiple harvesters are on board any vessel, that vessel's daily harvest and possession limit shall be equal to only one daily harvest and possession limit, as described in subsections B and C of this section, and that daily limit shall correspond to the highest harvest and possession limit of only one licensee on board that vessel.

E. When transporting or selling one or more legal crab pot licensee's crab harvest in bushels or barrels, any agent shall possess either the crab pot license of that one or more crab pot licensees or a bill of lading indicating each crab pot licensee's name, address, commercial fisherman registration license number, date, and amount of bushels or barrels of crabs to be sold.

F. If any police officer finds crabs in excess of any lawful daily bushel, barrel, or vessel limit, as described in this section, that excess quantity of crabs shall be returned immediately to the water by the licensee or licensees who possess that excess over lawful daily harvest or possession limit. The refusal to return crabs, in excess of any lawful daily harvest or possession limit, to the water shall constitute a separate violation of this chapter.

G. When any person on board any boat or vessel possesses a crab pot license, it shall be unlawful for that person or any other person aboard that boat or vessel to possess a seafood buyers boat license and buy any crabs on any day.

V.A.R. Doc. No. R22-7303; Filed June 28, 2022, 2:24 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: **4VAC20-1140. Prohibition of Crab Dredging in Virginia Waters (amending 4VAC20-1140-20).**

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

Effective Date: July 5, 2022.

Agency Contact: Jennifer Farmer, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23551, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments close the December 1, 2022, through March 31, 2023, winter commercial crab dredge fishing season, in accordance with the provisions of § 28.2-707 of the Code of Virginia.

4VAC20-1140-20. Crab dredging prohibited.

In accordance with the provisions of § 28.2-707 of the Code of Virginia, the crab dredging season of December 1, ~~2021~~ 2022, through March 31, ~~2022~~ 2023, is closed, and it shall be unlawful to use a dredge for catching crabs from the waters of the Commonwealth during that season.

V.A.R. Doc. No. R22-7302; Filed June 28, 2022, 2:26 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: **4VAC20-1270. Pertaining to Atlantic Menhaden (amending 4VAC20-1270-30).**

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

Effective Date: July 1, 2022.

Agency Contact: Jennifer Farmer, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23551, telephone (757) 2472248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments establish a temporary reciprocal quota transfer system between the purse seine menhaden reduction sector and the purse seine menhaden bait sector of the fishery during the 2022 fishing year.

4VAC20-1270-30. Total allowable landings for menhaden; allocation, accountability, overages, restrictions, closures, and state-to-state transfers, and transfers between sectors.

A. Total allowable commercial landings for menhaden in 2022 shall be equivalent to 334,781,533 pounds or 78.66% of the annual total allowable catch (TAC) set by the Atlantic States Marine Fisheries Commission.

B. Total amount of allowable commercial landings in subsection A of this section shall be allocated as quotas among three sectors of the menhaden fishery in proportion to each sector's share of average landings from 2002 through 2011, as described in subdivisions 1, 2, and 3 of this subsection.

1. The purse seine menhaden reduction sector shall be allocated a quota of 301,437,292 pounds or 90.04% of allowable commercial menhaden landings.

2. The purse seine menhaden bait sector shall be allocated a quota of 28,054,692 pounds or 8.38% of allowable commercial menhaden landings.

3. The non-purse seine menhaden bait sector shall be allocated a quota of 5,289,548 pounds or 1.58% of allowable commercial menhaden landings.

Regulations

C. If the total allowable commercial landings specified in subsection A of this section are exceeded in any calendar year, the total allowable commercial landings for the subsequent calendar year shall be reduced by the amount of the overage. Such overage shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in subsection B of this section, with the exception of the non-purse seine menhaden bait sector, which shall move into the incidental catch provision outlined in subdivision F 3 of this section.

D. Any portion of the 1.0% of the coastwide total allowable catch set aside by the Atlantic States Marine Fisheries Commission for episodic events that is unused as of September 1 of any calendar year shall be returned to Virginia and other states according to allocation guidelines established by the Atlantic States Marine Fisheries Commission. Any such return of this portion of the coastwide total allowable catch to Virginia shall increase the total allowable commercial landings for that year.

E. It shall be unlawful for any person to take or catch menhaden using a purse seine net except in accordance with the seasons, areas, and gear restrictions as set forth in §§ 28.2-409 and 28.2-410 of the Code of Virginia.

F. It shall be unlawful to harvest or land in Virginia any menhaden after the Commissioner of the Marine Resources Commission (commissioner) projects and announces that 100% of the total allowable landings for any sector has been taken. The commissioner may reopen a fishery sector if, after all reports as described in 4VAC20-1270-60 have been received, the portion of the total allowable catch has not been harvested by that sector.

1. The commissioner shall announce the date of closure when the total allowable landings for the purse seine menhaden reduction sector is projected to be taken.
2. The commissioner shall announce the date of closure when the total allowable landings for the purse seine menhaden bait sector is projected to be taken.
3. The commissioner shall announce the date of closure when the total allowable commercial landings for the non-purse seine menhaden bait sector is projected to be taken. Once this closure is announced, any person licensed in the non-purse seine menhaden bait sector may possess and land up to 6,000 pounds of menhaden per calendar day as bycatch. Any two persons licensed in the non-purse seine menhaden bait sector may possess and land up to 12,000 pounds of menhaden bycatch when working together from the same vessel using stationary multi-species gear per the Atlantic States Marine Fisheries Commission incidental catch provision.

G. The commissioner may request a transfer of menhaden quota from any other state that is a member of the Atlantic States Marine Fisheries Commission. If Virginia receives a

transfer of menhaden quota in any calendar year from another state, the total allowable commercial landings for that calendar year shall increase by the amount of transferred quota. It shall be unlawful for this quota transfer to be applied to the Bay Cap quota as described in 4VAC20-1270-35. The commissioner may transfer menhaden quota to another state only if there is unused menhaden quota at the end of the calendar year.

H. For 2022, the Marine Resources Commission shall establish a reciprocal temporary transferable quota system between the purse seine menhaden reduction sector and the purse seine menhaden bait sector. Any transfer of menhaden quota between these sectors shall be limited by the following conditions:

1. A transfer of quota to the purse seine menhaden bait sector from the purse seine reduction sector shall be allocated to each qualified licensee's percentage share of the purse seine menhaden bait sector quota.
2. No transfer of quota to the purse seine menhaden bait sector shall be authorized by the Marine Resources Commission unless all qualified individuals of the purse seine menhaden bait sector and the purse seine menhaden reduction sector agree to the transfer and document the transfer on a form provided by the Marine Resources Commission, notarized by a lawful notary public, and approved by the commissioner.
3. No transfer of quota to the purse seine reduction sector shall be authorized by the Marine Resources Commission unless at least one qualified individual of the purse seine menhaden bait sector and the purse seine menhaden reduction sector agree to the transfer and document the transfer on a form provided by the Marine Resources Commission, notarized by a lawful notary public, and approved by the commissioner.
4. No transfer shall be authorized by the Marine Resources Commission unless the transferring qualified individuals of the purse seine menhaden bait sector and the purse seine menhaden reduction sector have submitted up-to-date records of all commercial landings of menhaden to the Marine Resources Commission prior to such transfer.
5. Quota transfers between the purse seine menhaden reduction sector and purse seine menhaden bait sector shall be effective only during the calendar year in which the transfer is approved.

NOTICE: The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (4VAC20-1270)

[Captain's Daily Fishing Report \(rev. 2010\)](#)

[Commercial Menhaden Quota Transfer Form \(eff. 7/2022\)](#)

V.A.R. Doc. No. R22-7300; Filed June 28, 2022, 2:27 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Action Withdrawn

Titles of Regulations: 8VAC20-150. Management of the Student's Scholastic Record in the Public Schools of Virginia (repealing 8VAC20-150-10, 8VAC20-150-20, 8VAC20-150-30).

8VAC20-180. Regulations Governing School Community Programs (repealing 8VAC20-180-10).

8VAC20-210. Classifications of Expenditures (repealing 8VAC20-210-10).

8VAC20-240. Regulations Governing School Activity Funds (repealing 8VAC20-240-10 through 8VAC20-240-50).

8VAC20-250. Regulations Governing the Testing of Sight and Hearing of Pupils (repealing 8VAC20-250-10).

8VAC20-310. Rules Governing Instructions Concerning Drugs and Substance Abuse (repealing 8VAC20-310-10).

8VAC20-320. Regulations Governing Physical and Health Education (repealing 8VAC20-320-10).

8VAC20-390. Rules Governing Division Superintendent of Schools (repealing 8VAC20-390-10 through 8VAC20-390-110).

8VAC20-410. Regulations Governing Allowable Credit for Teaching Experience (repealing 8VAC20-410-10).

8VAC20-420. Regulations Governing Personnel in Public School Libraries Operated under Joint Contract under Control of Local School Board or Boards (repealing 8VAC20-420-10).

8VAC20-460. Regulations Governing Sick Leave Plan for Teachers (repealing 8VAC20-460-10 through 8VAC20-460-60).

8VAC20-490. Regulations Governing School Boards Local (repealing 8VAC20-490-10 through 8VAC20-490-60).

8VAC20-565. Regulations for the Protection of Students As Participants in Human Research (repealing 8VAC20-565-10 through 8VAC20-565-50).

8VAC20-720. Regulations Governing Local School Boards and School Divisions (adding 8VAC20-720-10 through 8VAC20-720-180).

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

The State Board of Health has WITHDRAWN the regulatory action for 8VAC20-150, Management of the Student's Scholastic Record in the Public Schools of Virginia; 8VAC20-180, Regulations Governing School Community Programs; 8VAC20-210, Classifications of Expenditures; 8VAC20-240, Regulations Governing School Activity Funds; 8VAC20-250, Regulations Governing the Testing of Sight and Hearing of Pupils; 8VAC20-310, Rules Governing Instructions Concerning Drugs and Substance Abuse; 8VAC20-320, Regulations Governing Physical and Health Education; 8VAC20-390, Rules Governing Division Superintendent of Schools; 8VAC20-410, Regulations Governing Allowable Credit for Teaching Experience; 8VAC20-420, Regulations Governing Personnel in Public School Libraries Operated under Joint Contract under Control of Local School Board or Boards; 8VAC20-460, Regulations Governing Sick Leave Plan for Teachers; 8VAC20-490, Regulations Governing School Boards Local; 8VAC20-565, Regulations for the Protection of Students As Participants in Human Research; and 8VAC20-720, Regulations Governing Local School Boards and School Divisions, which was published as a Proposed regulation in 26:1 VA.R. 37-43 September 14, 2009. This action is being withdrawn because the action has been dormant since publication of the proposed regulation in 2009.

Agency Contact: Emily V. Webb, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, or email emily.webb@doe.virginia.gov.

V.A.R. Doc. No. R8-1332; Filed June 21, 2022, 2:56 p.m.

Action Withdrawn

Title of Regulation: 8VAC20-720. Regulations Governing Local School Boards and School Divisions (amending 8VAC20-720-80, 8VAC20-720-160).

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

The State Board of Education has WITHDRAWN the regulatory action for 8VAC2-720, Regulations Governing Local School Boards and School Divisions, which was published as a Notice of Intended Regulatory Action in 30:8 VA.R. 988 December 16, 2013. This action is being withdrawn because the amendments have been preempted by changes to statute.

Agency Contact: Emily V. Webb, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, or email emily.webb@doe.virginia.gov.

V.A.R. Doc. No. R14-3907; Filed June 21, 2022, 2:57 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Proposed Regulation

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 8 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.) and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01 of the Code of Virginia; (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action, forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03 of the Code of Virginia; and (iv) conducts at least one public hearing on the proposed general permit. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9VAC25-196. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (amending 9VAC25-196-10, 9VAC25-196-15, 9VAC25-196-40 through 9VAC25-196-70; repealing 9VAC25-196-30).

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

Public Hearing Information:

August 17, 2022 - 2 p.m. - Department of Environmental Quality, Piedmont Regional Office Training Room, 4949-A Cox Road, Glen Allen, VA 23060

Public Comment Deadline: September 16, 2022.

Agency Contact: Joseph Bryan, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2659, FAX (804) 698-4178, or email joseph.bryan@deq.virginia.gov.

Summary:

This proposed regulatory action amends and reissues the existing the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less, which expires on March 1, 2023. The existing general permit regulation establishes limitations, monitoring requirements, and other special conditions for point source discharges of noncontact cooling water of 50,000 gallons per day or less to surface waters in order to maintain surface water quality. The proposed

amendments include (i) adjusting effluent limits, including making chlorine non-detectable limit compatible with Environmental Protection Agency reporting requirements; (ii) clarifying definitions; (iii) adjusting water quality standards; and (iv) conforming to statutory changes.

9VAC25-196-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in § 62.1-44.2 et seq. of the Code of Virginia (State Water Control Law) and 9VAC25-31 (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Blowdown" means a discharge of recirculating water from any cooling equipment or cooling process in order to maintain a desired quality of the recirculating water. Boiler blowdown is excluded from this definition.

"Board" means the State Water Control Board. When used outside the context of the promulgation of regulations, including regulations to establish general permits, "board" means the "Department of Environmental Quality".

"Cooling water" means water used for cooling ~~which~~ that does not come into direct contact with any raw product, intermediate product (other than heat), or finished product. For the purposes of this general permit, cooling water can be generated from any cooling equipment blowdown or produced as a result of any noncontact cooling process.

"Department" or "DEQ" means the Virginia Department of Environmental Quality.

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

"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, and load allocations (LAs) for nonpoint sources or natural background or both, and must include a margin of safety (MOS) and account for seasonal variations.

9VAC25-196-15. Applicability of incorporated references based on the dates that they became effective.

Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, ~~2017~~ 2021.

9VAC25-196-30. Delegation of authority. (Repealed.)

~~The director, or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.~~

9VAC25-196-40. Effective date of the permit.

This general permit will become effective on ~~March 2, 2018~~ April 1, 2023. This general permit will expire on ~~March 4, 2023~~ 31, 2028. This general permit is effective as to any covered owner upon compliance with all the provisions of 9VAC25-196-50.

9VAC25-196-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner submits and receives acceptance by the ~~board~~ department of the registration statement of 9VAC25-196-60, submits the required permit fee, and complies with the effluent limitations and other requirements of 9VAC25-196-70, and provided that the ~~board~~ department has not notified the owner that the discharge is not eligible for coverage in accordance with subsection B of this section.

B. The ~~board~~ department will notify an owner that the discharge is not eligible for coverage under this general permit in the event of any of the following:

1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES Permit Regulation;
2. The owner is proposing to discharge to Class V stockable trout waters, Class VI natural trout waters, or any state waters specifically named in other board regulations that prohibit such discharges;
3. The discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30; ~~or~~
4. The discharge is not consistent with the assumptions and requirements of an approved TMDL; or
5. The facility is subject to the substantive provisions of 40 CFR Part 125 Subpart I or J.

C. Chlorine or any other halogen compounds shall not be used for disinfection or other treatment purposes, including biocide applications, for any discharges to waters containing endangered or threatened species as identified in 9VAC25-260-110 C of the Water Quality Standards.

D. The owner shall not use tributyltin, any chemical additives containing tributyltin, or water treatment chemicals containing hexavalent chromium in the cooling water systems.

E. The owner shall not use groundwater remediation wells as the source of cooling water.

F. Compliance with this general permit constitutes compliance, for purposes of enforcement, with §§ 301, 302, 306, 307, 318, 404, and 405(a) through (b) of the federal Clean Water Act and the State Water Control Law with the exceptions stated in 9VAC25-31-60 of the VPDES Permit

Regulation. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.

G. Continuation of permit coverage.

1. Permit coverage shall expire at the end of its term. However, expiring permit coverages are automatically continued if the owner has submitted a complete registration statement at least ~~30~~ 60 days prior to the expiration date of the permit, or a later submittal established by the ~~board~~ department, which cannot extend beyond the expiration date of the original permit. The permittee is authorized to continue to discharge until such time as the ~~board~~ department either:

- a. Issues coverage to the owner under this general permit; or
- b. Notifies the owner that the discharge is not eligible for coverage under this general permit.

2. When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the ~~board~~ department may choose to do any or all of the following:

- a. Initiate enforcement action based upon the general permit coverage that has been continued;
- b. Issue a notice of intent to deny coverage under the ~~reissued~~ amended general permit. If the general permit coverage is denied, the owner would then be required to cease the discharges authorized by the continued general permit coverage or be subject to enforcement action for discharging without a permit;
- c. Issue a VPDES individual permit with appropriate conditions; or
- d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

9VAC25-196-60. Registration statement.

A. Deadlines for submitting registration statements. The owner seeking coverage under this general permit shall submit a complete VPDES general permit registration statement in accordance with this ~~section~~ chapter, which shall serve as a notice of intent for coverage under the VPDES general permit regulation for noncontact cooling water discharges of 50,000 gallons per day or less.

1. New facilities. Any owner proposing a new discharge shall submit a complete registration statement at least ~~30~~ 60 days prior to the date planned for commencing operation of the new discharge.

2. Existing facilities.

- a. Any owner covered by a VPDES individual permit who is proposing to be covered by this general permit shall submit a complete registration statement at least ~~240~~ 240

Regulations

days prior to the expiration date of the VPDES individual permit or a later submittal established by the department.

b. Any owner that was authorized to discharge under the expiring or expired VPDES general permit for noncontact cooling water discharges of 50,000 gallons per day or less and that intends to continue coverage under this general permit shall submit a complete registration statement to the ~~board~~ department at least ~~30~~ 60 days prior to the expiration date of the existing permit or a later submittal established by the ~~board~~ department.

B. Late registration statements. Registration statements will be accepted after the expiration date of the general permit, but authorization to discharge will not be retroactive.

C. The required registration statement shall contain the following information:

1. Facility name and address, owner name, mailing address, telephone number, and email address (if available);

2. Operator name, mailing address, telephone number, and email address (if available) if different from owner;

3. State Corporation Commission entity identification number if the facility is required to obtain an entity identification number by law;

4. Current VPDES permit registration number (if applicable);

~~4.~~ 5. List of point source discharges that are not composed entirely of cooling water;

~~5.~~ 6. List of type and size (tons) of cooling equipment or noncontact cooling water processes;

~~6.~~ 7. The following information if any chemical or nonchemical treatment is employed in each cooling water system:

a. Description of the treatment to be employed (both chemical and nonchemical) and its purpose; for chemical additives other than chlorine, provide the information prescribed in subdivisions ~~6~~ 7 b, c, d, e, and f of this subsection;

b. Name and manufacturer of each additive used;

c. List of active ingredients and percent composition of each additive;

d. Proposed dosing schedule and quantity of chemical usage, and either an engineering analysis or a technical evaluation of the active ingredients to determine the discharge concentration of each contaminant;

e. Available aquatic toxicity information for each proposed additive used;

f. Any other information such as product or constituent degradation, fate, transport, synergies, bioavailability, etc., that will aid the ~~board~~ department with the toxicity evaluation of the discharge; and

g. Safety data sheet for each proposed additive;

~~7.~~ 8. Description of any type of treatment or retention being provided to the wastewater before discharge (i.e., retention ponds, settling ponds, etc.);

~~8.~~ 9. A schematic drawing of the cooling water equipment that shows the source of the cooling water, its flow through the facility, and each noncontact cooling water discharge point;

~~9.~~ 10. A USGS 7.5 minute topographic map or equivalent computer generated map extending to at least one mile beyond the property boundary. The map must show the outline of the facility and the location of each of its existing and proposed intake and discharge points, and must include all springs, rivers, and other surface water bodies;

~~10.~~ 11. The following discharge information:

a. A list of all cooling water discharges identified by a unique number, latitude, and longitude;

b. The source of cooling water for each discharge;

c. An estimate of the maximum daily flow in gallons per day for each discharge;

d. The name of the waterbody receiving direct discharge or discharge through the municipal separate storm sewer system (MS4); and

e. The duration and frequency of the discharge for each separate discharge point;

~~11.~~ 12. A determination of whether the facility will discharge to a MS4. If the facility discharges to a MS4, the facility owner must notify the owner of the MS4 of the existence of the discharge at the time of registration under this permit and include that notification with the registration statement. The notice shall include the following information: the name of the facility, a contact person and contact information (telephone number and email), the location of the discharge, the nature of the discharge, and the facility's VPDES general permit registration number if a reissuance; ~~and~~

~~12.~~ 13. The following cooling water intake structure information:

a. A determination of the cooling water intake source (e.g., groundwater, surface water, third-party supplier);

b. For surface water intakes or nonpotable surface water received from a third-party supplier, the following information:

(1) Source water physical data (water body description, hydrology, chemistry, and area of influence of intake structure);

(2) Cooling water intake structure data (screen size, through screen velocity, configuration of intake, flows, a water balance diagram, and typical operations);

(3) Source water baseline biological characterization data (any available studies);

(4) Cooling water system data (configuration of the cooling water system and water reuse); and

(5) Operational status (description of current and future production schedules); and

c. For hydroelectric facilities, a water-use efficiency calculation of megawatts produced in megawatt hours divided by the cooling water used in billion gallons per day; and

14. The following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge

and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

D. The registration statement shall be signed in accordance with 9VAC25-31-110.

E. The registration statement shall be delivered by either postal or electronic mail to the DEQ regional office serving the area where the facility is located. Following notification from the department of the start date for the required electronic submission of Notices of Intent to Discharge forms (i.e., registration statements), as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date after which such forms must be submitted electronically.

9VAC25-196-70. General permit.

Any owner whose registration statement is accepted by the ~~board~~ department will receive coverage under the following permit and shall comply with the requirements therein and be subject to all requirements of 9VAC25-31.

General Permit No: VAG25
 Effective Date: ~~March 2, 2018~~ April 1, 2023
 Expiration Date: ~~March 1, 2023~~ 31, 2028

GENERAL PERMIT FOR NONCONTACT COOLING WATER DISCHARGES OF 50,000 GALLONS PER DAY OR LESS
 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
 AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of noncontact cooling water discharges of 50,000 gallons per day or less are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except Class V stockable trout waters, Class VI natural trout waters, and those specifically named in board regulations that prohibit such discharges. Chlorine or any other halogen compounds shall not be used for disinfection or other treatment purposes, including biocide applications, for any discharges to waters containing endangered or threatened species as identified in 9VAC25-260-110 C of the Water Quality Standards.

The authorized discharge shall be in accordance with the information submitted with the registration statement, this cover page, Part I - Effluent Limitations ~~and~~ Monitoring Requirements, Special Conditions, and Part II - Conditions Applicable to all VPDES Permits, as set forth in this general permit.

Part I
Effluent Limitations, Monitoring Requirements, Special Conditions

A. Effluent limitations and monitoring requirements.

1. Effluent limitations and monitoring requirements for discharges to freshwater receiving waterbodies. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
	Maximum	Minimum	Frequency	Sample Type
Flow (MGD)	0.05	NA	1/3 Months	Estimate
Temperature (°C)	(1)	NA	1/3 Months	Immersion Stabilization

Regulations

pH (SU)	9.0 ⁽²⁾	6.0 ⁽²⁾	1/3 Months	Grab
Ammonia-N ⁽³⁾ (mg/l)	NL	NA	1/3 Months	Grab
Total Residual Chlorine ^{(3),(4)} (mg/l)	Nondetectable <u>0.011</u>	NA	1/3 Months	Grab
Total Recoverable Copper ⁽⁴⁾ (µg/l)	9.0	NA	1/3 Months	Grab
Total Recoverable Zinc ⁽⁴⁾ (µg/l)	120	NA	1/3 Months	Grab
Total Recoverable Silver ^{(4),(5)} (µg/l)	3.4	NA	1/3 Months	Grab
Total Phosphorus ⁽⁶⁾ (mg/l)	NL	NA	1/3 Months	Grab

NL = No limitation, monitoring required
 NA = Not applicable

1/3 Months = the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December

⁽¹⁾The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmont waters, or 31°C for mountain and upper piedmont waters. No maximum temperature limit, only monitoring, applies to discharges to estuarine waters. The effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour. Natural temperature is defined as that temperature of a body of water (measured as the arithmetic average over one hour) due solely to natural conditions without the influence of any point source discharge.

⁽²⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

⁽³⁾Chlorine limitation of ~~nondetectable (<0.1 mg/l)~~ and ~~chlorine~~ monitoring only apply to outfalls directly discharging to surface waters where either: (i) a treatment additive that contains chlorine or chlorine compounds is used or (ii) the source of cooling water is chlorinated. All data below the quantification level (QL) of 0.1 mg/L shall be reported as "<QL." Ammonia monitoring only applies where the source of cooling water is disinfected using chloramines.

⁽⁴⁾A specific analytical method is not specified; however, a maximum quantification level (Max QL) value for each metal has been established. An appropriate method to meet the Max QL value shall be selected using any approved method presented in 40 CFR Part 136. If the test result is less than the method quantification level (QL), a "<[QL]" shall be reported where the actual analytical test QL is substituted for [QL].

Material	Max QL (µg/l)
Copper	1.0 <u>µg/l</u>
<u>Chlorine</u>	<u>0.1 mg/l</u>
Zinc	50.0 <u>µg/l</u>
Silver	1.0 <u>µg/l</u>

Quality control/assurance information shall be submitted to document that the required QL has been attained.

⁽⁵⁾Silver monitoring is only required where a Cu/Ag anode is used.

⁽⁶⁾Phosphorus monitoring is only required where an additive containing phosphorus is used.

2. Effluent limitations and monitoring requirements for discharges to saltwater receiving waterbodies. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Maximum	Minimum	Frequency	Sample Type
Flow (MGD)	0.05	NA	1/3 Months	Estimate
Temperature (°C)	⁽¹⁾	NA	1/3 Months	Immersion Stabilization
pH (SU)	9.0 ⁽²⁾	6.0 ⁽²⁾	1/3 Months	Grab
Ammonia-N ⁽³⁾ (mg/l)	NL	NA	1/3 Months	Grab

Total Residual Chlorine Chlorine Producing Oxidant ⁽³⁾ , ⁽⁴⁾ (mg/l)	Nondetectable <u>0.0075</u>	NA	1/3 Months	Grab
Total Recoverable Copper ⁽⁴⁾ (µg/l)	6.0	NA	1/3 Months	Grab
Total Recoverable Zinc ⁽⁴⁾ (µg/l)	81	NA	1/3 Months	Grab
Total Recoverable Silver ^{(4), (5)} (µg/l)	1.9	NA	1/3 Months	Grab
Total Phosphorus ⁽⁶⁾ (mg/l)	NL	NA	1/3 Months	Grab

NL = No limitation, monitoring required

NA = Not applicable

1/3 Months = the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December

⁽¹⁾The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmont waters, or 31°C for mountain and upper piedmont waters. No maximum temperature limit, only monitoring, applies to discharges to estuarine waters.

The effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour. Natural temperature is defined as that temperature of a body of water (measured as the arithmetic average over one hour) due solely to natural conditions without the influence of any point source discharge.

⁽²⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

⁽³⁾Chlorine limitation of nondetectable (<0.1 mg/l) and chlorine monitoring only apply to outfalls discharging to surface waters where either: (i) a treatment additive that contains chlorine or chlorine compounds is used or (ii) the source of cooling water is chlorinated. All data below the quantification level (QL) of 0.1 mg/L shall be reported as "<QL." Ammonia monitoring only applies where the source of cooling water is disinfected using chloramines.

⁽⁴⁾A specific analytical method is not specified; however, a maximum quantification level (Max QL) value for each metal has been established. An appropriate method to meet the Max QL value shall be selected using any approved method presented in 40 CFR Part 136. If the test result is less than the method quantification level (QL), a "<[QL]" shall be reported where the actual analytical test QL is substituted for [QL].

Material	Max QL (µg/l)
Copper	1.0 µg/l
<u>Chlorine</u>	<u>0.1 mg/l</u>
Zinc	50.0 µg/l
Silver	1.0 µg/l

Quality control/assurance information shall be submitted to document that the required QL has been attained.

⁽⁵⁾Silver monitoring is only required where a Cu/Ag anode is used.

⁽⁶⁾Phosphorus monitoring is only required where an additive containing phosphorus is used.

B. Special conditions.

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. No discharges other than cooling water, as defined, are permitted under this general permit.

3. The use of any chemical additives not identified in the registration statement, except chlorine, without prior approval is prohibited under this general permit. Prior approval shall be obtained from the DEQ before any changes are made to the chemical or nonchemical treatment technology employed in the cooling water system. Requests for approval of the change shall be made in writing and shall include the following information:

Regulations

- a. Describe the chemical or nonchemical treatment to be employed and its purpose; if chemical additives are used, provide the information prescribed in subdivisions 3 b, c, d, e, and f of this subsection;
 - b. Provide the name and manufacturer of each additive used;
 - c. Provide a list of active ingredients and percentage of composition;
 - d. Give the proposed schedule and quantity of chemical usage, and provide either an engineering analysis or a technical evaluation of the active ingredients to determine the concentration in the discharge;
 - e. Attach available aquatic toxicity information for each additive proposed for use;
 - f. Attach any other information such as product or constituent degradation, fate, transport, synergies, bioavailability, etc., that will aid the ~~board~~ department with the toxicity evaluation for the discharge; and
 - g. Attach a safety data sheet for each proposed additive.
4. A determination of whether the facility will discharge to a MS4. If the facility discharges to a MS4, the facility owner must notify the owner of the MS4 of the existence of the discharge at the time of registration under this permit and include that notification with the registration statement. The notice shall include the following information: the name of the facility, a contact person and contact information (telephone number and email), the location of the discharge, the nature of the discharge, and the facility's VPDES general permit registration number if a reissuance. Discharge monitoring reports (DMRs) required by this permit shall be submitted to both the department and the owner of the MS4.
5. Operation and maintenance manual requirement.
- a. Within 90 days after the date of coverage under this general permit, the permittee shall develop an operation and maintenance (O&M) manual for the equipment or systems used to meet effluent limitations. The O&M manual shall be reviewed within 90 days of changes to the equipment or systems used to meet effluent limitations. The O&M manual shall be certified in accordance with Part II K of this permit. The O&M manual shall be made available for review by department personnel upon request.
 - b. This manual shall detail the practices and procedures that will be followed to ensure compliance with the requirements of this permit. Within 30 days of a request by the department, the current O&M manual shall be submitted to the ~~board~~ department for review and approval. The permittee shall operate the treatment works in accordance with the O&M manual. Noncompliance with the O&M manual shall be deemed a violation of the permit.
- c. This manual shall include, ~~but not necessarily be limited to~~, the following items:
 - (1) Techniques to be employed in the collection, preservation, and analysis of effluent samples;
 - (2) Discussion of best management practices;
 - (3) Design, operation, routine preventative maintenance of equipment or systems used to meet effluent limitations, critical spare parts inventory, and recordkeeping;
 - (4) A plan for the management or disposal of waste solids and residues, and a requirement that all solids shall be handled, stored, and disposed of so as to prevent a discharge to state waters; and
 - (5) Procedures for measuring and recording the duration and volume of treated wastewater discharged.
6. The permittee shall notify the department as soon as the permittee knows or has reason to believe:
- a. That any activity has occurred or will occur ~~which that~~ which that would result in the discharge, on a routine or frequent basis, of any toxic pollutant ~~which that~~ which that is not limited in this permit if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five times the maximum concentration value reported for that pollutant in the permit registration statement; or
 - (4) The level established by the board in accordance with 9VAC25-31-220 F.
 - b. That any activity has occurred or will occur ~~which that~~ which that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant ~~which that~~ which that is not limited in this permit if that discharge will exceed the highest of the following notification levels:
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the board in accordance with 9VAC25-31-220 F.
7. Geothermal systems using groundwater and no chemical additives. Geothermal systems using groundwater and no chemical additives may be eligible for reduced monitoring requirements.
- If a geothermal system was covered by the previous noncontact cooling water general permit, and the monitoring results from the previous permit term demonstrate full compliance with the effluent limitations, the permittee may

request authorization from the department to reduce the monitoring to once in the first monitoring quarter of the first year of this permit term.

Owners of new geothermal systems, and previously unpermitted geothermal systems that receive coverage under this permit shall submit monitoring results to the department for the first four monitoring quarters after coverage begins. If the monitoring results demonstrate full compliance with the effluent limitations, the permittee may request authorization from the department to suspend monitoring for the remainder of the permit term.

Should the permittee be issued a warning letter or notice of violation related to violation of effluent limitations, or be the subject of an active enforcement action regarding effluent limit violations, upon issuance of the letter or notice, or initiation of the enforcement action, the monitoring frequency shall revert to 1/3 months and remain in effect until the permit's expiration date.

8. Monitoring results shall be reported using the same number of significant digits as listed in the permit. Regardless of the rounding convention used by the permittee (e.g., five always rounding up or to the nearest even number), the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.

9. Discharges to waters with an approved TMDL. Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.

10. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination with the department. The notice of termination may be filed after one or more of the following conditions have been met:

- (1) Operations have ceased at the facility and there are no longer cooling water discharges from the facility;
- (2) A new owner has assumed responsibility for the facility (NOTE: A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted);
- (3) All cooling water discharges associated with this facility have been covered by a VPDES individual permit or an alternative VPDES permit; or
- (4) Termination of coverage is being requested for another reason, provided the ~~board~~ department agrees that coverage under this general permit is no longer needed.

b. The notice of termination shall contain the following information:

- (1) Owner's name, mailing address, telephone number, and email address (if available);
- (2) Facility name and location;
- (3) VPDES noncontact cooling water discharges general permit number; and
- (4) The basis for submitting the notice of termination, including:
 - (a) A statement indicating that a new owner has assumed responsibility for the facility;
 - (b) A statement indicating that operations have ceased at the facility and there are no longer noncontact cooling water discharges from the facility;
 - (c) A statement indicating that all noncontact cooling water discharges have been covered by a VPDES individual permit; or
 - (d) A statement indicating that termination of coverage is being requested for another reason (state the reason).

c. The following certification: "I certify under penalty of law that all noncontact cooling water discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the facility, or permit coverage should be terminated for another reason listed above. I understand that by submitting this notice of termination that I am no longer authorized to discharge noncontact cooling water in accordance with the general permit, and that discharging pollutants in noncontact cooling water to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

d. The notice of termination shall be signed in accordance with Part II K.

e. The notice of termination shall be submitted to the DEQ regional office serving the area where the noncontact cooling water discharge is located.

11. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards.

12. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state, or local statute, ordinance, or regulation.

Part II

Conditions Applicable to All VPDES Permits

A. Monitoring.

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

Regulations

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

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

4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information shall include:

- a. The date and exact place and time of sampling or measurements;
- b. The individuals who performed the sampling or measurements;
- c. The dates and times analyses were performed;
- d. The individuals who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

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

C. Reporting monitoring results.

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

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department. Following notification from the department of the start date for the required electronic submission of monitoring reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after

that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.

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

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

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board department may request to determine whether cause exists for terminating coverage under this permit or to determine compliance with this permit. The board department may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from the permittee's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board department, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical, or biological properties of such state waters and make them detrimental to the public health, to animal or aquatic life, to the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall

notify the department (see Part II I 3) of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate, and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify (see Part II I 3), in no case later than 24 hours, the department ~~by telephone~~ after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I 1 b. Unusual and extraordinary discharges include any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance.

1. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.
 - a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as

information ~~which that~~ shall be reported within 24 hours under this subsection:

- (1) Any unanticipated bypass; and
- (2) Any upset which causes a discharge to surface waters.
 - b. A written report shall be submitted within five days and shall contain:
 - (1) A description of the noncompliance and its cause;
 - (2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The ~~board~~ department may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report all instances of noncompliance not reported under Part II I 1, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 1 b.

~~NOTE: 3.~~ The immediate (within 24 hours) reports required in Parts II G, H, and I ~~may shall~~ be made to the department's regional office. Reports may be made by telephone, FAX, or online at <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/PollutionReportingForm.aspx> <https://www.deq.virginia.gov/get-involved/pollution-response> (online reporting preferred). For reports outside normal working hours, ~~leave a message and this shall fulfill the immediate reporting requirement~~ the online portal shall be used. For emergencies, call the Virginia Department of Emergency Services maintains a 24-hour telephone service Management's Emergency Operations Center (24-hour) at 1-800-468-8892.

~~3.~~ 4. Where the permittee becomes aware that it failed to submit any relevant facts in a permit registration statement or submitted incorrect information in a permit registration statement or in any report to the department, it shall promptly submit such facts or information.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under § 306 of Clean Water Act ~~which that~~ are applicable to such source; or

Regulations

(2) After proposal of standards of performance in accordance with § 306 of Clean Water Act ~~which that~~ are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants ~~which that~~ are subject neither to effluent limitations nor to notification requirements under Part I B 6; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit registration process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity ~~which that~~ may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statements. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit registration requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive

officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports and other information. All reports required by permits, and other information requested by the ~~board~~ department shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification:

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

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit coverage termination, or for denial of a permit coverage renewal.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act

for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain coverage under a new permit. All permittees with currently effective permit coverage shall submit a new registration statement at least ~~30~~ 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the ~~board~~ department. The ~~board~~ department shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state, or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on bypass (Part II U) and upset (Part II V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) ~~which that~~ are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems ~~which that~~ are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges, or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit ~~which that~~ has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur ~~which that~~ does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part II U 2 and U 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the ~~board~~ department may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The ~~board~~ department may approve an anticipated bypass, after considering its adverse effects, if the ~~board~~ department determines that it will meet the three conditions listed in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before

Regulations

an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the causes of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part II I; and
- d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director or an authorized representative, including an authorized contractor acting as a representative of the administrator, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, or whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits coverage may be terminated for cause. The filing of a request by the permittee for permit coverage termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permit coverage.

1. Permit coverage is not transferable to any person except after notice to the department.
2. Coverage under this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The ~~board~~ department does not notify the existing permittee and the proposed new permittee of its intent to deny permit coverage. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability. The provisions of this permit are severable. If any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

VA.R. Doc. No. R21-6527; Filed June 24, 2022, 9:57 a.m.



TITLE 11. GAMING

VIRGINIA LOTTERY BOARD

Fast-Track Regulation

Title of Regulation: **11VAC5-60. Self-Exclusion Program (amending 11VAC5-60-10 through 11VAC5-60-60).**

Statutory Authority: §§ 58.1-4007 and 58.1-4015.1 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: August 17, 2022.

Effective Date: September 2, 2022.

Agency Contact: Amy Dilworth, General Counsel, Virginia Lottery Board, 600 East Main Street, 22nd Floor, Richmond, VA 23219, telephone (804) 664-0717, or email adilworth@valottery.com.

Basis: Sections 58.1-4101, 58.1-4102, and 58.1-4103 provide statutory authority for the Virginia Lottery to promulgate this action.

Purpose: The changes to 11VAC5-60 that incorporate casino gaming into the self-exclusion program conform the program to statute. The purpose of the amendments is to continue to protect the public health, safety, and welfare by lessening the sociological, financial, and psychological damage that can occur to individuals who exhibit problem gambling behaviors, and by extension, to their families.

Rationale for Using the Fast-track Rulemaking Process: The amendments are deemed to be noncontroversial because they include the addition of definitions and the incorporation of casino gaming into the self-exclusion program just as it already incorporates sports betting.

Substance: The amendments to 11VAC5-60 mirror the self-exclusion provisions in 11VAC5-90, Casino Gaming, to include casino gaming in the self-exclusion program, including defining the terms "casino gaming establishment," "casino," and "casino gaming," to clearly show that the self-exclusion program applies to casino gaming as well as sports betting.

Issues: The advantage of the amendments for the public and the Commonwealth is that they provide the most straightforward and least onerous requirements necessary to maintain the Voluntary Self-Exclusion list and to accommodate those individuals who choose to be included in it. There are no disadvantages associated with the amendments.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). The analysis presented represents DPB's best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation. The Virginia Lottery Board (Board) proposes to amend the Self-Exclusion Program regulation (regulation) in order to incorporate casinos and casino gaming.

Background. Chapters 1197, 1218, 1248, and 1256 of the 2020 Acts of Assembly all mandated that the Board adopt regulations to establish and implement a voluntary exclusion program. The text for the four different chapters was not completely identical,² but all four essentially had the following for the definition of "voluntary exclusion program" and the requirements for voluntary exclusion programs.

Definition of voluntary exclusion program: a program established by the Board that allows individuals to voluntarily exclude themselves from engaging in certain gambling activities (described in provision #1 below) by placing their name on a voluntary exclusion list and following the procedures set forth by the Board.

Requirements for Voluntary Exclusion Programs:

1. Except as provided by a regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game; (ii) participating in sports betting as such activity is regulated by the Board; (iii) engaging in any form of casino gaming that may be allowed under the laws of the Commonwealth; (iv) participating in charitable gaming, as defined in Code of Virginia (COV) 18.2-340.16; (v) participating in fantasy contests, as defined in COV 59.1-556; or (vi) wagering on horse racing, as defined in COV 59.1-365. Any state agency, at the request of the Virginia Lottery, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.

2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.

3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.

4. The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Virginia Lottery limited to licensed lottery sales agent, owners and operators of casino gaming establishments, sports betting permit holders, and any other parties the Virginia Lottery deems necessary for purposes of enforcement.

5. Lottery sales agents, owners and operators of casino gaming establishments, and sports betting permit holders shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall not preclude lottery sales agents, owners and operators of casino gaming establishments, and sports betting permit holders from seeking the payment of a debt incurred by a person before entering the program. In addition, the owner or operator of a casino gaming establishment or a permit holder may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.

Regulation. The regulation was initially promulgated in an exempt action³ that became effective on October 12, 2020. The regulation includes: 1) definitions, 2) requirements for individuals wishing to add themselves to the self-exclusion list,⁴ 3) requirements for the Virginia Lottery, sports betting permit holders, the Virginia Department of Agriculture and Consumer Services (VDACS), and the Virginia Racing Commission (VRC) concerning the exchange of information and keeping information up-to-date in their copies of the self-exclusion list, 4) specific responsibilities for sports betting permit holders in regard to procedures in interacting with individuals on the self-exclusion list, 5) the process and notifications for removal from self-exclusion list, and 6) the process and requirements concerning the forfeiture of winnings by self-excluded individual. There is no mention of casinos or casino gaming in the current regulation.

Estimated Benefits and Costs. Approximately one percent of the adult population in the United States suffer from pathological gambling,⁵ a persistent and recurrent maladaptive pattern of gambling behavior.⁶ Pathological gambling is commonly associated with relationship problems,⁷ employment issues,⁸ and significant financial difficulties.⁹ Additionally, pathological gamblers are at increased risk to develop stress-related conditions, such as hypertension, sleep

Regulations

deprivation, cardiovascular disease, and peptic ulcer disease.¹⁰ Common psychiatric conditions associated with pathological gambling include exacerbation and initiation of major depressive episodes, anxiety disorders, or substance use disorders.¹¹

Adding casinos to the self-exclusion program would likely be beneficial in that pathological gamblers who voluntarily add themselves to the self-exclusion list would very likely gamble less at casinos (by casinos preventing participation). By gambling less, the negative impacts described may be less likely to occur. Research helps confirm that to some extent participation in self-exclusion programs is linked to a reduction of pathological gambling habits and gambling-related problems.¹²

For the most part, the proposed regulation essentially just adds "casino gaming" or "casino gaming establishment" to the provisions where "sports betting" or "sports betting permit holder" currently exist in the regulation. An exception occurs in the requirements for individuals wishing to add themselves to the self-exclusion list. Under the current regulation, applicants for two years or five years on the list must submit: a) name, including any aliases or nicknames, b) date of birth, c) street and mailing address of current residence, d) telephone number, and e) social security number. Applicants for lifetime on the list must also submit valid identification credentials containing the individual's signature and either a photograph or a general physical description. Under the proposed regulation all applicants for membership on the list, regardless of time length, must submit valid identification credentials containing the individual's signature and a photograph of the individual.¹³

According to the Virginia Lottery, valid identification containing a photograph of the individual is necessary so that casinos (where people appear in person) can accurately match the individual with the list. Thus, the proposal to require photo identification for membership on the list would be beneficial in that it would help casinos enforce the exclusion of list members from casinos and help reduce the negative impacts associated with their gambling. Photographs of individuals would also be added to the self-exclusion list sent by the Virginia Lottery to the VRC and VDACS. To the extent that these agencies use the photographs, it would help their regulants properly exclude list members from gambling on horse racing, historical horse racing, and charitable gaming. Accordingly, the proposal would be beneficial to the degree these changes reduce the negative impacts associated with pathological gambling as described above.¹⁴

For most people, providing valid identification containing a photograph would not be difficult. However, it is possible that not all potential problem gamblers have photo ID. Based on a study jointly conducted by Stanford University and the University of Michigan, approximately three percent of the total U.S. adult citizen population do not have any form of government photo ID.¹⁵ For this small percentage of the population, the proposed additional requirement of a photo ID

for membership on the self-exclusion list would be costly. It could deter a relative small number of pathological gamblers from seeking or obtaining membership on the list.

Businesses and Other Entities Affected. The proposed amendments affect the 14 sports betting permit holders,¹⁶ approximate 300 individuals currently on the self-exclusion list,¹⁷ the Virginia Lottery, VDACS (Office of Charitable and Regulatory Programs), the Virginia Racing Commission, as well as future licensed operators of casino gaming establishments and future individuals wishing to go on the self-exclusion list.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.¹⁸ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Most affected entities or individuals would not be adversely affected. A small number of individuals who do not possess valid identification containing a photograph may wish to be added to the self-exclusion list, and thus may be worse off. Thus, an adverse impact is indicated.

Small Businesses¹⁹ Affected:²⁰ The proposed amendments do not appear to adversely affect small businesses.

Localities²¹ Affected:²² The proposal to add casinos to the self-exclusion program may particularly affect the four cities where voters approved casinos, Danville, Bristol, Portsmouth, and Norfolk, as well as neighboring localities. There may be indirect costs for these local governments, as on the one hand the Virginia Lottery notes that local social service agencies may face reduced costs if fewer individuals and families suffer the financial and psychological damage that can be incurred by individuals who incur chronic gambling losses. On the other hand, there could be increased law enforcement costs as police officers would be called upon to process trespassing charges against individuals who gain access to a casino floor despite having opted into the program.

Projected Impact on Employment. The proposed amendments do not appear to directly affect total employment. To the extent that adding casinos to the self-exclusion program may help some pathological gamblers avoid gambling and associated negative impacts, it may help some such individuals from losing their jobs.

Effects on the Use and Value of Private Property. To the extent that adding casinos to the self-exclusion program may reduce financial losses for some pathological gamblers, the proposal may be beneficial for these individuals' net worth. The proposed amendments do not affect real estate development costs.

¹Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of

persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

²Chapters 1197 and 1248 are identical to each other, and mostly pertain to casino gaming. Chapters 1218 and 1256 are identical to each other, and mostly pertain to sports betting.

³See <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=5609>.

⁴"Self-exclusion list" appears to be synonymous with "voluntary exclusion list".

⁵Sources: Petry NM, Stinson FS, Grant BF. Comorbidity of DSM-IV pathological gambling and other psychiatric disorders: results from the national epidemiologic survey on alcohol and related conditions. *Journal of Clinical Psychiatry*. 2005;66:564-574.

Shaffer HJ, Hall MN, Vander Bilt J. Estimating the prevalence of disordered gambling behavior in America and Canada: a research synthesis. *American Journal of Public Health*. 1999;89:1369-1376.

⁶Source: Diagnostic and Statistical Manual of Mental Disorders, Washington, DC: American Psychiatric Association; 2000.

⁷Sources: Scherrer JF, Slutske WS, Xian H, Waterman B, Shah KR, Volberg R, et al. Factors associated with pathological gambling at 10-year follow-up in a national sample of middle-aged men. *Addiction*. 2007;102:970-978. Lorenz VC, Yaffee RA. Pathological gambling: psychosomatic, emotional and marital difficulties as reported by the spouse. *Journal of Gambling Behavior*. 1988;4:13-26.

⁸Source: Gerstein DR, Volberg RA, Toce MT, Harwood H, Johnson RA, Buie T, et al. *Gambling Impact and Behavior Study: report to the National Gambling Impact Study Commission*. New York, NY: Christiansen/Cummings Associates; 1999.

⁹Sources: Boardman B, Perry JJ. Access to gambling and declaring personal bankruptcy. *Journal of Socio-Economics*. 2007;36:789-801.

Garrett TA. The rise in personal bankruptcies: the Eighth Federal Reserve District and beyond. *Federal Reserve Bank of St Louis Review*. 2007;81:15-37.

Thalheimer R, Ali MM. The relationship of pari-mutuel wagering and casino gaming to personal bankruptcy. *Contemporary Economic Policy*. 2004;22:420-432.

Barron JM, Staten ME, Wilshusen SM. The impact of casino gambling on personal bankruptcy filing rates. *Contemporary Economic Policy*. 2002;20:440-455.

de la Vina L, Bernstein D. The impact of gambling on personal bankruptcy rates. *Journal of Socio-Economics*. 2002;31:503-509.

Gerstein DR, Volberg RA, Toce MT, Harwood H, Johnson RA, Buie T, et al. *Gambling Impact and Behavior Study: report to the National Gambling Impact Study Commission*. New York, NY: Christiansen/Cummings Associates; 1999.

¹⁰Sources: Wong TW. The Biopsychosocial Consequences of Pathological Gambling. *Psychiatry*. 2005;2(3):22-30.

Natelson BH. Stress, hormones, and disease. *Physiology & Behavior*. 2004;82(1):139-43.

Littman-Sharp N. Gambling, fatigue, and drowsy driving. Presented at the 17th Annual National Conference on Problem Gambling, Louisville, KY: 2003.

¹¹Sources: Wong TW. The Biopsychosocial Consequences of Pathological Gambling. *Psychiatry*. 2005;2(3):22-30.

Ladd GT, Petry NM. A comparison of pathological gamblers with and without substance abuse treatment histories. *Experimental and Clinical Psychopharmacology*. 2003;11(3):202-9.

Hollander E, Buchalter AJ, DeCaria CM. Pathological gambling. *Psychiatric Clinics of North America*. 2000;23(3):629-42.

Crockford DN, el-Guebaly N. Psychiatric comorbidity in pathological gambling: A critical review. *The Canadian Journal of Psychiatry*. 1998;43(1):43-50.

Briggs JR, Goodin BJ, Nelson T. Pathological gamblers and alcoholics: Do they share the same addictions? *Addictive Behaviors*. 1996;21(4):515-9.

¹²Sources: Gainsbury SM. Review of Self-exclusion from Gambling Venues as an Intervention for Problem Gambling. *Journal of Gambling Studies*. 2014;30:229-251.

Hayer T, Meyer G. Self-exclusion as a harm minimization strategy: Evidence from the casino sector from selected European countries. *Journal of Gambling Studies* 2011;27:685-700.

Nelson SE, Kleschinsky JH, LaBrie RA, Kaplan S, Shaffer HJ. One decade of self-exclusion: Missouri casino self-excluders four to ten years after enrolment. *Journal of Gambling Studies*. 2010;26:129-144.

Tremblay N, Boutin C, Ladouceur R. Improved Self-exclusion program: Preliminary results. *Journal of Gambling Studies*. 2008;24:505-518.

Ladouceur R, Sylvain C, Gosselin P. Self-exclusion program: A longitudinal evaluation study. *Journal of Gambling Studies*. 2007;23, 85-94.

¹³General physical description would no longer be an option for lifetime applicants.

¹⁴VDACS reports that the proposed amendment to add photographs of the individuals on the self-exclusion list sent by Virginia Lottery to VDACS (Office of Charitable and Regulatory Programs) will not impact the program so long as the current method of delivery of the list does not differ. Furthermore, VDACS does not anticipate any impact from the other proposed amendments.

¹⁵The 2016 study was conducted by American National Election Studies, which is a collaboration of Stanford University and the University of Michigan, with funding by the National Science Foundation. <https://electionstudies.org/data-center/2016-time-series-study/>

¹⁶Data source: Virginia Lottery.

¹⁷Ibid

¹⁸Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

¹⁹Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

²⁰If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

²¹"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

²²Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Lottery is in receipt of and has reviewed the Department of Planning and Budget economic impact analysis (EIA). The Virginia Lottery is satisfied with the EIA and has no additional comments.

Regulations

Summary:

The amendments (i) incorporate casinos and casino gaming into the Self-Exclusion Program as required by § 58.1-4103 of the Code of Virginia and (ii) require an individual who wants to be self-excluded to provide a photo identification containing the individual's signature to the program.

11VAC5-60-10. Definitions.

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

"Department" or "Virginia Lottery" means the ~~Virginia Lottery Department, the independent department that pursuant to § 58.1-4031 of the Code of Virginia is~~ agency responsible for the ~~operation administration of the Commonwealth's sports betting program set forth in Articles 1 (§ 58.1-4000 et seq.) and 2 (§ 58.1-4030 et seq.) of Chapter Virginia Lottery pursuant to Chapters 40 (§ 58.1-4000 et seq.) and 41 (§ 58.1-4100 et seq.) of Title 58.1 of the Code of Virginia.~~

"Self-excluded individual" means any individual whose name is included, at the individual's own request, on the self-exclusion list maintained by the department.

"Self-exclusion list" means a list maintained by the department of names of individuals who, pursuant to this chapter, have voluntarily agreed to refrain from (i) playing any ~~account-based~~ account-based lottery game authorized under the provisions of the Virginia Lottery Law; (ii) participating in sports betting, as defined in § 58.1-4030 of the Code of Virginia; ~~and~~ (iii) participating in casino gaming, as defined in § 58.1-4100 of the Code of Virginia; and (iv) participating in gaming activities administered by the Office of Charitable and Regulatory Programs or the Virginia Racing Commission. Self-excluded individuals whose names are on the self-exclusion list are prohibited from collecting any winnings or recovering any losses resulting from violation of the restrictions to which such individuals have agreed.

"Targeted mailing" means an advertisement or promotional offer directed to an individual on the basis of specific criteria, such as being a member or former member of a casino rewards club, a former sports betting participant, or a participant in social games. "Targeted mailing" does not include mass mailings made to an entire area or zip code nor does it include an advertisement that arrives in a packet of five or more non-gaming advertisements if such packet of advertisements is addressed to "resident," "occupant," or some similar wording and not to a specific individual. "Targeted mailing" further does not include any internet "pop-up" advertisement that appears on an individual's computer or mobile device on the basis of the individual's internet protocol address.

"Thing of value" means anything of value that may be used to engage in lottery, ~~or~~ sports betting, or casino gaming activity, including cash and other forms of payment

permissible under ~~Chapter~~ Chapters 40 (§ 58.1-4000 et seq.) and 41 (§ 58.1-4100 et seq.) of Title 58.1 of the Code of Virginia, as well as free play offers and incentives.

"Winnings" means the aggregate total of proceeds from each individual winning lottery ticket or sports wager or casino game and shall not be reduced by any individual losses resulting from such activities.

11VAC5-60-20. Request for self-exclusion.

A. An individual may ~~have his name~~ be placed on the department's self-exclusion list by submitting a request in the form and manner required by this section.

B. An individual requesting placement on the self-exclusion list shall submit a completed request for self-exclusion over the internet or as otherwise required by this chapter. If an individual requests to be placed on the self-exclusion for life list, such request shall be made in person at department headquarters or any other location specified by the department.

C. An individual requesting placement on the self-exclusion for life list shall submit, in person, a completed request for self-exclusion as required by this chapter. The request shall be delivered to department headquarters or any other location specified by the department. ~~Any individual submitting a self-exclusion for life request shall be required to present valid identification credentials containing the individual's signature and either a photograph or a general physical description.~~

D. A request for self-exclusion shall be in a form prescribed by the department that shall include:

1. The following identifying information concerning the individual submitting the request:
 - a. Name, including any aliases or nicknames;
 - b. Date of birth;
 - c. Street and mailing address of current residence;
 - d. Telephone number; ~~and~~
 - e. Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act (5 USC § 552a); and
 - f. Valid identification credentials containing the individual's signature and a photograph of the individual.

2. The length of self-exclusion requested by the individual:
 - a. Two years;
 - b. Five years; or
 - c. Lifetime;

3. An acknowledgment that individuals on the self-exclusion list shall be prohibited from participating in any form of legalized gaming in the Commonwealth and are prohibited from collecting any winnings or recovering any losses resulting from violation of the restrictions to which such individuals have agreed;

4. An acknowledgment that the department shall coordinate the administration of the self-exclusion program with the Office of Charitable and Regulatory Programs and the Virginia Racing Commission pursuant to procedures developed by the department;

5. An acknowledgment that the department will share the self-exclusion list with operators of legal gambling in the Commonwealth and that such operators, pursuant to their own policies, may extend the exclusion of the individual to offerings at the operators' locations outside the borders of the Commonwealth;

6. An acknowledgment that the individual requesting self-exclusion shall notify the department within seven days if the individual's address or other contact information changes; and

7. A waiver and release that shall release and forever discharge the Commonwealth of Virginia, the department, the department's employees and agents, all holders of permits to operate a sports betting platform and licenses to operate a casino gaming establishment and their employees and agents, the Office of Charitable and Regulatory Programs, and the Virginia Racing Commission and their employees and agents from any liability to the individual requesting self-exclusion, as applicable, and the individual's heirs, administrators, executors, and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list, including:

- a. The processing or enforcement of the request for self-exclusion or request for removal from the self-exclusion list;
- b. The failure to withhold gaming privileges from or restore gaming privileges to a self-excluded individual;
- c. Permitting a self-excluded individual to engage in gaming activity while on the list of self-excluded individuals; and
- d. Disclosure of the information contained in the self-exclusion list, except for a willfully unlawful disclosure of such information.

E. For self-exclusion submissions for a stated period of time:

1. A sports betting permit holder or casino gaming establishment shall provide a link directly to the department's self-exclusion application form.

2. The department's online self-exclusion form shall provide to the self-excluding individual for the individual's acknowledgment the following statement:

"I am voluntarily requesting exclusion from all Virginia sports betting, casino gaming, and ~~account-based~~ account-based lottery. I also understand that the department will share my information with the Office of Charitable and Regulatory Programs, the Virginia Racing Commission, and

all Virginia sports betting permit holders and casino gaming establishments, any of whom may prohibit me from participating in further gaming activities regulated or provided by those entities, including out-of-state sports betting sites or casinos in accordance with the policies of that sports betting permit holder or casino gaming establishment. I agree to notify the department within seven days if my contact information changes. I certify that the information I have provided is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my digital signature authorizes the department to prohibit me from participating in all account-based lottery games and to direct all holders of sports betting permits and casino gaming establishments in Virginia to restrict my gaming activities. I am further aware that my digital signature authorizes the department to share my information with the Office of Charitable and Regulatory Programs and the Virginia Racing Commission, who may further restrict my gaming activities. In accordance with this request and until such time as the department removes my name from the self-exclusion list under the terms of my request for voluntary self-exclusion, I am aware and agree that during any period of self-exclusion any money obtained by me in violation of the terms of my self-exclusion shall be subject to forfeiture and donated to the Commonwealth's Problem Gambling Treatment and Support Fund."

F. For lifetime self-exclusion submissions:

1. The signature of the individual submitting the request shall acknowledge the following statement:

"I am voluntarily requesting exclusion from all Virginia sports betting, casino gaming, and ~~account-based~~ account-based lottery. In addition, I understand that my information will be shared with the Office of Charitable and Regulatory Programs, the Virginia Racing Commission, and all Virginia sports betting permit holders and casino gaming establishments, any of whom may prohibit me from participating in further gaming activities regulated or provided by those entities, including out-of-state sports betting sites or casinos in accordance with the policies of that sports betting permit holder or casino establishment. I agree to notify the department within seven days if my contact information changes. I certify that the information I have provided is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature authorizes the department to prohibit me from participating in all account-based lottery games and to direct all holders of sports betting permits and casino gaming establishments in Virginia to restrict my gaming activities. I am further aware that my signature authorizes the department to share my information with the Office of Charitable and Regulatory Programs and the Virginia Racing Commission, who may further restrict my gaming activities. In accordance with this

Regulations

request I am aware and agree that any money obtained by me in violation of the terms of my self-exclusion shall be subject to forfeiture and donated to the Commonwealth's Problem Gambling Treatment and Support Fund."

2. The department shall document the type of identification credentials that were examined containing the signature of the individual requesting lifetime self-exclusion.

3. A department employee authorized to accept a self-exclusion request shall sign the application form and confirm that the signature of the individual on the request for lifetime self-exclusion appears to agree with that contained on ~~his~~ the individual's identification credentials.

4 The department shall confirm the individual's request to be placed on the lifetime self-exclusion list.

11VAC5-60-30. Self-exclusion list.

A. The department shall maintain the official self-exclusion list and shall transmit notification of any addition to or deletion from the list to:

1. Each Virginia sports betting permit holder;
2. Each Virginia casino gaming establishment;
- ~~3.~~ The Office of Charitable and Regulatory Programs; and
- ~~3-4.~~ The Virginia Racing Commission.

B. Each party noted in subsection A of this section shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the list is kept up to date. All appropriate employees and agents of the parties noted in subsection A of this section who are notified of any addition to or deletion from the self-exclusion list shall update their lists accordingly. Changes to the list shall be made by each party noted in subsection A of this section within seven days after the day the notice is transmitted and any remaining balance in the individual's gaming account shall be refunded pursuant to internal control standards approved by the department and the department's regulations. The notice provided by the department shall include the following information concerning any individual whose name is added to the list:

1. Name, including any aliases or nicknames;
2. Date of birth;
3. Street and mailing address of current residence;
4. Telephone number; ~~and~~
5. Social Security number if voluntarily provided by the individual requesting self-exclusion; ~~and~~
- ~~6.~~ A photograph of the individual.

C. Information furnished to or obtained by the department pursuant to this chapter shall be deemed confidential and not be disclosed except in accordance with this chapter. The

voluntary self-exclusion list and the personal information of participants in the voluntary self-exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

D. Except as provided in this subsection, no employee or agent of the department or any of the parties included in subsection A of this section shall disclose the name of or any information about any excluded individual to anyone other than employees and agents whose duties and functions require access to such information.

1. Any sports betting permit holder or casino gaming establishment may disclose the name of and information about a self-excluded individual to appropriate employees of other sports betting permit holders or casino gaming establishments in Virginia for the purpose of alerting the employees that a self-excluded individual has tried to gamble or obtain gaming related privileges or benefits from the sports betting permit holder or casino gaming establishment. In addition, the permit holder or casino may share the name of and information about self-excluded individuals across the ~~permit holder's~~ company corporate enterprise of the permit holder or casino, including sharing such information with any of its affiliates.

2. It shall be permissible for a sports betting permit holder or casino gaming establishment, or an employee or agent thereof, to disclose the names of individuals on the self-exclusion list to a third party that is registered ~~or~~ licensed, or permitted by the department pursuant to 11VAC5-70 or 11VAC5-90 for the purpose of allowing the third party to remove the names of such individuals from a targeted mailing or other advertising or promotion to be made on behalf of the sports betting permit holder or casino gaming establishment. ~~The company~~ third party to whom ~~such~~ the self-exclusion list is disclosed shall be prohibited from distributing or disclosing the list to the public or to any other party and shall be required to establish procedures approved by the department to ensure the self-exclusion list is not disclosed.

3. A registered, licensed, or registered company permitted third party that obtains the self-exclusion list from a sports betting permit holder or casino gaming establishment shall be permitted to use the list solely to exclude names or addresses from a marketing campaign on behalf of the sports betting permit holder or casino gaming establishment. Such company may not use the self-exclusion list for any other type of marketing or for any other purpose whatsoever.

11VAC5-60-40. Duties of sports betting permit holder and casino gaming establishment.

A. ~~A sports~~ Sports betting permit holder holders and casino gaming establishments shall establish procedures that are designed, to the greatest extent practicable, to:

1. Prevent an individual on the self-exclusion list from opening a new sports betting or casino gaming player's account and from entering onto the gaming floor of a casino;

2. Identify and suspend any sports betting or casino gaming accounts of an individual on the self-exclusion list;

3. Refund any remaining balance to an individual on the self-exclusion list consistent with the department's regulations and the ~~permit holder's department-approved internal control standards as approved by the department~~ controls of the permit holder or casino;

4. Ensure that self-excluded individuals do not receive, either from the permit holder or casino or any agent thereof, targeted mailings, telemarketing promotions, player club materials, or other targeted promotional materials relating to sports betting or casino gaming; and

5. Enforce the provisions of this chapter.

B. Upon notification that an individual has been added to or deleted from the self-exclusion list, each sports betting permit holder and casino gaming establishment shall comply with all relevant provisions of 11VAC5-60-50.

C. Each sports betting permit holder shall maintain on file a current copy of the permit holder's internal control standards procedures established pursuant to 11VAC5-60-60 and 11VAC5-70.

D. Each casino gaming establishment shall maintain on file a current copy of the casino's internal control standards procedures established pursuant to 11VAC5-60-60 and 11VAC5-90.

11VAC5-60-50. Removal from self-exclusion list.

A. Upon expiration of the period of self-exclusion requested pursuant to 11VAC5-60-20, the department shall remove the individual's name from the self-exclusion list and notify each sports betting permit holder, each casino gaming establishment, the Office of Charitable and Regulatory Programs, and the Virginia Racing Commission of the removal.

B. Within seven days of receipt of notice from the department, the parties notified in subsection A of this section shall delete the name of the individual from the parties' self-exclusion lists.

11VAC5-60-60. Forfeiture of winnings by self-excluded individual.

A. If a sports betting permit holder or casino gaming establishment detects or is notified of the presence of a ~~sports bettor~~ sports bettor suspected of being a self-excluded individual who has engaged in or is engaging in gaming activity, the permit holder or casino gaming establishment shall take reasonable measures to verify that the ~~sports bettor~~ individual is a self-excluded ~~individual~~ and the evidence of the individual's exclusion.

B. Upon verification of the individual's self-excluded status, the sports betting permit holder or casino gaming establishment shall:

1. Immediately prohibit access to the individual's sports betting or casino gaming player's account, prohibit any further gaming activity, return the balance accrued prior to the exclusion request, and seize any winnings that accrue after the exclusion request; and

2. Issue a Payout Receipt and Notice of Forfeiture to the excluded player in person or via electronic or regular mail, containing the following:

a. The total value and a detailed description of winnings that were seized;

b. The date of the incident;

c. The name of the self-excluded individual, if known, and basis for determining the individual is a self-excluded individual;

d. The street and mailing address of the self-excluded individual, if known, at which the individual may be notified regarding any future proceedings;

e. The date of the in-person, internet, or mobile wagering session during which the self-excluded individual was engaged in a gaming ~~transaction~~;

f. Notice to the self-excluded individual that the department shall be seeking forfeiture of the winnings seized, that the individual has the right to be heard about the forfeiture, and that failure to respond to a forfeiture notice from the department shall be deemed a waiver of the right to be heard.

C. The original Payout Receipt and Notice of Forfeiture prepared and signed as required in subsection B of this section shall be maintained on file by the sports betting permit holder or casino gaming establishment. Copies of the document shall be provided to the self-excluded individual and filed with the department, which filing may be made electronically.

D. All funds identified by a permit holder or casino as subject to forfeiture shall be maintained separately and held by the sports betting permit holder or casino until further order of the department or upon notice from the department that the funds may be released.

E. Pursuant to the self-excluded individual's request submitted under 11VAC5-60-20, any winnings seized from a self-excluded individual shall be subject to forfeiture, following notice to the self-excluded individual and an opportunity to be heard. A failure to respond to a forfeiture notice shall result in the waiver of the right to be heard.

F. The internal control standards of a sports betting permit holder or casino gaming establishment shall contain procedures for processing any winnings seized from a self-excluded individual as if the winnings were paid and reported in accordance with normal procedures applicable to such payouts. Such procedures shall

Regulations

include, however, such modification to forms or additional documentation as necessary to record and report the payout as a payout withheld from a self-excluded individual. This documentation shall be compared by the ~~sports betting permit holder's~~ accounting department of the permit holder or casino at the end of the gaming day to the copy of the Payout Receipt and Notice of Forfeiture. Any winnings withheld from a self-excluded individual that are paid and reported in accordance with the normal procedures applicable to such payouts, as modified in this section, shall be deducted in the calculation of gross revenue as if the winnings were actually paid to the self-excluded individual.

G. The department may initiate forfeiture of a self-excluded individual's winnings by sending notice to the self-excluded individual via personal service or regular mail sent to the address provided by the individual. Notice shall include a description of the winnings subject to forfeiture and the self-excluded individual's right to a hearing.

H. If the self-excluded individual wishes to contest the forfeiture, the individual shall submit a written request for a hearing within 15 days of the date of the notice of the forfeiture. If no response is filed by the self-excluded individual within 15 days of the date of the notice of the forfeiture, the winnings shall be deemed forfeited and transmitted to the Commonwealth's Problem Gambling Treatment and Support Fund. The decision of the ~~board~~ department shall be final and may not be appealed.

VA.R. Doc. No. R22-7199; Filed June 27, 2022, 8:16 a.m.



TITLE 16. LABOR AND EMPLOYMENT

SAFETY AND HEALTH CODES BOARD

Action Withdrawn

Title of Regulation: **16VAC25-210. Heat Illness Prevention Standard.**

Statutory Authority: § 40.1-22 of the Code of Virginia.

The Safety and Health Codes Board has WITHDRAWN the regulatory action for **16VAC25-210, Heat Illness Prevention Standard**, which was published as a Notice of Intended Regulatory Action in **37:19 VA.R. 2761 May 10, 2021**. This action is being withdrawn because the Safety and Health Codes Board voted not to move forward with the regulatory action.

Agency Contact: Jay Withrow, Director, Department of Labor and Industry, Main Street Centre, 600 East Main Street, Suite 207, Richmond, VA 23219, telephone (804) 786-9873, FAX (804) 786-8418, or email jay.withrow@doli.virginia.gov.

VA.R. Doc. No. R21-6753; Filed June 23, 2022, 11:58 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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: **18VAC65-40. Regulations for the Funeral Service Internship Program.**

Agency Contact: Erin Barrett, Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, FAX (804) 915-0382, or email erin.barrett@dhp.virginia.gov.

FORMS (18VAC65-40)

Application for Funeral Service Internship Program, online form available at <https://www/license/dhp.virginia.gov/apply/>

~~Funeral Supervisor Registration Application (rev. 7/2021)~~

[Funeral Supervisor Registration Application \(rev. 6/2022\)](#)

[Funeral Change of Supervisor Application \(rev. 7/2021\)](#)

[Checklist and Instructions for Registration for Funeral Service Internship Program \(rev. 7/2021\)](#)

[Checklist and Instructions for Registration for Funeral Directing Internship Program \(rev. 7/2021\)](#)

[Checklist and Instructions for Registration for Embalming Internship Program \(rev. 7/2021\)](#)

[First 1000 Hour Funeral Service Internship Report – Funeral Directing \(rev.1/2021\)](#)

[Second 1000 Hour Funeral Service Internship Report – Funeral Directing \(rev. 1/2021\)](#)

[Funeral Service Internship Report of Final Completion – Funeral Directing \(rev. 1/2021\)](#)

[First 1000 Hour Embalming Internship Report \(rev. 1/2021\)](#)

[Second 1000 Hour Embalming Internship Report \(rev. 1/2021\)](#)

[Embalming Internship Report of Final Completion \(rev. 1/2021\)](#)

[Funeral Intern Reinstatement Application \(rev. 7/2021\)](#)

VA.R. Doc. No. R22-7295; Filed June 16, 2022, 8:07 p.m.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Action Withdrawn

Title of Regulation: **22VAC40-411. General Relief Program (amending 22VAC40-411-10, 22VAC40-411-20, 22VAC40-411-70, 22VAC40-411-120; adding 22VAC40-411-31, 22VAC40-411-41, 22VAC40-411-51, 22VAC40-411-61, 22VAC40-411-81; repealing 22VAC40-411-170 through 22VAC40-411-220).**

Statutory Authority: § 63.2-217 of the Code of Virginia.

The State Board of Social Services has WITHDRAWN the regulatory action for **22VAC40-411, General Relief Program**, which was published as a Notice of Intended Regulatory Action (NOIRA) in [53:9 VA.R. 1097 December 24, 2018](#). This action is being withdrawn because, since the NOIRA publication, the agency has determined that additional amendments should be considered that would take the action beyond the scope stated in the published NOIRA. The agency will initiate a new regulatory action in the future that fully reflects the regulatory issues that need to be addressed.

Agency Contact: Monique Majeus, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7459, FAX (804) 726-7357, or email monique.majeus@dss.virginia.gov.

VA.R. Doc. No. R19-5380; Filed June 16, 2022, 9:16 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER SEVENTEEN (2022)

Recognizing the Value of Recycling and Waste Reduction

By virtue of the authority vested in me as Governor, I hereby issue this Executive Order to recognize the value of recycling, to help create new clean technology jobs, and to help stop food waste.

Importance of the Initiative

Americans today recycle less than they did a generation ago, yet there are more opportunities for post-consumer recycled products than ever before. Recycling and reuse activities account for over 750,000 jobs nationwide. Food waste comprises the single largest category of waste by volume disposed of in landfills. We need to conserve our natural resources, reduce the amount of recyclable materials and waste that goes into landfills, and promote new clean energy jobs here in Virginia. Recognizing and promoting the importance of recycling has the potential to positively impact the Commonwealth's environment, providing cleaner air and water, as well as create new clean technology jobs.

Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby order my administration to take the following actions to address our ideals of environmental stewardship:

1. Recognition of the Value of Recyclable Material

A. State Agency Initiative to Encourage Recycling

It is the policy of the Commonwealth, and all executive branch state agencies, including state institutions of higher education, and their concessioners (Agency or Agencies) to increase awareness of the importance of recycling and better capture recyclable material, as well as encourage the use of post-consumer recycled (PCR) products and biodegradable materials.

In accordance with the State Agency Recycling Initiative, employees of the Commonwealth should be notified of the recyclable material collection areas, including, but not limited to, newspapers, office papers, corrugated boxes, folding cartons, glass containers, plastic bottles, plastic containers, plastic film, and metal cans through clearly visible signage posted in recyclable material collection areas. The signage should include information regarding the value of waste diversion.

It shall be the official responsibility of Agencies to work with the Department of General Services, or building property owners and local waste management companies and recycling

facilities, as appropriate, to ensure access to recycling programs that accept all Agency collected materials.

B. Virginia State Parks Plan

The Department of Conservation and Recreation, shall report to the Secretary of Natural and Historic Resources with an assessment plan for a Virginia State Parks Campaign in accordance with the State Agency Recycling Initiative to determine the necessary resources to increase the capacity to capture recyclable materials, including increasing the recycling receptacles in Virginia's State Parks and necessary requests for resources to implement the Virginia State Parks Plan. The campaign should be developed in partnership with the Virginia Green Travel Alliance to promote the parks' recycling initiatives to the public.

2. Making Virginia Home to New Clean Technologies

A. The Waste Diversion and Recycling Task Force shall discuss ways to encourage new recycling related businesses, including collection, processing and manufacturing facilities, to locate in the Commonwealth and include any recommendations in their next report.

B. Within 12 months the Department of Environmental Quality, in conjunction with the Department of Commerce and other stakeholders as appropriate, will produce a report outlining opportunities for attracting PCR product business entities to the Commonwealth. The report shall identify:

1. The waste-stream requirements for PCR companies to locate within the Commonwealth.
2. Identify incentives offered to PCR companies in other States and identify feasible options in the Commonwealth.
3. Identify potential geographic areas within the Commonwealth to focus on new clean technology business development, with particular emphasis in rural areas.

3. Stopping Food Waste

A. Food waste is the single largest substance by volume sent to solid waste sites across Virginia and the United States. While Virginia families are struggling to put food on the table and our farmers are struggling to feed their livestock and fertilize their crops we must divert this waste stream to benefit people and farmers in need.

B. The Department of Environmental Quality in conjunction with the Department of Agriculture and Consumer Services shall work in partnership with large-scale suppliers of food such as food manufacturers, grocery retailers, sports arenas, schools, hotels and banquet facilities to identify appropriate strategies to reduce food waste in their respective sectors by encouraging donations to needy individuals, food for animals or for composting purposes.

4. Annual Report to Increase Transparency

The Department of General Services shall catalog the metric tonnage of the state's recycling program and establish goals by December 31, 2022, for each succeeding year for state agency recycling through 2025.

The Department shall report to the Governor and the Chairs of the House Agriculture, Chesapeake, and Natural Resources Committee and the Senate Agriculture, Conservation, and Natural Resources of the progress of the State Agency Recycling Initiative by no later than December 1, 2022, and each succeeding year.

5. Exclusions

Nothing in this Order shall restrict any Agency from using any items as necessary to respond to any executive action declaring a state of emergency or order of public health emergency that would otherwise be restricted in use by this Order.

This Executive Order rescinds and replaces Executive Order No. 77 (2021) issued by Governor Ralph S. Northam.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and the Seal of the Commonwealth of Virginia this 7th day of April 2022.

/s/ Glenn Youngkin, Governor

EXECUTIVE ORDER NUMBER 18 (2022)

Designation of Executive Branch Officers and Employees Required to File Financial Disclosure Statements

Importance of the Issue

The State and Local Government Conflict of Interest Act reflects the Commonwealth's steadfast commitment to ensuring that public officers and employees maintain the highest standards of ethical behavior when conducting the business of the Commonwealth, avoiding even the appearance of impropriety arising out of personal economic interests.

Directive

In furtherance of the purposes of the State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Code of Virginia (hereinafter, "the Act"), and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby delegate to the Secretary of the Commonwealth the power and duty to implement the Act with respect to Executive Branch agencies, institutions, boards, commissions, councils, and authorities through the following policies and procedures:

1. Each of the Governor's Secretaries and the head of each agency, institution, board, commission, council, and authority within the Executive Branch shall submit to the Office of the Secretary of the Commonwealth on or before October 1, 2022, a report identifying by name and job title the positions that are required to file a Statement of Economic Interests.

By issuance of this Executive Order, the following Executive Branch officers and employees shall file a disclosure form, prescribed in § 2.2-3117:

Office of the Governor

- Secretaries, Deputy Secretaries, and Assistant Secretaries
- Chief and Deputy Officers of Transformation and Diversity, Equitable Opportunity, and Inclusion
- Senior Advisors
- Chief of Staff and Deputy Chief of Staff
- Counsel and Deputy Counsel
- Legislative Director and Deputy Legislative Director
- Policy Director and Deputy Policy Director
- Communications Office
- Scheduling Office
- Policy Analysts
- Designated Special Assistants

Executive Branch Agencies

- Agency Heads, Chief Deputies, and Deputies
- Executive Directors, Directors, and Deputy Directors
- Chief Administrative Officers and Deputies
- Chief Financial Officers and Deputies
- Chief Procurement Officers and Deputies
- Chief Technology Officers and Deputies
- Chief Human Resources Officer
- Legislative Liaisons

Institutions of Higher Education

- Presidents/Vice Presidents/Provosts/Deans
- Any other persons as designated by the institution including those persons with approval authority over contracts or audits

Executive Branch Authorities

- Authorities established within the Executive Branch
- All persons within this group will file the form prescribed in § 2.2-3118, unless required by law to file the form prescribed in § 2.2-3117

Executive Branch Appointees

- All non-salaried citizen members of Executive Branch advisory boards, commissions, councils, and authorities are hereby designated to file the financial disclosure form prescribed in § 2.2-3118

- Appointees to boards or commissions who are salaried, such as the Parole Board, shall file the form prescribed in § 2.2-3117

In addition to the above-mentioned positions that are required to file, the agency's report shall include a list of other senior-level positions with responsibility affecting legislative policies and rule-making authority or substantive authorization and decision-making regarding: (1) policy; (2) contracts and procurement; (3) audits; (4) licensure; (5) inspections and investigations; and (6) investments or other financial matters.

2. From the reports submitted, the Secretary of the Commonwealth shall maintain a comprehensive list of officers and employees, including their position titles, who shall be designated to file the statement of economic interests. The Secretary of the Commonwealth may add or delete positions on the list.

3. The head of each agency, institution, board, commission, council, and authority within the Executive Branch shall be responsible for ensuring that designated officers and employees file their statements of economic interests in accordance with § 2.2-3114 of the Code of Virginia. This includes obtaining a statement of economic interests from each new officer or employee so long as the officer or employee is hired for a position previously designated and ensuring that appropriate additions to and deletions from the list of those designated to file are recommended to the Secretary in a timely fashion. Agency heads shall also be responsible for ensuring that appropriate employees receive the necessary orientation on the State and Local Government Conflict of Interests Act in accordance with the provisions of § 2.2-3128 of the Code of Virginia.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2026, unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 30th day of June, 2022.

/s/ Glenn Youngkin, Governor

EXECUTIVE ORDER NUMBER 19 (2022)

Development and Review of State Agency Regulations

Importance of the Initiative

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103, 2.2-4013, and 2.2-4017 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish policies and procedures in this Executive Order for all

rulemakings and other regulatory activity. These policies and procedures shall apply in addition to those already specified in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), agencies' public participation guidelines, and agencies' basic authorizing statutes.

Nothing in this Executive Order shall be construed to limit my authority under the Code of Virginia, including to require an additional 30-day public comment period, file a formal objection to a regulation, suspend the effective date of a regulation with the concurrence of the applicable body of the General Assembly, or to exercise any other rights and prerogatives existing under Virginia law. Any failure to comply with the requirements set forth herein shall in no way affect the validity of a regulation, create any cause of action, provide standing for any person under Article 5 of the Administrative Process Act, or otherwise challenge the actions of a government entity responsible for adopting or reviewing regulations.

Preamble

Regulations are essential to a best in class state government. They are necessary to provide needed explanation and direction of our Commonwealth's laws to our citizens and businesses. Without regulations, the legislature would be forced to draft even more complex laws. However, our regulatory requirements have expanded to encompass almost every facet of our daily lives. Oftentimes these requirements are layered upon the citizens of the Commonwealth without regard to the existing regulatory burdens imposed by prior regulations from the issuing agency or other agencies. Additionally the regulatory process has grown cumbersome, taking on average two to three years to issue a new regulation.

Currently, many regulatory agencies are exempt from the Virginia Administrative Process Act review process and approximately half of all regulatory actions are also exempt. While the Commonwealth operates a Regulatory Town Hall for regulatory information, not all agencies utilize the website. Most importantly, no standard cost/benefit analysis is conducted on proposed regulations to ensure that our citizens are receiving the best in class government they deserve. Instead, a more limited economic impact analysis is conducted within an abbreviated timeframe.

In order to provide a consistent regulatory approach and review across the entire government, I am creating an Office of Regulatory Management within the Office of the Governor. This new Office will work to ensure that all regulations are reviewed for their impact on local governments, and regulated community and most importantly the private citizens of our Commonwealth. The Office will work to help streamline the regulatory process and provide important institutional controls. An important function of the Office will be to work with each regulatory agency to review all existing regulations, which is required once every four years but has not been consistently or

uniformly achieved, to reduce the overall regulatory burden on the public.

Applicability

The policies and procedures in this Executive Order apply to state agencies in the manner described herein.

Rulemakings initiated by executive branch agencies in accordance with Article 2 of the Administrative Process Act shall follow the procedures in the Executive Branch Review process set forth by the Office of Regulatory Management as directed below.

Executive branch rulemakings that are exempt from Article 2 of the Administrative Process Act are required to use the Executive Branch Review process, and all such exempt rulemakings must be posted on the Virginia Regulatory Town Hall according to instructions issued by the Department of Planning and Budget.

All executive branch agencies, including agencies and regulations with a full or partial exemption from either Article 1 or Article 2 of the Administrative Process Act, must comply with the requirements of this Executive Order pertaining to other regulatory activity, including petitions for rulemaking; meeting notices, agendas and minutes; the periodic review of existing regulations; and guidance documents. These other regulatory activities must be posted on the Virginia Regulatory Town Hall.

Actions

As Governor of Virginia, I hereby instruct and delegate:

1. The Office of Regulatory Management should establish its own policies and procedures for regulatory review consistent with the laws of Virginia and as approved by the Chief of Staff and Governor by July 30th 2022.
2. These policies and procedures from the ORM should include:
 - a. The oversight and implementation of a 25% reduction in regulatory requirement;
 - b. The oversight and implementation of the streamlining of the regulatory/permitting approval processes of all agencies to achieve a substantial shortening of the time required for an approval [or rejection]; and
 - c. The increased transparency of all state executive branch regulations by requiring the posting on [Townhall.Virginia.Gov](https://www.townhall.virginia.gov) of all regulatory stages and an enhanced regulatory package including benefit-cost analysis and other impact analysis.
3. All executive branch agencies shall prepare a unified regulatory plan by July 1st of each year that lists all anticipated rulemaking activities during the subsequent state fiscal year.

Effective Date of the Executive Order

This executive order replaces EO 14 (as amended, July 16, 2018) issued by Governor Ralph S. Northam, which expires on today's date. The policies and procedures which are adopted by the Office of Regulatory Management shall establish the regulatory review process. This Executive Order amends Executive Order No. 14 (Executive Directive 1 issued by Governor Glenn Youngkin on January 15, 2022, is hereby amended and reenacted to require a 25 percent reduction in regulatory requirements instead of a reduction in regulations. This Executive Order shall become effective on July 1, 2022, and shall remain in full force and effect until June 30, 2026, unless amended or rescinded by further executive order. These policies and procedures shall apply to all rulemaking actions and other regulatory activity initiated on or after July 1, 2022.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 30th day of June, 2022.

/s/ Glenn Youngkin, Governor

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.

DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Title of Document: [Adult Protective Services Division Manual, Chapters 1-5 and 8.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Elizabeth Patacca, Administrative Staff Assistant, Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Henrico, VA 23229, telephone (804) 726-6625, or email elizabeth.patacca@dars.virginia.gov.

COMMON INTEREST COMMUNITY BOARD

Title of Document: [Summary of Board Interpretations, Policies, and Guidance Documents.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Joseph C. Haughwout, Jr., Administrator, Common Interest Community Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8510, or email cic@dpor.virginia.gov.

STATE BOARD OF EDUCATION

Title of Document: [Guidelines for Practice Year 2 of the Early Childhood Unified Measurement and Improvement System.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Jim Chapman, Regulatory and Legal Coordinator, Department of Education, James Monroe Building, 25th Floor, 101 North 14th Street, Richmond, VA 23219, telephone (804) 225-2540, or email jim.chapman@doe.virginia.gov.

BOARD OF MEDICINE

Title of Document: [Guidance on Supervisory Responsibilities of an Occupational Therapist.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Title of Document: [Frequently Asked Questions about Farm Vehicles.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Melissa K. Velazquez, Legislative Director, 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

Titles of Documents: [Recognition of Accrediting Bodies Acceptable to the Board.](#)

[Impact of Criminal Convictions, Impairment, and Past History on Licensure, Certification, or Registration by the Virginia Board of Psychology](#)

[Possible Disciplinary Action for Noncompliance with Continuing Education Requirements.](#)

[Submission of Evidence of Completion of Graduate Work.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

SAFETY AND HEALTH CODES BOARD

Title of Document: [Virginia Occupational Safety and Health Field Operations Manual.](#)

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Cristin Bernhardt, Regulatory Coordinator, Department of Labor and Industry, Main Street Centre, 600 East Main Street, Richmond, VA 23219, telephone (804) 786-2392, or email cristin.bernhardt@doli.virginia.gov.

STATE WATER CONTROL BOARD

Title of Document: [Stormwater Local Assistance Fund Program Guidelines](#).

Public Comment Deadline: August 17, 2022.

Effective Date: August 18, 2022.

Agency Contact: Matthew Link, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 929-5585, or email matthew.link@deq.virginia.gov.

GENERAL NOTICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Enforcement Action for Energix EPC US LLC

An enforcement action has been proposed for Energix EPC US LLC for violations of the State Water Control Law at the Caden Energix Wytheville T-647 site in Wythe County. The Department of Environmental Quality (DEQ) proposes to issue a consent order to resolve violations associated with the site. A description of the proposed action is available at the DEQ office listed or online at www.deq.virginia.gov. The staff contact person listed will accept comments by email or postal mail from July 19, 2022, through August 18, 2022.

Contact Information: Jonathan Chapman, Enforcement Specialist, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210.

Proposed Enforcement Action for Fairlead Integrated, LLC

Fairlead Integrated LLC for violations at the Fairlead Integrated facility at 201 Wavy Street, Portsmouth, Virginia. The Virginia Department of Environmental Quality (DEQ) proposes to issue a consent order to Fairlead Integrated to address noncompliance with State Water Control Law. A description of the proposed action is available at the DEQ office listed or online at www.deq.virginia.gov. The staff contact will accept comments by email, fax, or postal mail from July 18, 2022, to August 17, 2022.

Contact Information: Russell Deppe, Enforcement Specialist, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 647-8060, FAX (804) 698-4178, or email russell.deppe@deq.virginia.gov.

Proposed Enforcement Action for Kennington Place LLC

The Department of Environmental Quality (DEQ) proposes to issue a consent special order to Kennington Place LLC for alleged violation of the State Water Control Law at the Kennington office warehouse facility located at Anne Lane and Richmond Tappahannock Highway in King William County, Virginia. A description of the proposed action is available at the DEQ office listed or online at <https://www.deq.virginia.gov/permits-regulations/public-notices/enforcement-orders>. The staff contact person will accept comments by email or postal mail from July 18, 2022, through August 18, 2022.

Contact Information: Matt Richardson, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060,

telephone (804) 659-2696, or email matthew.richardson@deq.virginia.gov.

Red Brick Solar Project Notice of Intent for Small Renewable Energy Project (Solar) - Lunenburg County

Red Brick Solar has provided the Department of Environmental Quality a notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (solar) in Lunenburg County. Red Brick Solar will be located west of Lunenburg, south of Lunenburg County Road, Route 40, and north and south of Courthouse Road, Route 49. Latitude and longitude coordinates are 36.9633, -78.3018. The proposed project will be located on approximately 1,938 acres of privately owned land. (The total fenced area, which indicates the disturbed acreage, is 1,309 acres). The project will have a maximum generating capacity of 130 megawatts alternating current and will utilize approximately 324,000 single-axis trackers.

Contact Information: Susan Tripp, Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219, telephone (804) 664-3470, or email susan.tripp@deq.virginia.gov.

Solar VA 2019 LLC Revised Notice of Intent for Small Renewable Energy Project (Solar) - Westmoreland County

Solar VA 2019 LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in Westmoreland County. Solar VA 2019 LLC will be located approximately five miles south of the Town of Colonial Beach. Latitude and longitude coordinates are 38.185139, -76.987864. The project is on private land totaling approximately 125 acres. The project occupies an area approximately 0.5 miles long and 0.4 miles wide, utilizes approximately 32,000 solar modules, and will have a capacity of approximately 18 megawatts alternating current.

Contact Information: Susan Tripp, Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219, telephone (804) 664-3470, or email susan.tripp@deq.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Draft Mental Health Services Appendix G Provider Manual

The draft Mental Health Services Provider Manual Appendix G is now available on the Department of Medical Assistance Services website at <https://www.dmas.virginia.gov/for->

[providers/general-information/medicaid-provider-manual-drafts/](#).

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.virginia.gov.

Intent to Amend the Virginia State Plan for Medical Assistance Pursuant to § 1902(a)(13) of the Social Security Act (USC § 1396a(a)(13)) - Nursing Facility Value-Based Purchasing Program

The Virginia Department of Medical Assistance Services (DMAS) hereby affords the public notice of its intention to amend the Virginia State Plan for Medical Assistance to provide for changes to the Methods and Standards for Establishing Payment Rates for Long-Term Care (12VAC30-90).

This notice is intended to satisfy the requirements of 42 CFR 447.205 and of § 1902(a)(13) of the Social Security Act (42 USC § 1396a(a)(13)). A copy of this notice is available for public review from the contact listed at the end of the notice.

DMAS is specifically soliciting input from stakeholders, providers, and beneficiaries on the potential impact of the proposed changes in this notice. Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Meredith Lee, and such comments are available for review at the same address. Comments may also be submitted, in writing, on the Virginia Regulatory Town Hall at <https://townhall.virginia.gov/L/generalnotice.cfm>.

Methods and Standards for Establishing Payment Rates for Long-Term Care (12VAC30-90)

In accordance with Item 304 OOO of Chapter 1289 of the 2022 Acts of Assembly, Special Session I, the state plan is being revised to establish a unified, value-based purchasing (VBP) program that includes enhanced funding for facilities that meet or exceed performance or improvement thresholds as developed, reported, and consistently measured by DMAS in cooperation with participating facilities. Nursing facility performance evaluation under the program shall prioritize maintenance of adequate staffing levels and avoidance of negative care events, such as hospital admissions and emergency department visits. The program may also consider performance evaluation in the areas of preventive care; utilization of home and community-based services, including community transitions; and other relevant domains of care.

During the first year of this program, half of the available funding shall be distributed to participating nursing facilities to be invested in functions, staffing, and other efforts necessary to build their capacity to enhance the quality of care furnished to Medicaid members. This funding shall be administered as a Medicaid rate add-on. The remaining funding shall be

allocated based on performance criteria as designated under the nursing facility VBP program. The amount of funding devoted to nursing facility quality of care investments shall be 25% of available funding in the second year of the program before the program transitions to payments based solely on nursing facility performance criteria in the third year of the program. In the third year of this program, such funds as appropriated for this purpose shall be fully disbursed according to the unified VBP arrangement to participating nursing facilities that qualify for the enhanced funding.

The department shall convene the stakeholders no less often than annually through at least the first two years of the program to review program progress and discuss potential modifications to components of the arrangement, including timing of enhanced payments, performance metrics, and threshold determinations.

Complete details, including technical information regarding program eligibility, performance measures, performance thresholds, and payments are available on the DMAS website at <https://www.dmas.virginia.gov/about-us/value-based-purchasing/> and will be effective beginning July 1, 2022.

The expected increase in annual aggregate expenditures is \$166,715 in state general funds, \$458 in special funds, and \$218,039 in federal funds in federal fiscal year 2022.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.virginia.gov.

Intent to Amend the Virginia State Plan for Medical Assistance Pursuant to § 1902(a)(13) of the Social Security Act (USC § 1396a(a)(13)) - 2022 Institutional Provider Reimbursement Changes

The Virginia Department of Medical Assistance Services (DMAS) hereby affords the public notice of its intention to amend the Virginia State Plan for Medical Assistance to provide for changes to the Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (12VAC30-70) and Methods and Standards for Establishing Payment Rates for Long-Term Care (12VAC30-90).

This notice is intended to satisfy the requirements of 42 CFR 447.205 and § 1902(a)(13) of the Social Security Act (42 USC § 1396a(a)(13)). A copy of this notice is available for public review from the contact listed at the end of this notice.

DMAS is specifically soliciting input from stakeholders, providers, and beneficiaries on the potential impact of the proposed changes in this notice. Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Meredith Lee, and such comments are available for review at the same address. Comments may also be

General Notices

submitted, in writing, on the Virginia Regulatory Town Hall at <https://townhall.virginia.gov/L/generalnotice.cfm>.

Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (12VAC30-70)

1. In accordance with Item 304 BBBB of Chapter 1289 of the 2022 Acts of Assembly, Special Session I, the state plan is being revised to adjust the formula for indirect medical education (IME) reimbursement for managed care discharges for freestanding children's hospitals with greater than 50% Medicaid utilization in 2009 by increasing the case mix adjustment factor to the greater of 3.2962 or the most recent rebasing. Total payments for IME in combination with other payments for freestanding children's hospitals with greater than 50% Medicaid utilization in 2009 may not exceed the hospital's Medicaid costs.

The expected increase in annual aggregate expenditures is \$1,009,781 in state general funds and \$1,029,665 in federal funds in federal fiscal year 2022.

2. In accordance with Item 304 B(5) of Chapter 1289 of the 2022 Acts of Assembly, Special Session I, the state plan is being revised to clarify any hospitals acquired by or that become fully-owned by designated Type One hospitals shall be considered Type Two facilities for reimbursement including indirect medical education payments, graduate medical education payments, direct medical education payments, disproportionate share hospital payments, hospital rate-setting purposes, aggregated cost settlements, and physician supplemental payments. Facilities acquired prior to July 1, 2022, by Type One hospitals shall continue to be designated as Type One hospitals for reimbursement purposes.

There is no expected increase or decrease in annual aggregate expenditures as a result of this change.

3. In accordance with Item 304 X(2), Item 304 X(3), and Item 304 X(4) of Chapter 1289 of the 2022 Acts of Assembly, Special Session I, the state plan is being revised to establish rebasing of psychiatric residential treatment facilities (PRTF) rates every three years. The first rebasing of rates shall take effect July 1, 2023. All PRTF and addiction and rehabilitation treatment services (ARTS) providers that offer qualifying services under 12VAC30-70-418 C shall be required to submit cost reports as a part of rebasing. Out-of-state providers with more than 1,500 paid days for Virginia Medicaid members in the most recently completed state fiscal year shall also be required to submit a cost report. A rate ceiling shall be established based on a statewide weighted average cost per day. Rate ceilings shall be established independently for PRTFs and participating ARTS residential services. DMAS shall also establish inflation increases for each non-rebasing fiscal year for both PRTF and qualifying ARTS providers. Inflation rates shall be tied to the nursing facility moving average as established by IHS Markit (or its successor). The most recent four quarters will be averaged to create the PRTF

inflation rate. Effective July 1, 2022, the department shall adjust PRTF rates by 8.89% to account for inflation since the last audited cost report of fiscal year 2018. The rate ceiling shall increase to \$460.89 per day.

The expected increase in annual aggregate expenditures is \$997,923 in state general funds, \$2,668 in special funds, and \$1,057,263 in federal funds in federal fiscal year 2022.

Methods and Standards for Establishing Payment Rates for Long-Term Care (12VAC30-90)

1. In accordance with Item 304 VV of Chapter 1289 of the 2022 Acts of Assembly, Special Session I, the state plan is being revised to establish a new direct and indirect care peer group for nursing facilities operating with at least 80% of the resident population having one or more of the following diagnoses: quadriplegia, traumatic brain injury, multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying facility must have at least 90% Medicaid utilization and a case mix index of 1.15 or higher in fiscal year 2014. The department shall utilize the data from the most recent rebasing to make this change effective for fiscal year 2023 and subsequent rate years until this change is incorporated into the next scheduled rebasing. This change shall not affect rates established in the most recent rebasing for facilities in any other direct and indirect care peer groups.

The expected increase in annual aggregate expenditures is \$899,711 in state general funds and \$993,238 in federal funds in federal fiscal year 2022.

2. In accordance with Item 304 WW of Chapter 1289 of the 2022 Acts of Assembly, Special Session I, the state plan is being revised to establish specialized care operating rates for fiscal years 2021, 2022, and 2023 by inflating the fiscal year 2020 rates using Virginia nursing home inflation. After fiscal year 2023, the department shall revert to the existing prospective methodology.

There is no expected increase or decrease in annual aggregate expenditures as a result of this change.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.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.

General Notices
