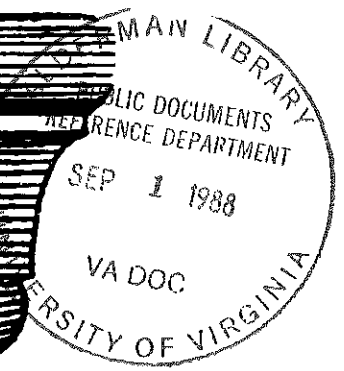
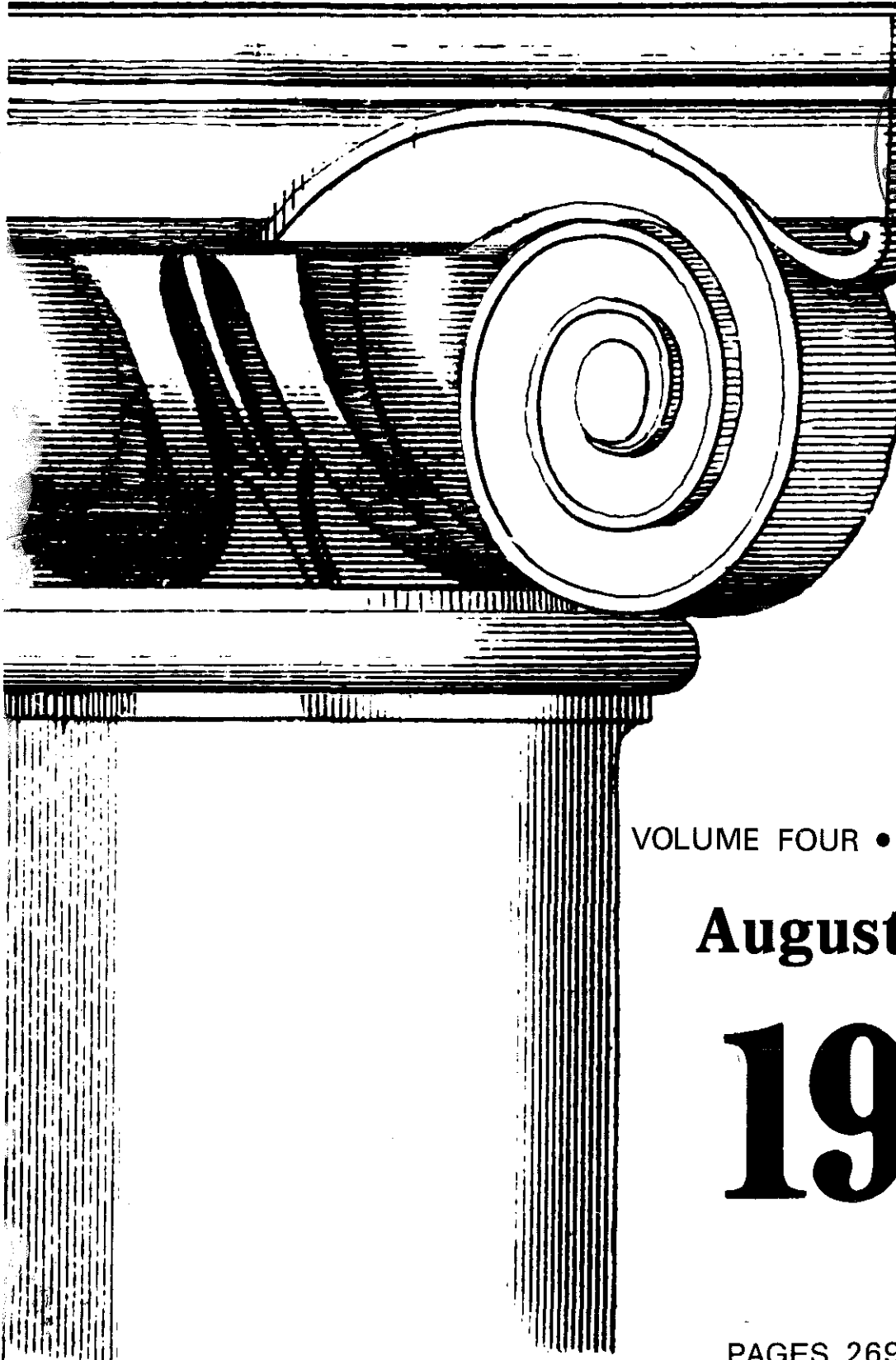


THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-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 twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose 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 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

CHILD DAY-CARE COUNCIL

Title of Regulation: VR 175-02-01. Minimum Standards for Licensed Child Care Centers.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public Hearing Dates:

November 1, 1988 - 4 p.m.

November 2, 1988 - 4 p.m.

November 3, 1988 - 2 p.m.

(See Calendar of Events section for additional information)

Summary:

This regulation lists the standards that child care centers licensed by the Department of Social Services shall meet. The following issues are addressed in the regulation:

Administration, personnel, staffing/supervision, physical environment, admission policies and procedures, special care provisions, emergencies, and program and services which include: management of behavior, nutrition and food service, daily schedule, and activities.

VR 175-02-01. Minimum Standards for Licensed Child Care Centers.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms when used in these regulations shall have the following meanings unless the context indicates otherwise:

"Administrator" means the staff person designated to be responsible for the day-to-day operation and management of a child care center.

"Adult" means any individual 18 years of age or over.

"Age groups"

"Infant" means children from birth to 15 months.

EXCEPTION: Children over the age of 12 months who are walking independently.

"Toddler" means children over the age of 12 months who are walking independently to two years or children over the age of 15 months to two years.

"Preschool" means children from two years up to the age of eligibility to attend public school.

"School age" means children from the age of eligibility to attend public school and older.

"Age of eligibility to attend public school" means five years old by September 30.

"Aide" means the individual responsible for assisting the child care supervisor in program implementation and supervision of children.

Note: Position titles used in these standards are descriptors only and do not preclude the use of other titles by centers.

"Character and reputation" means that findings have established that knowledgeable and objective people agree that the subject maintains business/professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and a concern for the well-being of others to the extent that the subject is considered suitable to be entrusted with the care, guidance, and protection of children.

"Child" means any individual under 18 years of age.

"Child care supervisor" means the individual responsible for assisting in program implementation and supervision of children.

"Commissioner" means the commissioner of Social Services, also known as the Director of the Virginia Department of Social Services.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.

"Evening care" means care provided in a center between the hours of 7 p.m. and 1 a.m., inclusively.

"Licensee" means any individual, partnership,

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association, or corporation to whom the license is issued.

"Overnight care" means care provided in a center between the hours of 1 a.m. and 6 a.m., inclusively.

"Parent" means the biological or adoptive parent(s) or legal guardians(s) of a child enrolled or in the process of being enrolled in a child care center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Program director" means the person responsible for programmatic functions and supervision of all staff who work directly with children.

"Sponsor" means an individual, partnership, association, or corporation responsible for the operation of a child care center subject to licensure.

"Staff or center staff" means administrative, program, service, and volunteer personnel including the licensee when the licensee is an individual.

"Volunteer personnel" means persons who work at the center once a week or more often or who are counted in the required ratio of staff to children.

Article 2. Legal Base.

§ 1.2. Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day care programs for children, including child care centers.

§ 1.3. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards for certain activities, services, and facilities for children, including child care centers.

Article 3. Purpose.

§ 1.4. The purpose of these Minimum Standards for Licensed Child Care Centers is to protect children who are separated from their parents or guardians during a part of the day by:

1. Ensuring that the activities, services, and facilities of child care centers are conducive to the well-being of children, and
2. Reducing risks in the caregiving environment.

Article 4. Applicability.

§ 1.5. Facilities subject to these Minimum Standards for

Licensed Child Care Centers apply (i) to a private home wherein group care is provided to 10 or more children separated from their parents or guardian or (ii) to any place other than a private family home wherein group care is provided to two or more children separated from their parents or guardian.

EXCEPTION: A private home accepting no more than 10 children unrelated to the caregiver by blood or marriage, at least five of whom are of school age and are not in the home for longer than three hours immediately before and three hours immediately after school hours each day is not subject to licensure. This exception is based on § 63.1-195 of the Code of Virginia.

§ 1.6. Section 63.1-195 of the Code of Virginia defines a child care center subject to licensure as "any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardian during a part of the day only."

EXCEPTIONS: (as set forth under the definition of "child care center" in § 63.1-195 of the Code of Virginia.)

1. "A facility required to be licensed by the Health Department as a summer camp";
2. "A public or private school unless the Commissioner determines that such private school is operating a child care center outside the scope of regular classes";
3. "A school operated primarily for the educational instruction of children from two to five years of age at which children two through four years of age do not attend in excess of four hours per day, and children five years of age do not attend in excess of six and one-half hours per day";
4. "A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees, while such employees are engaged in performing work for the hospital";
5. "A Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services";
6. Exception as set out in § 63.1-196 of the Code of Virginia: A facility operated by an agent of the Commonwealth, county, town, or city, acting within the scope of his authority as such; and
7. Exception as set out in § 63.1-196.3 of the Code of Virginia: A child care center operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department. (Such a child care center is not statutorily prohibited from applying for a license from the department.)

PART II. ADMINISTRATION.

Article 1. Sponsorship.

§ 2.1. Each center shall have a clearly identified sponsor.

§ 2.2. Sponsorship.

A. When the center is sponsored by an individual proprietorship, the individual shall be the licensee.

B. When the center is sponsored by a partnership, the partnership shall serve as the licensee and develop a written partnership agreement which allows operation and maintenance of a child care center.

C. When the center is sponsored by an unincorporated association, it shall serve as the licensee and shall have a governing board and a written set of bylaws or a written constitution, or both, which allows the operation and maintenance of a child care center.

D. When the center is sponsored by a corporation, the corporation shall serve as the licensee and shall have a governing board and a charter or certificate of authority to transact business in the Commonwealth of Virginia, which allows operation and maintenance of a child care center.

§ 2.3. The sponsor, represented by the individual proprietor or by the partners, officers, and managers delegated authority to act for a sponsor shall be of good character and reputation; and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

Article 2. Operational Responsibilities.

§ 2.4. Operational responsibilities.

A. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

B. The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. To develop prior to acceptance of children a written statement of the purpose and scope of the services to be provided by the center and written policies under which the center will operate (Note: This requirement applies only to initial applications for licensure unless there is a significant change);

2. To ensure that the center's activities, services, and facilities are maintained in compliance with the

Minimum Standards for Licensed Child Care Centers; with the terms of the current license issued by the department; with other relevant federal, state, or local laws and regulations; and with the center's own policies which are required by these standards; and

3. To appoint and identify in writing an administrator to be responsible for the day-to-day operation and management of the center, except when the sponsor is an individual who serves as the administrator or a partnership in which a partner serves as the administrator.

C. Posting of the license.

The license shall be posted in a place conspicuous to the public, near the main entrance of the building(s), or the main office.

D. Deceptive representation or advertisement.

No child care center "shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made...an advertisement of any sort regarding services or anything so offered to the public, which...contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading."

Article 3. Financial Responsibilities.

§ 2.5. Pursuant to § 63.1-198 of the Code of Virginia: With an initial application for licensure, the applicant shall provide the department with the following evidence of financial responsibility:

1. A projected budget detailing expected income and expenses of the proposed center for the first year of operation, and

2. A complete balance sheet showing separately the current assets committed to, and current liabilities charged against, the proposed center.

§ 2.6. Pursuant to § 63.1-210 of the Code of Virginia, the commissioner or his agents shall have the right at all reasonable times to request and inspect all of the financial books and records of the applicant or licensee.

§ 2.7. Insurance.

A. The center shall maintain public liability insurance for bodily injury with a minimum limit of at least \$500,000 each occurrence/\$500,000 aggregate. Evidence of insurance coverage shall be made available to the department's representative upon request.

B. A plan of accident or school insurance, or both, shall be available to the parent. The center may designate whether the parent's participation in the plan is optional

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or mandatory.

Article 4. Record Keeping Responsibilities.

§ 2.8. General record keeping responsibilities.

A. The licensee shall ensure that the center maintains a system of record keeping which complies with these standards.

B. All children's records shall be treated confidentially.

EXCEPTION: Records shall be made available to the custodial parent or legal guardian upon request.

C. Records shall be kept current.

D. All records on children required by these standards shall be retained and made accessible as appropriate for two years after termination of enrollment unless specified otherwise.

E. All records on personnel required by these standards shall be retained and made accessible as appropriate for two years after termination of employment unless specified otherwise.

§ 2.9. Personnel records.

A. Personnel records shall be kept for paid staff, and for volunteer personnel who began work subsequent to April 1, 1986.

B. Personnel records shall include the following:

1. The original application for employment or other written material providing:

a. Identifying information including name of staff person, beginning date of employment/volunteering, and job title, and

b. Information needed to demonstrate that the individual possesses the qualifications contained in §§ 3.1 through 3.10 such as, but not limited to, interviews; observations; references; experience; and education related to the position; description of previous employment;

2. Written documentation that references as to character and reputation as well as competency were checked with previous employers, if any, or other knowledgeable and objective sources prior to employment or volunteering (e.g., letters of reference; notations of telephone reference checks including the name of the person(s) contacted, the date(s) of contact, the firm(s) contacted, and the results);

3. Documentation of dates and participation in orientation, training, and staff development activities;

Note: Training documentation is only required for paid staff. (See § 3.18 A.)

4. Date of termination, when applicable; and

5. Health information as required by §§ 3.13 through 3.15.

§ 2.10. Children's records.

A. Each center shall maintain and keep at the center a separate record for each child.

B. Each child's record shall contain the following information:

1. Name, nickname (if any), sex, and birthdate of the child;

2. Name, home address, and home telephone number of each parent who has custody;

3. Work telephone number and place of employment of each parent who has custody;

4. Name and telephone number of child's physician;

5. Name, address, and telephone number of two designated people to call in an emergency if a parent cannot be reached;

6. Names of persons authorized to pick up the child as well as those not permitted to pick up the child;

7. The child's grade level and the name of his school, where applicable;

8. Allergies or intolerance to food, medication, or any other substances;

9. Admission date; and

10. Enrollment termination date.

C. Each child's record shall contain health information as required by §§ 6.4 through 6.6.

D. The record of each child on formula shall contain:

1. The brand of formula, and

2. The child's feeding schedule.

E. A written record of children in attendance each day shall be maintained at the center.

F. Agreements/authorizations.

1. A written agreement between the parent and the center shall be in each child's record at the time of the child's admission. The agreement shall include:

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a. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately;

b. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible; and

c. Appropriate custodial paperwork such as the divorce decree shall be obtained when a parent requests the center not to release the child to the other parent.

2. Written permission from the parent authorizing the child's participation in center field trips shall be in the child's record.

3. One of the following two methods of obtaining permission for field trip participation shall be used:

a. Separate written permission shall be secured for each field trip,

or

b. Written permission for all center field trips that occur while the child is enrolled in the center shall be secured. In addition, the parent shall be informed in advance of each planned field trip and be given the opportunity to withdraw his child(ren) from a field trip.

4. If a parent wishes a child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured.

5. The center shall not release a child to any person without the parent's consent.

PART III. PERSONNEL.

Article 1. General Qualifications.

§ 3.1. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

§ 3.2. All staff shall understand and be sensitive to the varying capabilities, interests, needs, and problems of children in care.

§ 3.3. All staff shall be:

1. Of good character and reputation;
2. Capable of carrying out assigned responsibilities;

3. Willing and able to accept training and supervision;

4. Able to communicate effectively both orally and in writing as applicable to the job responsibility; and

5. Able to understand and apply those standards in the Minimum Standards for Licensed Child Care Centers which relate to their respective responsibilities.

§ 3.4. All staff who work directly with children shall have the abilities to:

1. Communicate effectively and appropriately with the age group to whom the staff person is assigned;

2. Provide a stimulating and safe environment for the age group to whom the staff person is assigned; and

3. Use materials, activities, and experiences to encourage exploring, experimenting, and questioning.

§ 3.5. All staff who work directly with children shall be 18 years of age or over.

EXCEPTION: Aides may be under 18 but must be at least 14 years of age.

§ 3.6. Each person serving in the positions of program director, assistant program director, or child care supervisor shall not be responsible for the individual supervision of more than two aides.

Article 2.

Program Director, Assistant Program Director, Child Care Supervisors, and Aides.

§ 3.7. All staff who work in multiple positions within the center shall meet the qualifications of each position.

NOTE: Personnel titles used in the standards are descriptors only. Centers are not required to use the same titles.

§ 3.8. Program director and assistant program director.

A. Responsibilities.

There shall be one person responsible for the center's program which shall include, but not be limited to, the following areas:

1. The content of the program offered to the children in care;

2. Programmatic functions, including orientation, training, and scheduling of all staff who directly supervise children, whether or not the program director personally performs these functions; and

3. Management of the supervision provided to all staff who directly supervise children, whether or not the

Proposed Regulations

program director individually supervises such staff.

B. Qualifications.

1. All program directors shall be 21 years of age and meet one of the following sets of qualifications:

a. Bachelor's Degree or Endorsement in Early Childhood Education, Child Development, Elementary Education, Psychology, or child related field from an accredited college or university; OR

b. Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in Early Childhood Education, Child Development, or other subjects relating to group care of children; and one year programmatic experience in a child care setting, nursery school, or elementary school; OR

c. One year early childhood certificate from an accredited college or university plus two years programmatic experience in a child care setting, nursery school, or elementary school. One year of this experience must be in a staff supervisory capacity.

2. All assistant program directors shall meet the program director qualifications or the following sets of qualifications:

a. Associate Degree in Early Childhood Education, Child Development, Elementary Education, Psychology, or other child related field from an accredited college or university; OR

b. The following three requirements:

(1) High school diploma or G.E.D.; AND

(2) Three years programmatic experience in a child care setting, nursery school, or elementary school; AND

(3) Child care program training offered or approved by the Department of Social Services or equivalent training provided by a college or accredited vocational program.

3. If the program director is regularly present in the center less than four hours per day, there shall be an officially designated assistant program director who shall assume responsibility in the absence of the program director and meet the qualifications of § 3.8 B 1 a-c above.

4. Verification of qualifications shall be available to the commissioner's representative upon request.

§ 3.9. Child care supervisor.

Individuals working in this capacity are responsible for program implementation and direct supervision of children. All child care supervisors shall meet the qualifications for a program director or assistant program director or the following sets of qualifications:

1. High school diploma or G.E.D. and one year of programmatic experience in a child care setting, nursery school, or elementary school; OR

2. C.D.A. (Child Development Associate Credential).

§ 3.10. Aides.

A. Aides may be under 18 but must be at least 14 years of age.

B. Individuals working in this capacity are assigned to assist the child care supervisor in program implementation and supervision of children.

C. An aide who is under the age of 16 years may work with a group of children only under the direct individual supervision and in the presence of a staff member who meets the qualifications of the program director or child care supervisor. An aide under the age of 16 shall not be left in charge of a group of children.

Article 3.

Volunteers and Volunteer Personnel.

NOTE: Volunteers are persons who come to the center less than once a week and are not counted toward the required number of staff. Volunteer personnel are persons who come to the center once a week or more often or who are counted toward the required number of staff in § 4.1, § 4.2, or § 4.6. Volunteer personnel shall meet the personnel and health requirements for the applicable position.

§ 3.11. All volunteers and volunteer personnel shall be under the individual supervision of a person who meets the qualifications of a program director, or child care supervisor.

§ 3.12. The duties of volunteers shall be clearly defined.

Article 4.

Health Requirements for Staff.

§ 3.13. Health information required by these standards shall be maintained for all staff (including the licensee, the administrator, and volunteer personnel) who come in contact with children or who handle food.

A. Initial tuberculosis examination and report.

Within 30 days before or three working days after employment, each staff person shall submit a statement that he is free of tuberculosis in a communicable form. This statement shall include the following:

1. The types(s) of test(s) used and the test result(s);
2. The date of the statement; and
3. The signature of the physician, the physician's designee, or an official of a local health department.

EXCEPTION: When a staff person terminates work at one licensed facility and begins work at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.

B. Subsequent evaluations.

Any staff person who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within one month after exposure/development receive an evaluation in accordance with § 3.13 A.

§ 3.14. At the request of the licensee/administrator of the facility or the Department of Social Services, a report of examination by a physician shall be obtained when there are indications that the safety of children in care may be jeopardized by the physical or mental health of a specific staff person.

§ 3.15. Any staff person who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of children in care or which would prevent performance of duties:

1. Shall be removed immediately from contact with children or food served to children, and
2. Shall not be allowed contact with children or food served to children until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed, dated statement from the physician.

Article 5.

Staff Training/Development/Orientation.

§ 3.16. Prior to assuming job responsibility all staff shall receive training in:

1. Their individual responsibilities in the event of fire, including the location and operation of any fire extinguishers and fire alarm boxes, and
2. Their individual responsibilities in the event of a child's illness or injury, including the location and use of the first aid kit.

§ 3.17. Staff orientation.

Staff who work with children shall receive training in the following topics no later than one week after starting employment or volunteer work:

1. The purpose and services provided by the center;
2. The policies and procedures of the center as these relate to the staff person's responsibilities;
3. Procedures for reporting suspected child abuse or neglect to the appropriate local department of social services (Note: § 63.1-248.3 of the Code of Virginia requires any person providing full or part-time child care for pay on a regularly planned basis to report suspected child abuse or neglect.);
4. Confidential treatment of personal information about children in care and their families; and
5. The Minimum Standards for Licensed Child Care Centers as related to the staff person's responsibilities.

§ 3.18. Staff development.

A. On an annual basis employed staff who work directly with children shall attend at least eight hours of staff development activities which shall consist of in-service training programs, workshops, or conferences closely related to group care of children.

B. There shall be at least one staff person on duty at all times who has obtained instruction in performing the daily health observation of children from a physician, registered nurse, or health department medical personnel. This instruction shall be obtained at three year intervals.

EXCEPTION: At least one staff person must receive this instruction prior to the initial opening of a center. Within six months of initial licensure, the new center shall comply fully with § 3.18 B.

PART IV. STAFFING/SUPERVISION.

Article 1. General Supervision.

§ 4.1. There shall be at least two staff at the center and on field trips at all times when one or more children are present. One of these shall meet the qualifications of the program director or child care supervisor.

§ 4.2. When the outdoor activity area is not adjacent to the center, there shall be at least two staff on the outdoor activity area whenever one or more children are present.

§ 4.3. A child shall be greeted upon arrival at the center each day by a staff person. If possible, the same staff person shall greet the child each day.

§ 4.4. Children shall be supervised (i.e., within sight and sound) at all times, except that staff need only be able to hear a child who is using the bathroom. Staff shall check on a child who has not returned from the bathroom after five minutes.

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Article 2.

Staff to Children Ratio Requirements.

§ 4.5. Staff shall be counted in the required staff to children ratios only for periods of time when they are directly supervising children.

EXCEPTION: Aides who are under the age of 16 years shall not be counted in determining the required ratios of staff to children.

§ 4.6. The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

1. For infants (See § 1.1): one staff person for every four children;
2. For toddlers (See § 1.1): one staff person for every five children;
3. For children from two years to four years: one staff person for every 10 children;
4. For children from four years to the age of eligibility to attend public school: one staff person for every 12 children; and
5. For children from the age of eligibility to attend public school and older: one staff person for every 20 children.

NOTE: A center may choose to assign a child who is developmentally disabled as determined by a recognized agency or professional, to a different age group if such age group is more appropriate for the child's developmental level. If such developmental placement is made, assessment shall be required at least every six months.

§ 4.7. When the children are regularly in ongoing mixed age groups, the staff to children ratio applicable to the youngest child in the group shall apply to the entire group.

NOTE: For children over the age of two, the transition period up to one hour after opening and one hour before closing is not considered a regular and ongoing mixed age group period. A ratio of one staff person to every 24 children with each preschool age child counting as two children shall apply during the transition period.

Article 3.

Ratio During Rest Periods.

§ 4.8. During designated rest or sleeping periods for preschool age children, the ratio of staff to children is permitted to be double the number of children to each staff required in § 4.6 3-4 provided that:

1. A staff person is within sight and sound of the

resting/sleeping children;

2. All staff counted in the overall naptime ratio shall be within the center and available to assure safe evacuation in an emergency; and

3. An additional person is present at the center to assist, if necessary.

EXCEPTION: In a mixed age group of preschoolers, double the number of children to each staff applicable to the youngest child shall apply.

Article 4.

Supervision of Children During Swimming and Wading Activities.

§ 4.9. If the center uses swimming and wading facilities, the following shall apply:

1. The staff ratios required by Article 2 of Part IV shall be maintained while children are using the swimming and wading pools.

2. If a pool exceeds two feet of water in depth, a Water Safety Instructor or Senior Life Saver holding a current certificate by an organization such as, but not limited to, the Red Cross shall be on duty supervising the children at the pool at all times when one or more children are in the pool;

3. A minimum of two people employed by the center must be on duty supervising the children at the pool at all times when one or more children are in the pool.

PART V.

PHYSICAL PLANT.

Article 1.

Building and Fire Code Requirements.

§ 5.1. Facilities not previously licensed as a child care center shall be classified by and comply with the Virginia Uniform Statewide Building Code as evidenced by the occupancy permit issued by the building official of the jurisdiction in which the center is located. The licensing agent shall be provided with a copy of the certificate of occupancy prior to license issuance.

§ 5.2. Facilities not previously licensed as a child care center shall not be licensed prior to compliance with requirements in Part V. The center's plan for compliance with these requirements shall be approved by the Department of Social Services prior to issuance of a Certificate of Occupancy by the local building official. (See § 3.3 of General Procedures)

NOTE: This will include previously licensed child care centers which are altering their services in a way that brings some portion of the center into a different use

group.

§ 5.3. Sixty days prior to the expiration date of the license for an existing licensed center, the department shall request an inspection for compliance with the Virginia Uniform Statewide Fire Prevention Code by the official delegated enforcement authority of the jurisdiction in which the center is located. A copy of the letter or report of compliance shall be submitted with the request for license renewal.

§ 5.4. Prior to renovation, remodeling, or alteration of a child care facility, the center shall:

1. Submit the plan to the Department of Social Services for review prior to the expected change, and
2. Obtain a permit from the local building official.

Article 2. General Requirements.

§ 5.5. No child care center shall be located where conditions exist that would be hazardous to the health and safety of children.

§ 5.6. All equipment, furnishings, and areas inside and outside the center including the grounds shall be maintained in safe and sanitary condition.

§ 5.7. Cleanliness of the facility and all of its furnishings and equipment shall be maintained.

§ 5.8. Outside lighting shall be provided at entrances and exits used by children to protect against injuries when the center operates before sunrise or after sundown.

§ 5.9. Stairs.

Steps used by the children consisting of three or more risers shall be equipped with handrails within the normal handgrasp of the children or a banister with vertical posts, between the handrail and each step, which can be safely grasped by the children. Where vertical posts are used, the distance between posts shall be no greater than three inches.

§ 5.10. Water fountains/drinking water.

Drinking water fountains or individual disposable cups, or both, shall be provided. Drinking water shall be accessible at all times.

§ 5.11. Electrical outlets.

All electrical outlets in areas used by children shall have protective caps or other equivalent, protective devices approved by an electrical safety authority recognized by the department.

Article 3.

Outdoor Activity Area.

§ 5.12. Centers shall use a clean, safe outdoor activity area, either adjoining or accessible to the center, which shall provide a minimum of 75 square feet of space per child on the outdoor area at any one time.

§ 5.13. Centers licensed for the care of infants and toddlers shall provide at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in § 5.12.

NOTE: Space covered by sand in sand boxes or play areas may be counted toward the 25 square feet of unpaved surface.

§ 5.14. The outdoor activity area shall include a variety of surfaces, either natural or manmade.

§ 5.15. Where natural shade is not available, the center shall make provision for creating a shaded area or areas.

§ 5.16. Resilient surfaces shall be placed under slides and climbing equipment more than four feet high and all swing sets to help absorb the shock if a child falls off the equipment. Resilient surfaces include, but are not limited to, sand, mulch, pea gravel, shredded tires, and rubberized surfaces.

§ 5.17. Where swing sets are provided, they shall have soft seats rather than hard wooden, metal, or fiberglass seats.

§ 5.18. When concrete supports are used for slides, swing sets, and climbing equipment the tops of the supports shall be maintained not less than four inches below the ground.

§ 5.19. Where slides are provided, the lower ends shall be no more than 15 inches above the ground.

§ 5.20. For outdoor activity areas used by toddlers and preschool children, slides and climbing equipment shall not be more than seven feet high.

§ 5.21. Outside sand in self-contained boxes with bottoms which prevent drainage shall be covered when not in use.

Article 4. Outdoor Swimming and Wading Pools.

§ 5.22. When permanent swimming or wading pools are located on the premises of the center the following standards shall apply:

1. All pools constructed, renovated, or remodeled after July, 1976 shall have a statement of their inspection and approval from the State Health Department and the local administrator.

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2. All pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official.

3. Outdoor swimming pools shall be enclosed by safety fences and gates which shall be kept locked when the pool is not in use.

4. Entrances to swimming pools shall be locked when the pool is not in use.

5. Written safety rules shall be posted at the pool.

Article 5.

Indoor Physical Plant.

§ 5.23. Heating and cooling systems.

A. A heating system approved by the Building Official shall be provided.

B. Freestanding gas stoves, coal stoves, wood stoves, oil stoves, heaters, and portable heating units of a similar nature shall not be used as regular sources of heating in the center.

C. Portable electric or kerosene heaters may be used in an emergency provided they have been previously inspected and approved by the appropriate fire safety official.

D. Children shall be protected from any heating equipment used so as to prevent contact burns, shock, or other types of injury.

E. Fans, when used, shall be placed at a height out of the reach of children or shall be placed in a room to which children do not have access.

F. Temperature.

In areas used by children, temperature shall be maintained no lower than 68°F.

§ 5.24. Lighting.

All activities shall be provided with adequate lighting.

NOTE: Natural lighting is preferred.

Article 6.

Indoor Swimming Pools.

§ 5.25. Entrances to indoor swimming pools shall be locked when not in use.

§ 5.26. Written safety rules shall be posted at the pool.

Article 7.

Indoor Areas.

§ 5.27. Activity areas.

A. For children, other than infants, centers shall have a minimum of 25 square feet of available activity space per child.

B. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices; hallways; bathrooms; kitchens; storage rooms/closets; and space occupied by equipment which is not used in or does not contribute to the children's activities.

C. Space in areas used by infants shall be calculated separately from space for older children.

D. A center licensed for the care of infants shall choose one of the following methods to calculate available activity space:

1. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by crib and changing tables is deducted from the calculation of available activity space.

OR

2. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.

E. Activity space shall be arranged so that when playing on the floor, children at each developmental stage shall be protected from children at more advanced developmental stages.

§ 5.28. Additional areas.

A. A separate area for children who are ill, injured, or emotionally upset shall be provided.

B. An activity area shall be available for school age children which is separate from space available for the use of younger children.

C. Tables and chairs in a quiet area shall be available for school age children who wish to study.

D. Individualized space such as, but not limited to, lockers or cubbies for each child's clothing and personal items shall be provided.

E. Shelf or cupboard space accessible to the children for equipment and materials used by them shall be provided.

F. Areas shall be provided where equipment and materials can be readily and freely chosen during active

play periods.

§ 5.29. Bathroom areas and furnishings.

A. Bathrooms shall contain at least one toilet and one sink for every 15 preschool children and one toilet and one sink for every 30 school age children.

B. In any bathroom used for school age children which contains more than one toilet, at least one toilet must be enclosed for privacy.

C. Separate bathrooms shall be provided for each sex in centers licensed for more than 30 school age children.

D. One bathroom may be used for centers licensed for 30 or fewer school age children provided that only children of the same sex occupy the bathroom at the same time.

E. Urinals may be substituted for not more than one-half the required number of toilets, provided the center has at least two toilets.

F. An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are permitted unrestricted access to them on a routine basis.

G. All toilets provided for children shall be the flush type, accessible, and within the same building as the children.

H. Sinks shall be equipped with running water.

I. The water temperature at taps accessible to children shall not exceed 120°F.

J. When child size toilets, urinals, and low sinks are not available in bathrooms used by preschool children, at least one platform or set of steps shall be available so that preschool children may use adult size toilets and sinks without assistance or undue delay.

K. In centers providing overnight care, an operational tub or shower shall be provided for children over 24 months to bathe.

L. Bathroom areas shall be equipped with soap or other germicidal cleansing agent, and disposable or individually assigned towels.

§ 5.30. Diapering and toilet training areas.

A. Centers licensed to serve children who are not toilet trained shall provide a diapering area located in the area for children or in a room which opens directly into the area for children. The diapering area shall be equipped with at least the following:

1. A sink with heated and cold running water;

2. A table or other nonabsorbent surface for changing diapers;

3. A step-on diaper pail with leakproof disposable liners or equivalent equipment which does not require the top of the pail to be touched by hand when discarding diapers. If both cloth and disposable diapers are used, there shall be one such pail for each type; and

4. A covered receptacle for soiled bed linens and nondisposable wash cloths.

B. For every 10 children in the process of being toilet trained there shall be one toilet chair, or one child-sized toilet, or one adult sized toilet with a platform or steps and an available adapter seat. These items shall either be located in the area used for the majority of the day by the children being toilet trained or the immediately accessible area. To be considered immediately accessible, the diapering center must be located in a room which opens directly into the area for children.

C. When only toilet chairs are used, there shall be a toilet located in an area or room in which the door is not more than 10 feet from the area used for the majority of the day by the children being toilet trained.

§ 5.31. Areas for sleep and rest and furnishings.

A. Children under the age of 24 months shall be provided separate sleeping areas from those children 24 months and over.

B. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex 10 years of age and older.

C. Furnishings.

1. No more than one child at a time shall use a crib, cot, mat, or bed.

2. A separate crib, cot, bed, or mat, according to the age of the child, shall be assigned to each child who is regularly in attendance at naptime or bedtime.

3. Cribs, cots, mats, and beds shall be marked or identified in some way for use by a specific child.

4. Double decker cribs, cots, or beds shall not be used.

5. Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot.

6. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

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7. When cribs with slats are used by the center, there shall be no more than six centimeters or 2-3/8 inches of space between slats.

8. Mats may be used by school age children only.

a. Mats shall be at least 22 inches wide and 39 inches long and shall be covered with a waterproof material that is readily cleanable, such as vinyl.

b. Mats shall be at least one inch thick.

9. For evening care, beds with mattresses or cots with at least a one-inch foam rubber pad shall be provided for children not required to sleep in cribs.

10. For overnight care, beds with mattresses or cots with at least a two-inch foam rubber pad shall be required for children not required to sleep in cribs.

11. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be required.

12. Required bed linens.

a. Required bed linens for cribs, cots, mats, or beds shall consist of a top cover and a bottom cover or a one-piece covering which is open on three edges.

b. Mattresses when used shall be covered with a waterproof material which can be easily sanitized such as, but not limited to, vinyl or a nonfilm type polyethylene material.

c. Linens shall be maintained in clean and sanitary condition.

d. Pillows.

(1) When used, pillows shall be assigned for individual use and covered with pillow cases.

(2) Pillows shall not be used by children under two years of age.

D. Arrangement of cribs, cots, mats, and beds.

1. When one or more children are scheduled to enter or leave the center while other children are resting or sleeping, the cribs, cots, mats, or beds shall be placed so that the resting or sleeping children are not disturbed by the arriving or departing children.

2. Occupied cribs, cots, mats, and beds shall be at least 2-1/2 feet from radiators in use.

3. There shall be at least 30 inches of space between service sides of occupied cribs and other furniture when that space is the walkway for staff to gain access to any child in any crib.

4. There shall be at least 12 inches of space between the sides and ends of occupied cribs except where they touch the wall.

5. Cots, beds, or mats shall be placed so that children can get on and off their cots, beds, or mats without being hampered in their movement.

6. There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and mats.

7. Fifteen inches of space are not required where cots, beds, or mats touch the wall or where screens are placed between cots or beds as long as one side is open at all times to allow for passage.

§ 5.32. Food service areas.

A. Eating utensils and dishes shall be appropriate to the sizes, developmental stages, and physical dexterity of the children served.

B. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed.

C. Sturdy chairs and tables appropriate to the sizes of the children shall be used at mealtime.

§ 5.33. Areas for cleaning fluids and other harmful household agents.

A. These substances shall be kept in a locked place using a safe locking method that cannot be unlocked by children. If a key is used, the key shall be placed out of the reach of children.

B. These substances shall be stored in containers that clearly indicate their contents.

C. If these substances are kept in original containers, the substitute containers shall not resemble food or beverage containers.

Article 8. Equipment.

§ 5.34. Centers shall have equipment and materials which are:

1. Suitable and appropriate to the developmental stages of the children;

2. In sufficient supply; and

3. Accessible to children for activities required by these standards.

§ 5.35. Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children such as, but not limited to, sharp,

rough edges; toxic paint; and objects small enough to be swallowed.

§ 5.36. Disposable items.

A. All disposable products shall be used once and discarded.

B. Disposable dishes and utensils shall be sturdy enough to contain food without leakage and to prevent harm and injury to children.

§ 5.37. Personal items.

A. When sleeping garments are used, they shall be clean, comfortable, and plainly marked for individual use.

B. If combs, toothbrushes, wash cloths, cloth towels, or other personal articles are used, they shall be individually assigned.

§ 5.38. First aid kit and supplies.

Each floor of each building of the center shall have a first aid kit which shall include at a minimum:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted sizes;
6. An antiseptic cleansing solution;
7. An antibacterial ointment;
8. Syrup of ipecac (to be used only upon the advice of the physician or the Poison Control Center);
9. Insect bite/sting preparation;
10. Thermometer; and
11. Triangular bandages.

B. Each first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.

C. In addition, zip-lock bags, sponges or chemical cooling agents shall be readily available in the center for icing down contusions, sprains, and breaks.

D. A first aid instructional manual shall be kept with each first aid kit at all times.

PART VI.

ADMISSION POLICIES & PROCEDURES.

Article 1.

Orientation.

§ 6.1. Prior to the child's admission there shall be a personal interview at the center with a staff person, the parent, and the child unless there are unusual circumstances which preclude having the child present for the initial interview.

NOTE: The purpose of the interview is to provide the opportunity for the parent and staff to exchange information and arrive at a joint decision about the admission of the child.

§ 6.2. Prior to the child's admission, the center shall inform the parent of:

1. Fees and tuition, and
2. The program and activities provided.

§ 6.3. Prior to the child's admission, the center shall provide written information to the parent regarding the following:

1. Admission and enrollment termination policies including the amount of notice required from the parent and the center prior to termination of enrollment;
2. Hours and days of operation, including holidays and other closures;
3. The center's definition of acceptable and unacceptable discipline measures.
4. Transportation safety policies, when transportation is provided;
5. Procedures for protecting children from traffic and other hazards during arrival and departure; and
6. Food policies.

Article 2.

Health Requirements for Children.

§ 6.4. Timing and frequency of medical reports.

A. Immunizations.

Section 22.1-271.2 of the Code of Virginia requires that documentation of all immunizations received be obtained prior to each child's admission to a child care center required to be licensed by this Commonwealth.

EXCEPTION: (Subsection C of § 22.1-271.2 of the Code of Virginia): Documentation of immunization is not

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required for any child whose parent submits an affidavit to the center, on the form entitled "Certificate of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices.

B. Physical examination.

Each child shall have a physical examination by or under the direction of a physician, prior to admission or within one month after admission. The schedules for examinations prior to admission for different age groups are listed below:

1. Within two months prior to admission for children six months of age and younger;
2. Within three months prior to admission for children aged seven months through 18 months;
3. Within six months prior to admission for children aged 19 months through 24 months;
4. Within 12 months prior to admission for children two years of age through five years of age;
5. Within two years prior to admission for children six years of age or above.

EXCEPTIONS:

a. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare/social services, or approved by a licensed family day care system:

If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with 6.4 A-B.

b. (Subsection D of § 22.1-270 of the Code of Virginia): Physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

§ 6.5. Form and content of medical reports.

A. The current form required by the Virginia Department of Health shall be used to report immunizations received and the results of the required physical examination.

EXCEPTION: When the current Health Department form has not been used such as, but not limited to, when a child transfers from another state, other documentary proof of the child having received the required examination and immunizations shall be accepted. Documentary proof may include, but not be limited to, an International Certificate of Immunization, another state's immunization form, or a physician's letterhead.

B. Each reporter shall include the date of the physical examination and dates immunizations were received.

C. Each report shall be signed by a physician, his designee, or an official of a local health department.

D. Each report shall be filed at the center during the child's enrollment.

§ 6.6. Medical reports after admission.

A. Updated information on immunization received shall be obtained once every six months for children under the age of two years.

B. Updated information on immunization received shall be obtained once between each child's fourth and fifth birthdays.

C. These medical reports shall meet the form and content requirements under § 6.4 B.

Article 3. Communications with Parents.

§ 6.7. There shall be regular and planned communication between the center and the parent about the progress, adjustment, and needs of the child.

§ 6.8. When a center decides to terminate the enrollment of a child, the center shall inform the parent of the reason(s) for termination.

§ 6.9. The center shall encourage parental involvement on a volunteer basis in any appropriate center activities.

§ 6.10. The center shall be open for parents to visit and observe their children at any time.

§ 6.11. Daily communication with parents.

A. For each infant, the center shall post a daily report which can be easily seen by both the parent and by the staff working with the children. The record shall include the following information:

1. The amount of time the child slept;
2. The amount of food consumed and the time;
3. A description and the time of irregular bowel movements; and

4. Developmental milestones.

B. For toddlers, there shall be daily verbal communication about:

1. Daily activities;
2. Physical well-being; and
3. Developmental milestones.

PART VII. SPECIAL CARE PROVISIONS.

Article 1.

Special Care Provisions To Prevent the Spread of Disease.

§ 7.1. The current edition of the Communicable Disease Chart, available from the State Department of Health or Department of Social Services, shall be posted in the center.

§ 7.2. The current Communicable Disease Chart recommendations for the exclusion of sick children from the center shall be followed. (Refer to Communicable Disease Chart in Appendix I.)

§ 7.3. Staff with training as required in § 3.18B shall observe each child daily for signs and symptoms of illness.

§ 7.4. If a child has signs or symptoms of a communicable disease as referenced in the Health Department's Communicable Disease Chart (See Appendix I) or has a diagnosed communicable disease, arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed.

§ 7.5. A child showing signs or symptoms of a communicable disease shall remain in the designated quiet, private area until leaving the center.

§ 7.6. When a child has been exposed to a communicable disease while attending the center, the parent shall be notified at the end of the day unless otherwise instructed by the health department.

§ 7.7. If a child's clothing becomes wet or soiled, it shall be changed immediately.

§ 7.8. Children's hands shall be washed with soap or germicidal cleansing agent and water prior to eating meals or snacks and after toileting.

Article 2. Medication.

§ 7.9. Prescription and nonprescription medication shall be given to a child only with written authorization from the parent.

§ 7.10. The authorization for administering any medication shall be effective for a limited time period not to exceed 10 work days, unless otherwise prescribed by a physician, and shall be retained on file at the center during the effective period.

§ 7.11. All medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time(s) to be administered.

§ 7.12. Prescription medication shall be in the original container with the prescription label affixed.

§ 7.13. All medication shall be kept in a designated locked place or a refrigerator inaccessible to children.

§ 7.14. Prescription and nonprescription medication shall be returned to the parent as soon as the medication is no longer being administered.

Article 3.

Staff Procedures for Diapering and Toileting.

§ 7.15. Diapers shall be changed on a nonabsorbent changing surface which shall be washed with soap and warm water or a germicidal cleansing agent after each use. A disposable paper sheet which is discarded after each diapering may be used in lieu of washing the nonabsorbent changing surface after each use.

§ 7.16. A child's diapers shall not be changed in a crib.

§ 7.17. The child's genital area shall be thoroughly cleaned during each diapering.

§ 7.18. Staff shall wash their hands with soap or germicidal cleansing agent and water after each diaper change and after helping a child with toileting.

§ 7.19. Cloth wash cloths used in diaper changes shall be used once and laundered before being used again.

§ 7.20. Toilet chairs shall be emptied promptly after each use.

Article 4.

Laundering of Bed Linens and Towels.

§ 7.21. Crib sheets for children shall be changed and cleaned daily and whenever soiled.

§ 7.22. Towels and bed linens, other than crib sheets, shall be changed and cleaned at least weekly or more often as necessary.

§ 7.23. Bed linens and towels shall be assigned for individual use.

PART VIII. PROGRAM AND SERVICES.

Proposed Regulations

Article 1. Management of Behavior.

§ 8.1. The goal of discipline is to help the child learn self-control and build good habits. Adults shall help children learn self-control by treating them in ways that promote their self-esteem and self-image and use discipline techniques such as:

1. Using limits that are clear, fair, consistently applied, and appropriate and understandable to the children to whom they apply;
2. Providing children with reasons for limits and patiently enforcing them;
3. Accepting age appropriate behavior and expecting behavior that is on the child's developmental level;
4. Redirecting children to acceptable or appropriate activities and behavior;
5. Helping children to use words to express their feelings and frustrations and to resolve conflicts; and
6. Arranging equipment in a way that promotes desirable behavior.

§ 8.2. Behavior problems shall be dealt with promptly.

§ 8.3. There shall be no physical punishment or disciplinary action administered to the body such as, but not limited to, spanking; forcing a child to assume an uncomfortable position (e.g., standing on one foot, keeping arms raised above or horizontal to the body); restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle; or using exercise as punishment.

§ 8.4. Children shall not be shaken at any time.

§ 8.5. The center shall neither force nor withhold meals or snacks, neither force nor withhold naps, nor punish toileting accidents in disciplining the child.

§ 8.6. Staff shall not be verbally abusive which would include, but not be limited to, threats or belittling remarks about any child or the family.

§ 8.7. Acceptable and unacceptable methods of discipline shall be defined in written policy.

§ 8.8. Staff shall know and adhere to the center's policy on acceptable and unacceptable discipline methods.

Article 2. Nutrition and Food Services.

§ 8.9. Meals and snacks.

A. Meals and snacks shall be provided by the center or

catered for all children according to the following requirements:

1. All meals and snacks shall meet the nutritional needs of children as established by a recognized authority such as the Child Care Food Program of the U.S. Department of Agriculture as listed in the charts found in Appendix II.

2. Meals and snacks shall provide opportunities for children to learn to eat and enjoy a variety of nutritious foods. When both meals and snacks are part of the meal service three sources of Vitamin A and at least three sources of Vitamin C shall be served each week as listed in the chart found in Appendix III.

3. Menus.

a. A menu listing all meals and snacks to be served by the center during the current one-week period shall be dated and posted in a location conspicuous to parents or distributed to parents.

b. Posted menus shall indicate substitutions.

c. Menus shall be retained at the center for one month.

4. Children shall be permitted to have additional servings.

B. The center may choose to permit parents to provide any of the following categories of food:

1. Special diets for religious or health reasons;

2. Infant formulas;

3. Baby food;

4. Breakfasts;

5. Snacks;

6. Beverages and foods for celebrations and field trips; and

7. Midday meals for school age children only.

C. If the center permits parents to bring food from home, all unused portions shall be discarded or returned to parents at the end of each day.

§ 8.10. Infant and toddler food service needs.

A. Infants shall be fed on demand unless parents provide other written instruction.

B. Prepared infant formula shall be refrigerated and clearly labeled in a way that identifies the child.

C. Bottle fed infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

D. No child shall be allowed to drink from a bottle while walking around.

E. Formula, bottled breast milk, and baby food not consumed by an infant may be used later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day.

F. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.

G. Upon request, mothers shall be allowed to breastfeed their infants at the center.

H. Staff shall feed semisolid food with a spoon.

EXCEPTION: Infant feeders such as, but not limited to, the plunger type feeding device shall not be used except with written authorization and instructions from the child's physician.

I. Children shall be encouraged to feed themselves according to their developmental readiness.

J. Drinking water shall be offered at regular intervals to infants and toddlers.

K. Children using infant seats or high chairs shall be carefully supervised during snacks or meals. When a child is placed in an infant seat, the protective belt shall be fastened securely.

§ 8.11. Contract food services.

A. If a catering service is used, it shall be approved by the local health department.

B. A copy of the current contract shall be made available to the department's representative upon request.

Article 3. Daily Schedule.

§ 8.12. There shall be a routine yet flexible schedule so that children have the security of knowing the sequence of daily activities.

§ 8.13. The daily schedule which describes the typical sequence of daily activities shall be posted for toddlers, preschoolers, and school age children.

§ 8.14. A mix of materials and activities both group and individual, active and quiet shall be provided.

§ 8.15. Outdoor activity shall be provided daily, weather

permitting.

A. Centers operating five hours or more per day shall have at least one hour of outdoor activity per day which shall be divided between morning and afternoon.

B. Centers operating less than five hours per day shall have a brief outdoor recess in the morning or afternoon.

EXCEPTION: Outdoor activity may be omitted on days when an all day field trip will take place indoors, as in a visit to a museum.

§ 8.16. Meals and snacks.

A. Centers open morning through afternoon shall serve a morning snack, a midday meal, and an afternoon snack.

B. Centers open part of the day shall serve appropriate snacks or meals, or both, based on their hours of operation; e.g., a center open only for after school care shall serve an afternoon snack; a center open from 7 a.m. to 1 p.m. shall serve a morning snack and midday meal.

C. Evening and overnight care shall provide an evening meal and snack. The center shall designate the time for dinner.

D. There shall be a period of at least 1-1/2 hours between each meal or snack service.

§ 8.17. Resting.

A. Children of all ages shall be allowed to rest or sleep as needed on cribs, cots, beds, or mats, as appropriate.

B. Centers operating five or more hours per day shall have a designated rest period for preschool children in attendance at the time of the rest period.

1. The designated rest period shall be at least one hour but no longer than two hours unless children are actually sleeping.

2. Cots or beds shall be used during the designated rest period.

3. After the first 45 minutes of the rest period, nonsleeping children shall be allowed to participate in quiet activities, which may include but not be limited to books, records, puzzles, coloring, or manipulatives.

C. Resting or sleeping infants and toddlers shall be individually checked at least every 30 minutes.

Article 4. Swimming and Wading.

§ 8.18. When swimming or wading is provided as a part of the center program in either on-site or off-site pools, the following standards apply:

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1. The center shall maintain written, signed permission from the parent of each child who participates in swimming or wading.

2. The center shall distribute written safety rules to center staff and to parents of participating children.

3. If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use, and more frequently as necessary.

Article 5. Activities.

§ 8.19. The daily program for children shall provide developmentally appropriate experiences which promote growth, well-being, and the development of gross and fine motor skills; language skills; cognitive skills; social and emotional skills; positive self-concept, curiosity, interest, and exploration.

§ 8.20. Infant activities.

A. For infants, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, gross and fine motor development, as well as social, emotional, and language development.

B. Such equipment and play materials shall include, but not be limited to balls, busy boards, books, rattles, mobiles, dolls, play mats, soft blocks, nesting and stacking toys, squeeze toys, music boxes, and mirrors placed where children can see themselves.

C. Caregivers shall consistently respond to infants' needs for food and comfort.

D. Awake infants shall have the opportunity to play with a variety of play spaces, such as, but not limited to crib, infant seat, infant swing, floor, high chair.

E. There shall be periods of time each day when infants shall be free to creep, crawl, toddle, and walk.

F. Stimulation shall be regularly provided for infants in a variety of ways including being held, cuddled, talked to, and played with by staff.

G. For awake infants or toddlers or other children who cannot move about unassisted, staff shall change the places and position of the child and the selection of toys or objects available to the child at least every 30 minutes.

H. There shall be a flexible schedule for infants based on their individual needs.

§ 8.21. Toddler activities.

A. For toddlers, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, and gross and fine motor development, as well as social,

emotional, and language development.

B. The following activities and experiences for toddlers, which are explained in Appendix IV, shall include, but not be limited to:

1. Art activities;

2. Rhythm and music;

3. Language and communication experiences;

4. Sensory experiences and exploration of the environment;

5. Construction;

6. Social living;

7. Water and sand play;

8. Fine motor activities; and

9. Gross motor activities.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could also be combined, etc.

C. Adults shall encourage language development by one-to-one face-to-face conversations giving toddlers time to initiate and respond; labeling and describing objects and events; helping children put feelings into words; and expanding on toddler language.

D. Adults shall express affection, support toddler's growing independence such as dressing and eating, and making choices in activities and routines.

E. Adults shall support toddler's developing self-control by expressing feelings with words, giving positively worded directions, and modeling and redirecting behavior.

F. There shall be a predictable sequence to the day but schedules are flexible based on children's needs.

§ 8.22. Preschool activities.

A. For preschoolers, the center shall provide daily experiences that meet children's need for active exploration and interaction with adults, other children and materials that stimulate learning in all developmental areas – physical, social, emotional and intellectual.

B. The following activities and experiences for preschool children, which are explained in Appendix V, shall include, but not be limited to:

1. Art activities;

2. Rhythm and music;
3. Language and communication experiences;
4. Sensory experiences and exploration of the environment;
5. Construction;
6. Social living;
7. Water and sand play;
8. Fine motor activities; and
9. Gross motor activities.

C. Adults shall provide affection and be supportive of preschooler's independence, but shall be available to comfort and help when needed.

D. Adults shall encourage preschoolers to help with daily routines of the classroom and practice self-help skills but shall be patient with occasional accidents.

E. Adults shall be supportive of children's beginning friendships and shall allow preschoolers to play individually or in small, informal groups.

F. Adults shall provide large amounts of uninterrupted time for children to persist at self-chosen tasks and activities and shall allow children to learn from self-directed problem-solving and experimentation.

§ 8.23. School age activities.

A. For school age children, the center shall provide daily experiences that promote children's sense of industry and independence, social competence, and physical development by providing activities that contain the following three elements:

1. Adults to whom children can talk and who express affection and respect for the child;
2. Stimulating and interesting activities; and
3. Space and materials which can be used with undue adult restrictions.

B. The following activities and experiences for school age children, which are explained in Appendix VI, shall include, but not be limited to, the following activities:

1. Arts and craft activities;
2. Assistance with homework;
3. Rhythm, music, and drama;
4. Fine and gross motor activities; and

5. Special projects and hobbies.

§ 8.24. Evening and overnight care activities.

A. Activities for children in evening or overnight care shall include (as time allows) age-appropriate activities described in §§ 8.20 through 8.23.

B. Quiet activities and experiences shall be available immediately prior to bedtime.

PART IX. EMERGENCIES.

Article 1. Specialized Staff Training.

§ 9.1. There shall be at least one staff person on the premises during all hours of operation and also a person on all field trips who have received an unexpired basic certificate in standard first aid (Multi-Media, Personal Safety, or Standard First Aid Modular) from a course approved by the American Red Cross or the Division of Emergency Medical Services, Virginia Department of Health.

NOTE: If no children remain on the premises during a field trip, it is not necessary for a person certified in first aid to remain at the center.

§ 9.2. The first aid kit shall be available wherever children are in care, including field trips.

Article 2. Procedures for Emergencies.

§ 9.3. The center, in consultation with the appropriate local authorities, shall develop a written plan to be implemented in the event of fire or other emergencies requiring evacuation. Each emergency plan shall, at minimum, address staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the building(s);
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with the local authorities.

§ 9.4. Emergency evacuation procedures shall be posted in a location conspicuous to staff and children in each building of the center.

§ 9.5. The center shall implement these procedures

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through monthly practice drills and shall maintain a record of the dates of the monthly emergency evacuation drills for one year.

§ 9.6. The following telephone numbers shall be posted in a conspicuous place near each telephone:

- 1. A physician or hospital;*
- 2. An ambulance or rescue squad service;*
- 3. The local fire department;*
- 4. The local police department;*

NOTE: If there is a generic emergency number such as, but not limited to, 911 operable in the locality, that number may be posted in lieu of the above numbers.

- 5. A regional poison control center.*

§ 9.7. Notification of injury or death of a child.

A. The center shall notify the parent immediately in the event of a serious accident or injury and shall notify the parents of a minor accident or injury at the end of the day. Written documentation of the type of injury, date, and method of notifying parents shall be kept on file at the center for two years after the injury or accident.

NOTE: Examples of a serious accident or injury might include unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, or ear or other body orifice.

Examples of a minor accident or injury might include a small scratch, cut, or scrape; minor bruise or discoloration of the skin.

B. In the event of the death of a child, the center shall notify the parent immediately and, within 24 hours, inform the commissioner's representative of the circumstances surrounding the death.

CHILD DAY-CARE COUNCIL
QUESTIONNAIRE ABOUT THE PROPOSED
MINIMUM STANDARDS FOR LICENSED CHILD CARE CENTERS

GENERAL INSTRUCTIONS

This survey is in three parts. The first part asks for basic identifying information about your center. The second part concerns the evaluation of selected standards and the third part allows you to respond with narrative comments on any standard.

The questions are arranged so that you select a numbered answer and then write the number of that answer in a blank to the left of the question. In order to give every comment equal consideration, we will be using automated data processing equipment to compile the large number of comments expected. Please follow the instructions carefully to ensure that your comments can be properly registered.

WE RECOMMEND THAT YOU REVIEW ALL THE SELECTED STANDARDS BEFORE COMPLETING THE SURVEY. If you do not have a complete set of standards, you may request one from the Division of Licensing Programs at (804) 662-9025 or through the Department's toll-free number (1-800-552-7091).

Completed surveys should be mailed no later than October 28, 1988 to:

Ms. Peg Spangenthal
Child Day-Care Council
Blair Building
8007 Discovery Drive
Richmond, Virginia 23229

Thank you for your cooperation.

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I. RESPONDENT IDENTIFICATION

In order to count your comments with the appropriate group, you will need to complete the following items. No answer or more than one answer will result in your comments being placed in the group "unidentified", which is counted separately. Please put the number of the appropriate response in the blank beside the question.

____ 1. Person completing survey?

- (1) Operator, director, manager, administrator, sponsor, licensee of a child care center
- (2) Staff member (other than operator) of a child care center
- (3) Employee, Virginia Department of Social Services
- (4) Employee, local department of public welfare/social services
- (5) Parent/guardian of a child enrolled in a child care center
- (6) An interested party other than those listed above
- (7) Unidentified

____ 2. Type of facility?

- (1) Private for profit
- (2) Private not for profit
- (3) Public
- (4) No association with a facility

____ 3. Licensed Capacity?

- (1) Fewer than 10
- (2) 10 through 25
- (3) 26 through 50
- (4) 51 through 100
- (5) more than 100
- (6) No association with a facility

II. STANDARDS EVALUATION

The proposed standards which have generated the most discussion are included here. These standards have been selected for review independently of other standards about the same topical area. To appreciate the full context of the topical area, it may be helpful to review the complete set of standards, if you have not already done so, prior to completing this section.

Instructions: Please evaluate each standard on the specific items described below:

Protection Does the standard provide sufficient protection to the well-being of children in the child care environment?

Cost Is the cost required to comply with the standard justified to protect children in the child care environment? (Cost includes both financial aspects of a center's operation and the time of center staff.)

Clarity Is the meaning of the standard clear and understandable to you as it is written? (This question asks only whether the standard is written in an understandable manner; it does not ask whether you agree or disagree with the standard.)

IN THE SPACES PROVIDED TO THE LEFT OF EACH STANDARD, PLEASE WRITE THE CODE NUMBERS WHICH REFLECT YOUR OPINION ABOUT THE STANDARD.

4. §3.8 B. Qualifications.

1. All program directors shall be 21 years of age and meet one of the following sets of qualifications:
 - a. Bachelor's Degree or Endorsement in Early Childhood Education, Child Development, Elementary Education, Psychology, or child related field from an accredited college or university; OR
 - b. Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in Early Childhood Education, Child Development, or other subjects relating to group care of children; and one year programmatic experience in a child care setting, nursery school, or elementary school; OR
 - c. One year early childhood certificate from an accredited college or university plus two years programmatic experience in a child care setting, nursery school, or elementary school. One year of this experience must be in a staff supervisory capacity.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

5. §3.8 B. Qualifications.

2. All assistant program directors shall meet the program director qualifications OR the following qualifications:
 - a. Associate Degree in Early Childhood Education, Child Development, Elementary Education, Psychology or other child related field from an accredited college or university; OR
 - b. The following three requirements:
 - (1) High school diploma or G.E.D.; AND
 - (2) Three years programmatic experience in a child care setting, nursery school, or elementary school; AND
 - (3) Child care program training offered or approved by the Department of Social Services or equivalent training provided by a college or accredited vocational program.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

6. §3.8 B. Qualifications.

3. If the program director is regularly present in the center less than four hours per day, there shall be an officially designated assistant program director who shall assume responsibility in the absence of the program director and meet the qualifications of §3.8.B.1.a-c above.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

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7. §3.9 Child care supervisor.

Individuals working in this capacity are responsible for program implementation and direct supervision of children. All child care supervisors shall meet the qualifications for a program director OR assistant program director OR one of the following sets of qualifications:

1. High school diploma or G.E.D. and one year of programmatic experience in a child care setting, nursery school, or elementary school; OR
2. C.D.A. (Child Development Associate Credential).

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

8. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

1. For infants (See §1.1): one staff person for every four children;

NOTE: "Infant" means children from birth to 15 months.

EXCEPTION: Children over the age of 12 months who are walking independently.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

9. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

2. For toddlers (See §1.1): one staff person for every five children;

NOTE: "Toddler" means children over the age of 12 months who are walking independently to two years or children over the age of 15 months to two years.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

10. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

3. For children from two years to four years: one staff person for every ten children;

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

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11. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

4. For children from four years to the age of eligibility to attend public school: one staff person for every 12 children; and

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

12. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

5. For children from the age of eligibility to attend public school and older: one staff person for every 20 children.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

13. §5.13 Centers licensed for the care of infants and toddlers shall provide at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in §5.12.

NOTE: Space covered by sand in sand boxes or play areas may be counted toward the 25 square feet of unpaved surface.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

14. §5.14 The outdoor activity area shall include a variety of surfaces, either natural or man-made.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

15. §5.15 Where natural shade is not available, the center shall make provision for creating a shaded area or areas.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

16. §5.16 Resilient surfaces shall be placed under slides and climbing equipment more than four feet high and all swing sets to help absorb the shock if a child falls off the equipment. Resilient surfaces include but are not limited to, sand, mulch, pea gravel, shredded tires, and rubberized surfaces.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Proposed Regulations

17. §5.17 Where swing sets are provided, they shall have soft seats rather than hard wooden, metal, or fiberglass seats.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

18. §5.18 When concrete supports are used for slides, swing sets, and climbing equipment the tops of the supports shall be maintained not less than four inches below the ground.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

19. §5.19 Where slides are provided, the lower ends shall be no more than 15 inches above the ground.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

20. §5.20 For outdoor activity areas used by toddlers and preschool children, slides and climbing equipment shall not be more than seven feet high.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

21. §5.27 Activity areas (Indoor).

A. For children, other than infants, centers shall have a minimum of 25 square feet of available activity space per child.

B. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices; hallways; bathrooms; kitchens; storage rooms/closets; and space occupied by equipment which is not used in or does not contribute to the children's activities.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

22. §5.27 Activity areas.

D. A center licensed for the care of infants shall choose one of the following methods to calculate available activity space:

1. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by cribs and changing tables is deducted from the calculation of available activity space.

OR

2. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

23. §5.29 Bathroom areas and furnishings.

A. Bathrooms shall contain at least one toilet and one sink for every 15 pre-school children and one toilet and one sink for every 30 school age children.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

24. §5.29 Bathroom areas and furnishings.

I. The water temperature at taps accessible to children shall not exceed 120° Fahrenheit.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

25. §5.30 Diapering and toilet training areas.

A. Centers licensed to serve children who are not toilet trained shall provide a diapering area located in the area for children or in a room which opens directly into the area for children. The diapering area shall be equipped with at least the following:

1. A sink with heated and cold running water;
2. A table or other non-absorbent surface for changing diapers;
3. A step-on diaper pail with leakproof disposable liners or equivalent equipment which does not require the top of the pail to be touched by hand when discarding diapers. If both cloth and disposable diapers are used, there shall be one such pail for each type; and
4. A covered receptacle for soiled bed linens and nondisposable wash cloths.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

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26. §5.30 Diapering and toilet training areas.

B. For every 10 children in the process of being toilet trained there shall be one toilet chair, OR one child-sized toilet, OR one adult sized toilet with a platform or steps and an available adapter seat. These items shall either be located in the area used for the majority of the day by the children being toilet trained OR the immediately accessible area. To be considered immediately accessible, the diapering center must be located in a room which opens directly into the area for children.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

27. §5.30 Diapering and toilet training areas.

C. When only toilet chairs are used, there shall be a toilet located in an area or room in which the door is not more than 10 feet from the area used for the majority of the day by the children being toilet trained.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

28. §7.15 Diapers shall be changed on a nonabsorbent changing surface which shall be washed with soap and warm water OR a germicidal cleansing agent after each use. A disposable paper sheet which is discarded after each diapering may be used in lieu of washing the nonabsorbent changing surface after each use.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

29. §8.1 The goal of discipline is to help the child learn self-control and build good habits. Adults shall help children learn self-control by treating them in ways that promote their self-esteem and self-image and use discipline techniques such as:

1. Using limits that are clear, fair, consistently applied, and appropriate and understandable to the children to whom they apply;
2. Providing children with reasons for limits and patiently enforcing them;
3. Accepting age appropriate behavior and expecting behavior that is on the child's developmental level;
4. Redirecting children to acceptable or appropriate activities and behavior;
5. Helping children to use words to express their feelings and frustrations and to resolve conflicts; and
6. Arranging equipment in a way that promotes desirable behavior.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

Proposed Regulations

30. §8.17 B. Centers operating five or more hours per day shall have a designated rest period for preschool children in attendance at the time of the rest period.
3. After the first 45 minutes of the rest period, non-sleeping children shall be allowed to participate in quiet activities, which may include but not be limited to books, records, puzzles, coloring, or manipulatives.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

31. §8.20 Infant activities.

- B. Such equipment and play materials shall include, but not be limited to balls, busy boards, books, rattles, mobiles, dolls, play mats, soft blocks, nesting and stacking toys, squeeze toys, music boxes, and mirrors placed where children can see themselves.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

32. §8.20 Infant Activities

- C. Caregivers shall consistently respond to infants' needs for food and comfort.
- H. There shall be a flexible schedule for infants based on their individual needs.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

33. §8.21 Toddler activities.

- B. The following activities and experiences for toddlers shall include but not be limited to:
1. Art activities;
 2. Rhythm and music;
 3. Language and communication experiences;
 4. Sensory experiences and exploration of the environment;
 5. Construction;
 6. Social living;
 7. Water and sand play;
 8. Fine motor activities; and
 9. Gross motor activities.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could also be combined, etc.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

Proposed Regulations

34. §8.21 Toddler activities.

- C. Adults shall encourage language development by one-to-one face-to-face conversations giving toddlers time to initiate and respond; labeling and describing objects and events; helping children put feelings into words; and expanding on toddler language.
- D. Adults shall express affection, support toddler's growing independence such as dressing and eating, and making choices in activities and routines.
- E. Adults shall support toddler's developing self-control by expressing feelings with words, giving positively worded directions, and modeling and redirecting behavior.
- F. There shall be a predictable sequence to the day but schedules are flexible based on children's needs.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

35. §8.22 Preschool activities.

- A. For preschoolers, the center shall provide daily experiences that meet children's needs for active exploration and interaction with adults, other children and materials that stimulate learning in all developmental areas -- physical, social, emotional and intellectual.
- C. Adults shall provide affection and be supportive of preschooler's independence, but shall be available to comfort and help when needed.
- D. Adults shall encourage preschoolers to help with daily routines of the classroom and practice self-help skills but shall be patient with occasional accidents.
- E. Adults shall be supportive of children's beginning friendships and shall allow preschoolers to play individually or in small, informal groups.
- F. Adults shall provide large amounts of uninterrupted time for children to persist at self-chosen tasks and activities and shall allow children to learn from self-directed problem-solving and experimentation.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

38. §9.2 The first aid kit shall be available whenever children are in care, including field trip.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

36. §8.23 School age activities.

A. For school age children, the center shall provide daily experiences that promote children's sense of industry and independence, social competence, and physical development by providing activities that contain the following three elements:

1. Adults to whom children can talk and who express affection and respect for the child;
2. Stimulating and interesting activities; and
3. Space and materials which can be used with undue adult restrictions.

B. The following activities and experiences for school age children, which are explained in Appendix VI, shall include, but not be limited to, the following activities:

1. Arts and craft activities;
2. Assistance with homework;
3. Rhythm, music, and drama;
4. Fine and gross motor activities; and
5. Special projects and hobbies.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

37. §9.1 There shall be at least one staff person on the premises during all hours of operation and also a person on all field trips who have received an unexpired basic certificate in standard first aid (Multi-Media, Personal Safety, or Standard First Aid Modular) from a course approved by the American Red Cross or the Division of Emergency Medical Services, Virginia Department of Health.

NOTE: If no children remain on the premises during a field trip, it is not necessary for a person certified in first aid to remain at the center.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Proposed Regulations

39. §9.3 The center, in consultation with the appropriate local authorities, shall develop a written plan to be implemented in the event of fire or other emergencies requiring evacuation. Each emergency plan shall, at minimum, address staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the building(s);
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with the local authorities.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

40. §9.7 Notification of injury or death of a child.

- B. In the event of the death of a child, the center shall notify the parent immediately and, within 24 hours, inform the Commissioner's representative of the circumstances surrounding the death.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

III. COMMENTS

This form may be used for making comments about any of the proposed standards or for suggesting new standards that do not currently exist. Please feel free to copy this form as necessary if additional space is needed.

Standard #	Problem	Suggested Solution

Communicable Disease Reference Chart For School Personnel			
Disease	Incubation Period	Common Signs and Symptoms	Recommendations for Exclusion from Schools
Chickenpox (Varicella)	From 2 to 3 weeks, usually 13 to 17 days.	Sudden onset with slight fever and itchy eruptions which become vesicular (small blisters) within a few hours. Lesions commonly occur in successive crops, with several stages of maturity present at the same time.	Communicable for as long as 5 days before eruption of vesicles and for not more than 6 days after the appearance of the first crop of vesicles. Case: Exclude from school for 7 days after eruption. Avoid exposure to women in early pregnancy. Contact: On appearance of first sign or symptom, exclude from school for 7 days.
Fifth Disease (Erythema Infectiosum)	From 6-14 days.	Mild illness without fever. Rash characterized by a vivid reddening of the skin especially of the face which fades and recurs; classically described as a "slapped cheek appearance."	Case: Exclusion from school not required. Contact: School exclusion not indicated.
German Measles (Rubella)	From 14 to 21 days, usually 16 to 18 days.	Mild symptoms; slight fever, rash of variable character lasting about 3 days; enlarged head and neck lymph glands common. Joint pain may occur especially in older children and adults.	Communicable for 7 days before onset of rash and at least 4 days thereafter. Case: Exclude from school for 7 days after onset of symptoms. Avoid exposure to women in early pregnancy. Check immunization records. Contact: Those who are pregnant and not immunized should be urged to seek medical advice.
Hepatitis A (Infectious Hepatitis)	From 15 to 50 days, usually 25-30 days.	Fever, loss of appetite, nausea, abdominal discomfort, and weakness followed by jaundice. Many unvaccinated mild cases without jaundice occur, especially in children.	Communicability greatest from 7 days before to several days after onset of jaundice. Case: Exclude from school until physician advises return. Convalescence may be prolonged. Contact: School exclusion not indicated.
Impetigo Contagiosa	Unknown.	Multiple skin lesions usually of exposed areas (e.g., elbows, legs and knees) but may involve any area. Lesions vary in size and shape, and begin as blisters which rapidly mature into brown crusts on a reddened base. Healing from center outward produces circular areas which may resemble ringworm.	Case: Exclude from school until physician advises return (usually 3-5 days). Contact: Exclusion from school not indicated. Observe carefully for symptoms.
Mononucleosis (Haemophilus)	Usually 2-4 days.	Sudden onset of fever, vomiting, lethargy and stiff neck. Progressive stupor or coma are common.	Case: Exclude from school until physician advises return. Contact: School exclusion not indicated. Observe carefully for symptoms, especially fever. Parents of day care center/nursery school contacts should be advised to check with their children's physicians concerning prophylactic treatment with rifampin.
Measles (Measles/Mumps)	From 2 to 10 days, usually 3 to 4 days.	Sudden onset of fever and intense headache. Delirium and coma often appear early; a characteristic "measles like" rash usually follows. Often fatal despite prompt diagnosis and treatment.	Case: Exclude from school during acute illness. (Non-communicable after 24 hours of appropriate drug therapy.) Contact: School exclusion not indicated. (Intimate household) contacts should be urged to seek their physician's advice concerning prophylactic treatment with rifampin.
Infectious Mononucleosis (Glandular Fever)	Usually 4 to 6 weeks.	Fever, sore throat and enlarged lymph glands of the back of the neck. Generally mild illness and difficult to recognize in children.	Case: Exclude from school until physician advises return. Contact: School exclusion not indicated.
Mumps (Infectious Parotitis)	From 2 to 3 weeks, usually 18 days.	Fever with swelling and tenderness of the parotid glands located below and in front of one or both ears. Unrecognized mild cases without swelling may occur.	Communicable from 6 days before swelling until 9 days after. Case: Exclude from school until swelling disappears (usually 9 days). Contact: School exclusion not indicated.
Pediculosis (Lice)	Under optimum conditions, eggs hatch in 7 days and reach maturity in about 14 days.	Severe itching and scratching, often with secondary infection. Scalp, and hairy portions of body may be affected. Eggs of head lice (nits) attach to hairs as small, round, grey lumps.	Case: Exclude from school until treated by a physician. Contact: Direct inspection of head, body, and clothing recommended. School exclusion not indicated in absence of infestation.
Measles Rubra (Red Measles)	From 8-13 days, usually 10 days.	Prodrome characterized by fever followed by reddened eyes, runny nose, and cough. Dusky-red blotchy rash appears on day 3 or 4 and lasts 4 to 7 days.	Communicable from beginning of prodromal period to 4 days after appearance of the rash. Case: Exclude from school until at least 4 days after appearance of the rash. Contact: Check immunization records. Exclude from school immediately on signs of prodrome.
Salmonellosis	From 6 to 72 hours, usually 12 to 36 hours.	Sudden onset of fever, abdominal pain, diarrhea, nausea, and frequent vomiting. Dangerous dehydration may occur in younger children.	Stools usually positive for Salmonella (for several days to several weeks; occasional patients positive for several months). Case: Excludes from school during acute illness (usually 5 to 7 days). Contact: School exclusion and stool cultures not indicated in absence of symptoms.
Scabies	From 2 to 6 weeks.	Begins as itchy raised areas or burrows around finger webs, wrists, elbows, armpits, belt-line, and/or genitalia. Extensive scratching often results in secondary infection.	Case: Exclude from school until physician advises return. Contact: Direct inspection of body. School exclusion not indicated in absence of infestation.
Scarlet Fever	Usually 1 to 3 days, rarely longer.	Fever, sore throat, exudative tonsillitis or pharyngitis. Rash appears most often on neck, chest, and skin folds of wrists, elbows, groin and inner aspect of thighs.	Case: Exclude from school during acute illness (usually 7 to 10 days). Non-communicable after 24 hours of appropriate drug therapy. Contact: Exclude from school on appearance of signs or symptoms. Quarantining of school contacts and treatment of carriers not usually indicated.
Shigellosis (Bacillary Dysentery)	From 1 to 7 days, usually 3 days.	Diarrhea, fever and often vomiting and cramps. In severe cases the stools may contain blood.	Infectious cases contagious as long as stools are positive. Case: Exclude from school during acute illness and until cultures of feces are negative. (Other children in the family should be cultured. Children who have positive cultures should be excluded until their cultures are negative). Contact: School exclusion not indicated. Stool cultures indicated only in suspected school outbreaks.
Whooping Cough (Pertussis)	Usually 7 days, almost uniformly within 10 days, and not exceeding 21 days.	Characteristic cough begins with upper respiratory symptoms and increasingly irritating cough. The paroxysmal stage usually follows within 1 to 2 weeks, and lasts 1 to 2 months. Paroxysmal stage is characterized by repeated episodes of violent cough broken by a high-pitched inspiratory whoop. Older school children may not have whoop. Convalescence may require many weeks.	Case: Exclude from school while contagious (usually 1 to 3 weeks, less with antibiotic therapy) and until a physician advises return. Contact: Search for missed or atypical cases. Exclude on first sign or symptoms.

Division of Epidemiology and Control of Communicable Diseases, 109 Governor Street, Richmond, Virginia 23219- New August, 1988

NOTE: A more complete discussion of these conditions and other communicable diseases may be found in *Public Control of Communicable Diseases in Schools (1980)* published by the American Public Health Association. Additional information and consultation are also available through your local health department.

Proposed Regulations

APPENDIX II

MEAL PATTERNS FOR CHILDREN IN CHILD CARE PROGRAMS

FOOD COMPONENTS	Children 1 up to 3 years	Children 3 up to 6 years	Children 6 up to 12 years
BREAKFAST			
Milk, fluid ¹	1/2 cup	3/4 cup	1 cup
Juice or fruit or vegetable	1/4 cup	1/2 cup	1/2 cup
Bread and/or cereal, enriched or whole grain: ²			
Bread.....	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry.....	1/4 cup ³	1/3 cup ⁴	3/4 cup ⁵
Hot cooked.....	1/4 cup	1/4 cup	1/2 cup
MID-MORNING OR MID-AFTERNOON SUPPLEMENT (Snack)			
(Select 2 of these 4 components)			
Milk, fluid ¹	1/2 cup	1/2 cup	1 cup
Meat or meat alternate.....	1/2 ounce	1/2 ounce	1 ounce
Juice or fruit or vegetable..	1/2 cup	1/2 cup	3/4 cup
Bread and/or cereal, enriched or whole grain: ²			
Bread.....	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry.....	1/4 cup ³	1/3 cup ⁴	3/4 cup ⁵
Hot cooked.....	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
Milk, fluid ¹ ⁶	1/2 cup	3/4 cup	1 cup
Meat or meat alternate:			
Meat, poultry, or fish, cooked ⁷	1-ounce	1 1/2 ounces	2 ounces
Cheese.....	1 ounce	1 1/2 ounces	2 ounces
Egg.....	1	1	1
Cooked dry beans or peas....	1/4 cup	3/8 cup	1/2 cup
Peanut butter.....	2 tablespoons	3 tablespoons	4 tablespoons
Vegetable and/or fruit ⁸	1/4 cup	1/2 cup	3/4 cup
Bread, enriched or whole grain ²	1/2 slice	1/2 slice	1 slice

1. Includes whole milk, lowfat milk, skim milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State and local standards.
2. Or an equivalent serving of an acceptable bread product made of enriched or whole grain meal or flour, or enriched or whole grain rice or pasta.
3. 1/4 cup (volume) or 1/3 ounce (weight), whichever is less.
4. 1/3 cup (volume) or 1/2 ounce (weight), whichever is less.
5. 3/4 cup (volume) or 1 ounce (weight), whichever is less.
6. Or an equivalent quantity of any combination of foods listed under Meat or Meat Alternatives.
7. Cooked lean meat without bone.
8. Must include at least two kinds.

Proposed Regulations

APPENDIX III

SOME FOODS WITH VITAMIN A AND VITAMIN C

Vitamin A		*Excellent Sources	
<u>Vegetables</u>		<u>Fruits</u>	<u>Meats</u>
Asparagus	Spinach	*Apricots	Liver
*Broccoli	*Squash-winter	*Cantaloupe	
*Carrots	*Sweetpotatoes	Cherries, red sour	
Chili peppers(red)	Tomatoes	Papaya	
Kale	Tomato Juice,	Peaches, (not canned)	
*Mixed vegetables	paste or puree	Plums, purple (canned)	
*Peas & carrots	*Turnip greens	Prunes	
Pumpkin	Vegetable juices	Pumpkin	
		Watermelon	

Vitamin C			
<u>Vegetables</u>		<u>Fruits</u>	
Asparagus	Peppers, sweet	Cantaloupe	
Broccoli	Potatoes, white	Grapefruit	
Brussels sprouts	Spinach	Grapefruit juice	
Cabbage	Sweetpotatoes	Oranges	
Cauliflower	Tomatoes	Orange juice	
Chili peppers	Tomato juice,	Raspberries	
Collards	paste or puree	Strawberries	
Kale	Turnip greens	Tangerines	
Okra	Turnips		

APPENDIX IV.

TODDLER ACTIVITIES.

The following activities and experiences for toddlers shall include but not be limited to:

1. Art Activities – For example: pointing and drawing; use of large crayons, paint brushes and paper; use of paste, play dough; fingerpaints; use of collage materials.
2. Rhythm and Music – For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting simple songs, rhymes, finger plays.
3. Language and Communication Experiences – For example: book and story reading; story-telling; listening to recorded stories; use of flannel boards; use of pictures such as children, families, or familiar objects.
4. Sensory Experiences and Exploration of the Environment – For example: observation of and caring for animal and marine life; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell such as small jars, sound shakers, feely boards; use and observation of wood, soil, sand.
5. Construction – For example: building with small unit blocks, lightweight blocks, large interlocking blocks.
6. Social Living – For example: use of dolls and play animals; play with dress up clothes, child size household items, puppets, mirrors, phones; play with block people, wooden zoo and farm animals.
7. Water and Sand Play – For example: play with water, sand, and other nonfood material with equipment for scooping and digging such as pails, shovels, cups, spoons, and funnels; availability of hose for siphoning; sponges.
8. Fine Motor Activities – For example: use of large peg boards, balls, stacking toys, shape sorter, stacking cubes, nesting/stacking toys, huge pegboards, simple puzzles.
9. Gross Motor Activities – For example: climbing, pushing and pulling toys; play on low climbing structures; play with simple riding toys, wagons, balls, bean bags.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

APPENDIX V.

PRESCHOOL ACTIVITIES.

The following activities and experiences for preschool children shall include but not be limited to:

1. Art Activities – For example: painting and drawing; use of scissors and paper; use of paste, clay, fingerpaints; use of collage materials.
2. Rhythm and Music – For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting songs, rhymes, finger plays.
3. Language and Communication Experiences – For example: book and story reading; story-telling; viewing film strips; listening to recorded stories; group discussion; show and tell; use of flannel boards; interaction with peers and adults.
4. Sensory Experiences and Exploration of the Environment – For example: discussion and observation of plants, leaves, weather; observation of and caring for animal and marine life; water play; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell; use and observation of wood, soil, sand; field trips into the community; visitors to the classroom.
5. Construction – For example: building with blocks, interlocking logs, wooden dowels, wheels with multiple holes; play with nesting and stacking toys, pyramid rings/squares; woodworking.
6. Social Living – For example: play with child-size household items; imaginative play through the use of dress-up clothes; play with dolls and doll houses, block people, wooden zoo and farm animals; use of puppets and play store items.
7. Water and Sand Play – For example: play with water, sawdust, rice, beans, pebbles, soil; use of pails and shovels, measuring cups and spoons, funnels, pouring devices; availability of hose for siphoning; sponges.
8. Fine Motor Activities – For example: use of puzzles, manipulatives, beads, peg boards, mosaics, parquetry boards, spools; play with small balls, lacing boards, sorting toys; building with dominoes; modeling with clay; use of an abacus, use of interlocking blocks, cubes, geometric shapes, rings.
9. Gross Motor Activities – For example: climbing; balancing on steps, balance board; playing hopscotch; jumping rope; riding on or rolling transportation toys; throwing bean bags, rubber and nontoxic balls; play with punching bags; digging; reaching.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For

Proposed Regulations

example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

APPENDIX VI.

SCHOOL AGE ACTIVITIES.

School age children will be interested in many of the same activities as those listed in the Preschool Activities Appendix. Additional activities for this age child shall include but not be limited to:

- 1. Arts and Craft Activities – For example: printing, paper mache, weaving, sewing, oil and water paint, pottery, woodworking, carving, ceramics, batik, tie dying.*
- 2. Rhythm, Music and Drama – For example: puppetry, marionettes, producing plays, dancing, singing, playing instruments and instruction in those areas; attending cultural events.*
- 3. Small and Large Motor Activities – For example: woodworking, construction, hopscotch, jumprope, gymnastics, team sports, writing and drawing.*
- 4. Homework Assistance – For example: tutors if needed or just a quiet place to do homework, reinforcement of school activities through application of skills - keeping a diary, grocery shopping, money making projects.*
- 5. Group Activities – For example: board and card games, team sports, interest clubs, much time to talk and interact, helping younger children, community and cultural awareness.*
- 6. Special Projects and Hobbies – For example: gardening, science projects, computers, trips.*

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES

INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairperson. It should be filed two months in advance of the planned opening date. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility: _____

Facility Address: _____
Street or Route No. City State Zip

In making this application, I state that:

1. I am in receipt of and have read a copy of the licensing statute and the minimum standards applicable to child care centers.
2. I certify that it is my intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if I am so licensed.
3. I grant permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility and review of records. I understand that, following licensure, authorized agents of the department will make announced and unannounced visits to the facility to determine its compliance with standards and to investigate any complaints received.
4. I understand that the Department of Social Services shall request, as needed, reports from the local health department, State Fire Marshal or local fire department.
5. I understand that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that I have the right to request an administrative hearing.
6. I am aware that it is a misdemeanor for any person to operate a child care center defined in Section 63.1-195, Code of Virginia, without a license.
7. To the best of my knowledge and belief, all information I have given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference is true and correct. I will supply true and correct information requested during all subsequent investigations.

(Date)

(Signature) (Position)

(Street Address) (City, State, Zip Code)

(Name of Corporation, if any) (Business Telephone)

032-05-512/7 (7/88)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

- 2 -

INITIAL APPLICATION
CHILD CARE CENTER

I. IDENTIFYING DATA

A. Name of Child Care Center		B. Telephone Number (Area Code)	
C. Location of Center		D. Zip Code	
E. Mailing Address (If different from location address)		F. Zip Code	
G. Name of Administrator		H. Name of Program Director	
I. Directions to the Center: _____ _____ _____			

II. ASBESTOS

In response to Senate Bill #594 concerning asbestos abatement, it is necessary for the Virginia Department of Social Services to obtain information regarding the date of construction of the building housing your child care center.

When was your child care center built? Before 1978
 In 1978 or after

III. ADMINISTRATION

A. Proposed Operating Hours (Below)		B. Requested Licensed Capacity	
Opening	Closing	1. Requested Capacity: _____	
Time:	Time:	2. Age Range: From _____ years _____ months	
		Through _____ years	

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

- 3 -

INITIAL APPLICATION
CHILD CARE CENTER

C. Proposed Enrollment by Age Groups and Type of Care Offered

Infants and Toddlers (birth to 15 mos.)*	Infants and Toddlers (15 mos. to 2 yrs.)@	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

* Excludes children over the age of 12 months who are walking independently.
@ Includes children over the age of 12 months who are walking independently.

D. Center is to be operated by _____ Individual _____ Corporation
 _____ Partnership _____ Association

E. Name of Sponsor: _____
 Address: _____
 Telephone: () _____
 Name and title of contact person (If applicable): _____

F. For centers sponsored by either corporations or unincorporated associations:

1. List all officers and members of the Board
 President or Chairperson: _____ Telephone Number: () _____
 Address: _____ (City) _____ (State) _____ (Zip Code)

Office	Name	Address

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

- 4 -

INITIAL APPLICATION
CHILD CARE CENTER

IV. FINANCIAL INFORMATION

A. Start Up Costs

Renovation of Property	\$ _____
Furniture	_____
Equipment	_____
Supplies (Initial Stock)	_____
Children's Supplies	_____
Cleaning and Maintenance	_____
Office	_____
Food	_____
Business and Legal Costs	_____
(EXAMPLES: Legal Fees, Business License, Fee for Use Permit or Occupancy Permit)	
Other Costs	_____
(EXAMPLES: Insurance, Utility Deposit, First Month's Rent or Mortgage Payment)	
Specify: _____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total Costs	\$ _____

Please indicate plan of financing these initial cash requirements:

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Virginia Register of Regulations

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DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

B. BALANCE SHEET

The purpose of the Balance Sheet is to show the financial condition of a business at a particular date. A Balance Sheet consists of a listing of the assets and liabilities of a business and the owner's equity. Assets are further classified as current assets and plant and equipment. Liabilities are further classified as current and long term liabilities. This form is of primary importance in providing selected information which is necessary to aid in determining financial responsibility as required by the Code of Virginia.

INSTRUCTIONS

ASSETS

CURRENT ASSETS: These are assets which can be converted to cash quickly and are therefore reserved as ready sources of cash to meet immediate requirements in operating the facility.

Cash: Enter the total of all forms of cash you have available which will be used to support operation of the facility. Items to be used to compute this value include currency, cash in checking accounts and cash in pass book savings accounts. The amount shown must be available now and available to support operation of the facility.

Monetary Investments: Monetary investments include primarily three items: Certificates of Deposit, Savings Bonds and Treasury Bills or Bonds owned. They must be currently owned by the applicant and identified for immediate use in operating the facility.

Negotiable Securities: These include stocks, corporate bonds, etc., which are owned by the applicant and are identified for use, if necessary, in operating the facility.

Accounts Receivable: Any monies owed to the applicant which are due within one year and would be used as they materialize, if necessary, in support of facility operations.

Notes Receivable: Any promissory notes held by the applicant which fall due within one year of the date of application and whose proceeds would be used as necessary to operate the facility.

Other: Any other assets which could be converted into cash within the operating year and used for operation of the facility.

PLANT & EQUIPMENT: These are long-lived or long term assets acquired for use in operating the business. Unlike current assets, these type assets are not viewed as being readily and quickly convertible to cash.

Notes Receivable: Any promissory notes held by the applicant which fall due more than one year from the date of the Balance Sheet and whose proceeds, when received, would be used as required for operation of the facility.

Land: The value of all land owned by the facility to include the value of the land on which the buildings which comprise the facility are located. The value of the land entered here should be the price at which the land was purchased rather than current appraised value.

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INITIAL APPLICATION
CHILD CARE CENTER

Buildings: The total value of the buildings which comprise the facility. The value listed should be the price at which the buildings were purchased rather than the current appraised value.

Accumulated Depreciation Buildings: The total value of all depreciation claimed on all buildings as of the date of the Balance Sheet.

Current Value: The difference between the total value of the buildings and the accumulated depreciation buildings.

Office Equipment: The total value of all office equipment owned and used in the operation of the facility. The value listed should be the purchase cost of the machinery.

Accumulated Depreciation Office Equipment: The total value of all depreciation claimed on all office equipment as of the date of this Balance Sheet.

Current Value: The difference between the total value of office equipment and the accumulated depreciation office equipment.

Furniture & Fixtures: The total value of all furniture and fixtures owned and used in the operation of the facility. The value listed should be the purchase cost of the furniture and fixtures.

Accumulated Depreciation Furniture and Fixtures: The total value of all depreciation claimed on all furniture and fixtures as of the date of this Balance Sheet.

Current Value: The difference between the total value of all furniture and fixtures and the accumulated depreciation furniture and fixtures.

Vehicles: The total value of all vehicles owned and used in the operation of the facility. The value listed should be the purchase cost of the vehicles.

Accumulated Depreciation Vehicles: The total value of all depreciation claimed on all vehicles as of the date of this Balance Sheet.

Current Value: The difference between the total value of all vehicles and the accumulated depreciation vehicles.

Other Assets: Any other long term or plant and equipment assets owned by and used in support of the facility. Each item must be listed separately. Items of capital equipment which are listed here must also be accompanied by a value of accumulated depreciation and a current value.

LIABILITIES

CURRENT LIABILITIES: These are existing liabilities which must be paid within the next 12 months.

Accounts Payable: The amount entered here should include the sum of the total unpaid salaries and payments of all unpaid bills and financial obligations which fall due within the next 12 months with the exception of mortgage payments and installment loans. Examples include utility bills, unpaid wages to current employees, if any, charge accounts and credit cards such as VISA, Master Charge, American Express, etc.

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Notes Payable: This amount should include all payments which must be made within the next 12 months on existing contracts, mortgages and installment loans.

Other: This amount includes any other existing obligation which is due during the next 12 months. It would include payments of obligations which are in arrears such as income taxes, property taxes, insurance, interest payable, etc. Each item must be itemized separately under the heading "Other".

LONG TERM LIABILITIES: These are liabilities which are considered long term in nature in that they fall due more than one year from the date of the Balance Sheet.

Mortgage Payable: This is the total value necessary to liquidate any mortgage on the facility, less the amount reflected as part of notes payable under current liabilities.

Notes Payable: This is the total value necessary to liquidate all outstanding contracts, installment loans or promissory notes, less the amount due within the next twelve months and reflected as part of the notes payable value listed as a current liability.

Other: Any other long term liabilities which are owed and were incurred to support facility operations. Each item must be listed separately.

OWNER'S EQUITY

OWNER'S CAPITAL: The value entered here reflects the total of investments made by the owner(s) in the facility. If all entries have been properly made regarding assets and liabilities, and accounting records are properly maintained, this value should equal the difference between Total Assets and Total Liabilities.

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CHILD CARE CENTER

BALANCE SHEET (cont.)

ASSETS

CURRENT ASSETS:

Cash	\$	_____
Monetary Investments		_____
Negotiable Securities		_____
Accounts Receivable		_____
Notes Receivable		_____
Other (Specify)		_____
TOTAL CURRENT ASSETS	\$	_____

PLANT & EQUIPMENT:

Notes Receivable	\$	_____
Land		_____
Buildings	\$	_____
Less: Accumulated Depreciation		_____
Current Value		_____
Office Equipment		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Furniture & Fixtures		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Vehicles		_____
Less: Accumulated Depreciation		_____
Current Value		_____
Other (Specify)		_____

TOTAL PLANT & EQUIPMENT		_____

TOTAL ASSETS

\$ _____

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

LIABILITIES

CURRENT LIABILITIES:

Accounts Payable \$ _____
Notes Payable _____
Other (Specify) _____

TOTAL CURRENT LIABILITIES \$ _____

LONG TERM LIABILITIES:

Mortgage Payable \$ _____
Notes Payable _____
Other (Specify) _____

TOTAL LONG TERM LIABILITIES \$ _____

TOTAL LIABILITIES \$ _____

OWNER'S EQUITY

Owner's Capital \$ _____

TOTAL LIABILITIES AND OWNERS EQUITY \$ _____

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CHILD CARE CENTER

C. PROJECTED BUDGET FOR FIRST YEAR OF OPERATION

<u>INCOME</u>	<u>Monthly</u>	<u>Annual</u>
Estimated fee (_____ children @ _____/week)	_____	_____
Estimated fee (_____ children @ _____/week)	_____	_____
Estimated fee (_____ children @ _____/week)	_____	_____
Other Income:	_____	_____
<u>TOTAL INCOME</u>	_____	_____
Less Allowance for Vacancy and Collection Losses	_____	_____
Estimated Income	_____	_____
<u>EXPENSES</u>		
Fixed Expenses:		
Rent or Mortgage	_____	_____
Utilities (heat, electricity, water etc.)	_____	_____
Insurance (including Workmen's Compensation)	_____	_____
Taxes (Property, Business Property, Business Income, etc.)	_____	_____
Other Expenses: (including loan & debt payments)	_____	_____
<u>TOTAL FIXED EXPENSES</u>	_____	_____
Variable Expenses:		
Salaries and Wages:	_____	_____
_____	_____	_____
Employee Benefits (Health Insurance, Pension Plan, etc.)	_____	_____
Payroll Taxes:		
Social Security (FICA)	_____	_____
Unemployment Tax (FUTA)	_____	_____
Food:		
Staff	_____	_____
Children	_____	_____
Supplies and Equipment	_____	_____
Repairs and Maintenance	_____	_____
Office Expenses (Advertising, phone, postage, paper, etc.)	_____	_____
Professional Services (Bookkeeper, Lawyer, etc.)	_____	_____
Staff Development (Workshops, Publications, etc.)	_____	_____
Others	_____	_____
<u>TOTAL VARIABLE EXPENSES</u>	_____	_____
<u>TOTAL EXPENSES</u>	_____	_____
<u>NET INCOME</u>	_____	_____

VI. STAFF INFORMATION

List all employees and volunteers. If staff is not yet hired, indicate positions to be used, anticipating hours of employment etc. If under 16 years, place an asterisk (*) by name.

Staff Member	Date of Employment	Position	Education/Related Experience (Indicate highest grade, diploma or degree and related experience)	Weekly Work Schedule (Specify actual hours worked each day)	Age Group For Which Responsible

DIVISION OF LICENSING PROGRAMS
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INITIAL APPLICATION
CHILD CARE CENTER

V. REFERENCES

List the names and addresses of three persons who are not related to the applicant(s) and who can knowledgeably and objectively certify to the applicant's(s') character and reputation. For centers sponsored either by corporations or unincorporated associations, provide three references for each officer of the Board. Attach an extra page, if necessary.

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

Name of Individual Owner, Partner, or Officer of the Board: _____

<u>References</u>	<u>Addresses</u>
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)
_____	(City) (State) (Zip)

VII. REQUIRED ATTACHMENTS

1. Attach the appropriate fee for application processing.
2. Floor plans indicating exact dimensions of rooms to be used, including:
 - a) room length, width and ceiling heights;
 - b) designating the functions of each room;
 - c) showing toilet facilities, including number of basins and toilets; and
 - d) showing isolation arrangements and position of any fixed equipment and furniture.
3. A sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.
4. A) For centers operated by an association:

	<u>Attached</u>	<u>Not Applicable</u>
(1) Copy of Constitution, or	[]	[]
(2) Copy of By-Laws	[]	[]
- B) For centers operated by a partnership:

Articles of Partnership	[]	[]
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VIII. OTHER INFORMATION

Information requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

- A. State the purpose and scope of the center's services (EXAMPLES: What will be the major goal of your center? What will be the emphasis and philosophy of your program to carry out this goal? What are the specific services to be provided as part of your program and how do these services vary according to the age group in care?):

- B. Describe proposed staff training for the orientation of your employees:

- C. Describe how staff development opportunities will be provided annually:

D. ATTACHMENTS

Attachments requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

1. A written statement regarding the sponsorship and organization of the child care center, with information showing who is responsible for policy making, operation and management decisions.
2. Samples of all forms developed, such as application form, agreement form, etc., if different from the model forms provided by the Department of Social Services.
3. Sample menu for one month.
4. A list of indoor and outdoor play equipment, material and/or supplies available to children.
5. A copy of the daily activity schedule(s) for the center program(s).
6. A copy of all brochures.
7. Evidence of insurance coverage.

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES

RENEWAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairperson. It should be filed two months in advance of the expiration of the current license. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility _____
 Facility Address _____
 Street or Route No. City State Zip

In making this application, I state that:

1. I am in receipt of and have read a copy of the licensing statute and the minimum standards applicable to child care centers.
2. I certify that it is my intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if I am so licensed.
3. I grant permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility and review of records. I understand that, following licensure, authorized agents of the Department will make announced and unannounced visits to the facility to determine its compliance with standards and to investigate any complaints received.
4. I understand that the Department of Social Services shall request, as needed, reports from the local health department, State Fire Marshal or local fire department.
5. I understand that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that I have the right to request an administrative hearing.
6. I am aware that it is a misdemeanor for any person to operate a child care center defined in Section 63.1-1-195, Code of Virginia, without a license.
7. To the best of my knowledge and belief, all information I have given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference is true and correct. I will supply true and correct information requested during all subsequent investigations.

(Date)

(Signature)

(Position)

(Street Address)

(City, State, Zip Code)

(Name of Corporation, if any)

(Business Telephone)

032-05-225/6 (7/88)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD CARE CENTER

I. IDENTIFYING DATA

A. Name of Child Care Center		B. Telephone Number (Area Code) ()	
C. Location of Center		D. Zip Code	
E. Mailing Address (if different from location address)		F. Zip Code	
G. Name of Administrator		H. Name of Program Director	

II. ADMINISTRATION

A. Operating Hours (below)		B. Requested Licensed Capacity	
Opening Time:	Closing Time:	1. Requested capacity: _____	2. Age Range: From: _____ years _____ months Through: _____ years

C. Current Enrollment By Age Groups

Infants and Toddlers (birth to 15 mos)*	Infants and Toddlers (15 mos. to 2 yrs.)@	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

*Excludes children over the age of 12 months who are walking independently.
 @Includes children over the age of 12 months who are walking independently.

D. Center is to be operated by: _____ Individual _____ Partnership _____ Corporation _____ Association

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RENEWAL APPLICATION
CHILD CARE CENTER

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IV. STAFF INFORMATION

List all employees and volunteers. If under 16 years, place an asterisk (*) by name.

STAFF MEMBER	DATE OF EMPLOYMENT	POSITION	EDUCATION/RELATED EXPERIENCE (Indicate highest grade, diploma or degree and related experience)	WEEKLY WORK SCHEDULE (Specify actual hours worked each day)	AGE GROUP FOR WHICH RESPONSIBLE

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RENEWAL APPLICATION
CHILD CARE CENTER

E. For centers sponsored by either corporations or unincorporated associations:

1. List all officers and members of the Board

President or Chairperson: _____ Telephone Number: (____) _____

Address: _____ (City) _____ (State) _____ (Zip Code)

Office	Name	Address

III. FOR CENTERS PRESENTLY LICENSED CONDITIONALLY OR PROVISIONALLY

State specifically which requirements listed as conditions of the license have been met and unmet, what the plans are for meeting them:

DIVISION OF LICENSING PROGRAMS
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RENEWAL APPLICATION
CHILD CARE CENTER

Section V, Programs and Services, contains requests for information which are not required to be completed now. Providing this information will expedite in processing the renewal application. Section VI lists attachments.

INSTRUCTIONS: Review the following topics, note changes which have occurred or which are contemplated for the coming year and indicate "No Change" where appropriate:

V. PROGRAMS AND SERVICES

- A. Purpose of the facility: No Change
- B. Policies of admission and enrollment termination: No Change
- C. Provision for communication with parents: No Change
- D. Provision for staff training: No Change

VI. SUPPLEMENTAL ATTACHMENTS

- A. Sample Daily Activity Schedule. Attach only if there is a basic schedule change.
 Attached Not applicable
- B. New or revised forms and/or brochures.
 Attached Not applicable
- C. A list of new indoor and outdoor play equipment, material and/or supplies available to children.
 Attached Not applicable
- D. Building plans for any construction contemplated within the next six months, giving room dimensions, specifications, and use.
 Attached Not applicable

CCCRENEW.LIC/CH

Title of Regulation: VR 175-03-01, VR 615-30-01. General Procedures and Information for Licensure.

EDITOR'S NOTE: This regulation is filed jointly with the Department of Social Services. Refer to Social Services for full text.

Title of Regulation: VR 175-04-01. Criminal Record Checks.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public Hearing Dates:

- November 1, 1988 - 4 p.m.
 - November 2, 1988 - 4 p.m.
 - November 3, 1988 - 2 p.m.
- (See Calendar of Events section for additional information)

Summary:

This regulation establishes the criminal record check procedures that employees and volunteers of a child care center must follow. The regulation includes the following topics:

Individuals required to obtain certificates, routing of certificates, validity of certificates, duplicate certificates, and maintenance and responsibility of certificates by facilities.

VR 175-04-01. Criminal Record Checks.

**PART I.
INTRODUCTION.**

**Article 1.
Definitions.**

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning:

"Affirmation of sworn disclosure statement" means that portion of the certificate obtained from the Department of Social Services affirming that the individual has met the requirement of completing, signing and submitting such a statement.

"Applicants for licensure" means all agents of a child care center including owners, partners or officers of the governing board of a corporation or association, who have applied for licensure.

"Barrier crimes" means certain crimes which automatically act as barriers to employment at child care centers. These crimes, as specified by § 63.1-198.1 of the

Code of Virginia, are as follows: murder; abduction for immoral purposes; sexual assault; failing to secure medical attention for an injured child; pandering; crimes against nature involving children; taking indecent liberties with children; neglect of children; and obscenity offenses.

"Central criminal records exchange" means the information system containing conviction data of those crimes committed in Virginia, maintained by the Department of State Police through which the criminal history record request form is processed.

"Certificate" means the clearance document issued by the Commissioner of the Department of Social Services verifying that (i) a criminal history record search has been conducted for a particular individual through the Department of State Police, (ii) no convictions have been found of any offense pursuant to those referenced in § 63.1-198.1 of the Code of Virginia and, if indicated, (iii) a sworn disclosure statement has been completed and submitted as required in § 63.1-198.1 of the Code of Virginia.

"Criminal history record request" means the Department of Social Services form to be submitted to the Department of State Police identifying the individual for whom clearance needs to be established. This form also includes the requirement for a sworn disclosure statement and must be completed and signed by the same individual for whom clearance is being requested.

"Duplicate certificate" means that an additional certificate is required for an individual. This may be necessary when an employee or volunteer is involved concurrently at more than one facility. An example would be when an individual is working intermittently at different facilities as a substitute or part time employee or, when someone contracts his services at more than one facility, such as a music or dance specialist. Another need for a duplicate certificate occurs when a certificate is lost or misplaced.

"Employee" means all personnel hired at a facility regardless of role, service, age, function or duration of employment at the facility. Employees also include those individuals hired through a contract to provide services for the facility.

"Facility" means a child care center as defined in § 63.1-195 of the Code of Virginia and subject to licensure by the Department of Social Services.

"Officer of the board" means anyone holding an office on the board of the facility and responsible for its operation in any manner.

"Sworn disclosure statement" means that portion of the criminal history record request form to be completed, signed, notarized and submitted by the individual for whom clearance is being requested. This portion indicates that the individual has neither a conviction nor pending

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charges in, or outside, the Commonwealth of Virginia of those crimes which act as barriers to employment at the indicated facilities. This is required as specified in § 63.1-198.1 of the Code of Virginia.

"Volunteer" means anyone who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities occurring at the facility location or sponsored by the licensed facility. This also includes volunteer staff counted for purposes of maintaining required ratios for the appropriate program.

Article 2.

Individuals Required to Obtain Certificates.

§ 1.2. Sections 63.1-198 and 63.1-198.1 of the Code of Virginia require all employees, volunteers and applicants for licensure of a child care center to obtain a certificate of clearance and affirmation of sworn disclosure statement (one document) from the Department of Social Services.

Exception: (As set forth in § 63.1-198.1 of the Code of Virginia) "The provisions of this section shall not apply to a parent-volunteer of a child attending such licensed facility whether or not such parent-volunteer will be alone with any child in the performance of his duties."

A "parent volunteer" is someone supervising, without pay, a group of children which includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section or § 63.1-198.2 of the Code of Virginia.

Article 3.

Routing of Certificates.

§ 1.3. In order to obtain a certificate, each applicant for licensure, and employee, volunteer or applicant for employment/volunteer work, shall submit a Department of Social Services Criminal History Record Request form, obtainable from facility staff or licensing staff, to the Department of State Police with the appropriate fee.

§ 1.4. The State Police shall collect the fee, run a clearance check through the Central Criminal Records Exchange and forward the same form to the Department of Social Services, Division of Licensing Programs. It shall be marked either "no conviction data" or a conviction record shall be attached if one of the barrier crimes is recorded as a result of the State Police check.

§ 1.5. A certificate of Criminal Record Check and Affirmation of Sworn Disclosure Statement shall be sent directly from the Department of Social Services, Division of Licensing Programs, to the individual for whom the check was run.

In the event that a certificate cannot be issued, a

notification shall be sent directly to the individual, along with a copy of the conviction information received from the State Police.

§ 1.6. This certificate, on Department of Social Services stationery with blue letterhead, shall be taken to, and maintained at, the facility where the person is employed or volunteers.

PART II. VALIDITY OF CERTIFICATES.

§ 2.1. Facility staff shall accept only the original certificate on Department of Social Services stationery with blue letterhead. Photocopies shall not be acceptable.

§ 2.2. Obtaining certificates.

A. The certificate shall be obtained on or prior to the fifteenth day of work for individuals participating in the operation of a facility.

B. A certificate issued by the department shall not be accepted by facility staff if the certificate is dated more than 90 days prior to the date of employment or volunteer service at the facility.

§ 2.3. Each certificate shall be verified by the operator of the facility by matching the name, social security number and date of birth to establish that all information pertaining to the individual cleared through the Central Criminal Record Exchange is exactly the same as another form of identification such as a driver's license. If any of the information does not match, the certificate shall be returned to the Division of Licensing Programs with a note of explanation.

§ 2.4. A certificate remains valid as long as the employee or volunteer remains in continuous service at the same facility.

§ 2.5. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by another entity, the certificate secured for the prior facility shall not be valid for the new facility. A new certificate shall be required.

EXCEPTIONS:

1. When an employee transfers to a facility owned and operated by the same entity, with a lapse in service of not more than 30 days, a new certificate shall not be required. The file at the previous facility shall contain a statement in the record of the former employee indicating that the certificate has been transferred, or forwarded to the new location.

2. A certificate for an individual who takes a leave of absence shall remain valid as long as the period of separation does not exceed six consecutive months. Once a period of six consecutive months has expired,

a new certificate is required.

PART III. DUPLICATE CERTIFICATES.

§ 3.1. There is a model form available from the Department of Social Services to request duplicate certificates.

All requests for duplicate certificates shall be sent by the individual or licensee directly to the Department of Social Services, Division of Licensing Programs, Richmond, Virginia.

§ 3.2. Requests for duplicate certificates.

A. A duplicate certificate shall be required when an individual is employed or volunteering concurrently at more than one facility such as a substitute or part-time employee or, when a certificate is lost or misplaced.

B. The request shall include: (i) the name, social security number, and signature of the individual for whom the clearance was completed; and (ii) the name and mailing address of the facility for which the duplicate certificate will be used.

C. If the duplicate certificate is to be used for an individual involved with more than one facility, the name of all facilities at which the individual is involved is required.

D. Duplicate certificates shall be sent directly to the facilities.

E. All duplicate certificates shall be verified by the licensee or facility operator in accordance with § 2.3 of this regulation.

F. Duplicate certificates may be requested with the original Criminal History Record Request Form by attaching either a model form provided by the Department of Social Services, or an attached letter with the information required by this section.

§ 3.3. When agents or officers of the board are involved as licensees in the operation of more than one facility, duplicate certificates shall not be required. It shall be made known to the Commissioner's representative that an original certificate is being maintained at a designated facility location.

PART IV. MAINTENANCE AND RESPONSIBILITY OF CERTIFICATES BY FACILITIES.

§ 4.1. Prior to the issuance of an initial license, the certificate(s) of criminal record check for the applicant(s) for licensure shall be made available to the Commissioner's representative.

§ 4.2. Certificates conforming to the requirements for all employed staff or utilized volunteers shall be maintained in the files of the facility during the time the individual is employed or volunteering and for one year after termination of work. Certificates shall be made available by the facility to the Commissioner's representative.

EXCEPTION: See § 2.5 A.

§ 4.3. When an individual becomes an officer of the board which serves as the licensee of a facility, a certificate shall be obtained by the facility within 15 days after the board member assumes the position.

When a board officer changes position within a board, a new certificate is not required.

Officers of advisory boards are not required to obtain certificates.

INSTRUCTIONS

Please read the following before completing this form

- Complete the upper portion of this form which contains identifying information. Please include your maiden name, if applicable, and all names by which you have previously been known.
- Check the following facility/agency codes as applicable:
 CCC-Child Care Center
 CCI-Child Caring Institution (residential)
 CPA-Child Placing Agency (for adoptive and foster parents, staff and volunteers)
 FDCH-Family Day Care Home
 FDGS-Family Day Care System
 IFH-Independent Foster Home
- The individual for whom this check is being run must have his/her signature and this form notarized.
- Complete the middle portion of this form under Sworn Disclosure Statement. Please "X" the appropriate two spaces and sign this portion of the form in the presence of a notary.
- Include a \$5.00 certified check, organization check or money order (no personal checks will be accepted) and mail the completed form to:

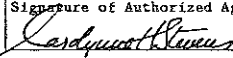
Virginia State Police
 Division of Records and Statistics
 Post Office Box 27472
 Richmond, Virginia 23261-7472
- This request will be processed by the Department of State Police and forwarded to Carolyn H. Stevens, Director, Division of Licensing Programs. A response will be sent directly to you. This original certificate, on blue letterhead from the Department of Social Services must be taken to, and maintained at the licensed facility/agency/home in order to indicate that the criminal record check and sworn disclosure statement have been completed. This is required in Sections 63.1-198 and 63.1-198.1 of the Code of Virginia.

NOTE: When an individual is working or volunteering concurrently at more than one facility, please request additional certificates directly from the Department of Social Services, Division of Licensing Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699 or request one from your licensing specialist. There is a model form available for this purpose.

SEE INSTRUCTIONS ON BACK

Commonwealth of Virginia Department of Social Services
CRIMINAL HISTORY RECORD REQUEST

A certified check, organization check or money order made payable to "Virginia State Police" for \$5.00 must accompany this request before a file search will be initiated.

<p>MAIL REQUEST TO: VIRGINIA STATE POLICE DIVISION OF RECORDS & STATISTICS P. O. BOX 27472 RICHMOND, VIRGINIA 23261-7472</p>	<p>RESPONSE BASED ON COMPARISON OF REQUESTOR FURNISHED INFORMATION AGAINST A MASTER NAME INDEX CONTAINED IN THE FILES OF THE VIRGINIA STATE POLICE CENTRAL CRIMINAL RECORDS</p>	<p>(STATE POLICE, MAIL REPLY TO:) CAROLYNNE H. STEVENS, DIRECTOR DIVISION OF LICENSING PROGRAMS DEPARTMENT OF SOCIAL SERVICES 8007 DISCOVERY DRIVE RICHMOND, VIRGINIA 23229-8699 Signature of Authorized Agent </p>
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PLEASE TYPE OR PRINT

LAST NAME	FIRST	MIDDLE/MAIDEN	SEX	RACE	DATE OF BIRTH Mo Day Year
PLACE OF BIRTH		COUNTY/CITY/STATE/COUNTRY	PHONE #		SOCIAL SECURITY NUMBER
CURRENT MAILING ADDRESS (Street, Apt. and/or P.O. Box#)			CITY		STATE ZIP CODE
FACILITY/AGENCY NAME/ADDRESS			CCC _____	CCI _____	
			FDCH _____	CPA _____	
			FDGS _____	(SEE BACK	
			IFH _____	FOR CODES)	

SWORN DISCLOSURE STATEMENT AND AFFIDAVIT FOR RELEASE OF INFORMATION

SWORN DISCLOSURE STATEMENT (REQUIRED TO BE COMPLETED BY INDIVIDUAL REQUESTING CLEARANCE)
 INDIVIDUAL (PLEASE "X" ONE OF THE FOLLOWING) HAS _____ HAS NOT _____ EVER BEEN CONVICTED OF OR IS _____ IS NOT _____ THE SUBJECT OF PENDING CHARGES FOR THE FOLLOWING OFFENSES: MURDER; ABDUCTION OF CHILDREN FOR IMMORAL PURPOSES; SEXUAL ASSAULT; FAILING TO SECURE MEDICAL ATTENTION FOR AN INJURED CHILD; PANDERING; CRIMES AGAINST NATURE INVOLVING CHILDREN; TAKING INDECENT LIBERTIES WITH CHILDREN; NEGLIGENCE OF CHILDREN; OR OBSCENITY OFFENSES; WITHIN THE COMMONWEALTH OR ANY EQUIVALENT OFFENSE OUTSIDE THE COMMONWEALTH. ANY PERSON MAKING A MATERIALLY FALSE STATEMENT REGARDING ANY SUCH OFFENSE SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR.

The Virginia State Police is hereby authorized to search for any criminal history record, pursuant to Section 63.1-198.1, Code of Virginia, pertaining to criminal record checks for children's facilities/agencies licensed by the Department of Social Services and report the results of such search to the Department of Social Services.

 (Signature of individual named in record)

State of _____ County/City of _____

Subscribed and sworn to before me this _____ day of _____, 19_____

 (NOTARY PUBLIC)

MY COMMISSION EXPIRES _____, 19_____
 032-05-018/5 (6/1/88)

CRIMREC.REQ.SMITH

Proposed Regulations

DEPARTMENT OF HEALTH (STATE BOARD OF)

Control.

Title of Regulation: VR 355-28-01.02. Regulations for Disease Reporting and Control.

Section 2-00

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

PART I. DEFINITIONS.

Public Hearing Date: November 3, 1988 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

These regulations explain the requirements for reporting communicable diseases, toxic substances related diseases, and cancer to the health department, including defining who is required to report, which diseases are reportable, and what mechanisms are available for reporting.

The proposed amendments to the regulations include the following:

- 1. A modification of the emergency regulation for reporting human immunodeficiency virus infection due to a change in § 32.1-36 of the Code of Virginia.*
- 2. The addition of a list of infectious diseases occurring in persons dying that must be reported to funeral directors. This list includes human immunodeficiency virus infection, hepatitis B, hepatitis non A, non B, rabies, and syphilis.*
- 3. A section defining information required to be reported to the Virginia Tumor Registry on all persons diagnosed with cancer. This will serve to clarify the new cancer reporting requirements.*
- 4. Additions to the list of reportable diseases, including chlamydia trachomatis infections, invasive Haemophilus influenzae type b infections, human immunodeficiency virus (HIV) infection, listeriosis, and Lyme disease.*
- 5. Additions to the list of diseases requiring rapid communication, including invasive Haemophilus influenzae type b infections and hepatitis A.*
- 6. Additions to the list of diseases reportable by directors of laboratories, including chlamydia trachomatis infections, Haemophilus influenzae type b infections, hepatitis A, listeriosis, and pertussis.*

These amendments are proposed as a result of current national disease control initiatives, recent changes to the Code of Virginia or both. They will enable the Virginia Department of Health to monitor diseases of public health importance, including conditions which have only recently achieved such importance.

VR 355-28-01.02. Regulations for Disease Reporting and

2-01 § 1.1. General: As used in these regulations, the words and terms hereinafter set forth have meanings respectively set forth unless the context requires a different meaning. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

2-02 Definitions

2-02-01 "Board" means the State Board of Health.

"Cancer" means all carcinomas, sarcomas, melanomas, leukemias, and lymphomas excluding localized basal and squamous cell carcinomas of the skin, except for lesions of the mucous membranes.

2-02-02 "Carrier" means a person who, with or without any apparent symptoms of a communicable disease, harbors a specific infectious agent and may serve as a source of infection.

2-02-03 "Commissioner" means the State Health Commissioner, his duly designated officer or agent.

2-02-04 "Communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment.

2-02-05 "Contact" means a person or animal known to have been in such association with an infected person or animal as to have had an opportunity of acquiring the infection.

2-02-06 "Department" means the State Department of Health.

2-02-07 "Designee" or "Designated officer or agent" means any person, or group of persons, designated by the State Health Commissioner, to act on behalf of the commissioner or the board.

2-02-08 "Epidemic" means the occurrence in a community or region of cases of an illness clearly in excess of normal expectancy.

2-02-09 "Foodborne outbreak" means a group manifestation of illness acquired through the consumption of food or water contaminated with chemicals or an infectious agent or its toxic products. Such illnesses include but are not limited to heavy metal intoxications, staphylococcal food poisoning, botulism, salmonellosis,

Proposed Regulations

shigellosis, *Clostridium perfringens* food poisoning and hepatitis A.

2-02-10 "Immunization" means a treatment which renders an individual less susceptible to the pathologic effects of a disease or provides a measure of protection against the disease (e.g., inoculation, vaccination).

"Independent pathology laboratory" means a nonhospital or a hospital laboratory performing surgical pathology, including fine needle aspiration biopsy and bone marrow examination services, which reports the results of such tests directly to physician offices, without reporting to a hospital or accessioning the information into a hospital tumor registry.

2-02-11 "Investigation" means an inquiry into the incidence, extent, source and causation of a disease occurrence.

"Isolation" means separation for the period of communicability of infected persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of an infectious agent from those infected to those who are susceptible. The means of isolation shall be the least restrictive means appropriate under the facts and circumstances as determined by the commissioner.

2-02-12 "Laboratory director" means any person in charge of supervising a laboratory conducting business in the Commonwealth of Virginia.

2-02-13 "Medical care facility" means any hospital or nursing home licensed in the Commonwealth, or any hospital operated by or contracted to operate by an entity of the United States government or the Commonwealth of Virginia.

2-02-14 "Midwife" means any person who is registered as a nurse midwife by the State Board of Nursing or who possesses a midwife permit issued by the State Health Commissioner.

2-02-16 "Nosocomial outbreak" means any group of illnesses of common etiology occurring in patients of a medical care facility acquired by exposure of those patients to the disease agent while confined in such a facility.

2-02-15 "Nurse" means any person licensed as a professional nurse or as a licensed practical nurse by the Virginia State Board of Nursing.

2-02-17 "Period of communicability" means the time or times during which the etiologic agent may be transferred directly or indirectly from an infected person to another person, or from an infected animal to a person.

2-02-18 "Physician" means any person licensed to practice medicine by the Virginia State Board of Medicine.

2-02-19 "Quarantine" means generally, a period of detention for persons or domestic animals that may have been exposed to or are suffering from a reportable, contagious disease for purposes of observation or treatment.

a. 1. Complete quarantine. The formal limitation of freedom of movement of well persons or animals exposed to a reportable disease for a period of time not longer than the longest incubation period of the disease in order to prevent effective contact with the unexposed. The means of complete quarantine shall be the least restrictive means appropriate under the facts and circumstances, as determined by the commissioner.

b. 2. Modified quarantine. A selective, partial limitation of freedom of movement of persons or domestic animals, determined on the basis of differences in susceptibility, or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes but is not limited to, the exclusion of children from school and the prohibition or restriction of those exposed to or suffering from a communicable disease from engaging in a particular occupation. The means of modified quarantine shall be the least restrictive means appropriate under the facts and circumstances, pursuant to § 3.1 E of these regulations or as determined by the commissioner.

e. 3. Segregation. The separation for special control, or observation of one or more persons or animals from other persons or animals to facilitate control or surveillance of a reportable disease. The means of segregation shall be the least restrictive means available under the facts and circumstances, as determined by the commissioner.

2-02-20 "Reportable disease" means an illness due to a specific toxic substance, occupational exposure, or infectious agent, which affects a susceptible individual, either directly, as from an infected animal or person, or indirectly through an intermediate host, vector, or the environment, as determined by the board.

2-02-21 "Surveillance" means the continuing scrutiny of all aspects of occurrence and spread of a disease relating to effective control of that disease. Included in the process of surveillance are the collection and evaluation of:

a. 1. Morbidity and mortality reports.

b. 2. Special reports of field investigations of epidemics and individual cases.

e. 3. Isolation and identification of infectious agents by laboratories.

d. 4. Data concerning the availability, use, and untoward side effects of the substances used in disease

control.

e. 5. Information regarding immunity levels in segments of the population.

~~2.02.22~~ "Toxic substance" means any substance, including any raw materials, intermediate products, catalysts, final products, or by-products of any manufacturing operation conducted in a commercial establishment, that has the capacity, through its physical, chemical or biological properties, to pose a substantial risk of death or impairment either immediately or over time, to the normal functions of humans, aquatic organisms, or any other animal but not including any pharmaceutical preparation which deliberately or inadvertently is consumed in such a way as to result in a drug overdose.

Section 1-00

PART II. GENERAL INFORMATION.

1-00 § 2.1. Authority.

Chapter 2 of Title 32.1 of the Code of Virginia deals with the reporting and control of diseases. Specifically, § 32.1-35 directs the Board of Health to promulgate regulations specifying which diseases occurring in the Commonwealth are to be reportable and the method by which they are to be reported. Further, § 32.1-42 of the Code ~~allows~~ *authorizes* the board to promulgate regulations and orders to prevent a potential emergency caused by a disease dangerous to the public health. Section 32.1-12 of the Code empowers the Board of Health ~~with the authority~~ to adopt *such* regulations as are necessary to carry out provisions of laws of the Commonwealth administered by the Commissioner of the Department of Health.

1-01 § 2.2. Purpose.

These regulations are designed to provide for the uniform reporting of diseases of public health importance occurring within the Commonwealth in order that appropriate control measures may be instituted to interrupt the transmission of disease.

1-02 § 2.3. Administration.

1-02.01 A. State Board of Health.

The State Board of Health ("board") has the responsibility for promulgating regulations pertaining to the reporting and control of diseases of public health importance.

1-02.02 B. State Health Commissioner.

The State Health Commissioner ("commissioner") is the executive officer for the State Board of Health with the authority of the board when it is not in session, subject to the rules and regulations of *and review by* the board.

1-02.03 C. Local health director.

The local health director is responsible for the surveillance and investigation of those diseases specified by these regulations which occur in his jurisdiction. He is further responsible *for reporting all such surveillance and investigations to the State Department of Health*. In cooperation with the commissioner, *he is responsible for instituting measures for disease control, including which may include quarantine or isolation as required by the commissioner*.

1-02.04 D. Office of Epidemiology.

The Office of Epidemiology is responsible for the statewide surveillance of those diseases specified by these regulations, for coordinating the investigation of those diseases with the local health director and regional medical director, and for providing direct assistance where necessary. The Director of the Office of Epidemiology acts as the commissioner's designee in reviewing reports and investigations of diseases and recommendations by local health directors for quarantine or isolation. *However, authority to order quarantine or isolation resides solely with the commissioner, unless otherwise expressly provided by him.*

1-03 § 2.4. Application of regulations.

These regulations have general application throughout the Commonwealth.

1-04 § 2.5. Effective date of original regulations.

August 1, 1980.

Effective date of amendment No. 1:

August 21, 1984.

Effective date of emergency amendment of § 3.1:

January 4, 1988.

Proposed effective date of amendment No. 2:

February 15, 1989.

1-05 § 2.6. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code, shall govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings and appeals hereunder. All hearings on such regulations shall be conducted in accordance with § 9-6.14:7.

1-06 § 2.7. Powers and procedures of regulations not exclusive.

Proposed Regulations

The board reserves the right to authorize a procedure for enforcement of these regulations which is not inconsistent with the provisions set forth herein and the provisions of Chapter 2 of Title 32.1 of the Code.

1.07. If any provision of these regulations or the application hereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications thereof are declared to be severable.

Section 3.00

PART III. REPORTING OF DISEASE.

3.00 § 3.1. Reportable Disease List.

The board declares the following named diseases, toxic effects, and conditions to be reportable by the persons enumerated in § 3.01 § 3.2 :

3.00.01 A. List of reportable diseases:

Acquired Immunodeficiency Syndrome	Lymphogranuloma venereum
Amebiasis	Malaria
Anthrax	Measles (Rubeola)
Arboviral infections	Meningococcal infections
Aseptic meningitis	Mumps
Bacterial meningitis (specify etiology)	Nosocomial outbreaks
Botulism	Occupational illnesses
Brucellosis	Ophthalmia neonatorum
Campylobacter infections	Pertussis (Whooping cough)
Chancroid	Phenylketonuria (PKU)
Chickenpox	Plague
Chlamydia trachomatis infections	Poliomyelitis
Congenital rubella syndrome	Psittacosis
Diphtheria	Q fever
Encephalitis primary (specify etiology)	Rabies in animals
post-infectious	Post-exposure rabies treatment
Foodborne outbreaks	Rabies treatment, post exposure
Giardiasis	Reye syndrome
Gonorrhea	Rocky Mountain spotted fever
Granuloma inguinale	Rubella (German measles)
Haemophilus influenzae type b infections, invasive	Salmonellosis
Hepatitis A (infectious)	Shigellosis
B (serum)	Smallpox
Non A, Non B	Syphilis
Unspecified	Tetanus
Histoplasmosis	Toxic shock syndrome
Human immunodeficiency virus (HIV) infection	Toxic substance related illnesses
Influenza	Trichinosis
Kawasaki Disease Syndrome	Tuberculosis
Legionellosis	Tularemia
Leprosy	Typhoid fever
Leptospirosis	Typhus, flea-borne
	Vibrio infections including cholera
	Waterborne outbreaks
	Yellow fever

Listeriosis
Lyme disease

3.00.02 B. Reportable diseases requiring rapid communication.

Certain of the diseases in the list of reportable diseases, because of their extremely contagious nature and/or their potential for greater harm, or both, require immediate identification and control. Reporting of these diseases, listed below, shall be made by the most rapid means available, preferably that of telecommunication (e.g., telephone, telegraph, teletype, etc.) to the local health director or other professional employee of the department:

Anthrax	Plague
Botulism	Poliomyelitis
Cholera	Psittacosis
Diphtheria	Rabies in man
Foodborne outbreaks	Smallpox
Haemophilus influenzae type b infections, invasive	Syphilis, primary and secondary
Hepatitis A	Tuberculosis
Measles (Rubeola)	Yellow Fever
Meningococcal infections	

3.00.03 C. Diseases to be reported by number of cases.

The following disease in the list of reportable diseases shall be reported as number-of-cases only:

Influenza

D. Diseases to be reported under special circumstances.

Any physician practicing in this Commonwealth may report to the local health department the identity of any patient of his who has tested positive for exposure to human immunodeficiency virus (HIV). Only individuals who have positive blood tests for HIV antibodies as demonstrated by at least two enzyme-linked immunosorbent assays (done in duplicate at the same time or singly at different times), and another testing procedure such as the western blot are considered to have HIV infection.

3.00.04 E. Toxic substances related diseases or illnesses.

Diseases or illnesses resulting from exposure to a toxic substance, shall include, but not be limited to the following:

Occupational Lung Diseases	Occupationally-Related Cancers
silicosis	mesothelioma
asbestosis	
byssinosis	

Furthermore, all toxic substances-related diseases or illnesses, including pesticide poisonings, illness or disease resulting from exposure to a radioactive substance, or any illness or disease that is indicative of an occupational health, public health, or environmental problem shall be reported.

Proposed Regulations

The timeliness of reporting a toxic substances-related disease or illness shall reflect the severity of the occupational health, public, or environmental problem. If such disease or illness is verified, or suspected, and presents an emergency, or a serious threat to public health or safety, the report of such disease or illness shall be by rapid communication as in Section 3-00-02 § 3.1 B .

3-00-05 F. Unusual or ill-defined diseases, illnesses, or outbreaks.

The occurrence of outbreaks or clusters of any illness which may represent an unusual or group expression of an illness which may be of public health concern shall be reported to the local health department by the most rapid means available.

~~3-01~~ § 3.2. Those required to report.

3-01-01 A. Physicians.

Each physician who treats or examines any person who is suffering from or who is suspected of having a reportable disease, or who is suspected of being a carrier of a reportable disease shall report that person's name, address, age, sex, race, name of disease diagnosed or suspected, and the date of onset of illness except that influenza should be reported by number of cases only and reports of HIV infection shall comply with the provisions of § 3.1 D. It is recommended that HIV infection shall be reported when the physician or primary care provider needs the Department of Health's support in patient and contact counseling and epidemiologic tracking. Reports are to be made to the local health department serving the jurisdiction where the facility is located physician practices. Any physician making such report as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia .

Such reports shall be made on a form to be provided by the department (CD-24) and shall be made within seven days unless the disease in question requires rapid reporting under Section 3-00-02 or 3-00-05 §§ 3.1 B or 3.1 F . (Venereal diseases are reported on Form VD-35C in the manner described above).

3-01-02 B. Directors of laboratories.

Any person who is in charge of a laboratory conducting business in the Commonwealth shall report any laboratory examination of any specimen derived from the human body which yields evidence, by the laboratory method(s) indicated, of a disease listed below:

Anthrax - by culture

Campylobacter infections - by culture

Chlamydia trachomatis infections - by culture or antigen detection methods

Cholera - by culture
Diphtheria - by culture

Gonococcal infections - by culture or microscopic examination

Haemophilus influenzae type b infections - by culture of blood or cerebrospinal fluid or counter-current immunoelectrophoresis

Hepatitis A - by serology

Influenza - by culture or serology

Legionellosis - by culture or serology

Listeriosis - by culture

Malaria - by microscopic examination

Meningococcal infections - by culture

Mycobacterial diseases - by culture

Pertussis - by culture or direct fluorescent antibody test

Plague - by culture

Poliomyelitis - by culture or serology

Rabies in animals - by microscopic or immunologic examination

Salmonella infections - by culture

Shigella infections - by culture

Syphilis - by serology or dark field examination

Trichinosis - by microscopic examination of a muscle biopsy

Each report shall give the name and address of the person from whom the specimen was obtained and, when available, the person's age, race and sex. The name and address of the physician for whom the examination was made shall also be provided. Reports shall be made within seven days to the local health department serving the jurisdiction in which the laboratory is located and shall be made on Form CD-24.3 or on the laboratory's own form if it includes the required information. Any person making such report as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

Exceptions: With the exception of reporting laboratory evidence of gonococcal infections and syphilis, laboratories operating within a medical care facility shall be considered to be in compliance with the regulations when the director of that medical care facility assumes the reporting responsibility.

Proposed Regulations

Laboratory examination results indicating gonococcal infections or syphilis shall be reported either on Form VD-36 or on Form CD-24.3.

A laboratory may fulfill its responsibility to report mycobacterial diseases by sending a positive culture for identification ~~and~~ or confirmation, *or both*, to the Virginia Division of Consolidated Laboratory Services. The culture must be identified with the patient and physician information required above.

Note: Refer to § 207.9 of the Rules and Regulations for the Licensure of Hospitals in Virginia (as contained in Appendix G) Part X § 1 for additional laboratory reporting requirements.

~~3-01-03~~ C. Person in charge of a medical care facility.

Any person in charge of a medical care facility shall make a report to the local health department serving the jurisdiction where the facility is located of the occurrence in or admission to the facility of a patient with a reportable disease listed in ~~3-00-01~~ § 3.1 A unless he has evidence that the occurrence has been reported by a physician. *Any person making such report as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.* The requirement to report shall include all inpatient, outpatient and emergency care departments within the medical care facility. Such report shall contain the patient's name, age, address, sex, race, name of disease being reported, the date of admission, hospital chart number, date expired (when applicable), and attending physician. Reports shall be made within seven days unless the disease in question requires rapid reporting under ~~3-00-02~~ or ~~3-00-05~~ §§ 3.1 B or 3.1 F and shall be made on Form CD-24.1. Nosocomial outbreaks shall be reported on Form CD-24.2.

(Note: See ~~3-01-02~~ § 3.2 B "Exceptions")

~~3-01-04~~ D. Person in charge of a school.

Any person in charge of a school shall report immediately to the local health department the presence or suspected presence in his school of children who have common symptoms suggesting an epidemic or outbreak situation. *Any person so reporting shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.*

~~3-01-05~~ E. Local health directors.

The local health director shall forward within seven days to the Office of Epidemiology of the State Health Department any report of a disease or report of evidence of a disease which has been made on a resident of his jurisdiction. This report shall be by telecommunication if the disease is one requiring rapid communication, as required in ~~3-00-02~~ and ~~3-00-05~~ § 3.1 B or § 3.1 F. All such rapid reporting shall be confirmed in writing and submitted to the Office of Epidemiology within seven days. Furthermore, the local health director shall immediately

forward to the appropriate local health director any disease reports on individuals residing in the latter's jurisdiction. The local health director shall review reports of diseases received from his jurisdiction and follow-up such reports, when indicated, with an appropriate investigation in order to evaluate the severity of the problem. He shall determine, in consultation with the regional medical director, ~~and~~ the Director of the Office of Epidemiology, *and the commissioner* if further investigation is required and if complete or modified quarantine will be necessary.

Modified quarantine shall apply to situations where the local health director on the scene would be best able to judge the potential threat of disease transmission. Such situations shall include, but are not limited to, the temporary exclusion of a child with a communicable disease from school and the temporary prohibition or restriction of any individual(s), exposed to or suffering from a communicable disease, from engaging in an occupation such as foodhandling that may pose a threat to the public. Modified quarantine shall also include the exclusion, under § 32.1-47 of the Code of Virginia (~~1950~~) *as amended*, of any unimmunized child from a school in which an outbreak, potential epidemic, or epidemic of a vaccine preventable disease has been identified. *In these situations, the local health director may be authorized as the commissioner's designee to order the least restrictive means of modified quarantine.*

Where modified quarantine is deemed to be insufficient and complete quarantine *or isolation* is necessary to protect the public health, the local health director, in consultation with the regional medical director and the ~~staff~~ Director of the Office of Epidemiology, shall recommend to the commissioner that a ~~formal~~ quarantine order *or isolation order* be issued.

F. Persons in charge of hospitals, nursing homes, homes for adults, and correctional facilities.

In accordance with § 32.1-37.1 of the Code of Virginia, any person in charge of a hospital, nursing home, home for adults or correctional facility shall, at the time of transferring custody of any dead body to any person practicing funeral services, notify the person practicing funeral services or his agent if the dead person was known to have had, immediately prior to death, any of the following infectious diseases:

Human immunodeficiency virus infection

Hepatitis B

Hepatitis Non A, Non B

Rabies

Syphilis

Section 4-00

PART IV. CONTROL OF DISEASE.

4.00 § 4.1. The "Methods of Control" sections of the ~~Thirteenth~~ *Fourteenth* Edition of the Control of Communicable Diseases in Man (1985) published by the American Public Health Association shall be complied with by the board and commissioner in controlling the diseases listed in ~~3.00-01~~ § 3.1 A, *except to the extent that the requirements and recommendations therein are outdated, inappropriate, inadequate, or otherwise inapplicable*. The board and commissioner reserve the right to use any legal means to control any disease which is a threat to the public health.

Section 6.00

PART V. IMMUNIZATION.

5.00 § 5.1. Dosage and age requirements for immunizations.

Every child in Virginia shall be immunized against the following diseases by receiving the specified number of doses of vaccine by the specified ages:

5.00-01 1. Diphtheria, Tetanus, and Pertussis (Whooping cough) Vaccine - three doses by age one year of toxoids of diphtheria and tetanus, combined with pertussis vaccine.

5.00-02 2. Poliomyelitis Vaccine, trivalent type - three doses by age 18 months of attenuated (live) trivalent oral polio virus vaccine or inactivated poliomyelitis vaccine.

5.00-03 3. Measles (Rubeola) Vaccine - one dose at 15 months of age, or by age two years, of further attenuated (live) measles virus vaccine (Schwartz or Moraten).

5.00-04 4. Rubella (German measles) Vaccine - one dose at 15 months of age or by age two years of attenuated (live) rubella virus vaccine.

5.00-05 5. Mumps Vaccine - one dose at 15 months of age or by age two years of mumps virus vaccine (live).

5.01 § 5.2. Obtaining immunization.

The required immunizations may be obtained from a physician licensed to practice medicine or from the local health department. ~~The local health department shall administer the required immunizations without charge.~~

Section 6.00

PART VI. VENEREAL DISEASE.

6.00 § 6.1. Prenatal testing.

Every physician attending a pregnant woman during gestation shall examine and test such woman for syphilis within 15 days after beginning such attendance. Every physician should examine and test a pregnant woman for other venereal diseases as clinically indicated.

Section 7.00

PART VII. PREVENTION OF BLINDNESS FROM OPHTHALMIA NEONATORUM.

7.00 § 7.1. Procedure for preventing ophthalmia neonatorum.

The physician, nurse or midwife in charge of the delivery of a baby shall install in each eye of that newborn baby as soon as possible after birth *either one of the following* : 1) (i) two drops of a 1.0% silver nitrate solution; 2) (ii) two drops of a 1.0% tetracycline ophthalmic solution; 3) (iii) one quarter inch or an excessive of 1.0% tetracycline ophthalmic ointment; or 4) (iv) one quarter inch or an excessive amount of 0.5% erythromycin ophthalmic ointment. This treatment shall be recorded in the medical record of the infant.

PART VIII. CANCER REPORTING.

§ 8.1. Authority.

Title 32.1 (§ 32.1-70) of the Code of Virginia authorizes the establishment of a statewide cancer registry.

§ 8.2. Reportable cancers.

Newly diagnosed malignant tumors or cancers, as defined in Part I, shall be reported to the Virginia Tumor Registry in the department.

§ 8.3. Those required to report.

Any person in charge of a medical care facility or independent pathology laboratory which diagnoses or treats cancer patients is required to report.

§ 8.4. Data which must be reported.

Each report shall include the patient's name, address, age, sex, date of diagnosis, primary site of cancer, histology, basis of diagnosis, and history of service in the Vietnam war and exposure to dioxin-containing compounds. Medical care facility reports shall also include social security number, date of birth, race, marital status, usual occupation, and usual industry.

The reporting requirement may be met by submitting a copy of the hospital facesheet and pathology report to the Virginia Tumor Registry. Reports shall be made within

Proposed Regulations

four months of the diagnosis of cancer.

§ 8.5. Additional data which may be reported.

Any person in charge of a medical care facility may also elect to provide more extensive clinical information as required for cancer programs approved by the American College of Surgeons. These additional data may include staging, treatment, and recurrence information and may be reported by submitting a hospital abstract to the Virginia Tumor Registry within six months of the diagnosis of cancer. Annual follow-up may be conducted on persons reported in this manner.

PART IX.

§ 1. Reporting and Control of Diseases.

Chapter 2, §§ 32.1-35 through 32.1-73 of the Code of Virginia relating to the Reporting and Control of Diseases is incorporated by reference and made a part of these regulations.

PART X.

§ 1. Reporting of specified organisms.

When a hospital diagnostic laboratory isolates from clinical, pathological or environmental specimens, any one of the special micro-organisms listed, the original culture or a subculture shall be submitted to the state laboratory for confirmation and further specific identification, accompanied by data identifying the patient and attending physician:

Atypical mycobacteria

Bacillus anthracis

Campylobacter species

Corynebacterium diphtheriae

Mycobacterium tuberculosis

Neisseria meningitidis

Polioviruses

Salmonella species

Shigella species

Vibrio cholerae

Yersinia pestis

(CD-24)

**VIRGINIA DEPARTMENT OF HEALTH
CONFIDENTIAL MORBIDITY REPORT**
(Send to Local Health Dept.)

1. Communicable Disease Reports

DISEASE			DATE OF ONSET			
NAME OF PATIENT — LAST		FIRST	MIDDLE	AGE	RACE	SEX
ADDRESS						
COMMENTS						
DISEASE			DATE OF ONSET			
NAME OF PATIENT — LAST		FIRST	MIDDLE	AGE	RACE	SEX
ADDRESS						
COMMENTS						
NAME OF PHYSICIAN			ADDRESS			

(over)

**II. OCCUPATIONAL DISEASE OR TOXIC SUBSTANCE
EXPOSURE REPORT**

PATIENT'S NAME — LAST		FIRST	MIDDLE	AGE	RACE	SEX
ADDRESS			OCCUPATION			
DIAGNOSIS			DATE OF ONSET			
NAME OF TOXIC SUBSTANCE (General or Trade Name if Known)						
DATE(S) OF EXPOSURE						
NAME AND ADDRESS OF LOCATION OF SUSPECTED EXPOSURE						
COMMENTS						
NAME OF PHYSICIAN			ADDRESS			

Proposed Regulations

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH - OFFICE OF EPIDEMIOLOGY
VIRGINIA CONFIDENTIAL MORBIDITY REPORT FOR MEDICAL CARE FACILITIES

PLEASE REPORT THE DISEASES LISTED BELOW AS REQUIRED BY SECTION 32.1-37 OF THE VIRGINIA CODE AND THE "RULES AND REGULATIONS FOR THE LICENSURE OF GENERAL AND SPECIAL HOSPITALS IN VIRGINIA." COMPLETED FORMS SHOULD BE MAILED TO THE LOCAL HEALTH DEPARTMENT AT LEAST **WEEKLY** IF THERE **ARE** CASES. A MONTHLY REPORT SHOULD BE SUBMITTED IF THERE ARE **NO** CASES TO BE REPORTED FOR THAT MONTH.

FOR EPIDEMIOLOGICAL ASSISTANCE OR CONSULTATION, PLEASE CALL THE LOCAL HEALTH DEPARTMENT OR THE OFFICE OF EPIDEMIOLOGY, 109 GOVERNOR STREET, RICHMOND, VIRGINIA 23219 (PH. 804-786-6261). ADDITIONAL REPORT FORMS ARE AVAILABLE THROUGH THE SAME OFFICE.

HOSPITAL NAME _____

ADDRESS _____

REPORTED BY _____

DIAGNOSIS	PATIENT'S NAME	ADDRESS	NAME			TITLE			PHONE NUMBER	DATE REPORTED
			AGE	RACE	SEX	DATE OF ADMISSION	CHART NUMBER	PHYSICIAN		

A. NOSOCOMIAL OUTBREAKS

AN OUTBREAK WILL BE CONSIDERED TO BE PRESENT WHEN THERE IS AN INCREASE IN INCIDENCE OF ANY INFECTIOUS DISEASE OR INFECTION ABOVE THE USUAL INCIDENCE. PLEASE COMPLETE FORM CD-24.2 TO REPORT OUTBREAKS.

B. REPORTABLE DISEASES

REPORT INFLUENZA BY NUMBER OF CASES ONLY.

VENEREAL DISEASE CASES SHOULD BE REPORTED ON A SPECIAL HEALTH DEPARTMENT FORM (VD35C) AVAILABLE THROUGH THE STATE VENEREAL DISEASE PROGRAM OR THE LOCAL HEALTH DEPARTMENT. CASES OF VENEREAL DISEASE WILL BE INVESTIGATED BY HEALTH DEPARTMENT PERSONNEL AFTER CONSULTATION WITH THE PATIENT'S PHYSICIAN.

ENTER MINIMAL IDENTIFYING DATA ON ALL OTHER DISEASES LISTED BELOW.

REPORT DISEASES PRECEDED BY AN ASTERISK (*) IMMEDIATELY BY TELEPHONE TO THE LOCAL HEALTH DIRECTOR OR STATE EPIDEMIOLOGIST AS WELL AS BY COMPLETING THE REPORTING FORM.

- | | | | |
|--|---|--|---|
| <ul style="list-style-type: none"> Acquired Immune Deficiency Syndrome Amebiasis Anthrax Arboviral Infections Aseptic Meningitis Bacterial Meningitis (specify etiology) Botulism Brucellosis Campylobacter Infections Chancroid Chickenpox Cholera Congenital Rubella Syndrome Diphtheria Encephalitis (specify etiology) Post-Infectious | <ul style="list-style-type: none"> Foodborne Outbreaks Giardiasis Gonorrhea Granuloma Inguinale Hepatitis A (Infectious) Hepatitis B (Serum) (specify etiology) Hepatitis C (Serum) (specify etiology) Histoplasmosis Influenza Kawasaki's Disease Legionellosis Leptospirosis Lymphogranuloma Venereum Malaria | <ul style="list-style-type: none"> Measles (Rubeola) Meningococcal Infections Mumps Nosocomial Outbreaks Occupational Illnesses Ophthalmia Neonatorum Peritussis Phenylketonuria (PKU) Rabies Rabies in Man Rabies in Animals Rabies Treatment in Man Rabies in Animals | <ul style="list-style-type: none"> Reye's Syndrome Rocky Mountain Spotted Fever Rubella Salmonellosis Shigellosis Smallpox Syphilis (Primary and Secondary) Tetanus Toxic Shock Syndrome Trichinosis Tularemia 'Tuberculosis' Typhoid Fever Typhus, Flea-Borne Vibrio Infections Waterborne Outbreaks 'Yellow Fever' |
|--|---|--|---|

ANY OTHER DISEASE OR OUTBREAK OF PUBLIC HEALTH IMPORTANCE

*An additional report will be filed with the Bureau of Tuberculosis Control by the local health department

RETAIN COPY (3) FOR YOUR RECORDS. MAIL COPIES (1) AND (2) TO YOUR LOCAL HEALTH DEPARTMENT

FORM CD--24.1 1987

**VIRGINIA STATE DEPARTMENT OF HEALTH
CONFIDENTIAL REPORT: LABORATORY EVIDENCE OF CERTAIN COMMUNICABLE DISEASES**

Last Name		First	Middle	Age	Race	Sex	Date Specimen Submitted
Address			City	Zip	County		
Attending Physician				Address or Hospital			
City		County	Zip	Phone			
Type of Specimen		Pharyngeal Swab <input type="checkbox"/>		Sputum <input type="checkbox"/>	Discharge <input type="checkbox"/>		
Blood <input type="checkbox"/>	CSF <input type="checkbox"/>	Stool <input type="checkbox"/>	Washing <input type="checkbox"/>	Other _____			
Test	Culture: Bacterial <input type="checkbox"/>	Parasitic <input type="checkbox"/>	Immunological (SPECIFY) _____			Microscopic <input type="checkbox"/>	
	Viral <input type="checkbox"/>		Serological (SPECIFY) _____			Histologic <input type="checkbox"/>	
Results							
Date of Report		Name and Address of Lab			Director		

Mail Copies (1) and (2) to Your Local Health Department

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**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH - DIVISION OF EPIDEMIOLOGY
NOSOCOMIAL OUTBREAK REPORT**

Hospital Name _____ Date of Report _____

Address _____

Reported By _____ Name _____ Title _____ Phone Number _____

Date of Onset of Index Case _____ Date of Onset of Last Case _____

Is Outbreak Continuing? _____ # Cases to Date _____ # Deaths to Date _____

Etiology _____

Description of Outbreak _____

Control Measures Instituted _____

Comments _____

(Please attach additional pages or information as needed)
Division of Epidemiology

CD-142

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**COMMONWEALTH OF VIRGINIA — DEPARTMENT OF HEALTH
LABORATORY REPORT OF REACTIVE TESTS FOR VENEREAL DISEASE**

Name of Laboratory _____ Address _____ Period Covered: (Date) From _____ To _____ Number of Tests Performed _____ Number Reactive _____	REPORTABLE TESTS INCLUDE: 1. All Reactive and Weakly Reactive Serologic Tests for Syphilis. 2. All Positive Darkfield Tests for Syphilis 3. All Positive Smears and Cultures for Gonorrhea	§32,1-36, Code of Virginia, 1950 as amended. "... And every director of any laboratory doing business in this Commonwealth which performs any test whose results indicate the presence of any such disease shall make a report within such time and in such manner as may be prescribed by regulations of the Board..."
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This report shall be submitted within seven (7) days of the laboratory examination by all laboratories in Virginia. Positive darkfield tests and quantitative serologies with a titer of 1:8 or greater shall be reported within 24 hours.

Mail to: Virginia State Department of Health
 Madison Building, 109 Governor Street, Rm.-723
 Central Registry - Venereal Disease Control
 Richmond, Virginia 23219

James B. Kenley, M.D.
 State Health Commissioner

Name of Patient	Address of Patient	Age	Sex	Race	Date	Test	Results	Name of Physician	Address of Physician

Check if additional forms are requested

VD-76 - Rev 9 80

 Signature of Laboratory Supervisor

Last Name _____ First Name _____ Address _____ City _____ State _____ Zip _____ Date of Birth _____ Sex _____ Race _____ County _____ City _____	Other Venereal Diseases: <input type="checkbox"/> (60) Gonorrhea <input type="checkbox"/> (70) Chancroid <input type="checkbox"/> (80) Granuloma Inguinale <input type="checkbox"/> (90) Lymphogranuloma Venereum Syphilis: <input type="checkbox"/> (10) Primary <input type="checkbox"/> (20) Secondary <input type="checkbox"/> (30) Early Latent (Less than 1 yr.'s duration) <input type="checkbox"/> (40) Late Latent (Over 2 yrs. duration) <input type="checkbox"/> (51) Early Latent (1-2 yrs. duration) <input type="checkbox"/> (41) Neurosyphilis <input type="checkbox"/> (42) Cardiovascular <input type="checkbox"/> (43) Other <input type="checkbox"/> (50) Congenital <input type="checkbox"/> Not Infected with syphilis
Signature _____	Date of Report _____
Address _____	

FOR INFORMATION INTERVIEWING & DARKFIELD SERVICES PLEASE CALL THE PUBLIC HEALTH DEPARTMENT OR CALL COLLECT RICHMOND, VIRGINIA 786-6265

CONFIDENTIAL REPORT OF VENEREAL DISEASE
 VIRGINIA STATE DEPARTMENT OF HEALTH

Form No. VD 35C
 Rev. 10-85

Date	Laboratory Tests Type of Test	Results	Treatment	Comments:

Do You Need? <input type="checkbox"/> Report Forms <input type="checkbox"/> Drugs to Treat Test Patient <input type="checkbox"/> Professional Literature	Send To: Your Local Health Department or Director, State Department of Health Richmond, Virginia 23219
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DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF) AND CHILD DAY-CARE COUNCIL

Title of Regulation: VR 615-30-01, VR 175-03-01. General Procedures and Information for Licensure.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Public Hearing Dates:

November 1, 1988 - 4 p.m.

November 2, 1988 - 4 p.m.

November 3, 1988 - 2 p.m.

(See Calendar of Events section for additional information)

Summary:

This regulation describes the rights and responsibilities of licensees and the Department of Social Services during the licensing process. The following issues are addressed in the regulation:

The license, the licensing process, allowable variances, informal appeal process, complaint investigation, revocation and denial, licensing office locations and schedule of fees.

VR 615-30-01, VR 175-03-01. General Procedures and Information for Licensure.

PART I. LICENSING STANDARDS.

§ 1.1. *Through the administration of the licensing program, the Department of Social Services assumes responsibility to ensure that licensed facilities and agencies provide children and adults with at least a minimum level of care in accordance with standards prescribed by the State Board of Social Services and Child Day-Care Council. The department also has the responsibility to investigate accusations that a facility/agency subject to licensure is operating without a license. The Virginia Code requires the State Board of Social Services to adopt standards and regulations for the licensure of the following categories of facilities/agencies:*

1. *Adult day care centers*
2. *Homes for adults*
3. *Child placing agencies*
4. *Child caring institutions*
5. *Independent foster homes*
6. *Family day care homes*
7. *Family day care systems.*

The Virginia Code requires the Child Day-Care Council to adopt standards and regulations for the licensure of child care centers.

§ 1.2. *The State Board of Social Services has adopted a set of standards for each category listed above except for child care centers for which the Child Day-Care Council has adopted the standards. The definition of each category and requirements for licensure are contained in each set of standards.*

§ 1.3. *Standards development/revision process.*

A. *In developing or revising standards for licensed facilities/agencies, the Department of Social Services, acting as agent for the State Board of Social Services and Child Day-Care Council, adheres to the requirements of the Administrative Process Act (§ 9-7.14:1 of the Code of Virginia) and the public participation process.*

B. *The department solicits input from licensees, associations of licensees, experts in related fields, and advocacy organizations in the development or revision of licensing standards through informal and formal comment periods and public hearings.*

C. *The department is committed to conducting periodic reviews and, when necessary, comprehensive revisions of each set of standards to assure that its standards continue to protect vulnerable children and adults in out-of-home care while considering the interests of both providers and consumers of care.*

PART II. THE LICENSE.

§ 2.1. *A license to operate a facility or agency is issued to a specific person or organization to provide out-of-home care to children or adults. An organization may be a partnership, association or corporation.*

§ 2.2. *A license is not transferable when there is a change in the ownership or location of the facility/agency to which the license has been issued.*

EXCEPTION: *Licenses issued for child placing agencies and family day care systems are transferable when agencies change location.*

§ 2.3. *A child care center located in a building constructed or under construction prior to 1978 shall have an inspection for the presence of asbestos prior to the issuance of a license. The inspection shall be conducted in compliance with the state standards for asbestos inspections of licensed child care centers.*

2.4. *The department may issue a conditional license to a new facility/agency in order to permit the applicant to demonstrate compliance with specified standards. A conditional license may be effective for any period not to exceed six consecutive months. When this period expires,*

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the facility/agency must substantially meet the standards or be denied a license. Conditional licenses may be used only for new facilities/agencies.

EXCEPTION: With the approval of the State Fire Marshal, a second conditional license may be issued to a licensee to permit the licensee additional time to comply with fire safety standards when the licensee has purchased an existing licensed facility for adults.

§ 2.5. An annual license is issued when the activities, services, facilities, and the applicant's financial responsibility substantially meet the requirements for a license that are set forth by standards adopted by the State Board of Social Services or the Child Day-Care Council and any additional requirements that may be specified by the Virginia Code. The annual license is effective for 12 months unless it is revoked or surrendered prior to the expiration date.

§ 2.6. When an annual license expires and the applicant is temporarily unable to comply with the requirements of the standards, the department may issue a provisional license for any period not to exceed six months. A provisional license shall not be issued to a facility/agency which holds a conditional license. When a period of six consecutive months of a provisional license expires, the facility/agency must meet substantially the standards and requirements or be denied a license.

EXCEPTION: With the approval of the appropriate fire marshal, a second provisional license may be issued to a facility for adults to permit the licensee additional time to comply with fire safety standards.

§ 2.7. Terms of the license.

A. A facility/agency shall operate within the terms of its license.

B. The terms of any license include:

1. The operating name of the facility/agency;
2. The name of the individual, partnership, association, or corporation sponsoring the facility/agency;
3. The physical location of the facility/agency;
4. The maximum number of children/adults who may be in care at any time;
5. The period of time for which the license is effective; and
6. For child care facilities/agencies, the age range of children for whom care may be provided.

C. The terms of a license may include other limitations which the department may prescribe within the context of

the standards for any facility/agency.

D. The provisional license cites the standards with which the licensee is not in compliance.

E. The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins, and also any standards with which the licensee is not in compliance.

F. Prior to changes in operation which would affect the terms of the license, the licensee shall secure a modification to the terms of the license from the department. (See § 3.7)

PART III. THE LICENSING PROCESS.

§ 3.1. Preapplication consultation.

Upon request, the department's licensing representative will provide consultation to any person(s) seeking information about obtaining a license. The purpose of such consultation is:

1. To explain standards and the licensing process;
2. To help the potential applicant explore the operational demands of a licensed facility/agency;
3. To provide assistance in locating other sources of information;
4. To alert the potential applicant to the value of assessing the need for a facility/agency in the area to be served;
5. To review the potential applicant's proposed program plans, forms, etc., as they relate to standards; and
6. To alert the potential applicant regarding the need to meet other state and local ordinances, such as health, fire and building codes, where applicable.

§ 3.2. The initial application.

A. Upon request, the Virginia Department of Social Services will provide an application form for a license to operate a facility/agency. The location, telephone number and areas served by each office, central and regional, are provided in Attachment I of this document.

B. The department shall consider an application complete when the application fee and all the required information is submitted in the form required by the department. The schedule of fees for licenses is provided in Attachment II of this document. If the department finds the application incomplete, the applicant will be notified within 15 days of receipt of the incomplete application.

C. The applicant shall complete and submit the application to the department at least 60 days prior to a planned opening date to allow the department time to act on the application.

D. The applicant may at any time withdraw a request for a license.

§ 3.3. Applications involving the issuance of a new or changed use group certificate of occupancy.

A valid certificate of occupancy is one prerequisite for licensure. When an application will involve licensure of a building which has not previously been in service under the type of license or use group being sought, the department must approve functional design features of the building in accordance with applicable department regulations before the building official may issue a certificate of occupancy signifying compliance with both these functional design requirements and with other requirements of the applicable building codes. Functional design refers to buildings and grounds design functions, not regulated by the Building Code, necessary for particular activities and operations of a facility subject to licensure by the Department of Social Services. The procedures are as follows:

1. Prior to beginning construction or renovation, the prospective operator shall submit to the department floor plans to scale and other plans for compliance with all functional design requirements contained in the applicable regulations.

(NOTE: Prospective operators are urged to present their plans for constructing, renovating, or converting structures to the department as early as possible and before entering into contracts in order to assure that the building can be approved as meeting the department's regulations. Architects, contractors, or building officials may not be thoroughly familiar with these additional requirements, and costly errors can be avoided through early review by the department.)

2. The department will notify the applicant within 15 days of receipt if the plans for compliance are incomplete, identifying the information needed before the request can be reviewed.

3. Within 30 days of receipt of a complete plan for compliance, the department will issue a Preliminary Inspection Statement, indicating that the plan for compliance is approved, or a letter indicating disapproval of the plan and the reasons for disapproval.

(NOTE: A Preliminary Inspection Statement does not imply that the department will approve the application for licensure since factors in addition to those under consideration will affect issuance decisions.)

4. All Preliminary Inspection Statements are conditional upon there being no change in the proposal or the circumstances affecting them and upon approval of all required fire, health, or building officials.

5. The department will forward a copy of the Preliminary Inspection Statement to the appropriate building official.

6. Before issuing a Certificate of Occupancy, that building official will verify that the plan for compliance which was the basis for the Preliminary Inspection Statement has been followed in the construction or equipping of the building, conferring with the department if necessary to assure that functional design requirements have been met in accordance with the plan approved in the department's statement.

§ 3.4. The investigation.

A. Inspections and reports of other agencies/departments.

EXCEPTION: Section 3.4 A does not apply to child placing agencies or family day care systems.

1. When the initial application is received, and at least annually thereafter, the department will, as applicable, request the local health department to provide an inspection and report of the environmental health conditions of the facility. This will include a request for approval of the water supply, sewage disposal system and food service operation, which serves the facility.

2. When the initial application is received, and at least annually thereafter, the department will, as applicable, request an inspection and report of the fire safety conditions of the facility from the local fire official or state fire official.

3. When applicable, a copy of or a Certificate of Occupancy is required as indication of the approval of the local building official.

4. When applicable, a copy of approval by the administrator for any local ordinance regulating human care facilities is required.

B. The department's representative shall make an on-site inspection of the proposed facility/agency and an investigation of the proposed services, as well as an investigation of the character, reputation and financial responsibility of the applicant. Compliance with all standards will be determined.

C. The department's representative may inspect the facility's/agency's books and records, interview its agents, employees, residents/participants and any person under its

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custody, control, direction or supervision.

D. After the on-site inspection the licensing representative shall discuss the findings of the investigation with the administrator/licensee. As applicable, the applicant shall submit an acceptable plan for correcting any areas of noncompliance following these discussions.

§ 3.5. Notice to the applicant of issuance or denial of a license.

A. When the investigation is completed, the department shall notify the applicant in writing of its decision regarding the issuance of a license.

B. When the decision is to issue a license, a letter accompanying the license shall cite any areas of noncompliance with standards or areas where compliance cannot be determined, as well as any limitations on the license. The letter may also contain recommendations which are optional and offered for the licensee's consideration.

C. If the department intends to deny the license, the applicant will receive a letter stating the reasons for this action and the applicant's right to an administrative hearing. (See Part VII.)

§ 3.6. Determination of continued compliance (monitoring visits).

In order to determine continued compliance with standards during the effective dates of the license, the department's licensing representative shall make announced and unannounced visits to the facility/agency during the hours of its operation. State law requires at least one unannounced visit per year. The department's representative may also make such visits to any homes/facilities that are approved by the licensee for the placement or care of children as one of the licensed services of the agency.

§ 3.7. Modification.

A. The licensee may request a modification of the terms of a license at any time during the period of the license. The request must be submitted in writing to the department's representative.

The department will evaluate written information about any planned changes in operation which would affect either the terms of the license or the continuing eligibility for a license. A licensing representative may visit the facility during the process of evaluating a proposed modification.

Examples of such changes are: changes in the number of children/adults to be served, staff responsibilities, availability and use of the physical plant and changes in program focus or needs of the population to be served.

B. If a modification can be granted under the standards, the department shall respond with a transmittal letter and the modified license. In the event that a new application is needed, the licensee shall receive written notification of such. When the modification cannot be granted, the licensee shall also be advised by letter.

§ 3.8. Early compliance (replacement of a provisional or conditional license with an annual license).

A. A provisional or conditional license may be voided and an annual license issued when all of the following conditions exist:

1. The facility/agency complies with all standards listed on the face of the provisional or conditional license well in advance of the expiration date of the provisional or conditional license, and the facility/agency is in substantial compliance with all other standards.

2. Compliance has been verified by an on-site observation by the department's licensing representative or, when applicable, by written evidence provided by the licensee.

B. The licensee shall make a written request to the licensing representative for replacement of a provisional or conditional license with an annual license.

C. When the request is approved by the department, the effective date of the new annual license shall be the same as the beginning date of the voided license.

When the request is not approved, the reasons for this action shall be confirmed to the licensee in writing.

D. Early compliance shall not be considered once a renewal application has been filed by the facility/agency.

§ 3.9. Renewal process.

A. The Department of Social Services shall send an application for renewal of the license to the licensee prior to the expiration date of the license.

B. The licensee shall submit the completed application form along with any required attachments and the application fee prior to the expiration of the current license. It is the applicant's responsibility to complete and return the application prior to the expiration of the current license or as soon as feasible after its receipt to assure timely processing.

C. The department shall follow the procedure for investigation and notice to the applicant previously outlined in §§ 3.4 and 3.5.

**PART IV.
ALLOWABLE VARIANCE.**

§ 4.1. An allowable variance may be: (i) permission to meet the intent of a standard by some means other than as specified by the standard, (ii) the suspension of enforcement of a particular standard or portion of the standard for a stated time period.

§ 4.2. Allowable variances are used for one or more of the following:

1. To allow the department some degree of flexibility in the enforcement of requirements, given the rapid and ever changing nature of programs and their unique settings;
2. To allow for greater development of innovative and pilot programs, which were not anticipated in the regulations; and
3. To promote equity across all programs by allowing for variable compliance methods when a regulation places special hardship on a particular facility.

§ 4.3. Conditions for initiating a request.

A licensee/applicant may request an allowable variance when he believes that the existing regulations pose a special hardship and when he believes that either an alternative method of compliance with the intent of the regulation which is causing the hardship, or the actual suspension of all or part of that regulation, would neither endanger the safety or well-being of persons in care nor create a violation of statutes or of the requirements of another regulatory agency.

§ 4.4. Process.

A. Consideration of an allowable variance is initiated when a written request to the issuing office is received from the applicant/licensee. The department's licensing representative may provide consultation to the applicant/licensee in the development of the written request and throughout the allowable variance process.

1. The licensee/applicant shall make a written request for an allowable variance which describes the special hardship(s) to the existing program or to a planned innovative/pilot program caused by the enforcement of the requirement(s).
2. When possible, the licensee/applicant shall propose alternatives to meet the purpose of the requirement which will ensure the protection and well-being of persons in care.
3. The licensee/applicant should obtain, when requested by the department, the opinions of professionals in the field or documented research, or both, that the proposed activities, facilities or equipment are not injurious to persons in care.
4. The department can authorize allowable variances

only to its own licensing standards, not to regulations of another agency or to any requirement in federal, state or local laws.

B. The department's representative shall notify the petitioning applicant/licensee of the receipt of his request for an allowable variance and send a recommendation to the person delegated decision-making authority by the department.

C. Decision authority for approval or denial of a request for an allowable variance shall be defined by the commissioner through a formal delegation of authority for licensing actions. The decision is transmitted in writing to the petitioning applicant/licensee with a copy to the department's licensing representative.

D. Approval.

1. The designated authority may attach conditions to the granting of the allowable variance in order to protect persons in care.

2. Allowable variances are conditional upon there being no change in the circumstances which were the basis for the approval. Any allowable variance may be rescinded or modified if conditions change, additional information becomes known which alters the basis for the original decision, the applicant/licensee fails to meet any conditions attached to the allowable variance or results of the allowable variance jeopardize the safety, comfort, or well-being of persons in care.

3. Allowable variances expire automatically when there is a change in the facility's location or a change in the sponsorship of the facility/agency.

EXCEPTION: Allowable variances issued to child placing agencies and family day care systems are transferable when agencies change location.

4. The department's licensing representative shall review each allowable variance at least annually. At minimum, this review shall address the impact if the allowable variance on persons in care, adherence to any conditions attached, and the continuing need for the allowable variance.

E. Denial.

1. When the decision is to deny a request for an allowable variance, the reason(s) shall be provided in writing to the applicant/licensee.

2. When a request for an allowable variance is denied, it may be reconsidered if the applicant/licensee submits another written request and provides new or additional supporting information.

3. When a request for an allowable variance is denied

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by the designated decision-maker and if the petitioner believes that decision was unreasonable, arbitrary, or capricious, the petitioner may request a desk review of that decision. The following shall apply when a desk review is requested:

a. The petitioner shall request this desk review, in writing, within 15 days of the denial's issuance and shall include such information as necessary to explain the belief that the decision was unreasonable, arbitrary or capricious.

b. The desk review shall be conducted by the person who supervises the designated decision-maker, unless a different person has been assigned desk review responsibility in accordance with the commissioner's formal delegation of authority.

c. The decision of the reviewer shall be reported in writing to the petitioner within 30 days of receiving a complete request for a desk review.

d. The reviewer's decision shall be final and not appealable.

F. When an allowable variance is denied, expires, or is rescinded, routine enforcement of the standard or portion of the standard shall be resumed.

G. The applicant/licensee may at any time withdraw a request for an allowable variance.

PART V. INFORMAL APPEAL PROCESS.

§ 5.1. When an applicant/licensee has concerns about licensing procedures, interpretation of standards, or the actions of licensing personnel that cannot be satisfactorily resolved in discussion with the assigned licensing representative, the informal appeal steps outlined in this article are available.

§ 5.2. The applicant/licensee may request either a desk review by or a meeting with the assigned licensing representative's immediate supervisor.

A. If the request stems from a desire to contest the findings or conclusions of an inspection, the following procedures shall apply:

1. The applicant/licensee shall make the request within 15 days of receiving the compliance plan.
2. The request shall specify the contested finding or conclusion and shall specify whether a desk review or conference is being requested.
3. The request shall include the applicant's/licensee's reasons or other evidence supporting the request for a review or a conference.

B. The first step review will be held at the supervisor's office unless the supervisor designates a different location. The following procedures shall apply:

1. The supervisor shall report the findings of a desk review in writing within 10 days of receiving the request and supporting materials or shall hold the requested conference within 30 days of receipt of such request and materials.

2. When the request was for a conference, the supervisor shall, within 10 days following the conference, confirm to the applicant/licensee in writing the results of the conference and any subsequent decisions made by the supervisor.

§ 5.3. If the applicant/licensee believes that the laws, regulations, or departmental policies have been applied or interpreted in a manner that was unreasonable, arbitrary or capricious, he may request a second step review by program supervisory personnel as assigned by the Director of Licensing Programs according to the provisions of this article.

A. A second step review shall not be requested to challenge the content of an established law, regulation, or policy.

B. When second step appeals are made, the request must be in writing and must specify whether the applicant/licensee is requesting a desk review or a conference. Conferences shall be held in the region or in Richmond as designated by the director.

C. The second step appeal request shall:

1. Be made within 15 days of the date of the first step response;

2. Specify the reason for requesting the second step review and include such information, explanation or additional materials as necessary to support the applicant's/licensee's belief that the decision reached at the first step was unreasonable, arbitrary or capricious; and

3. Include a copy of relevant materials and correspondence developed at the first step of the informal appeal process.

D. The director's office shall respond in writing or schedule the conference within 30 days of receipt of such request.

E. When the request was for a conference, the designated program management staff shall, within 10 days following the conference, confirm to the applicant/licensee in writing the results of the conference and any subsequent decisions made by program management staff.

§ 5.4. Nothing in this article shall prohibit the Department of Social Services from exercising its responsibility and authority to enforce the disputed regulation during the informal appeal process, including proceeding directly to denial or revocation of a license, or recommending petitions for injunction when, in the judgment of the Director, Division of Licensing Programs, there is sufficient risk to persons in care to do so whether or not the steps available in the informal appeal process have been exhausted.

§ 5.5. Licensing staff may initiate a request for problem-solving conferences with applicants or licensees when the need arises.

PART VI. COMPLAINT INVESTIGATION.

§ 6.1. A complaint is an accusation that a licensed facility/agency is not in compliance with the licensing standards or statute or an accusation that the children/adults in the care of a licensed facility/agency are being abused, neglected, or exploited. Complaints may be received in written or oral form and may be anonymous.

§ 6.2. The department has the responsibility to investigate any complaints regarding alleged violations of the standards or statute and complaints of the abuse and neglect of persons in care.

§ 6.3. Whenever licensing staff become aware of or suspect adult/child abuse, neglect, or exploitation in a facility/agency, the local department of social services, in the locality of the licensed facility/agency, shall be notified immediately.

When staff of the local department of social services receive a complaint of adult/child abuse, neglect, or exploitation in a licensed facility, the appropriate licensing unit shall be notified immediately.

Through separate or joint investigations, the local department of social services worker determines whether or not abuse, neglect or exploitation has occurred within applicable law and policies while the licensing representative determines whether or not the facility/agency has violated the licensing standard(s) or statute.

§ 6.4. When the investigation is completed, the licensee shall be notified of the findings of the investigation. Any necessary corrective action will be identified.

PART VII. REVOCATION AND DENIAL.

§ 7.1. Revocation is the act of withdrawing permission to operate during the effective dates of the license. Denial is the act of refusing to grant a license after receipt of an original or renewal application. The process for revocation or denial is the same.

§ 7.2. The following reasons may be considered by the department for revocation or denial:

1. Failure to demonstrate or maintain compliance with the applicable standards or for violations of the provisions of the Code of Virginia;
2. Permitting, aiding or abetting the commission of any illegal act in the licensed facility/agency;
3. Engaging in conduct or practices which are in violation of statutes and standards related to abuse, neglect or exploitation of children/adults; or
4. Deviating significantly from the program or services for which a license was issued without obtaining prior written approval from the department, or failure to correct such deviations within a specified time, or both.

§ 7.3. Process.

A. The applicant/licensee will receive a notice of the department's intent to deny or revoke a license. This notice shall describe the reasons for the revocation or denial.

B. Upon receipt of the notice of intent to revoke or deny, the applicant/licensee has the right to appeal the decision in accordance with the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia). The procedure for requesting an administrative hearing shall be outlined in the notice.

C. In the event the applicant/licensee does not request an administrative hearing, the facility/agency shall cease to operate or shall modify the operation such that it is no longer subject to licensure.

D. If a facility/agency continues to operate in violation of the statute after the date the revocation/denial is final, the department shall initiate appropriate legal action.

§ 7.4. Appeals.

A. If an administrative hearing is requested, the applicant/licensee has the right to be represented by counsel at the hearing.

B. The hearing shall be conducted by an individual appointed from a roster of attorneys, approved to serve as hearing officers, which is maintained by the Supreme Court of Virginia.

C. Once the hearing is completed, the hearing officer shall submit written findings of fact and conclusions of law and recommendations to the Commissioner of the Department of Social Services.

D. The commissioner may authorize continued licensure in the final order.

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If the commissioner authorizes revocation or denial of the license, the time frame in which operation is to cease shall be included in the final order. The licensee may appeal this decision to the appropriate Circuit Court under the provisions of §§ 63.1-180 and 63.1-213 of the Code of Virginia.

ATTACHMENT I.

An application form to operate a child placing agency may be obtained from the following office:

Division of Licensing Programs
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229
Telephone: (804) 662-9025

An application form to operate a licensed facility, excluding a child placing agency, may be obtained from the following offices:

OFFICE

Lynchburg Regional Office
926 Commerce Street
Lynchburg, Virginia 24504
Telephone: (804) 528-6601

AREA SERVED

Lynchburg Regional Office

Serving Counties of: Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Prince Edward.

Serving Cities of: Bedford, Lynchburg, South Boston.

OFFICE

Northern Virginia Regional Office
11166 Main Street, Suite 300
Fairfax, Virginia 22030
Telephone: (703) 359-6700

AREA SERVED

Northern Virginia Regional Office

Serving Counties of: Arlington, Caroline, Culpeper, Fauquier, King George, Loudoun, Madison, Manassas, Manassas Park, Orange, Prince William, Rappahannock, Spotsylvania, Stafford.

Serving Cities of: Alexandria, Fairfax, Falls Church, Fredericksburg.

OFFICE

Richmond Regional Office
Wythe Building
1604 Santa Rosa Road
Richmond, Virginia 23229-8699
Telephone: (804) 662-9743

AREA SERVED

Richmond Regional Office

Serving Counties of: Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greensville, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex, Westmoreland.

Serving Cities of: Colonial Heights, Emporia, Hopewell, Petersburg, Richmond.

OFFICE

Roanoke Regional Office
Commonwealth of Virginia Building
210 Church Avenue, S.W., Suite 100
Roanoke, Virginia 24011-1779
Telephone: (703) 982-7920

AREA SERVED

Roanoke Regional Office

Serving Counties of: Allegheny, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, *Pittsylvania, Pulaski, Roanoke.

Serving Cities of: Clifton Forge, Covington, *Danville, *Martinsville, Radford, Roanoke, Salem.

* Programs for children are handled by the Lynchburg Regional Office.

OFFICE

Southwest Regional Office
190 Patton Street
Abingdon, Virginia 24210
Telephone: (703) 628-5171

AREA SERVED

Southwest Regional Office

Serving Counties of: Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.

Serving Cities of: Bristol, Galax, Norton.

OFFICE

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Tidewater Regional Office
 Pembroke Office Park
 Pembroke IV Office Building
 Suite 300
 Virginia Beach, Virginia 23462
 Telephone: (804) 473-2100

AREA SERVED

Tidewater Regional Office

Serving Counties of: Accomac, Isle of Wight, James City, Northampton, Southampton, York.

Serving Cities of: Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg.

OFFICE

Valley Regional Office
 Post Office Box 350
 Verona, Virginia 24482
 Telephone: (703) 248-8900

AREA SERVED

Valley Regional Office

Serving Counties of: Albemarle, Bath, Clarke, Fluvanna, Frederick, Greene, Highland, Louisa, Nelson, Page, Rockbridge, Rockingham, Shenandoah, Staunton, Augusta, Warren.

Serving Cities of: Buena Vista, Charlottesville, Harrisonburg, Lexington, Waynesboro, Winchester.

**ATTACHMENT II
 SCHEDULE OF FEES**

These fees are adopted under the sole authority of the State Board of Social Services (§ 63.1-196.5 of the Code of Virginia).

The regulation, entitled "Fee Requirements for Processing Applications," follows:

By act of the General Assembly and effective February 1, 1984, the Department of Social Services is authorized to charge fees for processing applications for licenses. (§§ 63.1-174.01 and 63.1-196.5 of the Code of Virginia).

Fees will be charged to process all new or renewal applications for facilities or agencies for adults or children subject to licensure solely by the Department of Social Services; however, no fee will be charged to process a renewal application for an annual license directly following the issuance of a conditional license.

Applicants shall use the following schedule of fees to

determine the correct fee to pay for processing all applications.

Schedule of Fees

Children's Facilities Fees

- Independent Foster Homes\$10 (flat fee)
- Family Day Care Homes\$10 (flat fee)
- Family Day Care Systems\$50 (flat fee)
- Child Placing Agencies\$50 (flat fee)

Child Care Centers

- Capacity 10 - 50\$25
- Capacity 51 - 100\$50
- Capacity 101 - 175\$75
- Capacity 176 & up\$100

Child Care Institutions

- Capacity 1 - 24\$25
- Capacity 25 - 49\$50
- Capacity 50 - 74\$75
- Capacity 75 & up\$100

Adult Facilities Fees

Home for Adults

- Capacity 4 - 24\$25
- Capacity 25 - 49\$50
- Capacity 50 - 74\$75
- Capacity 75 & up\$100

Adult Day Care Centers

- Capacity 4 - 24\$25
- Capacity 25 - 49\$50
- Capacity 50 - 74\$75
- Capacity 75 & up\$100

The fee shall be mailed with the application for a license. No application for a license will be deemed complete unless it is accompanied by the correct fee.

The fee shall be paid by personal check, money order, or certified check, made payable to "Treasurer of Virginia."

A fee that is incorrect in amount or is made payable other than to the Treasurer of Virginia will be returned to an applicant. Otherwise, no fee will be returned or refunded for any reason.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: VR 625-01-00. Impounding Structure

Proposed Regulations

Regulations.

Statutory Authority: § 10.1-605 of the Code of Virginia.

Public Hearing Date: September 26, 1988 - 1 p.m.
(See Calendar of Events section
for additional information)

Summary:

This proposed regulation is promulgated by the Virginia Soil and Water Conservation Board in accordance with the provisions of § 10.1-604 et seq. of the Code of Virginia. The existing regulation of the State Water Control Board is being repealed. This regulation provides for the proper and safe design, construction, operation and maintenance of impounding structures to protect public safety.

Impounding structures which are regulated include all dams which are 25 feet or more in height and 50 acre-feet or more in capacity, except (i) dams licensed by the State Corporation Commission; (ii) dams owned or licensed by the United States Government; (iii) dams operated primarily for agricultural purposes less than 25 feet in height or 100 acre-feet in capacity; (iv) water or silt retaining dams approved pursuant to § 45.1-222 of the Code of Virginia; or (v) canal locks. Impounding structures are classified in one of four categories based upon their hazard potential; Class I the highest hazard potential; Class IV the lowest.

Construction of a new dam or alteration of an existing dam requires a permit.

Operation and maintenance certificates are required for Class I, II and III dams. The permit term is six years and updated periodically during this term depending upon its classification. Class IV dams do not require a certificate but do require that an inventory report be prepared by the owner.

Existing dams may be issued a conditional operation and maintenance certificate while its deficiencies are being corrected. The board may issue an operation and maintenance certificate for existing dams not satisfying current new construction criteria provided that the applicant proves that the structure does not pose an unreasonable hazard to life and property and that the applicant satisfies all special requirements imposed by the board.

Both permits and certificates can be transferred with change of ownership.

VR 625-01-00. Impounding Structure Regulations.

PART I. GENERAL.

§ 1.1. Authority.

This regulation is promulgated by the Virginia Soil and Water Conservation Board in accordance with the provisions of the Dam Safety Act, Article 2, Chapter 6, Title 10.1 (§ 10.1-604 et seq.), of the Code of Virginia.

§ 1.2. General provisions.

A. This regulation provides for the proper and safe design, construction, operation and maintenance of impounding structures to protect public safety. This regulation shall not be construed or interpreted to relieve the owner or operator of any impoundment or impounding structure of any legal duties, obligations or liabilities incident to ownership, design, construction, operation or maintenance.

B. Approval by the board of proposals for an impounding structure shall in no manner be construed or interpreted as approval to capture or store waters. For information concerning approval to capture or store waters, see Chapter 8 (§ 62.1-107) of Title 62.1 of the Code of Virginia, and other provisions of law as may be applicable.

C. In promulgating this regulation, the board recognizes that no impounding structure can ever be completely "fail-safe," because of incomplete understanding of or uncertainties associated with natural (earthquakes and floods) and manmade (sabotage) destructive forces; with material behavior and response to those forces; and with quality control during construction.

D. Any engineering analysis required by this regulation such as plans, specifications, hydrology, hydraulics and inspections shall be conducted by and bear the seal of a professional engineer licensed to practice in Virginia.

E. The official forms as called for by this regulation are available from the director.

§ 1.3. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning, unless the context clearly indicates otherwise:

"Acre-foot" means a unit of volume equal to 43,560 cubic feet or 325,853 gallons (one foot of depth over one acre of area).

"Agricultural purpose dams" means dams which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet and certified by the owner on official forms as constructed, maintained or operated primarily for agricultural purposes.

"Alteration permit" means a permit required for changes to an impounding structure that could alter or affect its structural integrity. Alterations requiring a permit include, but are not limited to: changing the height, increasing the normal pool or principal spillway

elevation, changing the elevation or physical dimensions of the emergency spillway or removing the impounding structure.

"Board" means the Virginia Soil and Water Conservation Board.

"Conditional operation and maintenance certificate" means a certificate required for impounding structures with deficiencies.

"Construction permit" means a permit required for the construction of a new impounding structure.

"Design flood" means the calculated volume of runoff and the resulting peak discharge utilized in the evaluation, design, construction, operation and maintenance of the impounding structure.

"Design freeboard" means the vertical distance between the maximum elevation of the design flood and the top of the impounding structure.

"Director" means the Director of the Department of Conservation and Historic Resources or his designee.

"Height" means the structural height of an impounding structure. If the impounding structure spans a stream or watercourse, height means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the impounding structure to the top of the impounding structure. If the impounding structure does not span a stream or watercourse, height means the vertical distance from the lowest elevation of the outside limit of the barrier to the top of the impounding structure.

"Impounding structure" means a manmade device, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials. The term "impounding structure" includes all dams which are equal to or greater than 25 feet in height and which create a maximum impoundment equal to or greater than 50 acre-feet, except (i) dams licensed by the State Corporation Commission that are subject to a dam safety inspection program; (ii) dams owned or licensed by the United States government; (iii) dams constructed, maintained or operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet; (iv) water or silt retaining dams approved pursuant to § 45.1-222 of the Code of Virginia; or (v) obstructions in a canal used to raise or lower water levels.

"Impoundment" means a body of water or other materials the storage of which is caused by any impounding structure.

"Inundation zone" means an area that could be inundated as a result of impounding structure failure and

that would not otherwise be inundated to that elevation.

"Life of the impounding structure" and "life of the project" mean that period of time for which the impounding structure is designed and planned to perform effectively, including the time required to remove the structure when it is no longer capable of functioning as planned and designed.

"Maximum impounding capacity" means the volume in acre-feet that is capable of being impounded at the top of the impounding structure.

"Normal impounding capacity" means the volume in acre-feet that is capable of being impounded at the elevation of the crest of the lowest ungated outlet from the impoundment.

"Operation and maintenance certificate" means a certificate required for the operation and maintenance of all impounding structures.

"Owner" means the owner of the land on which an impounding structure is situated, the holder of an easement permitting the construction of an impounding structure and any person or entity agreeing to maintain an impounding structure. The term "owner" includes the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities. Also included are any public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this Commonwealth or any other state or country, as well as any person or group of persons acting individually or as a group.

"Top of the impounding structure" means the lowest point of the nonoverflow section of the impounding structure.

"Watercourse" means a natural channel having a well-defined bed and banks and in which water flows when it normally does flow.

§ 1.4. Classes of impounding structures.

A. Impounding structures shall be classified in one of four categories according to size and hazard potential, as defined in subsection B of this section and Table 1. Size classification shall be determined either by maximum impounding capacity or height, whichever gives the larger size classification.

B. For the purpose of this regulation, hazards pertain to potential loss of human life or property damage downstream from the impounding structure in event of failure or faulty operation of the impounding structure or appurtenant facilities.

1. Impounding structures in the Class I hazard potential category are located where failure will cause

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probable loss of life or serious damage to occupied building(s), industrial or commercial facilities, important public utilities, main highway(s) or railroad(s).

2. Impounding structures in the Class II hazard potential category are located where failure could cause possible loss of life or damage to occupied building(s), industrial or commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important public utilities.

3. Impounding structures in Class III hazard potential category are located where failure may cause minimal property damage to others. No loss of life is expected.

4. Impounding structures in Class IV hazard potential category are located where the failure of the impounding structure would cause no property damage to others. No loss of life is expected.

5. Such size and hazard potential classifications shall be proposed by the owner and shall be subject to approval by the director. Present and projected development of the inundation zones downstream from the impounding structure shall be considered in determining the classification.

6. Impounding structures shall be subject to reclassification as necessary.

§ 1.5. Performance standards required for impounding structures.

Impounding structures shall be constructed, operated and maintained such that they perform in accordance with their design and purpose throughout the life of the project. For new impounding structures, the spillway(s) capacity shall perform at a minimum to safely pass the appropriate spillway design flood as determined in Table 1.

TABLE I

Class Hazard Potential of Impounding Dam	If Structure Fails	SIZE CLASSIFICATION		Spillway Design Flood(SDF) ^b
		Maximum Capacity(Ac-Ft) ^a	Height (Ft) ^a	
I	Probable Loss of Life; Excessive Economic Loss	Large > 50,000	> 100	PMF ^c
		Medium > 1,000 & < 50,000	> 40 & < 100	PMF
		Small > 50 & < 1,000	> 25 & < 40	1/2 PMF to PMF
II	Possible Loss of Life; Approachable Economic Loss	Large > 50,000	> 100	PMF
		Medium > 1,000 & < 50,000	> 40 & < 100	1/2 PMF to PMF
		Small > 50 & < 1,000	> 25 & < 40	100-YR to 1/2 PMF
III	No Loss of Life Expected; Minimal Economic Loss	Large > 50,000	> 100	1/2 PMF to PMF
		Medium > 1,000 & < 50,000	> 40 & < 100	100-YR to 1/2 PMF
		Small > 50 & < 1,000	> 25 & < 40	100-YR ^d to 100-YR ^e
IV	No Loss of Life Expected; No Economic Loss to Others	> 50 (non-agricultural)	> 25 (both)	50-YR to 100-YR
		> 100 (agricultural)		

a. The factor determining the largest size classification shall govern.

b. The spillway design flood (SDF) represents the

largest flood that need be considered in the evaluation of the performance for a given project. The impounding structure shall perform so as to safely pass the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the involved risk should be selected. The establishment in this regulation of rigid design flood criteria or standards is not intended. Safety must be evaluated in the light of peculiarities and local conditions for each impounding structure and in recognition of the many factors involved, some of which may not be precisely known. Such can only be done by competent, experienced engineering judgment, which the values in Table 1 are intended to supplement, not supplant.

c. PMF: Probable maximum flood. This means the flood that might be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from the current probable maximum precipitation (PMP) available from the National Weather Service, NOAA. In some cases local topography or meteorological conditions will cause changes from the generalized PMP values; therefore, is advisable to contact local, state or federal agencies to obtain the prevailing practice in specific cases.

d. 50-Yr: 50-year flood. This means the flood magnitude expected to be equaled or exceeded on the average of once in 50 years. It may also be expressed as an exceedence probability with a 2.0% chance of being equaled or exceeded in any given year.

e. 100-Yr: 100-year flood. This means the flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1.0% chance of being equaled or exceeded in any given year.

PART II. PERMIT REQUIREMENTS.

§ 2.1. Required permits.

A. No person or entity shall construct or begin to construct an impounding structure until the board has issued a construction permit.

B. No person or entity shall alter or begin to alter an existing impounding structure in a manner which would potentially affect its structural integrity until the board has issued an alteration permit, or in the case of an emergency, authorization obtained from the director. The permit requirement may be waived if the director determines that the alteration of improvement will not substantially alter or affect the structural integrity of the impounding structure. Alteration does not mean normal

operation and maintenance.

C. When the board receives an application for any permit to construct or alter an impounding structure, the director shall inform the government of any jurisdiction which might be affected by the permit application.

D. In evaluating construction and alteration permit applications the director shall use the most current design criteria and standards referenced in § 5.9 of these regulations.

§ 2.2. Construction permits.

A. Prior to preparing the complete design report for a construction permit, applicants are encouraged to seek approval of the project concept from the director. For this purpose the applicant should submit a general description of items 1 through 4 of subsection B and items 1 and 2 below:

1. Proposed design criteria and a description of the size, ground cover conditions, extent of development of the watershed and the geologic and the geotechnical engineering assumptions used to determine the foundations and materials to be used.

2. Preliminary drawings of a general nature, including cross sections, plans and profiles of the impounding structure, proposed pool levels and types of spillway(s).

B. An applicant for a construction permit shall submit a design report on official forms. The design report shall be prepared in accordance with § 5.1 of these regulations and shall include the following information:

1. A description of the impounding structure and appurtenances and a proposed classification conforming with this regulation. The description shall include a statement of the purposes for which the impoundment and impounding structure are to be used.

2. A description of properties located in the inundation zone downstream from the site of the proposed impounding structure, including the location and number of residential structures, buildings, roads, utilities and other property that would be endangered should the impounding structure fail.

3. A statement from the governing body of the local political subdivision or other evidence confirming that body is aware of the proposal to build an impounding structure and of the land use classifications applicable to the inundation zone.

4. Maps showing the location of the proposed impounding structure that include: the county or city in which the proposed impounding structure would be located, the location of roads, access to the site and

the outline of the impoundment. Existing aerial photographs or existing topographic maps may be used for this purpose.

5. A report of the geotechnical investigations of the foundation soils or bedrock and of the materials to be used to construct the impounding structure.

6. Design assumptions and analyses sufficient to indicate that the impounding structure will be stable during its construction and during the life of the impounding structure under all conditions of reservoir operations, including rapid filling and rapid drawdown of the impoundment.

7. Evaluation of the stability of the reservoir rim area in order to safeguard against reservoir rim slides of such magnitude as to create waves capable of overtopping the impounding structure and confirmation of rim stability during seismic activity.

8. Design assumptions and analyses sufficient to indicate that seepage in, around, through or under the impounding structure, foundation and abutments will be reasonably and practically controlled so that internal or external forces or results thereof will not endanger the stability of the impounding structure.

9. Calculations and assumptions relative to design of the spillway(s). Spillway capacity shall conform to the criteria of Table 1.

10. Provisions to ensure that the impounding structure and appurtenances will be protected against deterioration or erosion due to freezing and thawing, wind and rain or any combination thereof.

11. Other pertinent design data, assumptions and analyses commensurate with the nature of the particular impounding structure and specific site conditions, including when required by the director, a plan and profile of the inundation zones.

12. Erosion and sediment control plans to minimize soil erosion and sedimentation during all phases of construction, operation and maintenance. Projects shall be in compliance with local erosion and sediment control ordinances.

13. A description of the techniques to be used to divert stream flow during construction so as to prevent hazard to life, health and property.

14. A plan of quality control testing to confirm that construction materials and methods meet the design requirements set forth in the specifications.

15. A proposed schedule indicating construction sequence and time to completion.

16. Plans and specifications as required by § 5.8 of

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these regulations.

17. An emergency action plan on official forms and evidence that a copy of such plan has been filed with the local and state Department of Emergency Services. The plan shall include a method of providing notification and warning to persons downstream, other affected persons or property owners and local authorities in the event of a flood hazard or the impending failure of the impounding structure.

18. A proposed impoundment and impounding structure operation and maintenance plan on official forms certified by a professional engineer. This plan shall include a safety inspection schedule and shall place particular emphasis on operating and maintaining the impounding structure in keeping with the project design, so as to maintain its structural integrity and safety during both normal and abnormal conditions which may reasonably be expected to occur during its planned life.

C. The director or the applicant may request a conference to facilitate review of the applicant's proposal.

D. The owner shall certify in writing that the operation and maintenance plan as approved by the board will be adhered to during the life of the project except in cases of unanticipated emergency requiring departure therefrom in order to mitigate hazard to life and property. At such time, the owner's engineer and the director shall be notified.

E. If the submission is not acceptable, the director shall inform the applicant within 60 days and shall explain what changes are required for an acceptable submission.

F. Within 120 days of receipt of an acceptable design report the board shall act on the application.

G. Prior to and during construction the owner shall notify the director of any proposed changes from the approved design, plans, specifications, or operation and maintenance plan. Approval shall be obtained from the director prior to the construction or installation of any changes that will affect the stability of the impounding structure.

H. The construction permit shall be valid for the construction schedule specified in the approved design report. The construction schedule may be amended by the director for good cause at the request of the applicant.

I. Construction must commence within two years after the permit is issued. If construction does not commence within two years after the permit is issued, the permit shall expire, except that the applicant may petition the board for extension of the two-year period and the board may extend such period for good cause.

J. The director may revoke a construction permit if any

of the permit terms are violated, or if construction is conducted in a manner hazardous to downstream life or property. The director may order the owner to eliminate such hazardous conditions within a period of time limited by the order. Such corrective measures shall be at the owner's expense. The applicant may petition the board to reissue the permit with such modifications as the board determines to be necessary.

K. The owner's professional engineer shall advise the director when the impounding structure may safely impound water. The director shall acknowledge this statement within 10 days after which the impoundment may be filled under the engineer's supervision. The director's acknowledgement shall act as a temporary operation and maintenance certificate until an operation and maintenance certificate has been applied for and issued in accordance with § 3.2 of these regulations.

§ 2.3. Alterations permits.

A. Application for a permit to alter an impounding structure in ways which would potentially affect its structural integrity shall be made on official forms. The application shall clearly describe the proposed work with appropriately detailed plans and specifications.

B. Alterations which would potentially affect the structural integrity of an impounding structure include but are not limited to changing its height, increasing the normal pool or principal spillway elevation, changing the elevation or physical dimensions of the emergency spillway or removing the impounding structure.

C. Where feasible an application for an alteration permit shall also include plans and specifications for a device to allow for draining the impoundment if such does not exist.

D. If the submission is not acceptable, the director shall inform the applicant within 60 days and shall explain what changes are required for an acceptable submission.

E. Within 120 days of receipt of an acceptable application, the board shall act on the application.

§ 2.4. Transfer of permits.

Prior to the transfer of ownership of a permitted impounding structure the permittee shall notify the director in writing and the new owner shall file a transfer application on official forms. The new owner shall amend the existing permit application as necessary and shall certify to the director that he is aware of and will comply with all of the requirements and conditions of the permit.

PART III. CERTIFICATE REQUIREMENTS.

§ 3.1. Operation and maintenance certificates.

A. A Class I Operation and Maintenance Certificate is required for a Class I Hazard potential impounding structure. The certificate shall be for a term of six years. It shall be updated based upon the filing of a new reinspection report certified by a professional engineer every two years.

B. A Class II Operation and Maintenance Certificate is required for a Class II Hazard potential impounding structure. The certificate shall be for a term of six years. It shall be updated based upon the filing of a new reinspection report certified by a professional engineer every three years.

C. A Class III Operation and Maintenance Certificate is required for a Class III Hazard potential impounding structure. The certificate shall be for a term of six years.

D. The owner of a Class I, II or III impounding structure shall provide the director an annual owner's inspection report on official forms in years when no professional reinspection is required and may be done by the owner or his representative.

E. If an Operation and Maintenance Certificate is not updated as required, the board shall take appropriate enforcement action.

F. The owner of a Class I, II or III impounding structure shall apply for the renewal of the six year operation and maintenance certificate 90 days prior to its expiration in accordance with § 3.3 of these regulations.

G. A Class IV impounding structure will not require an operation and maintenance certificate. An inventory report is to be prepared as provided in § 3.3 B and filed by the owner on a six-year interval, and an owners inspection report filed annually.

H. The owner of any impounding structure, regardless of its hazard classification, shall notify the board immediately of any change in either cultural features downstream from the impounding structure or of any change in the use of the area downstream that would present hazard to life or property in the event of failure.

§ 3.2. Operation and maintenance certificate for newly constructed impounding structures.

A. Within 180 days after completion of the construction of an impounding structure, the owner shall submit:

1. A complete set of as-built drawings certified by a professional engineer and an as-built report on official forms.
2. A copy of a certificate from the professional engineer who has inspected the impounding structure during construction certifying that, to the best of his judgment, knowledge and belief, the impounding structure and its appurtenances were constructed in

conformance with the plans, specifications, drawings and other requirements approved by the board.

3. A copy of the operation and maintenance plan and emergency action plan submitted with the design report including any changes required by the director.

B. If the director finds that the operation and maintenance plan or emergency action plan is deficient, he shall return it to the owner within 60 days with suggestions for revision.

C. Within 60 days of receipt of the items listed in subsection A above, if the board finds that adequate provision has been made for the safe operation and maintenance of the impounding structure, the board shall issue an operation and maintenance certificate.

§ 3.3. Operation and maintenance certificates for existing impounding structures.

A. Any owner of an impounding structure other than a Class IV impounding structure which has already filed an inventory report that does not have an operation and maintenance certificate or any owner renewing an operation and maintenance certificate shall file an application with the board.

B. The application for an operation and maintenance certificate shall be on official forms and shall include:

1. A reinspection report for Class I and II impounding structures. The reinspection report shall include an update of conditions of the impounding structure based on a Phase I or Phase II inspection as established by the U.S. Army Corps of Engineers, a previous reinspection report or an as-built report.

2. An inventory report for Class III impounding structures. The inventory report shall include:

a. The name and location of the impounding structure and the name of the owner.

b. The description and dimensions of the impounding structure, the spillways, the reservoir and the drainage area.

c. The history of the impounding structure which shall include the design, construction, repairs, inspections and whether the structure has been overtopped.

d. Observations of the condition of the impounding structure, reservoir, and upstream and downstream areas.

e. Any changes in the impounding structure, reservoir, and upstream and downstream areas.

f. Recommendations for remedial work.

Proposed Regulations

3. An impoundment and impounding structure operation and maintenance plan certified by a professional engineer. This plan shall place particular emphasis on operating and maintaining the impounding structure in keeping with the project design in such manner as to maintain its structural integrity and safety during both normal and abnormal conditions which may reasonably be expected to occur during its planned life. The Phase I Inspection Report should be sufficient to serve as the basis for the operation and maintenance plan for a Class I and Class II impounding structure. For a Class III impounding structure, the operation and maintenance plan shall be based on the data provided in the inventory report.

4. An emergency action plan and evidence that a copy of such plan has been filed with the local and state Department of Emergency Services. The plan shall include a method of providing notification and warning to persons downstream, other affected persons or property owners and local authorities in the event of a flood hazard or the impending failure of the impounding structure.

C. The owner shall certify in writing that the operation and maintenance plan approved by the board will be adhered to during the life of the project except in cases of emergency requiring departure therefrom in order to mitigate hazard to life and property, at which time the owner's engineer and the director shall be notified.

D. If the director finds that the operation and maintenance plan or emergency action plan is deficient, he shall return it to the owner within 60 days with suggestions for revision.

E. Within 60 days of receipt of an acceptable application if the board finds that adequate provision has been made for the safe operation and maintenance of the impounding structure, the board shall issue an operation and maintenance certificate.

§ 3.4. Existing impounding structures constructed prior to July 1, 1982.

A. Many existing impoundment structures were designed and constructed prior to the enactment of the Dam Safety Act, and may not satisfy current criteria for new construction. The board may issue an operation and maintenance certificate for such structures provided that:

1. Operation and maintenance is determined by the director to be satisfactory and up to date;

2. Annual owner's inspection reports have been filed with and are considered satisfactory by the director;

3. The applicant proves in accordance with the current design procedures and references of § 5.9 to the satisfaction of the board that the impounding

structure as designed, constructed, operated and maintained does not pose an unreasonable hazard to life and property; and

4. The owner satisfies all special requirements imposed by the board.

B. When appropriate with existing impounding structures only, the spillway design flood requirement may be reduced by the board to the spillway discharge at which dam failure will not significantly increase the downstream hazard existing just prior to dam failure provided that the conditions of § 3.4 A of these regulations have been met.

§ 3.5. Existing impounding structures constructed after July 1, 1982.

The board may issue an operation and maintenance certificate for an impounding structure having a construction permit issued after July 1, 1982, and shall not require upgrading to meet new more stringent criteria unless the board determines that the new criteria must be applied to prevent an unreasonable hazard to life or property.

§ 3.6. Conditional operation and maintenance certificate.

A. During the review of any operation and maintenance application should the director determine that the impounding structure has deficiencies of a nonimminent danger category, the director may recommend that the board issue a conditional operation and maintenance certificate.

B. The conditional operation and maintenance certificate for Class I, II and III impounding structures shall be for a maximum term of two years. This certificate will allow the owner to continue normal operation and maintenance of the impounding structure, and shall require that the owner correct the deficiencies on a schedule determined by the director.

C. A conditional certificate may be renewed in accordance with the procedures of § 3.3 provided that annual owner inspection reports are on file, and the board determines that the owner is proceeding with the necessary corrective actions.

D. Once the deficiencies are corrected, the board shall issue an operation and maintenance certificate based upon any required revisions to the original application.

§ 3.7. Additional operation and maintenance requirements.

A. The owner of an impounding structure shall not, through action or inaction, cause or allow such structure to impound water following receipt of a written report from the owner's engineer that the impounding structure will not safely impound water.

§ 3.8. Transfer of certificates.

Prior to the transfer of ownership of an impounding structure the certificate holder shall notify the director in writing and the new owner shall file a transfer application on official forms. The new owner may elect to continue the current operation and maintenance certificate for the remaining term or he may apply for a new certificate in accordance with § 3.3. If the owner elects to continue the existing certificate he shall amend the existing certificate application as necessary and shall certify to the director that he is aware of and will comply with all of the requirements and conditions of the certificate.

PART IV. PROCEDURES.

§ 4.1. Inspections.

The director may make inspections during construction, alteration or operation and maintenance as deemed necessary to ensure that the impounding structure is being constructed, altered or operated and maintained in compliance with the permit or certificate issued by the board. The director shall provide the owner a copy of the findings of these inspections. This inspection does not relieve the owner from the responsibility of providing adequate inspection during construction or operation and maintenance. Periodic inspections during construction or alteration shall be conducted under the supervision of a professional engineer who shall propose the frequency and nature of the inspections subject to approval by the director. Periodic inspections during operation and maintenance shall be conducted under the supervision of a professional engineer at an interval not greater than that required to update the operation and maintenance certificate. At a minimum, an annual owner's inspection shall be conducted when a professional inspection is not required. Every owner shall provide for an inspection by a professional engineer after overtopping of the impounding structure. A copy of the findings of each inspection with the engineer's recommendations shall be filed with the board within a reasonable period of time not to exceed 30 days subsequent to completion of the inspection.

§ 4.2. Right to hearing.

Any owner aggrieved by an action taken by the director or by the board without hearing, or by inaction of the director or the board, under the provisions of this regulation, may demand in writing a formal hearing.

§ 4.3. Enforcement.

Any owner refusing to obey any order of the board or the director pursuant to this regulation may be compelled to obey and comply with such provisions by injunction or other appropriate remedy obtained in a court proceeding. Such proceeding shall be instituted by the board or in the case of an emergency, by the director in the court which

granted approval to the owner to impound waters or, if such approval has not been granted, the proceeding shall be instituted in any appropriate court.

§ 4.4. Consulting boards.

A. When the board needs to satisfy questions of safety regarding plans and specifications, construction or operation and maintenance, or when requested by the owner, the board may appoint a consulting board to report to it with respect to those questions of the safety of an impounding structure. Such a board shall consist of two or more consultants, none of whom have been associated with the impounding structure.

B. The costs and expenses incurred by the consulting board, if appointed at the request of an owner, shall be paid by the owner.

C. The costs and expenses incurred by the consulting board, if initiated by the board, shall be paid by the board.

§ 4.5. Unsafe conditions.

A. No owner shall have the right to maintain an impounding structure which unreasonably threatens the life or property of another person. The owner of any impounding structure found to have deficiencies which could threaten life or property if uncorrected shall take the corrective actions needed to remove such deficiencies within a reasonable period of time.

B. Imminent danger.

When the director finds that an impounding structure is unsafe and constitutes an imminent danger to life or property, he shall immediately notify the state Department of Emergency Services and confer with the owner. The owner of an impounding structure found to constitute an imminent danger to life or property shall take immediate corrective action to remove the imminent danger as required by § 10.1-608 of the Code of Virginia.

C. Nonimminent danger.

The owner of an impounding structure who has been issued a report by the director containing findings and recommendations for the correction of deficiencies which threaten life or property if not corrected, shall undertake to implement the recommendations for correction of deficiencies according to a schedule of implementation contained in that report as required by § 10.1-609 of the Code of Virginia.

§ 4.6. Complaints.

A. Upon receipt of a complaint alleging that the person or property of the complainant is endangered by the construction, maintenance or operation of impounding structure, the director shall cause an inspection of the

Proposed Regulations

structure, unless the data, records and inspection reports on file with the board are found adequate to determine if the complaint is valid.

B. If the director finds that an unsafe condition exists, the director shall proceed under the provisions of §§ 10.1-608 and 10.1-609 of the Code of Virginia to render the extant condition safe.

PART V. DESIGN REQUIREMENTS.

§ 5.1. Design of structures.

A. The owner shall complete all necessary investigations prior to submitting the design report. The scope and degree of precision required is a matter of engineering judgment based on the complexities of the site and the hazard potential classification of the proposed structure.

B. Surveys shall be made with sufficient accuracy to locate the proposed construction site and to define the total volume of storage in the impoundment. Locations of center lines and other horizontal and vertical controls shall be shown on a map of the site. The area downstream and upstream from the proposed impounding structure shall be investigated in order to delineate the areas and extent of potential damage in case of failure or backwater due to flooding.

C. The drainage area shall be determined. Present, projected and potential future land-use conditions shall be considered in determining the runoff characteristics of the drainage area. The most severe of these conditions shall be included in the design calculations which shall be submitted as part of the design report.

D. The geotechnical engineering investigation shall consist of borings, test pits and other subsurface explorations necessary to adequately define the existing conditions. The investigations shall be performed so as to define the soil, rock and ground water conditions.

E. All construction materials shall be adequately selected so as to ensure that their properties meet design criteria. If on-site materials are to be utilized, they shall be located and determined to be adequate in quantity and quality.

§ 5.2. Design flood.

The minimum design flood to be utilized in impounding structure evaluation, design, construction, operation and maintenance shall be commensurate with the size and hazard potential of the particular impounding structure as determined in § 1.5 and Table 1. Competent, experienced, professional engineering judgment shall be used in applying those design and evaluation procedures referenced in § 5.9 of these regulations.

§ 5.3. Emergency spillway design.

A. Every impounding structure shall have a spillway system with adequate capacity to discharge the design flood without endangering the safety of the impounding structure.

B. An emergency spillway shall be required.

C. Vegetated earth or unlined emergency spillway may be approved when the applicant demonstrates that it will pass the spillway design flood without jeopardizing the safety of the impounding structure.

D. Lined emergency spillways shall include design criteria calculations, plans and specifications for open channel, drop, ogee and chute spillways that include crest structures, walls, panel lining and miscellaneous details. All joints shall be reasonably water-tight and placed on a foundation capable of sustaining applied loads without undue deformation. Provision shall be made for handling leakage from the channel or under seepage from the foundation which might adversely affect the structural integrity and structural stability of the impounding structure.

§ 5.4. Principal spillways and outlet works.

A. It will be assumed that principal spillways and regulating outlets provided for special functions will operate to normal design discharge capabilities during the spillway design flood, provided appropriate analyses show:

1. That control gates and structures are suitably designed to operate reliably under maximum heads for durations likely to be involved and risks of blockage by debris are minimal;

2. That access roads and passages to gate regulating controls would be safely passable by operating personnel under spillway design flood conditions; and

3. That there are no other substantial reasons for concluding that outlets would not operate safely to fill design capacity during the spillway design flood.

B. If there are reasons to doubt that any of the above basic requirements might not be adequately met under spillway design flood conditions, the "dependable" discharge capabilities of regulating outlets shall be assumed to be less than 100% of design capabilities, generally as outlined in the following subsections C through G of this section.

C. Any limitations in safe operating heads, maximum velocities to be permitted through structures or approach channels, or other design limitations shall be observed in establishing "dependable" discharge rating curves to be used in routing the spillway design flood hydrograph through the reservoir.

D. If intakes to regulating outlets are likely to be exposed to dangerous quantities of floating drift, sediment

depositions or ice hazards prior to or during major floods, the dependable discharge capability during the spillway design flood shall be assumed to be zero.

E. If access roads or structural passages to operating towers or controls are likely to be flooded or otherwise unusable during the spillway design flood, the dependable discharge capability of regulating outlets will be assumed to be zero for those period of time during which such conditions might exist.

F. Any deficiencies in discharge performance likely to result from delays in the operation of gates before attendants could be reasonably expected to reach the control for in estimating "dependable" discharge capabilities to be assumed in routing the spillway design flood through reservoir. Reports on design studies shall indicate the allowances made for possible delays in initiating gate operations. Normally, for projects located in small basins, where critical spillway design flood inflows may occur within several hours after intense precipitation, outflows through any regulating outlets that must be opened after the flood begins shall be assumed to be zero for an appropriate period of time subsequent to the beginning of intense rainfall.

G. All gates, valves, conduits and concrete channel outlets shall be designed and constructed to prevent significant erosion or damage to the impounding structure or to the downstream outlet or channel.

§ 5.5. Drain requirements.

All new impounding structures regardless of their hazard potential classification, shall include a device to permit draining of the impoundment within a reasonable period of time as determined by the owner's professional engineer, subject to approval by the director.

§ 5.6. Life of the impounding structure.

Components of the impounding structure, the impoundment, the outlet works, drain system and appurtenances shall be durable in keeping with the design and planned life of the impounding structure.

§ 5.7. Additional design requirements.

A. Flood routings shall start at or above the elevation of the crest of the lowest ungated outlet.

B. All elements of the impounding structure and impoundments shall conform to sound engineering practice. Safety factors, design standards and design references that are used shall be included with the design report.

C. Inspection devices may be required by the director for use by inspectors, owners or the director in conducting inspections in the interest of structural integrity during and after completion of construction and

during the life of the impounding structure.

§ 5.8. Plans and specifications.

The plans and specifications for a proposed impounding structure shall consist of a detailed engineering design report that includes engineering drawings and specifications, with the following as a minimum:

1. The name of the project; the name of the owner; classification of the impounding structure as set forth in this regulation; designated access to the project and the location with respect to highways, roads, streams and existing impounding structures and impoundments that would affect or be affected by the proposed impounding structure.
2. Cross-sections, profiles, logs of test borings, laboratory and in situ test data, drawings of principal and emergency spillways and other additional drawings in sufficient detail to indicate clearly the extent and complexity of the work to be performed.
3. The technical provisions, as may be required to describe the methods of the construction and construction quality control for the project.
4. Special provisions, as may be required to describe technical provisions needed to ensure that the impounding structure is constructed according to the approved plans and specifications.

§ 5.9. Acceptable design procedures and references.

The following are acceptable as design procedures and references:

1. The design procedures, manuals and criteria used by the United States Army Corps of Engineers.
2. The design procedures, manuals and criteria used by the United States Department of Agriculture, Soil Conservation Service.
3. The design procedures, manuals and criteria used by the United States Department of Interior, Bureau of Reclamation.
4. The design procedures, manuals and criteria used by the United States Department of Commerce, National Weather Service.
5. Other design procedures, manuals and criteria that are accepted as current, sound engineering practices, as approved by the director prior to the design of the impounding structure.

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

DESIGN REPORT FOR THE CONSTRUCTION/ALTERATION OF IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 5, Virginia Soil & Water Conservation Board

1. Project Information:
 - a. Proposed Construction _____ Alteration _____
 - b. Name of Impounding Structure _____
 - c. Inventory Number _____ (Leave blank if new Construction)
 - d. Name of Reservoir _____
 - e. Purpose of Reservoir _____
2. Impounding Structure Classification:
 - a. Size Classification From Table I Impounding Structure Regulations
Large Medium Small (Circle One)
 - b. Hazard Potential Classification From Table I Impounding Structure Regulations
Class I Class II Class III (Circle One)
3. Location of Impounding Structure:
 - a. City/County _____ Magisterial District _____
 - b. Located _____ feet/miles upstream/downstream of Highway Number _____
 - c. Name of River or Stream _____
 - d. Latitude _____ Longitude _____
4. Ownership:
 - a. Owner's Name _____
 - b. Mailing Address _____
 - c. Telephone () _____

DCHR/DSWC; DS-1DR
199-072; (Effective Date)

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES
Division of Soil and Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

REPORTING FORMS

Form Number	Title
199-072; DCHR/DSWC; DS-1DR	Design Report
199-073; DCHR/DSWC; DS-2EAP	Emergency Action Plan
199-074; DCHR/DSWC; DS-2	Operation and Maintenance Report
199-075; DCHR/DSWC; DS-1ABR	As-Built Report
199-076; DCHR/DSWC; DS-2RR	Reinspection Report
199-077; DCHR/DSWC; DS-2IR	Inventory Report
199-078; DCHR/DSWC; DS-20R	Owner's Inspection Report
199-079; DCHR/DSWC; DS-2T	Transfer Application
199-080; DCHR/DSWC; DS-3	Agricultural Certification

5. Owner's Engineer:

- a. Design Firm/Design Engineer _____
- b. Virginia Number _____
- c. Mailing Address _____
- d. Telephone() _____

6. Impounding Structure Data

- a. Type of material earth concrete masonry other _____

Note: All elevations NGVD unless noted
 For new construction complete only the design configuration column
 For alteration complete both the existing and design configuration column

	Existing Configuration	Design Configuration	Elev.
b. Top of Dam	_____	_____	_____
c. Downstream Toe (Lowest)	_____	_____	_____
d. Height of Dam	_____	_____	Feet
e. Crest Length (Exclusive of Spillway)	_____	_____	Feet
f. Crest Width	_____	_____	Feet
g. Upstream Slope	H: _____ V: _____	H: _____ V: _____	
h. Downstream Slope	H: _____ V: _____	H: _____ V: _____	

7. Reservoir Data:

	Existing Configuration	Design Configuration	Unit
a. Maximum Capacity	_____	_____	Acre-Feet
b. Maximum Pool	_____	_____	Elev.
c. Maximum Pool Surface Area	_____	_____	Acres
d. Normal Capacity	_____	_____	Acre-Feet
e. Normal Pool	_____	_____	Elev.
f. Normal Pool Surface Area	_____	_____	Acres
g. Freeboard (Normal Pool to Top)	_____	_____	Feet

8. Spillway Data:

	Type	Construction Material	Design Configuration
a. Low Level Drain	_____	_____	_____
b. Principal Spillway	_____	_____	_____
c. Emergency Spillway	_____	_____	_____

	Existing Configuration	Design Configuration
--	------------------------	----------------------

- d. Low Level Drain (low inlet) _____ Elev.
- e. Principal Spillway (high inlet) _____ Elev.
- f. Emergency Spillway (crest) _____ Elev.

9. Watershed Data:

- a. Drainage area _____ acres/Sq. Miles.
- b. Type and extent of Watershed Development _____
- c. Time of Concentration _____ Method _____
- d. Spillway Design Flood used (check and state source)
 - _____ PMF, source _____
 - _____ 1/2 PMF, source _____
 - _____ 100 Year, source _____
 - _____ 50 Year, source _____
 - _____ Other, source _____
- e. Design inflow hydrograph: Volume _____ acre-feet; Peak inflow _____ C.F.S.;
 Rainfall duration of design inflow hydrograph _____ hours
- f. Freeboard during passage of spillway design flood _____ feet.

10. Additional Information:

Provide as attachments to the Design Report the following information. Note for alteration permits the detail of this information is to be in accordance with the scope of the proposed alteration:

- a. A description of properties located in the inundation zone downstream from the site of the impounding structure, including the location and number of residential structures, buildings, roads, utilities and other property that would be endangered should the impounding structure fail.
- b. A statement from the governing body of the local political subdivision or other evidence confirming that body is aware of the proposal to build or alter an impounding structure and of the land use classifications applicable to the inundation zone.
- c. Maps showing the location of the impounding structure that include: the county or city in which the impounding structure is located, the location of roads, access to the site and the outline of the impoundment.
- d. A report of the geotechnical investigations of the foundation soils or bedrock and of the materials to be used to construct the impounding structure.

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

EMERGENCY ACTION PLAN FOR
CLASS I, CLASS II AND CLASS III
IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

- e. Design assumptions and analyses sufficient to indicate that the impounding structure will be stable during its construction and during the life of the impounding structure under all conditions of reservoir operations, including rapid filling and rapid drawdown of the impoundment.
f. Confirmation of the stability of the reservoir rim area in order to safeguard against reservoir rim slides of such magnitude as to create waves capable of overtopping the impounding structure and confirmation of rim stability during seismic activity.
g. Design assumptions and analyses sufficient to indicate that seepage in, around, through, or under the impounding structure, foundation, and abutments will be reasonably and practically controlled so that internal or external forces or results thereof will not endanger the stability of the impounding structure.
h. Calculations and assumptions relative to design of the spillway(s).
i. A description of provisions to ensure that the impounding structure and appurtenances will be protected against deterioration or erosion due to freezing and thawing, wind and rain, or any combination thereof.
j. List and provide any other pertinent design data, assumptions, and analyses commensurate with the nature of the impounding structure and specific site conditions:
k. A proposed schedule indicating construction sequence and time to completion.
l. A proposed impoundment and impounding structure operating schedule.
m. A proposed impoundment and impounding structure maintenance schedule.
n. A proposed inspection schedule to be utilized in making periodic safety inspections during the life of the project.

OPERATION AND MAINTENANCE PLANS AND SCHEDULES
CERTIFICATION BY OWNER'S ENGINEER

I hereby certify that the information provided in this form and the attachments to this form have been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this _____ day of _____, 19____
Professional Engineer

- 1. Name of Impounding Structure: _____
Inventory Number _____ Other Name (if any): _____
2. Hazard Potential Classification from Table I, Impounding Structure Regulations
Class I Class II Class III (Circle One)
3. Name of Owner: _____
Address: _____
Telephone: (Business) () (Residential) ()
4. Name of Dam Operator: _____
Address: _____
Telephone: (Business) () (Residential) ()
Name of Alternate Operator _____
5. Name of Rainfall or Staff Gauge Observer for Dam: _____
Address: _____
Telephone: (Business) () (Residential) ()
Name of Alternate Observer _____
6. 24-Hour Dispatch Center Nearest Dam - Police/Fire/Sheriff's Department: _____
Address: _____
Telephone: (Business) () (Residential) ()

7. Name of City/County Emergency Services Coordinator: _____
 Address: _____
 Telephone: (Business) () _____ (Residential) () _____

8. Name, address and telephone number of all occupied dwellings that would be affected in the event of a dam failure:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>

9. Name, address and telephone number of all owners of property, land and unoccupied buildings that would be affected in the event of a dam failure:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>

10. Name, address and telephone number of owners of all commercial or recreational establishments that would be affected in the event of dam failure:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>

11. If there are public roads downstream from the impounding structure, identify by highway number and distance below dam:

Route # _____, _____ Miles; Route # _____, _____ Miles; Route # _____, _____ Miles
 Provide name of resident engineer, Virginia Department of Transportation, (or City/County engineer): _____
 Address: _____
 Telephone: (Business) () _____ (Residential) () _____

12. Total depth of emergency spillway available before crest of dam is overtopped: _____ feet

13. Definitions:
Stage I Condition — A flood watch, or heavy continuous rain or excessive flow of water from ice or snow melt.
Stage II Condition — A flood warning; or emergency spillway activated or dam overtopping/breach may be possible.
Stage III Condition — Emergency spillway activated, dam overtopping or imminent failure is probable.

NOTE: Items 14 and 15 should be provided from the Operation and Maintenance Application (Form 199-073).

14. Amount of rainfall and/or depth of flow in the emergency spillway that will initiate a:
- | | | |
|---------------------|----------------------------|---------------------|
| Stage II Condition | _____ inches per 6 hours | _____ depth of flow |
| | _____ inches per 12 hours; | |
| | _____ inches per 24 hours | |
| Stage III Condition | _____ inches per 6 hours | _____ depth of flow |
| | _____ inches per 12 hours; | |
| | _____ inches per 24 hours | |

15. Frequency of observations by rainfall/staff gauge observer during a:
- | | | | | | |
|-------------------|-------|----------|-------|-----------|-------|
| Stage I Condition | _____ | Stage II | _____ | Stage III | _____ |
|-------------------|-------|----------|-------|-----------|-------|

16. Surveillance and Notification
- a. The dam owner/operator is responsible for notifying local government of any problem or potential problem at the dam site.
 - b. The dam owner/operator will initiate dam surveillance under Stage I conditions.
 - c. The dam owner/operator will notify the 24-hour dispatch center and the Emergency Services Coordinator when Stage II conditions are met in order to alert them to review actions that may be required for the safety and protection of people and property in the event of dam overtopping or dam failure.
 - d. The dam owner/operator will notify the 24-hour dispatch center and the Emergency Services Coordinator to initiate warning of residents when Stage III conditions or imminent dam failure are probably.
 - e. 24-hour dispatch center should prepare standard operating procedures to implement dam overtopping/failure evacuation plans.

17. Evacuation Procedures:
- a. Once local government has been notified of a condition requiring evacuation, the dam owner/operator and local government are mutually responsible for effecting evacuation.
 - (1) The dam owner/operator will: _____

 - (2) Local government will: _____

- b. Methods for notification and warning to evacuate include:
 - (1) Telephone
 - (2) Police/fire/sheriff radio dispatch vehicles with loudspeakers, bullhorns, etc.
 - (3) Personal runners for door-to-door alerting.
 - (4) Radio/television broadcasts for area involved.

Certification by Owner/Operator

I certify that procedures for implementation of this plan have been coordinated with _____ (city/county) and the local Emergency Services Coordinator. Also, that a copy of this Form DS-2EAP has been filed with the State Department of Emergency Services; that this plan shall be adhered to during the life of the project; and that the information contained herein is current and correct to the best of my knowledge.

_____ this _____ day of _____ 19____
Owner/Operator

Certification by Local Government

I certify that procedures for the warning and evacuation of _____ (city/county) residents as required in the event of actual or impending failure of the _____ (name of dam) have been coordinated with the dam owner/operator.

City/County Official

Mail to: Virginia Dept. of Emergency Services
310 Turner Road
Richmond, Virginia 23225-6491

Dept. of Conservation & Historic Resources
Division of Soil & Water Conservation
203 Governor Sreet, Suite 206
Richmond, Virginia 23219-2094

**EMERGENCY ACTION PLAN
WORK/DATA SHEET**

1. Name of Impounding Structure: _____
2. Inventory #: _____ Other Name (if any): _____
3. Total Height: _____ feet (Measured vertically from top of structure to streambed at downstream toe).
4. Total Impoundment Capacity at top of structure: _____ acre-feet.
5. Size Classification (Circle one): Large Medium Small
6. Hazard Classification (Circle one): Class I Class II Class III
7. Spillway Design Flood (Circle one): PMF 1/2 PMF 100-Yr 50-Yr.
8. Downstream Inundation Area determined by (Mark one):
 - _____ (1) Judgment
 - _____ (2) Imperial Formulas
 Type used - _____
 - _____ (3) Computer Programs
 Type used - _____
9. Critical Conditions used for structure failure (Mark one):
 - _____ (1) Failure due to overtopping using --
 - _____ PMF
 - _____ % PMF
 - _____ 100-Yr.
 - _____ (2) Failure not due to flooding
Describe: _____

DCHR/DSWC; DS-2EAP
199-073; (Effective Date)

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

**OPERATION AND MAINTENANCE APPLICATION
CLASS I, II AND III IMPOUNDING STRUCTURES**

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

1. Name of Impounding Structure: _____
Inventory Number _____ Other Name (if any): _____
2. Hazard Potential Classification from Table I, Impounding Structure Regulations:
Class I Class II Class III (Circle One)
3. Name of Owner: _____
Address: _____
Telephone: (Business) () (Residential) ()
4. Operating Plan and Schedule.
Provide a narrative for each item:
 - a. Operation of control gates and spillways.
 - b. Operation of Reservoir Drain (not to exceed 1/2-foot drawdown per day on embankment dams).
5. Maintenance Plan and Schedule.
Provide a narrative for each item:
 - a. Embankment dams:
 - (1) embankment
 - (2) principal spillway
 - (3) emergency spillway
 - (4) low level outlet
 - (5) reservoir area
 - (6) downstream channel
 - (7) other

DCHR/DSWC; DS-2
199-074; (Effective Date)

OPERATION AND MAINTENANCE PERMIT APPLICATION

OPERATION AND MAINTENANCE SCHEDULES
CERTIFICATION BY OWNER

I hereby certify that the operation and maintenance plans and schedules provided herewith will be adhered to during the life of the project except in cases of unanticipated emergency requiring departure therefrom in order to mitigate hazard to life and property, at which time my engineer and the Department of Conservation and Historic Resources shall be notified.

_____ this ____ day of _____ 19____
Owner

CERTIFICATION BY THE OWNER'S ENGINEER

I hereby certify that the information provided in this Form DS-2 has been examined by me and found in my professional judgment to be appropriate to operation and maintenance considerations for this dam.

Signed _____ Virginia Number _____ this ____ day of _____, 19____
Professional Engineer

Remarks: _____

b. Concrete dams (includes masonry and others):

- (1) upstream face
- (2) downstream face
- (3) crest
- (4) galleries
- (5) tunnels, etc.
- (6) abutments
- (7) spillways
- (8) gates and outlets
- (9) other

6. Inspection schedule (attach schedule and checklist):

- (1) operator inspection (daily, weekly, etc.)
- (2) maintenance inspection (monthly, quarterly, semi-annual, annual)
- (3) Technical safety reinspection by a professional engineer. (Required for certificate update: Class I dams every two years, Class II dams every three years. All dams inspected after overtopping).

7. Emergency Action Plan schedule.

Provide the information that initiates the Emergency Action Plan:

- a. rainfall amounts and/or
- b. spillway flows
- c. frequency of observation

8. For a newly constructed impounding structure provide certification from a Professional Engineer who has inspected the impounding structure during construction that to the best of the engineer's judgement, knowledge, and belief the impounding structure and all appurtenances have been constructed in conformance with the plans, specifications and drawings submitted to the Department of Conservation and Historic Resources.

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

AS-BUILT REPORT FOR CLASS I, II, AND III IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

- 1. Project Information:
a. Name of Impounding Structure
b. Inventory Number Other Name (if any)
c. Name of Reservoir
2. Location of Impounding Structure:
a. City/County Magisterial District
b. Located feet/miles upstream/downstream of Highway Number
c. Name of River or Stream
d. Latitude Longitude
3. Ownership:
a. Owner's Name
b. Mailing Address
c. Telephone ()
4. Construction/Alteration Design Report:
a. Design Report Prepared by
b. Design Report Date
c. Construction/Alteration Permit Number Date Issued

The following As-Built Report is to provide the necessary information of a Phase I Inspection Report. This information is to supplement that of the Phase I Report, if one exists, or to serve as the Phase I Report for future reinspection:

- 5. Phase I Inspection Report (if applicable):
a. Phase I Inspection Report Prepared By
b. Phase I Inspection Report date:
6. Section 1 - Project Information: Provide a narrative describing the impounding structure:
a. 1.2.1 Description of dam and appurtenances; Embankment Length
height; top elevation; top width
sideslopes upstream; downstream;
principal spillway (size & type); emergency spillway
elevation; width of spillway
b. 1.2.2 Location
c. 1.2.3 Size classification: Height ft. Maximum Capacity Ac-Ft
Size Classification Small Medium Large (Circle One)
d. 1.2.4 Hazard classification: Downstream conditions:
Hazard Classification Class I Class II Class III (Circle One)
e. 1.2.5 Ownership:
f. 1.2.6 Purpose of dam, describe:

g. 1.2.7 Design and construction history:

h. 1.2.8 Normal operating procedures:

i. 1.3.1 Drainage area:

j. 1.3.2 Discharge at dam site:
Low Level Outlet: _____
Principal Spillway: _____
Emergency Spillway: _____

k. 1.3.3 Dam and reservoir data, describe:
Table I.1 _____

7. Section 2 - Engineering Data: Provide a narrative describing the engineering data:

- a. 2.1 Designed by: _____
- b. 2.2 Constructed by: _____
Date of Construction: _____
- c. 2.3 Evaluation of Design and Construction _____

8. Section 3 - Visual Inspection: Provide a Description of the final As-Built Inspection:

- a. Inspection date _____
- b. Inspection by _____

c. General observations _____

d. Dam _____

e. Principal Spillway: _____

f. Emergency Spillway: _____

g. Low Level Outlet: _____

h. Other Appurtenances: _____

i. Reservoir Area: _____

j. Downstream Channel/Area: _____

k. Instrumentation: _____

l. Evaluation: _____

9. Section 4 - Operational Procedures: Provide a narrative describing the impounding structure procedures:

a. 4.1 Operation:

b. 4.2 Maintenance:

c. 4.3 Emergency Action Plan:

d. 4.4 Evaluation:

10. Section 5 - Hydraulic/Hydrologic Data: Provide a narrative describing hydraulic/hydrologic data:

a. 5.1 Design:

b. 5.2 Hyrdologic records:

c. 5.3 Flood experience:

d. 5.4 Flood potential:

e. 5.5 Reservoir regulation:

f. 5.6 Overtopping potential:

g. 5.7 Reservoir emptying potential:

h. 5.8 Evaluation:

11. Section 6 - Dam Stability: Provide a narrative describing impounding structure stability:

a. 6.1 Foundation/abutments:

b. 6.2.1 Embankment materials:

c. 6.2.2 Embankment stability:

d. 6.3 Evaluation:

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

REINSPECTION REPORT FOR CLASS I AND CLASS II IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapter 3, Virginia Soil and Water Conservation Board

12. Section 7 - Assessment/Remedial Measures: Provide a narrative describing the as-built condition of the impounding structure:

a. 7.1 Dam assessment:

b. 7.2 Recommended remedial measures:

CERTIFICATION BY OWNER'S ENGINEER

I hereby certify that the information provided in this As-Built Report has been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this ____ day of _____, 19____
Professional Engineer

1. Project Information:

a. Name of Impounding Structure _____

b. Inventory Number _____ Other Name (if any) _____

c. Name of Reservoir _____

d. Purpose of Reservoir _____

2. Location of Impounding Structure:

a. City/County _____ Magisterial District _____

b. Located _____ feet/miles upstream/downstream of Highway Number _____

c. Name of River or Stream _____

d. Latitude _____ Longitude _____

3. Ownership:

a. Owner's Name _____

b. Mailing Address _____

c. Telephone (____) _____

4. Owner's Engineer:

a. Engineering Firm/Engineer _____

b. Virginia Number _____

c. Mailing Address _____

d. Telephone(____) _____

DCHR/DSWC; DS-2RR
199-076; (Effective Date)

5. Phase I Inspection Report:

a. Phase I Inspection Report Prepared By _____

b. Phase I Inspection Report date: _____

6. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section One - Project Information:

a. 1.2.1 Description of dam and appurtenances, changes _____ no _____ yes
If yes, described: _____

b. 1.2.2 Location, change _____ no _____ yes. If yes, describe: _____

c. 1.2.3 Size classification, change _____ no _____ . If yes, describe: _____

d. 1.2.4 Hazard classification, change _____ no _____ yes. If yes, describe: _____

e. 1.2.5 Ownership, change _____ no _____ yes. If yes, describe: _____

f. 1.2.6 Purpose of dam, change _____ no _____ yes. If yes, describe: _____

g. 1.2.7 Design and construction history, changes _____ no _____ yes. If yes, describe: _____

h. 1.2.8 Normal operating procedures, changes _____ no _____ yes. If yes, describe: _____

i. 1.3.1 Drainage area; change _____ no _____ yes. If yes, describe: _____

j. 1.3.2 Discharge at dam site; changes _____ no _____ yes. If yes, describe: _____

k. 1.3.3 Dam and reservoir data, changes _____ no _____ yes. If yes, describe: _____

7. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section Two - Engineering Data:

a. 2.1 Design, change _____ no _____ yes. If yes, describe: _____

b. 2.2 Construction, change _____ no _____ yes. If yes, describe: _____

c. 2.3 Evaluation, change _____ no _____ yes. If yes, describe: _____

8. Provide reinspection observations of the impounding structure and appurtenances; Phase I Inspection Report, Section 3 - Visual Inspection.

a. Reinspection date _____

b. Reinspection by _____

c. General observations _____

- d. Dam _____

- e. Principal Spillway: _____

- f. Emergency Spillway: _____

- g. Low Level Outlet: _____

- h. Other Appurtenances: _____

- i. Reservoir Area: _____

- j. Downstream Channel/Area: _____

- k. Instrumentation: _____

- l. Evaluation/Recommendations: _____

9. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 4 - Operational Procedures:

- a. 4.1 Procedures, changes _____ no _____ yes. If yes, describe:

- b. 4.2 Maintenance, changes _____ no _____ yes. If yes, describe:

- c. 4.3 Warning system, changes _____ no _____ yes. If yes, describe:

- d. 4.4 Evaluation, changes _____ no _____ yes. If yes, describe:

10. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 5 - Hydraulic/Hydrologic Data:

- a. 5.1 Design, change _____ no _____ yes. If yes, describe:

- b. 5.2 Hyrdologic records, change _____ no _____ yes. If yes, describe:

- c. 5.3 Flood experience, change _____ no _____ yes. If yes, describe:

- d. 5.4 Flood potential, change _____ no _____ yes. If yes, describe:

- e. 5.5 Reservoir regulation, change _____ no _____ yes. If yes, describe:

- f. 5.6 Overtopping potential, changes _____ no _____ yes. If yes, describe:

g. 5.7 Reservoir emptying potential, change no yes. If yes, describe:

h. 5.8 Evaluation, change no yes. If yes, describe:

11. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 6 - Dam Stability:

a. 6.1 Foundation abutments, change no yes. If yes, describe:

b. 6.2.1 Embankment materials, change no yes. If yes, describe:

c. 6.2.2 Embankment stability, change no yes. If yes, describe:

d. 6.3 Evaluation, change no yes. If yes, describe:

12. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 7 - Assessment/Remedial Measures:

a. 7.1 Dam assessment, change no yes. If yes, describe:

b. 7.2 Recommended remedial measures, change no yes. If yes, describe:

13. If this Reinspection Report is being prepared in order to update an existing operation and maintenance certificate, describe any changes in:

a. Emergency Action Plan; change no yes. If yes, describe:

b. Operation and Maintenance Plan; change no yes. If yes, describe:

CERTIFICATION BY OWNER'S ENGINEER

I hereby certify that the information provided in this Reinspection Report has been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this _____ day of _____, 19____
Professional Engineer

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
 Division of Soil & Water Conservation
 203 Governor Street, Suite 206
 Richmond, Virginia 23219-2094

INVENTORY REPORT FOR CLASS III AND CLASS IV IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapter 3, Virginia Soil and Water Conservation Board

1. Project Information:
 - a. Name of Impounding Structure _____
 - b. Inventory Number _____ Other Name (if any) _____
 - c. Name of Reservoir _____
 - d. Purpose of Reservoir _____
2. Location of Impounding Structure:
 - a. City/County _____ Magisterial District _____
 - b. Located _____ feet/miles upstream/downstream of Highway Number _____
 - c. Name of River or Stream _____
 - d. Latitude _____ Longitude _____
3. Ownership:
 - a. Owner's Name _____
 - b. Mailing Address _____
 - c. Telephone (____) _____
4. Owner's Engineer:
 - a. Engineering Firm/Engineer _____
 - b. Virginia Number _____
 - c. Mailing Address _____
 - d. Telephone(____) _____

DCHR/DSWC:DS-2IR
 199-077; (Effective Date)

5. Impounding Structure Data (All elevations NGVD unless noted):
 - a. Type of Material _____ earth _____ concrete _____ masonry _____ other _____

Design Configuration

- b. Top of Dam _____ Elev. (if known)
- c. Downstream Toe (Lowest) _____ Elev. (if known)
- d. Height of Dam _____ Feet
- e. Crest Length (Exclusive of Spillway) _____ Feet
- f. Crest Width _____ Feet
- g. Upstream Slope _____ H: _____ V
- h. Downstream Slope _____ H: _____ V

6. Reservoir Data

Design Configuration

- a. Maximum Capacity _____ Acre-feet
- b. Maximum Pool _____ Elev. (if known)
- c. Maximum Pool Surface Area _____ Acres
- d. Normal Capacity _____ Acre-feet
- e. Normal Pool _____ Elev. (if known)
- f. Normal Pool Surface Area _____ Acres
- g. Freeboard (Normal Pool to Top) _____ Feet
- h. Freeboard (Normal Pool to Emergency) _____ Feet

7. Spillway Data
- | | Type | Construction Material | Maximum Capacity |
|-----------------------|-------|-----------------------|------------------|
| a. Low Level Drain | _____ | _____ | _____ |
| b. Principal Spillway | _____ | _____ | _____ |
| c. Emergency Spillway | _____ | _____ | _____ |

Design Configuration

- d. Low Level Drain _____ Elev. (if known)
- e. Principal Spillway _____ Elev. (if known)
- f. Emergency Spillway _____ Elev. (if known)

- g. Briefly describe the low level drain and principal spillway to include dimensions, materials of construction, trash guards, location in reservoir and through dam, and orientation of intake and discharge to dam if looking downstream:

- h. Describe the emergency spillway to include dimensions, whether the spillway is an earth channel or other construction, spillway surface protection, and orientation to dam if looking downstream:

DCHR/DSWC: DS-2IR
 199-077 (Effective Date)

2798

Virginia Register of Regulations

8. Watershed Data (Class III only):

- a. Drainage Area _____ Acres/Sq. Miles
- b. Type and Extent of Watershed Development _____
- c. Time of Concentration _____ Method _____
- d. Spillway Design Flood used (mark appropriate box)
 - _____ PMF, source _____
 - _____ 1/2 PMF, source _____
 - _____ 100 Year, source _____
 - _____ 50 Year, source _____
 - _____ Other, source _____
- e. Design inflow hydrograph: Volume _____ acre-feet; Peak inflow _____ C.F.S.;
Rainfall duration of design inflow hydrograph _____ hours
- f. Freeboard during passage of spillway design flood _____ feet.

9. Impounding Structure History

- a. Date construction completed _____
- b. Design by _____ Date: _____
- c. Built by _____ Date: _____
- d. Inspection dates _____
- e. Inspections by _____
- f. Description of repairs _____

g. Has the impounding structure ever been overtopped? Yes _____ No _____

10. Impounding Structure Assessment:

- a. Provide brief descriptions for each item:
 - i. Condition of the impounding structure _____

- ii. Condition of the reservoir _____
- iii. Condition of the upstream area _____
- iv. Condition of the downstream area _____

b. Provide a narrative describing any recent changes in the impounding structure, reservoir, upstream area, and downstream area:

c. Recommendations for remedial measures:

11. Provide a sketch of the impounding structure on Page 5.

CERTIFICATION BY OWNER'S ENGINEER (Class III only)

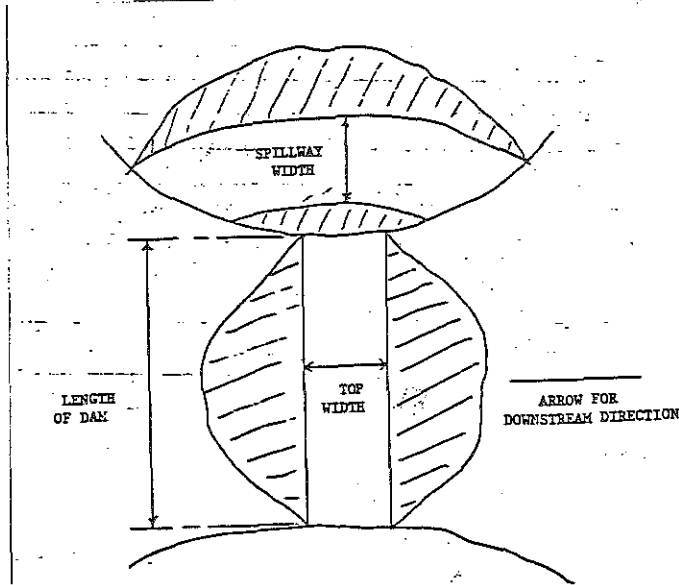
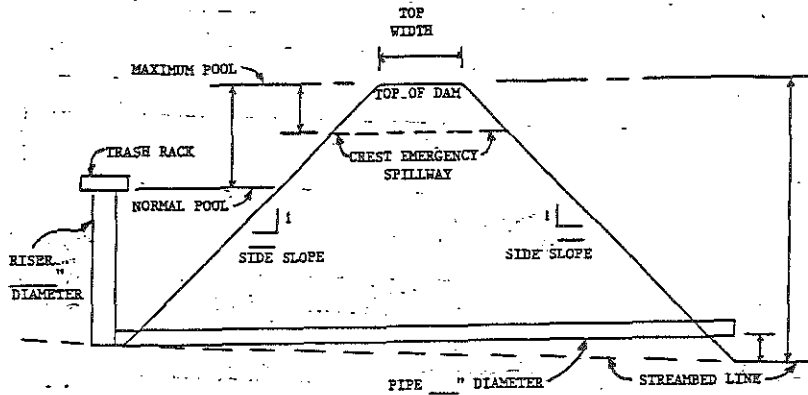
I hereby certify that the information provided in this Inventory Report has been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this day of _____, 19 _____
Professional Engineer

CERTIFICATION BY OWNER (Class IV Only)

I hereby certify that the information provided in this Inventory Report is true and correct.

Signed _____ this day of _____, 19 _____
Owner



DCHR/DSWC; DS-21R
199-007; (Effective Date)

PAGE 5 OF 5

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

OWNER'S ANNUAL INSPECTION FORM

Name of Dam _____ Inventory Number _____
 Name of Reservoir _____ County _____
 Owner's Name _____ Hazard Class I, II, III or IV _____
 Address _____ Inspected By _____
 Telephone () _____ Date _____

DIRECTIONS: MARK "X" IN YES, NO OR NA COLUMN.

ITEM	YES	NO	NA	REMARKS
1. GENERAL CONDITIONS				
A. ALTERATIONS TO DAM?				
B. DEVELOPMENT IN DOWNSTREAM FLOOD PLAIN?				
C. GRASS COVER ADEQUATE?				
D. SETTLEMENTS, MISALIGNMENT OR CRACKS?				
E. RECENT HIGH WATER MARKS?				EL.
2. UPSTREAM SLOPE				
A. EROSION?				
B. TREES?				
C. RODENT HOLES?				
D. CRACKS, SETTLEMENT OR BULGES?				
E. ADEQUATE AND SOUND RIPRAP?				
3. INTAKE STRUCTURE				WATER SURFACE EL.
CONCRETE <input type="checkbox"/> METAL <input type="checkbox"/>				
A. SPALLING, CRACKING, SCALING?				
B. EXPOSED REINFORCEMENT?				
C. CORROSION PRESENT?				
D. COATING ADEQUATE?				
E. LEAKAGE?				
F. TRASH RACK ADEQUATE?				
G. OBSTACLES TO INLET?				
H. DRAWDOWN OPERATIVE? CLOSED <input type="checkbox"/> OPEN <input type="checkbox"/>				
4. ABUTMENT CONTACTS				
A. EROSION, CRACKS OR SLIDES?				
B. SEEPAGE?				EST. GPM
5. EMERGENCY SPILLWAY				
A. OBSTRUCTIONS?				
B. EROSION?				
C. RODENT HOLES?				
6. DOWNSTREAM SLOPE				
A. EROSION?				
B. TREES?				
C. RODENT HOLES?				

DCHR/DSWC; DS-20R
199-078; (Effective Date)

Page 1 of 2

OWNER'S ANNUAL INSPECTION FORM

INVENTORY NUMBER _____

ITEM	YES	NO	NA	REMARKS
D. CRACKS, SETTLEMENTS OR BULGES?			<input checked="" type="checkbox"/>	
E. DRAINS OR WELLS FLOWING?			<input checked="" type="checkbox"/>	EST. GPM _____
F. SEEPAGE OR BOILS?			<input checked="" type="checkbox"/>	EST. GPM _____
7. CONDUIT AND OUTLET			<input checked="" type="checkbox"/>	TAIL WATER EL. AND FLOW _____
CONCRETE <input type="checkbox"/> METAL <input type="checkbox"/>			<input checked="" type="checkbox"/>	
A. SPALLING, CRACKING, SCALING?			<input checked="" type="checkbox"/>	
B. EXPOSED REINFORCEMENT?			<input checked="" type="checkbox"/>	
C. JOINTS DISPLACED OR OFFSET?			<input checked="" type="checkbox"/>	
D. JOINT MATERIAL LOST?			<input checked="" type="checkbox"/>	
E. LEAKAGE?			<input checked="" type="checkbox"/>	
F. EARTH EROSION?			<input checked="" type="checkbox"/>	
G. CONDUIT MISALIGNED?			<input checked="" type="checkbox"/>	
H. OUTLET CHANNEL OBSTRUCTED?			<input checked="" type="checkbox"/>	
8. STILLING BASIN			<input checked="" type="checkbox"/>	
A. SPALLING, CRACKING, SCALING?			<input checked="" type="checkbox"/>	
B. EXPOSED REINFORCEMENT?			<input checked="" type="checkbox"/>	
C. JOINTS DISPLACED OR OFFSET?			<input checked="" type="checkbox"/>	
D. JOINT MATERIAL LOST?			<input checked="" type="checkbox"/>	
E. JOINTS LEAK?			<input checked="" type="checkbox"/>	
F. ROCK ADEQUATE?			<input checked="" type="checkbox"/>	
G. DISSIPATORS DETERIORATING?			<input checked="" type="checkbox"/>	
H. DISSIPATORS CLEAN OF DEBRIS?			<input checked="" type="checkbox"/>	
9. CONCRETE SPILLWAY			<input checked="" type="checkbox"/>	
A. SPALLING, CRACKING, SCALING?			<input checked="" type="checkbox"/>	
B. EXPOSED REINFORCEMENT?			<input checked="" type="checkbox"/>	
C. JOINTS DISPLACED OR OFFSET?			<input checked="" type="checkbox"/>	
D. JOINT MATERIAL LOST?			<input checked="" type="checkbox"/>	
E. LEAKAGE?			<input checked="" type="checkbox"/>	
F. DISSIPATORS DETERIORATING?			<input checked="" type="checkbox"/>	
G. DISSIPATORS CLEAN OF DEBRIS?			<input checked="" type="checkbox"/>	
H. EARTH EROSION?			<input checked="" type="checkbox"/>	
I. OUTLET CHANNEL ERODING?			<input checked="" type="checkbox"/>	
10. GATES			<input checked="" type="checkbox"/>	
A. FLOODGATES BROKEN, BENT?			<input checked="" type="checkbox"/>	
B. FLOODGATES ERODED OR RUSTED?			<input checked="" type="checkbox"/>	
C. FLOODGATES OPERATIONAL?			<input checked="" type="checkbox"/>	
11. RESERVOIR			<input checked="" type="checkbox"/>	
A. DEVELOPMENT?			<input checked="" type="checkbox"/>	
B. SLIDES OR EROSION ON BANKS?			<input checked="" type="checkbox"/>	
C. RESERVOIR MANAGED?			<input checked="" type="checkbox"/>	
12. INSTRUMENTS			<input checked="" type="checkbox"/>	
A. IS STRUCTURE INSTRUMENTED?			<input checked="" type="checkbox"/>	
B. MONITORING PERFORMED?			<input checked="" type="checkbox"/>	
13. DAM SHOULD BE INSPECTED BY ENGINEER			<input checked="" type="checkbox"/>	
14. REEVALUATE HAZARD CLASSIFICATION			<input checked="" type="checkbox"/>	
15. REMARKS:				

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

TRANSFER APPLICATION FOR IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

- Project Information:
 - Name of Impounding Structure _____
 - Inventory Number _____ Other Name (if any) _____
 - Name of Reservoir _____
 - Classification: Class I Class II Class III (Circle One)
- Location of Impounding Structure:
 - City/County _____ Magisterial District _____
 - Located _____ feet/miles upstream/downstream of Highway Number _____
 - Name of River or Stream _____
 - If known, Latitude _____ Longitude _____
- Transfer Information:
 - Type of transfer; Construction Permit _____, Alteration Permit _____, Operation and Maintenance Certificate _____ (check which)
 - Permit/Certificate Number _____
 - Effective Date of Permit/Certificate _____
 - Expiration Date of Permit/Certificate _____
- Seller Information:
 - Seller's Name _____
 - Mailing Address _____
 - Telephone (____) _____

4. Buyer Information:

a. Buyer's Name _____

b. Mailing Address _____

c. Telephone () _____

TRANSFER STATEMENT

I, _____ Seller, request to transfer the above referenced

permit/certificate _____ which was effective _____

and expires _____ to _____

I, _____ Buyer, have reviewed and I am aware of all terms and

conditions of the permit/certificate _____ and will comply with

Signed _____ on this _____ day _____, 19__ (Seller)

Signed _____ on this _____ day _____, 19__ (Buyer)

OWNER'S STATEMENT

I, _____ Buyer, request that the required forms on file for the above

referenced permit/certificate be revised to indicate the new ownership. I specifically request that

the Emergency Action Plan Form 199-073; DS-2EAP be amended as follows:

Emergency Action Plan; Items #3, 4, & 5.

3. Name of Owner: _____

Address: _____

Telephone: (Business) () _____ (Residential) () _____

DCHR/DSWC; DS-2T
199-073; (Effective Date)

4. Name of Dam Operator _____

Address: _____

Telephone: (Business) () _____ (Residential) () _____

Name of Alternate Operator _____

5. Name of Rainfall or Staff Gauge Observer for Dam: _____

Address: _____

Telephone: (Business) () _____ (Residential) () _____

Name of Alternate Observer _____

I certify that the () city/county, the local Emergency Services Coordinator and the

State Department of Emergency Services have been advised of this change in ownership.

I further certify that the emergency action and the operation and maintenance plans and schedules

on file will be adhered to during the life of the permit except in cases of unanticipated emergency

requiring departure therefrom in order to mitigate hazard to life and property, at which time my

engineer and the Department of Conservation and Historic Resources shall be notified.

Signed _____ this _____ day of _____, 19__

Owner _____

DCHR/DSWC; DS-2T
199-073; (Effective Date)

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

AGRICULTURAL CERTIFICATION FOR IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapter 1, Virginia Soil and Water Conservation Board

1. Project Information:
 - a. Name of Impounding Structure _____
 - b. Inventory Number _____ Other Name (if any) _____
 - c. Name of Reservoir _____
2. Location of Impounding Structure:
 - a. City/County _____ Magisterial District _____
 - b. Located _____ feet/miles upstream/downstream of Highway Number _____
 - c. Name of River or Stream _____
 - d. If known, Latitude _____ Longitude _____
3. Ownership:
 - a. Owner's Name _____
 - b. Mailing Address _____
 - c. Telephone (____) _____
4. Impoundment Information:
 - a. Impounding structure height _____ feet (measured vertically from top of structure to the streambed at the downstream toe of the dam).
 - b. Maximum impounding capacity _____ acre-feet (that volume in acre-feet that is capable of being impounded at the top of the impounding structure).

OWNER'S CERTIFICATION

I hereby certify that this impounding structure meets the requirements of Chapter 1 of the Impounding Structure Regulations as a dam constructed, maintained or operated primarily for agricultural purposes and that it is exempt from regulation.

Signed _____ this _____ day of _____, 19____
Owner

DCHR/DSWC
199-080; (Effective Date)

Page 1 of 1

Proposed Regulations

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Title of Regulation: VR 385-01-08. Subdivision Street Requirements.

Statutory Authority: §§ 33.1-12(3) and 33.1-229 of the Code of Virginia.

Public Hearing Dates:

November 1, 1988 - 10 a.m.
November 2, 1988 - 10 a.m.
November 4, 1988 - 10 a.m.
November 10, 1988 - 10 a.m.
November 15, 1988 - 1 p.m.
(See Calendar of Events section
for additional information)

EDITOR'S NOTE: Documents incorporated by reference are listed at the end of these regulations, and are filed in the office of the Registrar of Regulations.

Summary:

These regulations prescribe the requirements and administrative procedures for the addition of subdivision streets into the secondary system of state highways. The geometric standards and specifications set forth herein are consistent with the department's criteria for the design and construction of roadway facilities adequate to serve the traffic projected to travel over the streets involved. However, they do incorporate certain provisions which recognize situations unique to street development as an integral part of the overall subdivision of land.

In the development of these requirements, due consideration has been given to the varied terrain and other topographic conditions present in various areas of the Commonwealth.

Provisions have also been included to permit inventive design of such streets provided the safety features, structural integrity, or traffic capacity of the streets involved are not sacrificed.

VR 385-01-08. Subdivision Street Requirements.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

The following words and terms, when used in these requirements, shall have the following meaning, unless the context clearly indicates otherwise:

"AASHTO" means the American Association of State Highway and Transportation Officials.

"ADT" means average daily traffic count (see "Projected

Traffic").

"Board" means the Commonwealth Transportation Board.

"Chief engineer" means the employee of the department who, pursuant to Chapter 1 (§ 33.1-8) of Title 33.1 of the Code of Virginia, is responsible for the design, construction and maintenance of the systems of state highways.

"Commissioner" means the Chairman of the Commonwealth Transportation Board for the Commonwealth of Virginia.

"Complete development" (land) means the utilization of the available areas in such a manner as to realize its highest density for the best potential use based on current zoning, pending rezoning, the adopted comprehensive plan of the governing body, or the customary use of similar parcels of land.

"Complete development" (streets) means the development of a subdivision street in full compliance with all applicable provisions of these regulations.

"County official" means the representative of the governing body appointed to serve as its agent in matters relating to subdivisions.

"Cul-de-sac" means a street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

"Department" means the Virginia Department of Transportation.

"Developer" means an individual, corporation, or registered partnership engaged in the subdivision of land.

"Design speed" means a speed selected for purposes of design and correlation of those features of a street such as curvature, super elevation, and sight distance, upon which the safe operation of vehicles is dependent.

"District engineer" means the employee of the department assigned the overall supervision of the departmental operations in each of the Commonwealth's nine construction districts.

"Drainage Manual" means the department's current Drainage Manual, Location and Design Division.

"Easement" means a grant of a right to use property of an owner for specific, limited use or purpose.

"Functional classification" means the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

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"Governing body" means the board of supervisors of the county.

"ITE Trip Generation" means the current edition of Trip Generation, an informational report of the Institute of Transportation Engineers.

"Level of service" means a qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and passengers. For the purposes of these requirements, the applicable provisions of the current Highway Capacity Manual, Transportation Research Board, shall serve as the basis for determining "levels of service."

"Loop street" means a street whose two outlets are to the same street.

"Minimum entrance standards" means the department's current Minimum Standards of Entrances to State Highways, Traffic Engineering Division.

"Permit manual" means the department's current Land Use Permit Manual Maintenance Division.

"Phase development" (streets) means the method whereby the acceptance of certain subdivision streets into the secondary system of state highways may be considered prior to their complete development in accordance with all applicable requirements.

"Plans" means the standard drawings, including profile and roadway typical section, which show the location, character, dimensions and details for the proposed construction of the subdivision street.

"Plat" means the schematic representation of the land divided or to be divided.

"Private streets" means subdivision streets which are not intended to be accepted into the secondary system of state highways.

"Projected traffic" means the number of vehicles, normally expressed in average daily traffic (ADT), forecast to travel over the segment of the subdivision street involved.

"Requirements" means the design, construction, and related administrative considerations herein prescribed for the acceptance of a subdivision street into the secondary system of state highways pursuant to Chapter 2 (§ 33.1-229) of Title 33.1 of the Code of Virginia.

"Resident engineer" means the employee of the department assigned to supervise departmental operations within a specified geographical portion of the Commonwealth, consisting of one to four counties.

"Right-of-way" means the land, property, or interest therein, usually in a strip, acquired for or devoted to a

public street or road.

"Roadway" means the portion of the road or street within the limits of construction and all structures, ditches, channels, etc. necessary for the correct drainage thereof.

"Secondary system of state highways" means those public roads, streets, bridges, etc., as established by Chapter 1 (§ 33.1-67 et seq.) of Title 33.1 of the Code of Virginia, that are under the supervision of and maintained by the department.

"Specifications" means the department's current Road and Bridge Specifications, including related supplemental specifications and special provisions.

"Standards" means the applicable drawings and related criteria contained in the department's current Road and Bridge Standards.

"Subdivision" means the division of a lot, tract, or parcel into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. Any resubdivision of a previously subdivided tract or parcel of land shall also be interpreted as a "subdivision." The division of a lot or parcel permitted by Chapter 11 (§ 15.1-466 A (k)) of Title 15.1 of the Code of Virginia will not be considered a "subdivision" under this definition, provided no new road or street is thereby established. However, any further division of such parcels shall be considered a "subdivision."

"Subdivision street" means a public way for purposes of vehicular travel, including the entire area within the right-of-way, that results from the subdivision of land. Such streets developed in accordance with these requirements shall be eligible for addition to the secondary system of state highways pursuant to Chapter 2 (§ 33.1-229) of Title 33.1 of the Code of Virginia.

"Tertiary subdivision street" means a lower classification of local street which, by design, is generally a cul-de-sac or loop street. The adjacent property shall be platted in a manner to preclude its subsequent resubdivision or future land development that will generate unanticipated additional traffic volumes.

"Through street" means a street which provides access between two other streets.

"Traveled way" means the portion of the subdivision street designated for the movement of vehicles, exclusive of shoulders, parking areas, turn lanes, etc.

"VDOT" means the Virginia Department of Transportation.

§ 1.2. Applicability.

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These requirements are applicable to all subdivision streets designated to become part of the secondary system of state highways. Conversely, the department's review and approval shall be applicable only to streets proposed to be added ultimately to the secondary system. Due to the eventual problems normally associated with private streets, the department does not subscribe to the concept of their use in subdivision development. Any plans submitted for review which contain only private streets shall be returned marked "unapproved," with a notation as to the reason.

§ 1.3. Continuity of public street system.

The continuity of a publicly maintained street system is a prerequisite to the addition of any subdivision street into the secondary system of state highways. Therefore, no street will be accepted for state maintenance unless it is the continuation of the network of public streets whose maintenance has been officially accepted by the department or, if appropriate, a city, town or county.

§ 1.4. Large-lot-size subdivision.

In the application of these requirements, the department does not recognize any provision of an ordinance adopted by the governing body that excepts certain large-lot-size subdivisions from its definition of subdivision. Therefore, any street proposed for addition to the secondary system of state highways shall comply with applicable requirements as herein provided.

§ 1.5. Service requirements.

A. No street or road will be accepted into the secondary system of state highways unless it renders sufficient public service to justify the expenditure of public funds for its subsequent maintenance. Therefore, sufficiently varied proprietorship of the land served is required. For the purpose of these requirements, public service may include, but is not necessarily limited to, one or more of the following situations:

- 1. Serves three or more occupied units of varied proprietorship with a unit being a house, townhouse, condominium, apartment, mobile home park, or other similar facility.*
- 2. Constitutes a connecting link between other streets which qualify from the point of public service.*
- 3. Provides an extension of a street to the subdivision boundary to facilitate the continuity of possible adjacent development, if required by local ordinance.*
- 4. Serves as access to schools, churches, public sanitary landfills, public recreational facilities, or similar facilities open to public use.*

B. Entrances to shopping centers or rental apartment buildings do not normally qualify for addition to the

system. This is because the primary service they provide is to the owner who stands to profit rather than the tenant or customer. However, when a street serves as the principal access to apartment buildings or condominiums, containing either rental or individually-owned units, it may be considered as providing public service if unrestricted public use is permitted and maintenance continuity is practical. Entrances to shopping centers do not qualify unless the streets leading thereto are through streets and are included in the comprehensive plan approved by the local governing body.

C. There may be other sets of circumstances that could constitute public service. Consequently, any question regarding unclear situations should be referred to the resident engineer for resolution.

§ 1.6. Administrative procedure.

A. Plan submission.

Plats or plans, or both, together with other pertinent data as herein prescribed, shall be submitted to the responsible resident engineer for all proposed subdivisions whose streets are intended to be added to the secondary system of state highways. Appendix B contains a listing of the locations and jurisdictions of the residency offices.

B. Plan review.

Upon receipt of the plats or plans, or both, the resident engineer will arrange for the appropriate review to determine compliance with all applicable requirements. The general procedure for this review is prescribed in Appendix A.

C. Plan approval.

The resident engineer will advise the appropriate county official and the developer, if applicable, as to the results of the review.

1. If the street development proposed by the plats or plans, or both, is determined to be in compliance with these requirements, the resident engineer will provide written confirmation of this finding. This action signifies the resident engineer's recommendation for VDOT approval of the street design shown on the plats or plans, as submitted. Any subsequent revision, additions, or deletions thereto shall require specific written approval of the resident engineer for each such change.

2. Where the revision of the submitted plats or plans is determined necessary, the resident engineer will list the required changes in a written response to the appropriate county official and the developer, if applicable. Upon completion of the specified revisions, the plats or plans will be resubmitted for review and approval by the resident engineer as prescribed in Appendix A.

D. Street acceptance.

Upon completion of the subdivision street construction, the resident engineer will initiate its acceptance into the secondary system of state highways provided:

- 1. The developer dedicates the prescribed right-of-way to public use.*
- 2. The street has been constructed in accordance with the plats or plans approved by the resident engineer.*
- 3. The street renders a public service as prescribed in § 1.5 of these requirements.*
- 4. The street has been properly maintained since its completion.*
- 5. The developer furnishes the surety and maintenance fee, if applicable, in accordance with Table III.*
- 6. The governing body requests, by proper resolution which includes the guarantee of an unrestricted and unencumbered right-of-way as dedicated, the department's acceptance of the street into the secondary system.*

Upon the department's determination that the requested addition is in compliance with the applicable provisions of these requirements, the governing body will be officially advised of the street's acceptance into the secondary system of state highways and the effective date of such action. This notification serves as the resident engineer's authority to begin maintenance thereon.

§ 1.7. Variances.

The department's field engineers are authorized considerable discretionary authority in the application of the geometric standards relative to alignment and grade for streets functionally classified as "local." Such judgments should take into consideration the individual situation, but in no instance are the safety features, structural integrity, or traffic capacities prescribed by these requirements to be sacrificed. Meandering alignment and rolling grades are satisfactory, provided adequate stopping sight distances and reasonable alignment and gradients are provided to safely accommodate the projected traffic at the design speed.

§ 1.8. Effect of legislation.

If subsequent legislation is enacted that conflicts with any provision of these requirements, the legislative provisions shall govern. As of its effective date such legislation shall take precedence over any conflicting interpretations or decisions rendered by department personnel prior to the enactment of the legislation. However, such action shall not affect the validity of these

requirements as a whole, or any part thereof, other than the specific provision involved.

§ 1.9. Entrance permits.

An entrance permit is required by the general rules and regulations of the Commonwealth Transportation Board for any form of access to state maintained roads, including the connection of a subdivision street. Such a connection shall comply with applicable commercial entrance requirements of the department's Permit Manual and Minimum Entrance Standards.

Due to the wide variation in prevailing conditions, each location shall be evaluated individually to determine exact requirements. Therefore, it is incumbent upon the developer or his designee to apply for any required entrance permit at the appropriate time to insure the desired completion of the development. Such application shall be made to the resident engineer and commensurate with the approved plats or plans for the subdivision.

§ 1.10. Appeal to district engineer.

The district engineer is authorized to consider and render a ruling on unresolved differences of opinion between the developer and the resident engineer that pertain to the interpretation and application of these requirements.

To obtain this review, the developer shall provide the district engineer with a written request for such action, including a brief description of any unresolved issue. After reviewing all pertinent information, the district engineer will advise the developer in writing as to the decision relative to the appeal. The developer may further appeal the district engineer's decision to the chief engineer for review and disposition as he deems appropriate. A final appeal may be made to the commissioner.

§ 1.11. Precedent of local subdivision ordinance.

Where the requirements of the subdivision ordinance adopted by the governing body equal or exceed the requirements herein prescribed, they shall become the department's requirements in that area and govern.

§ 1.12. Applicable requirements of other regulatory agencies.

Should a subdivision street proposed for acceptance into the secondary system of state highways be subject to provisions of any regulatory agency pertaining to the maintenance, control, and operation of the completed street, the developer shall provide the resident engineer with a copy of such requirements at the time its addition is requested.

PART II. SPECIFIC PROVISIONS.

Proposed Regulations

§ 2.1. Design requirements.

A. Functional classification.

1. Policy.

The characteristics and magnitude of the service to be provided, as herein defined, shall be the basis for the department's determination of the functional classification for each subdivision street intended for acceptance into the secondary system.

2. Criteria.

Urban and rural areas have fundamentally different characteristics. Consequently, urban and rural functional systems are classified separately.

a. *Urban areas.* This designation shall apply to the urbanized areas of Virginia so identified by the U.S. Bureau of the Census (e.g., Northern Virginia, Richmond, Peninsula, Southeastern, Tri-Cities, Roanoke, Lynchburg, Danville, Charlottesville, Bristol, and Kingsport).

b. *Rural areas.* Those areas outside the boundaries of urban areas.

3. Functional systems.

a. Rural.

(1) *Principal arterial.* The most significant streets in the area which serve long distance travel demands such as statewide and interstate travel. Provide service to major centers of activities, constitute the highest traffic volume corridors, carry the major portion of the area's through traffic, and provide continuity between other arterials.

(2) *Minor arterial.* Streets which interconnect and supplement the principal arterial system with a greater emphasis on land access and a lower level of traffic mobility. They are intended as routes that generally have minimum interference to through traffic and provide intracommunity service.

(3) *Major collector.* These streets provide service to large communities or other major traffic generators not served by the arterial system. They provide links to higher classified routes and serve as important intracounty travel corridors.

(4) *Minor collector.* Streets that collect traffic from local streets and distribute it to the arterial system. These streets provide land access service and traffic circulation within residential, commercial, and industrial areas.

(5) *Local.* These streets provide direct access to adjacent land and serve travel of short distances as

compared to the higher systems. Service to through traffic is discouraged.

b. Urban areas.

(1) *Principal arterial.* These highways are the most significant streets in the urban area that serve the major centers of activity, constitute the highest traffic volume corridors, serve the longest trip desires, carry the major portion of through traffic in the urban area, and provide continuity between rural arterials.

(2) *Minor arterial.* Streets which interconnect and supplement the principal arterial system with a greater emphasis on land access and a lower level of traffic mobility. They provide intracommunity service as well as connecting rural collectors to the urban highway system.

(3) *Urban collector.* These streets provide land access service and traffic circulation within residential, commercial, and industrial areas. They collect local traffic and distribute it to the arterial system.

(4) *Local.* These streets provide direct access to adjacent land and provide access to the higher systems. Service to through traffic is discouraged.

4. Procedures.

The department's determination of the functional classification for each street within a subdivision shall be made prior to the resident engineer's approval of its plats or plans. To facilitate the effective development of the plats or plans and permit their expeditious review, it is recommended that this determination be completed prior to the developer's initiation of detail design for the subdivision. To originate the functional classification process, the developer shall submit the following information:

a. A sketch accurately depicting the general concept for the proposed development of the subdivision, as permitted by the applicable provisions of the governing body's zoning and subdivision regulations. This sketch shall include:

(1) The general location and configuration, including the terminus, of each street proposed within the subdivision.

(2) The location and area of each type of permitted land use within the subdivision.

(3) The location of any proposed transportation facility, within the subdivision's boundaries, included in the current comprehensive plan of the governing body.

b. Other available information pertinent to the intended development of the subdivision.

5. Approval.

The resident engineer shall provide written notification to the appropriate county official and the developer, if applicable, regarding the approved functional classification for each street in the subdivision. This approval shall be valid as long as the basic concept for the subdivision's development, as submitted pursuant to the previous paragraph, remains unchanged.

B. Projected traffic/capacity analysis.

1. For the purposes of these requirements, "projected traffic" shall include the traffic resulting from the complete development of all land to be served by the subject roadway facility. This shall include traffic forecasted to be generated by development, both internal and external, to the subdivision under consideration. The basis for this forecast will be the governing body's current comprehensive plan or other available information pertinent to the permitted land use and transportation planning for the subdivision and adjacent properties. Traffic projections shall be based on each single-family residential dwelling unit generating 10 vehicle trips per day. The trip generation rates in the ITE Trip Generation Report shall be utilized in determining the projection of traffic resulting from development other than single family residential. Different rates resulting from the use of other bonafide traffic studies may be considered subject to their submission for review and approval by the department.

2. As an alternative to the application of the projected traffic to the applicable geometric design criteria of these requirements, the department will consider subdivision street design based on a capacity analysis concept provided:

a. The governing body permits the utilization of this concept in the design of subdivision streets in the county.

b. The developer furnishes full rationale, from an engineer licensed by the Commonwealth to perform such studies, to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal for the subdivision streets involved.

c. A minimum level of service "C" shall be accommodated in the street design proposed under the capacity analysis concept.

C. Terrain classification.

The applicable provisions of the current Policy on Geometric Design of Highways and Streets, AASHTO, shall be used in the determination of the appropriate classification of terrain for subdivision streets.

D. Roadway geometric design criteria.

Except as may be permitted under the provisions of subdivision 2, subsection B of this section, the following criteria shall apply in the design of subdivision streets intended for addition to the secondary system:

1. Any street functionally classified as "local" pursuant to subsection A of this section shall be designed in accordance with the applicable provisions of Tables 1 and 1-A of these requirements.

2. Streets functionally classified as a "collector" and "arterial" shall be designed in accordance with applicable provisions of the department's standards for the appropriate functional and terrain classification.

E. Bridge and culvert design criteria.

1. Capacity.

All bridges and culverts shall be of HS 20-44 loading or alternate military loading, or both, in accordance with the current AASHTO bridge design specifications and VDOT modifications. To facilitate the department's review, all pertinent calculations for the structure's design shall be submitted with each bridge plan.

2. Width.

Clear roadway widths shall be provided on all structures in accordance with the department's standards.

F. Drainage.

1. Policy and procedures.

All drainage facilities shall be designed in accordance with the department's current Drainage Manual and supplemental directives.

2. Criteria.

Standards appropriate to the functional classification of the street and the potential impact on adjacent property shall apply.

3. Design.

Specific reference is made to the following design requirements:

a. VDOT Drainage Manual

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(1) Hydrology - Chapter 1

(2) Open Channels and Ditches - Chapter 2

(3) Culverts - Chapter 3

(4) Storm Sewer Systems - Chapter 4

(5) Bridges - Chapter 5

(6) Storm Water Management - Chapter 10

b. Division of Soil and Water Conservation Erosion and Sediment Control Handbook

(1) Erosion and Sediment Control

4. Storm water detention.

The department does not require detention. However, it does recognize it as an available design alternative. Where the developer is required by regulations of the local government or elects to utilize detention facilities in the design of a subdivision, an acceptable agreement from the local government is required which absolves the department from any responsibility or liability for the detention facility.

VDOT does adhere to the state Stormwater Management Criteria for Controlling Off-Site Erosion, Division of Soil and Water Conservation, GC-7.

5. Easements.

a. An acceptable easement shall be provided from all drainage outfalls to a natural watercourse, i.e., "A defined natural channel with bed and banks within which water flows either continuously or intermittently." A swale is a board depression without defined bed and banks and is not a natural watercourse.



(See VDOT Drainage Manual, Chapter 7)

b. An acceptable agreement from the local government, which absolves the department from any future responsibility or liability may be considered as an alternative to providing an easement.

c. Where development activity results in increased runoff to the extent that adjustment of an outfall facility is required, such adjustment shall be at the developer's expense and contained within an appropriate easement.

6. Documentation.

All drainage design computation shall be complete, properly documented and presented to the resident engineer for review.

G. Pavement structure design.

The design of the pavement structure for subdivision streets shall be in accordance with Table II of these requirements.

§ 2.2. Phase development of subdivision streets.

A. Policy.

Certain subdivision streets may be considered for addition to the secondary system of state highways prior to their complete development in accordance with applicable provisions of these requirements.

B. Criteria.

1. The street shall be functionally classified as a "collector" or "arterial" pursuant to § 2.1 of these requirements.

2. The traveled way of the street, upon complete development pursuant to applicable provision of these requirements, shall provide four or more lanes for motor vehicles, exclusive of turn lanes, parking lanes, etc.

3. Only two phases of the street's development, i.e., initial and complete, shall be permitted.

4. The governing body, by resolution, recommends the street's acceptance into the secondary system of state highways prior to its complete development.

5. The governing body elects to enter into an agreement, acceptable to the department, to assure the street's subsequent completion in full compliance with these requirements. It shall specifically include suitable provisions for each of the following issues:

a. All cost incurred in the street's complete development, including construction, right-of-way, engineering, utility adjustment, etc., shall be provided from funds other than those derived from state revenue sources administered by VDOT.

b. The governing body will provide an acceptable surety for the completion of the street's full development pursuant to the applicable provisions of these requirements.

c. The governing body shall have the sole responsibility to collect and maintain any funds provided, either voluntarily or pursuant to its requirements, for the required subsequent

development of the street.

d. The determination relative to the timing of the street's complete development shall be exclusively that of the department and will be based on whichever of the following situations occurs first:

(1) The street's actual traffic volume, as determined by the department, exceeds 8,000 ADT.

(2) The department determines the initial phase of the street's development is incapable of permitting a minimum level of service of "D" to be maintained.

e. Consideration for the acceptance of any street under the provisions of this section shall be limited to the phase development of only the street's roadway. All other applicable requirements, e.g., public service, drainage easements, administrative procedures, etc., shall apply.

C. Procedures.

1. Plats or plans, or both, for the street's complete development, in accordance with all applicable provisions of these requirements, shall be submitted for approval.

2. The plats or plans shall also delineate the street's initial development as proposed pursuant to this section. In no case shall this design provide less than one-half of the roadway typical section required by the applicable requirements for the street's complete development.

3. A capacity analysis, as prescribed in subsection B of § 2.1 of these requirements, shall be submitted to document that a minimum level of service of "C" will be maintained by the initial roadway phase throughout its intended duration.

4. Concurrent with the submissions prescribed in subdivisions 1, 2, and 3 of this subsection, the developer shall request the governing body to advise the resident engineer of its recommendation for the street's phase development and of its intent to enter into the agreement prescribed in subsection B, subdivision 5 of this section.

5. Upon the resident engineer's determination that the proposal is in compliance with the applicable provisions of this section, he may approve the plans accordingly.

6. Upon completion of the street's initial phase in accordance with approved plans, its compliance with all other applicable provisions of subsection D of § 1.6 of these requirements and the governing body's execution of the prescribed agreement, the street may be accepted into the secondary system of state

highways.

§ 2.3. Right-of-way.

A. Width.

A clear and unencumbered right-of-way shall be dedicated to public use for any subdivision street proposed for addition to the secondary system of state highways. The width of such dedication shall be in accordance with Tables I and I-A for those streets functionally classified as "local." For streets functionally classified as "collector" or "arterial" the dedicated width shall be in accordance with applicable provisions of the department's standards. Where sidewalk is to be provided which qualifies for maintenance by the department, additional right-of-way shall be dedicated to the extent necessary to accommodate the sidewalk and facilitate its future maintenance.

For other required elements of a subdivision street, e.g., turn lanes and cul-de-sacs, additional right-of-way shall also be provided as necessary.

B. Utilities.

To assure the unencumbered dedication of the right-of-way for subdivision street additions, easements or other interests within the platted right-of-way shall be quit-claimed of any prior rights therein. In exchange, a permit may be issued by the department for a utility to occupy the area involved. This permit will be processed by the resident engineer upon acceptance of the street into the secondary system of state highways. No inspection fee is required for permits so issued. However, the approval of the permit shall be contingent upon the utility's compliance with applicable provisions of the Permit Manual.

Where the governing body has established requirements for the location of underground utilities within the right-of-way for subdivision streets, they shall become the department's requirements in that area and govern, provided they are not in conflict with any applicable requirements of the department. Departmental regulations prohibit the open-cutting of hardsurfaced roads except in extenuating circumstances. Therefore, all underground utilities within the right-of-way, as determined necessary by good engineering practice to serve the complete development of adjacent properties, shall be installed during the street's initial construction and prior to the application of its final pavement surface course.

All above ground utilities shall be installed behind the sidewalk or as close as possible to the limits of the street's right-of-way.

C. "Spite strips."

Plans that include a reserved or "spite" strip which prohibits otherwise lawful vehicular access to a street

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from the adjacent properties, whether within or outside the subdivision, will not be approved.

§ 2.4. Surety and fees.

A. Surety.

1. Bond or cash deposit.

The developer shall furnish an acceptable surety, in accordance with Table III, to guarantee the satisfactory performance of the street for a period of one year from the date of its acceptance into the secondary system of state highways. The surety may be a performance bond, cash deposit, certified check or other form mutually satisfactory to the department and the developer.

2. Alternatives to surety.

a. In jurisdictions where the staff of the governing body administers a comprehensive subdivision construction inspection program which has been approved by the department, the surety may be waived upon certification by the governing body that the proposed addition has been constructed in accordance with approved plans and specifications.

b. If requested by the developer and subject to availability of departmental personnel, the VDOT may perform the construction inspection of subdivision streets proposed to be added to the secondary system of state highways. In such cases, the developer shall bear all costs incurred by the department.

B. Maintenance fee.

A maintenance fee, in accordance with Table III, will be required for the acceptance of a subdivision street into the secondary system at any time other than July 1. Any fraction of a month shall be computed as a whole month in arriving at the amount of fee involved.

The official acceptance date of any addition will not be made retroactive. However, where it is demonstrated that extenuating circumstances beyond the control of the developer prevented the addition's acceptance on July 1, the department may waive the maintenance fee. Administrative delays by the governing body or the department may be considered an extenuating circumstance. However, failure of the developer to comply with all applicable requirements, including the provision for the dedication of an unencumbered right-of-way, will not be considered extenuating.

PART III. MISCELLANEOUS PROVISIONS.

§ 3.1. Sidewalk.

The installation of sidewalk is not a requisite for the department's acceptance of a subdivision street. However, board policy permits sidewalk located within the dedicated right-of-way, whose construction is either voluntarily or a requirement of the governing body, to be accepted for maintenance subject to its compliance with the following guidelines and criteria.

A. Guidelines.

Sidewalks may be accepted on (i) streets adjacent to and in the immediate vicinity of multiple businesses or public buildings, or (ii) on subdivision streets within the specified range of the governing body's policy regarding pedestrian transportation between home and school.

B. Criteria.

1. Sidewalk on one side of streets within one mile of all existing elementary schools, and one and one-half miles of all existing intermediate and high schools, will be eligible for maintenance. This criteria shall also apply to streets in the vicinity of proposed schools, the construction of which is included in a county's five-year capital improvement budget.

2. Sidewalk on both sides of a school access street described in subdivision 1 of this subsection will be eligible for maintenance when the existing or projected traffic exceeds 3,000 ADT.

3. No sidewalks will be eligible for maintenance on permanent deadend street, loop streets or cross streets which do not serve as access to a high density residential area.

4. Sidewalks on streets adjacent to and in the immediate vicinity of multiple commercial businesses or public facilities will be eligible for maintenance. Immediate vicinity shall mean 1,000 feet beyond zoning line.

5. In situations not herein addressed, sidewalks may be approved for maintenance eligibility after individual study and joint concurrence by the resident engineer and the governing body.

C. Standards.

1. Sidewalk constructed adjacent to a curb and gutter typical section street shall be constructed at least four feet wide by four inches deep and in accordance with the department's specifications for cement concrete sidewalk.

On rural typical sections, asphalt concrete sidewalk may be acceptable when located behind the ditch line in cut sections and behind the guardrail in fill sections. Construction of sidewalk within the prescribed shoulder area of the roadway will not be permitted. Such sidewalks shall be at least four feet

wide by four inches deep and at a grade and elevation compatible with the adjacent roadway element. Cement concrete sidewalk on typical sections will be acceptable only when constructed on an alignment and grade to be compatible with the eventual conversion of the street to a curb and gutter section.

2. Sidewalk underdrain shall be provided in accordance with the department's Standard UD-3.

D. Temporary sidewalks.

Temporary sidewalks that meander horizontally or vertically, or both, relative to the roadway may be permitted. However, the department will not accept responsibility for their maintenance. A permit which clearly specifies the applicant's responsibility for the sidewalk's maintenance and related activities shall be obtained from the department to the extent it will encroach upon the street's right-of-way. The permit applicant shall be a county, incorporated town, or other agency which has perpetual maintenance capability. Such temporary sidewalks may be constructed of asphalt, concrete, gravel, or other stabilizer convenient to the applicant.

§ 3.2. Intersections.

The legs of intersecting streets that will operate under a STOP or YIELD condition preferable should be at right angles. Also, a relatively flat landing, of sufficient length to properly accommodate the projected traffic volume, shall be provided. Where turning volumes are significant, appropriate channelization of intersection may be required.

§ 3.3. Guardrail.

Guardrail shall be provided as deemed necessary for the safety of the traveling public as well as protection for adjacent properties. The use of guardrail types that are aesthetically compatible with the surrounding areas should be considered. One acceptable type is "Corten" or weathering steel rail with treated timber post. Alternate types may be considered provided they conform to applicable VDOT standards or the criteria prescribed in the National Cooperative Highway Research Program Report 230, blend in with the surrounding and do not create an undue maintenance problem.

§ 3.4. Curb and gutter.

For the purpose of these requirements, the use of a curb and gutter is an acceptable alternative, rather than a requisite, for the acceptance of subdivision streets. However, where its use is required by the governing body or otherwise desired, "local" streets utilizing a curb and gutter typical section shall be designed in accordance with Tables I and I-A. The appropriate standard for curb and gutter, as prescribed in Table IV, shall be utilized.

Curb-cut ramps shall be provided in accordance with Chapter 10 (§ 15.1-381) of Title 15.1 of the Code of Virginia and constructed in accordance with the department's Standard CG-12.

§ 3.5. Turn lanes.

Left or right turn lanes shall be provided at intersections when the department determines that projected turning movements warrant their installation. These facilities shall be designed in accordance with the appropriate provisions of the department's Minimum Entrance Standards. Where necessary, additional width of right-of-way shall be provided to accommodate these facilities.

§ 3.6. Townhouses and condominiums.

The density of units normally associated with the development of townhouses and condominiums presents several unique situations that must be considered in the design of the adjacent subdivision streets. Primarily, these relate to parking and the frequency of desired entrances. In the absence of local regulations which are deemed acceptable by the department, the following criteria shall apply for the design of subdivision streets serving these developments:

1. A minimum of two parking spaces for each unit shall be provided. On street parking, if available and in the proximity of the unit it is intended to serve, may be combined with "on-site" parking to satisfy this provision.

2. In the event parking bays are provided, they shall be located off the street's right-of-way and designed to prevent vehicles from backing into the adjacent subdivision street.

3. Entrances to parking bays or individual units shall be at least 50 feet apart and designed in accordance with the appropriate provisions of the Standards or Permit Manual.

§ 3.7. Concentric design.

The design of the subdivision street's principal roadway elements shall, except in extenuating circumstances, be concentric to the center of the right-of-way. No variance from the appropriate typical section will be permitted except as necessary to provide for vehicular safety and traffic channelization features, e.g., turn lanes, intersection radius, etc.

§ 3.8. Turnaround/cul-de-sac.

An adequate turnaround facility shall be provided at the end of each cul-de-sac street to permit the safe and convenient maneuvering by service vehicles. Where a circular turnaround is used, a minimum 30 foot radius from its center to the outer edge of pavement shall be

Proposed Regulations

provided. No island or similar median shall be permitted within the paved area of the turnaround. Additional right-of-way, as necessitated by the turnaround, shall be provided.

§ 3.9. Dams.

Subdivision streets which cross a dam may be eligible for acceptance into the secondary system of state highways subject to the following criteria:

1. An appropriate alternate roadway facility for public ingress and egress, with suitable provisions to assure its perpetual maintenance, is provided.
2. The dam's hydraulic and structural design shall be in accordance with current national engineering practice. Flow of water over the roadway is not acceptable as an emergency spillway.
3. Applicable federal and state permits must be secured prior to VDOT acceptance of the street.
4. Protection of roadway from inundation shall be provided as herein prescribed by these requirements.
5. VDOT maintenance responsibilities shall be limited to roadway surface and related elements. The maintenance of the dam shall be that of the owner, other than VDOT, as established by Chapter 1 (§ 33.1-176 et seq.) of Title 33.1 of the Code of Virginia.
6. An acceptable agreement is entered into with the governing body and other parties as may be appropriate, which absolves the department of any future liability due to the dam's existence.

§ 3.10. Railroad crossing.

Short-arm gates or flashing signals, or other protective devices as deemed appropriate by VDOT, shall be provided by any at-grade crossing of an active railroad by a subdivision street. Prior to the execution of the agreement between the railroad and the developer or the governing body, regarding the construction or maintenance of any at-grade crossing, bridge, or signal device, it shall be reviewed and approved in by the department's Rail and Public Transportation Division. This agreement shall be fully executed prior to the street's acceptance into the secondary system.

§ 3.11. Private entrances.

All private entrances shall be designed and constructed in accordance with the applicable standard. For rural typical section streets, the department's Standard PE-1 shall be utilized. On streets with curb and gutter, the appropriate entrance gutter, as prescribed by the standards, shall be provided.

§ 3.12. Parking.

Perpendicular and angle parking along subdivision streets shall be prohibited. On streets with curb and gutter, parallel parking may be permitted where appropriate parking lanes are provided.

§ 3.13. Landscaping.

All disturbed areas within the dedicated right-of-way and easements of any subdivision street shall be restored with a vegetation compatible with the surrounding area. No street will be accepted into the secondary system of state highways where there is visual evidence of erosion or siltation unless appropriate protective measures, in accordance with VDOT's construction practices, have been taken. Any planting of trees or shrubs shall be in accordance with the department's current Guidelines for Planting Along Virginia's Roadways, Environmental Division.

§ 3.14. Encroachments.

Posts, walls, signs, or similar ornamental structures that do not enhance a roadway's capacity or traffic safety, shall not be permitted within the right-of-way of a subdivision street. Only those structures specifically authorized by permit issued by the department may be located within the street's right-of-way.

§ 3.15. Lighting.

Where roadway, security, or pedestrian lighting is required by the governing body or desired by the developer, it shall be installed in accordance with the department's Guidelines for Lighting by Permit on State Right of Way (No. M-245-87), Maintenance Division.

Subdivision Street Requirements - VDOT Listing of Documents (Publications) Incorporated by Reference

1. Drainage Manual, Location and Design Division, No. 2808, (1980).
2. "ITE" Trip Generation, Information Report of the Institute of Transportation Engineers (4th edition).
3. Highway Capacity Manual, Transportation Research Board Special Report 209, (1985).
4. Minimum Entrance Standards, Traffic Engineering Division (1979).
5. Land Use Permit Manual, Maintenance Division (January, 1983).
6. Road and Bridge Specifications (VDOT), January, 1987.
7. Road and Bridge Standards (VDOT) Volume I & II, 1986.

8. Policy on Geometric Design of Highways and Streets, AASHTO (1984).
9. Standard Specifications for Highway Bridges, AASHTO, 13th Edition (1983), with VDOT modifications.
10. Virginia Erosion and Sediment Control Handbook, Division of Soil and Water Conservation, Second Edition (1980), with The Virginia Erosion and Sediment Control Law and General Criteria (1987).
11. National Cooperative Highway Research Program Report 230, Transportation Research Board (1981).
12. Guidelines for Planting Along Virginia's Roadways, Environmental Division (1986).
13. Guidelines for Lighting by Permit on State Right of Way (No. M-245-87), Maintenance Division.

Proposed Regulations

TABLE I
 (1) GEOMETRIC DESIGN GUIDES FOR MAJOR SUBDIVISION STREETS FUNCTIONALLY CLASSIFIED AS LOCAL ROADS
 (NUMBERS SHOWN IN PARENTHESES DESIGNATE APPLICABLE FOOTNOTE)

PROJECTED TRAFFIC (ADT)	TERRAIN	MINIMUM DESIGN SPEED	MAXIMUM DEGREE OF CURVATURE	SUGGESTED MIN. STOPPING SIGHT DIST. (2)	MINIMUM INTERSECTION SIGHT DISTANCE (3)	MINIMUM PAVEMENT CLASS (SEE TABLE 11)	SLOPES CUT & FILL	WITHOUT CURB AND GUTTER				WITH CURB AND GUTTER			
								MINIMUM PAVEMENT WIDTH (4)	MINIMUM SHOULDER WIDTH (5)	FILL W/GR	FILL W/OGR	CUT	WIDTH OF DITCH (6)	MINIMUM RIGHT OF WAY WIDTH (7)	MIN. DISTANCE FROM FACE OF CURBS (8)
251 - 400	LEVEL	40	12	275'	400'	II		20'	6'	4'	4'	4'	50'	36'	44'
	ROLLING MOUNTAINOUS	30	22	200'	300'	II		20'	6'	4'	4'	4'	50'	36'	44'
401-1000	LEVEL	50	7-30*	400'	500'	III & IV		22'	6'	4'	4'	4'	50'	38'	46'
	ROLLING MOUNTAINOUS	40	12	275'	400'	III & IV		22'	6'	4'	4'	4'	50'	38'	46'
1001-2000	LEVEL	50	7-30*	400'	500'	IV & V	MAX = 2:1	22'	9'	6'	6'	6'	50'	38'	46'
	ROLLING MOUNTAINOUS	30	22	200'	300'	IV & V		20'	9'	6'	6'	6'	50'	36'	44'
2001-4000	LEVEL	50	7-30*	400'	500'	V		24'	11'	8'	8'	8'	60'	40'	48'
	ROLLING MOUNTAINOUS	40	12	275'	400'	V		22'	11'	8'	8'	8'	60'	38'	46'
OVER 4000	LEVEL	50	7-30*	400'	500'	VI & VII		24'	11'	8'	8'	8'	60'	40'	48'
	ROLLING MOUNTAINOUS	40	12	275'	400'	VI & VII		24'	11'	8'	8'	8'	60'	40'	48'

FOOTNOTES: 1. ROADS FUNCTIONALLY CLASSIFIED OTHER THAN LOCAL ARE TO BE IN ACCORDANCE WITH THE GEOMETRIC DESIGN REQUIREMENTS IN THE CURRENT ISSUE OF THE VDOT ROAD AND BRIDGE STANDARDS FOR THE APPLICABLE ROAD FUNCTIONAL CLASSIFICATION.

- DISTANCES ARE BASED ON A 3.5' HEIGHT OF EYE AND A 0.5' HEIGHT OF OBJECT.
- DISTANCES ARE BASED ON A 3.5' HEIGHT OF EYE AND A 4.25' HEIGHT OF OBJECT.
- A MINIMUM LEVEL OF SERVICE C IS TO BE MAINTAINED. ADDITIONAL LANES AND/OR CHANNELIZED INTERSECTIONS MAY BE REQUIRED.
- SHOULDER DESIGNS ARE TO BE IN ACCORDANCE WITH STANDARDS 65-12.
- DITCH SLOPE TO BE 4:1-6 WIDTH, 3:1-4 WIDTH.
- A MINIMUM 50' OF RIGHT OF WAY IS REQUIRED. ADDITIONAL WIDTHS IN INCREMENTS OF 10' AS NECESSARY TO ACCOMMODATE THE ROADWAY ELEMENTS INCLUDING CUT AND FILL SLOPES AND SIDEWALKS WHERE APPLICABLE, IS REQUIRED.
- DIMENSIONS SHOWN TAKE INTO CONSIDERATION THAT PARKING MAY BE PERMITTED.
- WHERE SIDEWALKS ARE TO BE PROVIDED, ADDITIONAL RIGHT OF WAY WIDTH TO ACCOMMODATE THEM IS REQUIRED.

GENERAL NOTES: EACH STREET SHOULD HAVE CONTINUITY OF DESIGN THROUGHOUT. THEREFORE, MULTIPLE OR "STEP DOWN" TYPICAL DESIGNS WILL NOT BE ACCEPTABLE EXCEPT WHERE A MAJOR TRAFFIC GENERATOR SUCH AS AN INTERSECTION WOULD DELINEATE A CLEAR LINE OF DEMARCATION.

DUE TO THE NORMAL DENSITY OF DEVELOPMENT ADJACENT TO RESIDENTIAL SUBDIVISION STREETS, STANDARD CURVE SUPERELEVATION IS NOT PRACTICAL ON LOCAL STREETS WHERE THE SPEEDS ARE 25 MPH OR LESS AND NO SUPERELEVATION IS REQUIRED. STREETS WITH SPEEDS EXCEEDING 25 MPH BUT NO MORE THAN 40 MPH ARE TO BE SUPERELEVATED BY AN AMOUNT EQUAL TO THE STANDARD PAVEMENT CROWN. FOR ALL SPEEDS EXCEEDING 40 MPH, SUPERELEVATION AND PAVEMENT WIDENING SHOULD BE PROVIDED IN ACCORDANCE WITH STANDARD TC-4 (URBAN) OF THE DEPARTMENT'S ROAD AND BRIDGE STANDARDS.

AN ADEQUATE TURNAROUND SHALL BE PROVIDED AT THE END OF DEAD END OR CUL-DE-SAC STREETS TO ALLOW SAFE MANEUVERING BY SERVICE, HIGHWAY EQUIPMENT, AND SCHOOL BUSES (A MINIMUM 30 FOOT RADIUS IS REQUIRED WHERE CIRCULAR TURNAROUNDS ARE USED).

* BASED ON TRAFFIC VOLUME RESULTING FROM "COMPLETE DEVELOPMENT." (LAND)

TABLE I-A

GEOMETRIC DESIGN GUIDES FOR TERTIARY SUBDIVISION STREETS
 CUL-DE-SACS, LOOPS, AND OTHER STREETS OF FIXED VEHICULAR GENERATION
 (NUMBERS SHOWN IN PARENTHESES DESIGNATE APPLICABLE FOOTNOTES)

PROJECTED TRAFFIC (ADT)	TERRAIN	MINIMUM DESIGN SPEED	MAXIMUM DEGREE OF CURVATURE	SUGGESTED MAXIMUM % GRADE	MIN. STOPPING SIGHT DIST. (2)	MINIMUM INTERSECTION SIGHT DISTANCE (3)	MINIMUM PAVEMENT DESIGN CLASS (SEE TABLE 11)	SLOPES CUT & FILL	WITHOUT CURB AND GUTTER				WITH CURB AND GUTTER			
									MINIMUM PAVEMENT WIDTH	MINIMUM SHOULDER WIDTH (4)		WIDTH OF DITCH (5)	MINIMUM RIGHT OF WAY WIDTH	MIN. DISTANCE FACE TO FACE OF CURBS (6)	MINIMUM RIGHT OF WAY WIDTH (8)	
										FILL W/GR	FILL W/OGR					CUT
UP TO 250	LEVEL	30	22'	7	200'	300'	1	MAX = 2:1	18'	6'	4'	4'	4'	40'	30'(7)	40'
	ROLLING	30	22'	10	200'	300'	1		18'	6'	4'	4'	4'	40'	30'(7)	40'
	MOUNTAINOUS	20	110'R (1)	16	125'	200'	1		18'	6'	4'	4'	4'	40'	30'(7)	40'
251 - 400	LEVEL	30	22'	7	200'	300'	11	MAX = 2:1	20'	6'	4'	4'	4'	50'	30'	40'
	ROLLING	30	22'	10	200'	300'	11		20'	6'	4'	4'	4'	50'	30'	40'
	MOUNTAINOUS	20	110'R (1)	16	125'	200'	11		20'	6'	4'	4'	4'	50'	30'	40'

- FOOTNOTES:
1. WHEN A 110' RADIUS CANNOT BE OBTAINED IN MOUNTAINOUS TERRAINS, A MINIMUM 90' RADIUS MAY BE USED WITH A SUPERELEVATION RATE (E) OF -0.02.
 2. DISTANCES ARE BASED ON A 3.5' HEIGHT OF EYE AND A 0.5' HEIGHT OF OBJECT.
 3. DISTANCES ARE BASED ON A 3.5' HEIGHT OF EYE AND A 4.25' HEIGHT OF OBJECT.
 4. SHOULDER DESIGNS ARE TO BE IN ACCORDANCE WITH STANDARD GS-12.
 5. DITCH SLOPES TO BE 3:1-4' WIDTH.
 6. DIMENSIONS SHOWN TAKE INTO CONSIDERATION THAT PARKING MAY BE PERMITTED EXCEPT AS PROVIDED FOR IN FOOTNOTE 7.
 7. IF PARKING IS PROHIBITED, FACE TO FACE CURBS MAY BE REDUCED TO 24' ON A MINIMUM 30' RIGHT-OF-WAY.
 8. WHERE SIDEWALKS ARE TO BE PROVIDED, ADDITIONAL RIGHT OF WAY TO ACCOMMODATE THEM WILL BE REQUIRED.

GENERAL NOTES: EACH STREET SHOULD HAVE CONTINUITY OF DESIGN THROUGHOUT. THEREFORE, MULTIPLE OR "STEP DOWN" TYPICAL DESIGNS WILL NOT BE ACCEPTABLE EXCEPT WHERE A MAJOR TRAFFIC GENERATOR SUCH AS AN INTERSECTION WOULD DELINEATE A CLEAR LINE OF DEMARCATION.

DUE TO THE NATURE OF TERTIARY STREETS AND THEIR LOW DESIGN SPEED, CURVE SUPERELEVATION IS NOT REQUIRED.

AN ADEQUATE TURNAROUND SHALL BE PROVIDED AT THE END OF DEAD END OR CUL-DE-SAC STREETS TO ALLOW SAFE MANEUVERING BY SERVICE VEHICLES, HIGHWAY EQUIPMENT, AND SCHOOL BUSES (A MINIMUM 30 FOOT RADIUS IS REQUIRED WHERE CIRCULAR TURNAROUNDS ARE USED).

* BASED ON TRAFFIC VOLUME RESULTING FROM "COMPLETE DEVELOPMENT". (LAND)

TABLE II
PAVEMENT STRUCTURE DESIGN

CLASS/PROJECTED TRAFFIC	SUBBASE	BASE	SURFACE
I. UP TO 250 ADT	<ol style="list-style-type: none"> 1. 4" SELECT MATERIAL TYPE I, II OR III 2. 4" CEMENT OR LIME STABILIZED SUBGRADE 	<ol style="list-style-type: none"> 6" AGGR. BASE MATERIAL 6" SOIL CEMENT STAB. (NATIVE SOIL OR BORROW) 4" AGGR. BASE MATERIAL 3" AGGR. BASE MATERIAL 3" ASPH. CONCRETE, TYPE B-1 OR B-3 5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 CUR. AGENT AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 125 # PSY ASPH. CONCRETE TYPE S-4 OR S-5
II. 251 - 400 ADT	<ol style="list-style-type: none"> 1. 6" SELECT MATERIAL TYPE I OR III 2. 6" CEMENT STABILIZED SUBGRADE 	<ol style="list-style-type: none"> 4" AGGR. BASE MATERIAL 6" LOCAL OR SELECT MATERIAL STAB. WITH CEMENT 8" AGGR. BASE MATERIAL 3" AGGR. BASE MATERIAL 4" ASPH. CONCRETE, TYPE B-1 OR B-3 5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 CUR. AGENT AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 125 # PSY ASPH. CONCRETE TYPE S-4 OR S-5
III. 401 - 750 ADT	<ol style="list-style-type: none"> 1. 6" SUBBASE OR SELECT MATERIAL TYPE II 2. 6" SELECT MATERIAL TYPE I OR III 3. 6" CEMENT STABILIZED SUBGRADE 4. 6" LIME STABILIZED SUBGRADE 5. 6" LIME STABILIZED SUBGRADE 6. 10" SUBBASE OR SELECT MATERIAL, TYPE II (TOP 6" STAB. WITH CEMENT) 7. 5" ASPH. CONCRETE, TYPE B-1 OR B-3 8. 5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 6" AGGR. BASE MATERIAL 6" AGGR. BASE MATERIAL 8" AGGR. BASE MATERIAL 3" AGGR. BASE MATERIAL 4" AGGR. BASE MATERIAL 10" SUBBASE OR SELECT MATERIAL, TYPE II (TOP 6" STAB. WITH CEMENT) 5" ASPH. CONCRETE, TYPE B-1 OR B-3 5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 PRIME AND DBL. SEAL OR 125 # PSY S-4 OR S-5 CUR. AGENT AND DBL. SEAL OR 125 # PSY S-4 OR S-5 125 # PSY ASPH. CONCRETE TYPE S-4 OR S-5
IV. 751 - 1500 ADT	<ol style="list-style-type: none"> 1. 6" SELECT MATERIAL TYPE I OR III 2. 8" AGGR. SUBBASE OR BASE MATERIAL 3. 6" CEMENT STABILIZED SUBGRADE 4. 6" LIME STABILIZED SUBGRADE 5. 6" LIME STABILIZED SUBGRADE 6. 3" AGGR. SUBBASE OR BASE MATERIAL 7. 5" AGGR. SUBBASE OR SUBBASE MATERIAL 8. 275 # PSY ASPH. CONC. TYPE B-1 OR B-3 9. 10" LOCAL OR SEL. MATERIAL, TYPE II (TOP 6" STAB. WITH CEMENT) 10. 4" AGGR. BASE OR SUBBASE MATERIAL 11. 5" AGGR. BASE OR SUBBASE MATERIAL 12. 6" ASPH. CONCRETE, TYPE B-1 OR B-3 13. 5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 5" AGGR. BASE OR SUBBASE MATERIAL 275 # PSY ASPH. CONC. TYPE B-1 OR B-3 10" LOCAL OR SEL. MATERIAL, TYPE II (TOP 6" STAB. WITH CEMENT) 4" AGGR. BASE OR SUBBASE MATERIAL 5" AGGR. BASE OR SUBBASE MATERIAL 6" ASPH. CONCRETE, TYPE B-1 OR B-3 5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 220 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 220 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 220 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 220 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5
V. 1501 - 4000 ADT	<ol style="list-style-type: none"> 1. 6" SELECT MAT'L., TYPE I OR II & 6" AGGR. SUBBASE OR BASE MATERIAL 2. 12" AGGR. BASE OR SUBBASE MATERIAL 3. 6" CEMENT STAB. SUBGRADE & 5" AGGR. SUBBASE OR BASE MATERIAL 4. 4" AGGR. BASE OR SUBBASE MATERIAL 5. 3" AGGR. SUBBASE OR SUBBASE MATERIAL 6. 275 # PSY ASPH. CONC. TYPE B-1 OR B-3 7. 3" AGGR. CONCRETE, TYPE B-1 OR B-3 8. 3" AGGR. CONCRETE, TYPE B-1 OR B-3 9. 7" ASPH. CONCRETE, TYPE B-1 OR B-3 10. 5.5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 3" ASPH. CONCRETE, TYPE B-1 OR B-3 3" AGGR. CONCRETE, TYPE B-1 OR B-3 3" AGGR. CONCRETE, TYPE B-1 OR B-3 7" ASPH. CONCRETE, TYPE B-1 OR B-3 5.5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5
VI. 4001 - 10,000 ADT	<ol style="list-style-type: none"> 1. 6" LIME STAB. SUBGRADE & 6" AGGR. SUBBASE OR BASE MATERIAL 2. 6" LOCAL OR SELECT MATERIAL, TYPE II 3. 6" CEMENT STAB. AGGR. SUBBASE OR SELECT MATERIAL 4. 6" AGGR. BASE OR SUBBASE MATERIAL 5. 3" ASPH. CONCRETE, TYPE B-1 OR B-3 6. 6" ASPH. CONCRETE, TYPE B-1 OR B-3 7. 4" ASPH. CONCRETE, TYPE B-1 OR B-3 8. 8" ASPH. CONCRETE, TYPE B-1 OR B-3 9. 5.5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 3" ASPH. CONCRETE, TYPE B-1 OR B-3 6" ASPH. CONCRETE, TYPE B-1 OR B-3 4" ASPH. CONCRETE, TYPE B-1 OR B-3 8" ASPH. CONCRETE, TYPE B-1 OR B-3 5.5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 220 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5
VII. 10,001-30,000 ADT	<ol style="list-style-type: none"> 1. 6" CEMENT STAB. SUBGRADE & 6" AGGR. BASE MATERIAL 2. 8" SELECT MATERIAL TYPE I OR II AND 6" AGGR. BASE MATERIAL 3. 6" CEMENT TREATED AGGREGATE BASE MATERIAL 4. 6" CEMENT STAB. SUBGRADE 5. 5" AGGR. SUBBASE OR SUBBASE MATERIAL 6. 5" AGGR. SUBBASE OR BASE MATERIAL 7. 5" ASPH. CONCRETE, TYPE B-1 OR B-3 8. 6" ASPH. CONCRETE, TYPE B-1 OR B-3 9. 6" ASPH. CONCRETE, TYPE B-1 OR B-3 10. 7" ASPH. CONCRETE, TYPE B-1 OR B-3 11. 10" ASPH. CONC., TYPE B-1 OR B-3 12. 6.5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 5" ASPH. CONCRETE, TYPE B-1 OR B-3 6" ASPH. CONCRETE, TYPE B-1 OR B-3 6" ASPH. CONCRETE, TYPE B-1 OR B-3 7" ASPH. CONCRETE, TYPE B-1 OR B-3 10" ASPH. CONC., TYPE B-1 OR B-3 6.5" PLAIN PORTLAND CEMENT CONCRETE 	<ol style="list-style-type: none"> 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5 165 # PSY ASPH. CONCRETE, TYPE S-4 OR S-5

(SEE SUBSEQUENT PAGE FOR GENERAL NOTES)

TABLE II (CONTINUED)
PAVEMENT STRUCTURE DESIGN

GENERAL NOTES:

- (1) THESE DESIGNS ARE BASED ON THE ASSUMPTION THAT THE VOLUME OF HEAVY COMMERCIAL VEHICLES (TRUCKS, BUSES, ETC. WITH 6 TIRES OR GREATER) WILL NOT EXCEED 5% OF THE PROJECTED TRAFFIC. IF THE PROJECTED TRAFFIC INCLUDES A HIGHER PERCENTAGE OF SUCH VEHICLES, AN EQUIVALENT PROJECTED TRAFFIC SHALL BE UTILIZED IN DETERMINING THE APPROPRIATE PAVEMENT STRUCTURE DESIGN. THIS EQUIVALENT PROJECTED TRAFFIC SHALL BE CALCULATED IN THE FOLLOWING MANNER: [EQUIVALENT PROJECTED TRAFFIC (ADT) EQUALS 20 TIMES NUMBER OF HEAVY COMMERCIAL VEHICLES (EPT = 20 X #HCV)].
- (2) PAVEMENT DESIGN IN ACCORDANCE WITH "A DESIGN GUIDE FOR SUBDIVISION ROADS PAVEMENTS IN VIRGINIA" BY DR. N.K. VASWANI IS AN ACCEPTABLE ALTERNATE TO THESE DESIGNS. INCREASE THE THICKNESS EQUIVALENCY VALUE OF THE ASPHALT CONCRETE FROM 1.67 TO 2.25 WHERE ITS TOTAL THICKNESS IS 4.50 INCHES OR MORE AS REQUIRED BY VASWANI'S METHOD. THE NOMOGRAPH OF THE THICKNESS INDEX (T.I.), AND SOIL SUPPORT VALUE (SSV) ARE FOUND IN THE AFOREMENTIONED DESIGN GUIDE, WHICH IS AVAILABLE FROM VDOT'S DISTRICT MATERIALS ENGINEER. IN ADDITION, PAVEMENTS MAY BE DESIGNED UTILIZING THE AASHTO "PAVEMENT DESIGN GUIDELINES" OR THE PCA COMPUTER PROGRAM.
- (3) WHEN THE PROJECTED TRAFFIC REQUIRES A FOUR LANE FACILITY, 80% OF THE PROJECTED TRAFFIC (ADT) SHALL BE THE BASIS FOR DETERMINING THE APPLICABLE CLASS FOR THE PAVEMENT STRUCTURE DESIGN.
- (4) THESE DESIGNS ARE BASED ON THE SUBGRADE SOILS, IMMEDIATELY UNDER THE PAVEMENT STRUCTURE, HAVING A SOIL SUPPORT VALUE (SSV) OF 10. IF DIFFERENT THAN 10: ADD 1/2" ASPHALT CONCRETE OR 1" AGGREGATE BASE MATERIAL FOR EACH 5 SSV BELOW; REDUCE BY SAME FOR EACH 10 SSV ABOVE. [SOIL SUPPORT EQUALS THE CALIFORNIA BEARING RATIO TIMES RESILIENCY FACTOR (CBR x RF)].
- (5) REPRESENTATIVE CBR SAMPLES, TAKEN AT SUBGRADE ELEVATION, SHOULD BE USED AS THE BASIS FOR EVALUATING THE SOIL SUPPORT VALUE (SSV). GUIDANCE MAY BE OBTAINED FROM VDOT'S DISTRICT MATERIALS ENGINEER TO DETERMINE TEST METHODS AND THE NUMBER OF SAMPLES REQUIRED TO OBTAIN REPRESENTATIVE CBR VALUES.
- (6) EACH STREET SHOULD HAVE CONTINUITY OF DESIGN THROUGHOUT. THEREFORE, MULTIPLE AND/OR VARIABLE PAVEMENT STRUCTURE DESIGNS WILL NOT BE ACCEPTABLE EXCEPT IN UNUSUAL SITUATIONS.
- (7) ALTERNATE DESIGNS WITHIN A SPECIFIC TRAFFIC CLASS MAY NOT BE STRUCTURALLY EQUAL BECAUSE OF DIFFERENCES IN THE MATERIALS' FLEXURAL STRENGTHS AND PRACTICAL CONSTRUCTION CONSIDERATION.
- (8) CEMENT TREATED AGGREGATE (CTA) OR FULL DEPTH ASPHALT CONCRETE MAY BE SUBSTITUTED FOR ANY AGGREGATE, SUBGRADE STABILIZATION, OR SELECT MATERIAL ON BASIS OF 1 INCH OF CTA OR ASPHALT CONCRETE FOR 2 INCHES OF THE OTHER MATERIALS. NEITHER CTA NOR ASPHALT CONCRETE SHOULD BE PLACED DIRECTLY ON A RESILIENT SOIL (AS DEFINED IN VASWANI'S DESIGN GUIDE) UNLESS THE SOIL IS STABILIZED WITH CEMENT OR OTHER APPROVED STABILIZING AGENT. CEMENT TREATED AGGREGATE (CTA) SHOULD HAVE A MINIMUM OF 4 INCHES OF AGGREGATE BASE MATERIAL UNDER IT WHEN LESS THAN 4 INCHES OF ASPHALT CONCRETE IS TO BE APPLIED OVER THE CTA.
- (9) COLUMN HEADINGS IN THIS TABLE REFER TO LAYER LOCATION (SUBBASE-BASE-SURFACE) OF THE MATERIAL WITHIN THE PAVEMENT STRUCTURE, AND THE VERTICAL COLUMNS REFER TO THE MATERIALS' TYPES AND CLASSIFICATION IN ACCORDANCE WITH DIVISION II OF VDOT ROAD AND BRIDGE SPECIFICATIONS..
- (10) WHEN THE APPLICATION OF ASPHALT CONCRETE IS SPECIFIED IN POUNDS PER SQUARE YARD (# PSY), ITS DEPTH MAY BE DETERMINED FROM THE FOLLOWING AVERAGE WEIGHT/DEPTH FACTOR:
BASE - 115 # PSY = 1 INCH. SURFACE - 110 # PSY = 1 INCH.

Proposed Regulations

TABLE III
FEES AND SURETY SCHEDULE
SUBDIVISION STREETS

<u>2-Lane Street</u>	<u>Surety</u>	<u>Maintenance Fee</u>
Minimum (up to 0.25 mi.)	\$ 3,750	\$ 375/year
From 0.25 to 0.50 mile	7,500	750/year
Over 0.50 mile	1,500/tenth of mile and fraction thereof	150/tenth of mile and fraction thereof/year
 <u>4-Lane Street</u>		
Minimum (up to 0.25 mi.)	7,500	750/year
From 0.25 to 0.50 mile	15,000	1,500/year
Over 0.50 mile	3,000/tenth of mile and fraction thereof	300/tenth of mile and fraction thereof/year

Examples

A two lane street, 0.35 mile long, is processed for addition effective September 18. Therefore, surety is required for four-tenths mile and maintenance fee is required for ten months.

Surety required: \$7,500

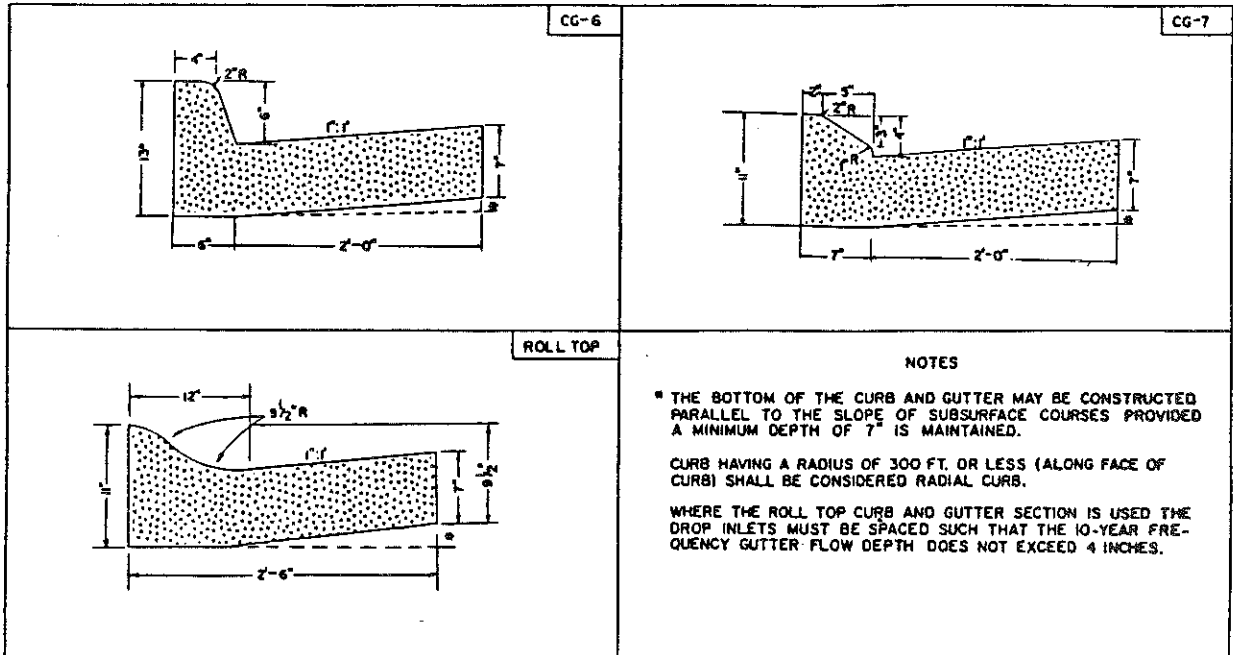
Maintenance fee required: $\$750 \times 10/12 = \625

A four lane street, 0.78 mile long, is processed for addition effective February 4. Therefore, surety is required for eight-tenths mile and maintenance fee is required for five months.

Surety required: $8 \times \$3,000 = \$24,000$

Maintenance fee required: $8 \times \$300 \times 5/12 = \$1,000$

TABLE IV



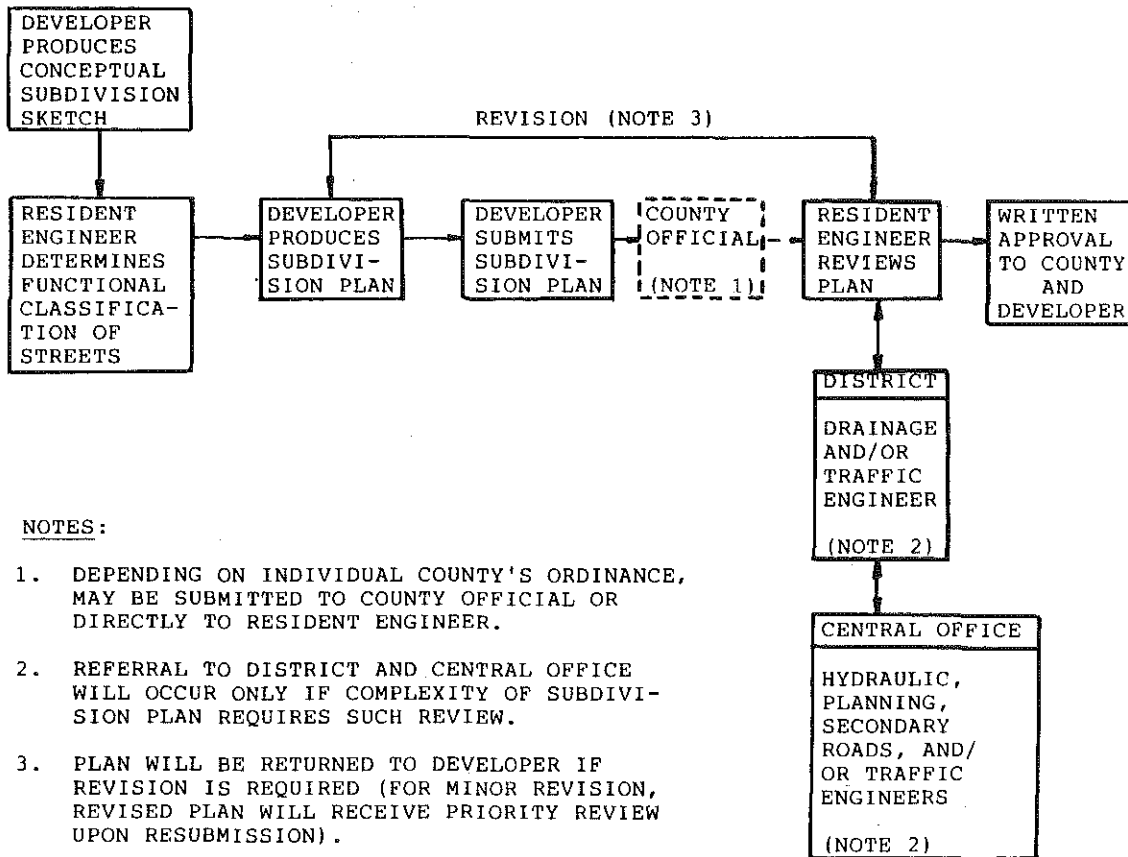
ACCEPTABLE CURB & GUTTER DESIGNS FOR VARIOUS STREET CLASSIFICATIONS				
DESIGN SPEED	STANDARD			
	MAJOR ARTERIALS	COLLECTOR	LOCAL	TERTIARY
40 MPH OR LESS	CG-6	CG-6	CG-6	CG-6, CG-7 OR ROLL TOP
GREATER THAN 40 MPH	CG-7	CG-7	CG-7	NOT APPLICABLE

ACCEPTABLE CURB & GUTTER DESIGNS

VIRGINIA DEPARTMENT OF TRANSPORTATION

Proposed Regulations

APPENDIX A - SUBDIVISION STREET PLAN REVIEW PROCEDURE



APPENDIX B

Residency Offices are listed below. District Offices are located in or near the cities bearing the District name.

Bristol District (Residency Office)

Wise
Abingdon
Lebanon
Tazewell
Wytheville
Jonesville

(Counties Served)
Wise & Dickenson
Washington & Smyth
Russell & Buchanan
Tazewell & Bland
Wythe & Grayson
Lee & Scott

Culpeper District

Louisa
Charlottesville
Culpeper
Warrenton

Fluvanna & Louisa
Albemarle & Greens
Culpeper, Orange & Madison
Fauquier & Rappahannock

Fredericksburg District

Saluda

Warsaw

Fredericksburg

Bowling Green

King & Queen, Gloucester
Middlesex & Mathews
Richmond, Lancaster,
Northumberland & Westmoreland
Spotsylvania, Stafford &
King George
Caroline, Essex & King William

Lynchburg District

Chatham
Halifax
Dillwyn

Appomattox
Amherst

Pittsylvania
Halifax & Charlotte
Buckingham, Cumberland &
Prince Edward
Appomattox & Campbell
Amherst & Nelson

Northern Virginia

Fairfax
Manassas
Leesburg

Fairfax & Arlington
Prince William
Loudoun

Richmond District (Residency Office)

South Hill
Amelia
Petersburg
Chesterfield
Sandston

Ashland

(Counties Served)

Brunswick & Mecklenburg
Amelia, Nottoway & Lunenburg
Dinwiddie & Prince George
Chesterfield & Powhatan
Charles City, Henrico &
New Kent
Goochland & Hanover

Salem District

Hillsville
Christiansburg
Martinsville
Rocky Mount
Salem
Bedford

Carroll & Floyd
Montgomery, Giles & Pulaski
Henry & Patrick
Franklin
Craig, Roanoke & Botetourt
Bedford

Staunton District

Lebanon
Staunton
Harrisonburg
Edinburg
Luray

Alleghany, Rockbridge & Bath
Augusta & Highland
Rockingham
Frederick & Shenandoah
Clerke, Page & Warren

Suffolk District

Franklin
Waverly
Norfolk

Williamsburg
Suffolk
Accomac

Greensville & Southampton
Surry & Sussex
Cities: Norfolk, Virginia Beach,
Chesapeake & Portsmouth
James City & York
Isle of Wight & City of Suffolk
Accomac & Northampton

Proposed Regulations

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-14. Potomac-Shenandoah River Basin Water Quality Management Plan.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Public Hearing Date: October 4, 1988 - 7 p.m.

(See Calendar of Events section for additional information)

Background:

Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biochemical Oxygen Demand (BOD5) in identified stream segments.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basinwide water quality control and management.

Summary:

The proposed amendment would revise the allowable BOD5 loading upward from 8.4 lb/day to 84 lb/day for the MPSC's Massanutten STP and require a TKN limit of 84 lb/day. The allowable BOD5 loading would be revised upward for the SCSD's Bryce Mountain STP from 22 lb/day to 65 lb/day. Revisions to these BOD5 loading rates are necessary because more recent and improved modeling demonstrated that they were unnecessarily stringent.

The major difference between the original loading rates and the proposed revisions is that the former were determined by desk top modeling in the early 1970's and the later by modeling that utilized actual field data.

The proposed revisions will maintain the water quality standards adopted by the board.

VR 680-16-14. Potomac-Shenandoah River Basin Water Quality Management Plan.

Proposed Regulations

Reference for Story Creek Sanitary District - Bryce Mountain Resort discharge to Story Creek WQ (1-5a) and Massanutten Public Service Corporation discharge to Quail Run (1-4a) on Table 2B of the Potomac-Sherandoah River Basin Water Quality Management Plan would be amended as follows:

FACILITY NUMBER	NAME	RECOMMENDED RECEIVING STREAM	RECOMMENDED ACTION	FACILITY		WASTELOAD ALLOCATION ⁽³⁾ lb/d BOD ₅	INSTITUTIONAL ARRANGEMENT	COMPLIANCE ⁽⁴⁾ SCHEDULE
				SIZE ⁽¹⁾	TREATMENT LEVEL ⁽²⁾			
28	Bryce Mountain- Resort - Story Creek Sanitary District	Story Creek WQ (1-5a)	No further action recom- mended	0.2 - 0.6	AST	22 - 65	Private - Public	None
14	Massanutten Massanutten Public Service Corporation	Quail Run WQ (1-4c)	No further action recom- mended	0.1 - 1.0	AWT	8.4 - 84.0⁽⁸⁾	Private	None

(1) Year 2000 design flow (MGD) unless otherwise noted

(2) Secondary Treatment: 24-30 mg/l BOD₅, advanced secondary treatment (AST): 11-23 mg/l BOD₅, advanced wastewater treatment (AWT): <10 mg/l BOD₅. A range is given to recognize that various waste treatment processes have different treatment efficiencies.

(3) Recommended wasteload allocation calculated using mathematical modeling based upon 7Q10 stream flows. Tiered permits may allow greater wasteloads during periods of higher stream flows. Allocations other than BOD₅ are noted by footnote.

(4) The July 1, 1983 date is a statutory deadline required by P.L. 92-500, as amended by P.L. 92-217. The timing of Construction Grant funding may result in some localities to miss this deadline.

(8) This allocation is based on a TN loading no greater than 84 lb/day.

None of the other portions of the Plan will be affected by this amendment.

Proposed Regulations

* * * * *

Title of Regulation: VR 680-21-08. River Basin Section Tables - Water Quality Standards.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Public Hearing Dates:

October 3, 1988 - 7 p.m.
 October 4, 1988 - 2 p.m.
 (See Calendar of Events section for additional information)

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Summary:

The proposed amendments would classify the unnamed tributary to Cascades Creek, § 12, James River Basin (Upper) as natural trout water and change the designation of Beaver Creek, § 4, Holston River Subbasin, from natural trout water to put-and-take trout water. These amendments are being proposed in response to recommendations from the Department of Game and Inland Fisheries.

Natural Trout Waters in Section 4 VI
 4 Beaver Creek (Washington County) and its tributaries from the flood control dam (near Route 11) to their headwaters. viii

VR 680-21-08. River Basin Section Tables - Water Quality Standards.

VR 680-21-08 RIVER BASIN SECTION TABLES

VR 680-21-08.8 JAMES RIVER BASIN (UPPER)

SEC.	SECTION DESCRIPTION	CLASS SEC.	SP.STDS.
	Natural Trout Waters in Section 12	VI	
12	Unnamed tributary to Cascades Creek (Bath County) from its confluence to its headwaters.		ii

VR 680-21-08.16 TENNESSEE AND BIG SANDY RIVER BASINS
 Holston River Subbasin

SEC.	SECTION DESCRIPTION	CLASS SEC.	SP.STDS.
	Put and Take Trout Waters in Section 4	V	
4	Beaver Creek (Washington County) and its tributaries from the flood control dam (near Route 11) to their headwaters.		vi

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0012. Standards for Accrediting [*Public*] Schools in Virginia.

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

Effective Date: September 29, 1988

Summary:

The major change from the proposed regulations and final regulations governing the accreditation standards was bringing the standards into agreement with §§ 22.1-253.13:1 through 22.1-253.13:8 of the Code of Virginia. Guidelines approved by the Board of Education for awarding credit on a basis other than the standard unit of credit were written into the standards.

Based on action of the 1988 session of the General Assembly, § 22.1-98 of the Code of Virginia was amended and included in the accreditation standards and a new standard was added on Family Life Education.

Minor changes occurred to clarify language of the standards approved by the Board of Education on June 19, 1987.

VR 270-01-0012. Standards for Accrediting Public Schools in Virginia.

PART I. INTRODUCTION.

§ 1.1. These standards, with certain exceptions as cited in this document, shall become effective beginning with the 1988-89 school year. [Localities may implement these standards immediately with the exception of those which increase graduation requirements for students and with the exception of Standard C.11, which allows for alternatives to the standard school year of 180 days.] Students who completed the ninth grade prior [~~to that year 1988-89~~] may earn a diploma by meeting the graduation requirements in effect when they entered the ninth grade. [Students who completed ninth, tenth, eleventh, or twelfth grade courses before the ninth grade under the 1983 standards shall be awarded credit for those courses under the provisions of these standards. ~~Identification of schools that are commendable and those that are educationally deficient will begin with the 1990-91 school year. The criteria for identifying these schools will become an addendum to~~] These standards [~~which~~] will be reviewed

again in 1990 or sooner, if deemed necessary, by the Board of Education.

PART II. PURPOSE OF ACCREDITATION.

§ 2.1. The standards for accreditation of [*public*] schools in Virginia are designed to provide a foundation for quality education. Accreditation standards provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students. The accreditation standards are designed to achieve the following objectives:

1. Seek to ensure that schools provide educational programs of high quality for all students.
2. Encourage continuous appraisal and improvement of the school program.
3. Foster public confidence.
4. Assure recognition by other institutions of learning.
5. Assist in [~~identifying commendable~~ determining the effectiveness of] schools.¹

[~~6. Assist in identifying educationally deficient schools.~~]

PART III. REQUIREMENTS FOR ACCREDITATION OF PUBLIC SCHOOLS IN VIRGINIA.

§ 3.1. Section 22.1-19 of the Code of Virginia includes the requirement that the Board of Education shall provide for the accreditation of public elementary and secondary schools in accordance with standards prescribed by it.

The Standards of Quality specify that each school division shall maintain schools which meet those requirements for accreditation prescribed by the Board of Education.

PART IV. PROCEDURES FOR ACCREDITATION.

§ 4.1. Reports and accreditation status.

A. The principal of each school shall submit school accreditation reports, through the division superintendent, to the Department of Education. A Summer School Accreditation Report shall be submitted for each summer program conducted and shall be a part of the

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accreditation report for the regular school session immediately following the summer session. Report forms will be provided by the Department of Education. Failure to submit the reports on time will constitute grounds for withholding accreditation.

B. Information included in the reports, as well as that obtained through other records and through visits by Department of Education personnel or other designated representatives of the Board of Education, will be used to determine the accreditation status of each school in accordance with tolerances approved by the Board of Education. Schools will be accredited, accredited with [advisement, or accredited with] a warning, [~~or unaccredited,~~] depending on the extent of existing deficiencies. [~~Only those schools that are accredited with no deficiencies and no waivers will be eligible for consideration as commendable schools. All schools that are accredited with a warning or not accredited, may be considered educationally deficient.~~] Each school division shall develop by July 1 of the next school year a written corrective action plan, acceptable to the Board of Education, for any school that is [~~unaccredited or~~] accredited with a warning. [A school division not implementing the approved corrective action plan as specified for any such school will lose accreditation status for that school and will be in violation of state law. No school in the warned category shall be permitted to maintain accreditation for more than one year.]

C. Schools shall be accredited annually. The Board of Education may require immediate corrective action or change of accreditation status whenever significant deficiencies are reported by representatives of the Department of Education. Schools that lose their accredited status shall be considered for reaccreditation when subsequent reports and visits by Department of Education personnel reveal that prescribed standards are being met. The local school board shall review annually in public session the implementation of accreditation standards.

D. When a school applies for initial accreditation, a representative of the Department of Education shall visit the school to review the accreditation standards and procedures with the principal. A school with the number of deficiencies that would place it in the warned status will not be accepted for initial accreditation. [~~No school in the warned category shall be permitted to maintain accreditation for more than one year.~~]

§ 4.2. Self-study and review.

A self-study followed by a review by the Department of Education is required for all schools every 10 years. The process shall be conducted using criteria developed [or approved] by the Department of Education and shall be followed by a written progress report and a review within five years. School divisions that have their own procedure for the process may request approval to use it in lieu of the state process for the five year report.

§ 4.3. Application of the standards.

A. These standards apply to schools for all grade levels, K-12, as listed below:

1. Schools with grades K-5 shall meet elementary school standards;
2. Schools with grades 6-8 shall meet the middle school standards; and
3. Schools with grades 9-12 shall meet the secondary school standards.

B. Schools with grade patterns other than those listed above shall meet elementary, middle, or secondary school standards as determined by the Accreditation Service of the Department of Education.

C. Standards that are not appropriate to special education or to vocational and alternative programs housed in separate facilities will not be applied so long as state regulations governing services to the students enrolled are met.

[D. Except for the biennial school plan required by Standard D.8 (See Part VIII of these regulations), written divisionwide plans available in and applicable to each school may be used to satisfy all other written plans required in these standards.]

PART V. SCHOOL AND COMMUNITY RELATIONS: STANDARD A.

§ 5.1. Each school shall have in effect a written plan that promotes interaction with the community and that fosters mutual understanding in providing a quality educational program. The plan shall be developed using the following criteria:

1. Parents, citizens, and representatives from business and industry shall be provided opportunities to participate on advisory committees, in curriculum studies, and in evaluating the educational program.
2. A written plan shall be provided for interpreting the school program to the community. [~~(include in biennial plan)~~]
3. A close working relationship shall be maintained between the school and other community agencies that provide services to students.
4. Schools shall have written plans for cooperating with business and industry in formulating educational programs and conducting joint enterprises involving personnel, facilities, [and] training programs, and other resources. [~~(include in biennial plan)~~]
5. The staff shall be responsible for using the

resources of the community and involving parents and citizens in the following:

- a. Evaluating the school program; and
- b. Developing the biennial school plan.

6. The school shall encourage and support the establishment of a Parent-Teacher Association/Organization and shall work cooperatively with it.

PART VI. PHILOSOPHY, GOALS, AND OBJECTIVES: STANDARD B.

§ 6.1. Each school shall have current written statements of its philosophy and objectives that shall serve as the basis for all school policies and practices. Such statement shall be developed using the following criteria.

1. The philosophy and objectives shall be developed with the [assistance advice] of [concerned and interested] professional and lay people who represent the various populations served by the school.
2. The school's philosophy and objectives shall be consistent with the Standards of Quality and the philosophy and objectives of the school division.
3. The individual school's philosophy and objectives shall be based on a realistic and systematic needs assessment.
4. The objectives for students shall be stated in terms of skills, abilities, and attitudes to be developed.
5. The school staff and community representatives shall review biennially the philosophy and objectives of the school and shall revise them as needed.
6. Copies of the school's philosophy and objectives shall be available to staff members, students, and parents.
7. The school's philosophy and objectives shall be the basis for the biennial school plan.

PART VII. INSTRUCTIONAL PROGRAM: STANDARD C.

§ 7.1. Each school shall provide a planned and balanced program of instruction that is in keeping with the abilities, interests, and educational needs of students and that promotes individual student achievement.

§ 7.2. Instructional program in elementary schools.

A. Each elementary school shall provide instruction in the following subjects:

Art	Music
Health	Physical Education
Language	Arts Science
Mathematics	Social Studies
	(to include Virginia
	and U.S. Geography)

B. In grades 1-3, reading, writing, spelling, listening, speaking, and mathematics shall be the core of the program. Phonics shall be taught in reading. All other subjects shall be taught emphasizing reading and the other language skills.

C. Students not reading at or above grade level after grade 3, as determined by local or state assessment, shall receive additional instruction in reading. [This instruction may not be substituted for reading instruction in language arts or mathematics.]

§ 7.3. Instructional program in middle schools.

A. Each middle level school shall provide a program of learning experiences organized to meet the needs of early adolescence and shall provide instruction in the following subjects:

Art	Music
Health	Physical Education
Language Arts	Science (Laboratory)
Mathematics	Social Studies
	(to include
	World Geography)
Vocational Education	
Foreign Language ²	

B. The eighth grade shall provide a minimum of eight offerings in five academic areas (language arts, mathematics, science, social studies, and electives), health and physical education, fine arts, and vocational education.

C. Students not reading at or above grade level, as determined by local or state assessment, shall receive additional instruction in reading. [This instruction may not be substituted for reading instruction in language arts or mathematics.]

§ 7.4. Instructional program in secondary schools.

A. Each secondary school shall offer options for students to pursue a program of studies in several academic and vocational areas. These options shall include the following:

1. Vocational education choices that prepare the student with a marketable skill in one of three or more occupational areas;
2. Academic choices that prepare the student for technical or preprofessional programs of higher education;
3. Liberal arts choices that prepare the student for

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college-level studies in the arts and sciences;

4. Access to at least two advanced placement courses or two college level courses for credit; and

5. Preparation for scholastic aptitude tests, including as a minimum, a review of appropriate English and mathematics principles and instructions in taking the tests, shall be available for students.

B. Minimum course offerings for each secondary school shall be as follows:

	9-12
Academic Subjects	23
English	(4)
Mathematics	(4)
Science (Laboratory)	(4)
Social Studies (to include World History and World Geography)	(4)
Foreign Language	(3)
Electives	(4)
Vocational Education	11
Fine Arts	2
Health and Physical Education	2
Total Units	38

C. Students not reading at or above grade level, as determined by local or state assessment, shall receive additional instruction in reading. [~~This instruction may not be substituted for language arts or mathematics.~~]

D. When health and physical education are taught as a combination class, at least 40% of the instructional time shall be devoted to health education. Classroom driver education may count for 36 class periods of health education. Students should not be removed from classes in required courses other than health and physical education for the in-car phase of driver education.

E. The social studies offering shall include at least one-half unit in economics.

§ 7.5. The standard unit of credit for graduation shall be based on a minimum of 150 clock hours of instruction. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 150 hours of instruction provided. If a school division elects to award credit on a basis other than the

standard unit of credit, the locality shall develop a written policy approved by the superintendent and school board [in accordance with guidelines approved by the Board of Education, which ensures:

1. That the content of the course for which credit is awarded is comparable to 150 clock hours of instruction; and

2. That upon completion, the student will have met the aims and objectives of the course as validated by passing an appropriate test.]

§ 7.6. The summer school program shall be equal in quality to the program offered during the regular school term:

1. One unit of new credit per summer session shall be the maximum for which a student may enroll [; however, high school seniors who lack two units in meeting graduation requirements may be allowed, with unless prior] approval [of is obtained from] the principal, to enroll in [two new more than one] subject.

2. Credit for repeated work ordinarily will be granted on the same basis as that for new work. With prior approval of the principal, certain students may be allowed to enroll in two repeat subjects to be completed in not less than 75 clock hours of instruction per unit of credit.

3. Summer school instruction which is provided as part of a remedial program shall be designed to improve specific identified student deficiencies.

§ 7.7. Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and school board. When suitable course code numbers for reporting purposes cannot be found in the School Administrators Handbook of Course Codes and Endorsement Codes, they will be assigned, upon request, through the Accreditation Service of the Department of Education.

§ 7.8. [~~Students who begin postsecondary education prior to high school graduation shall receive credit toward high school graduation when the following conditions are met:~~ Beginning in the middle-school years, students shall be counseled as to opportunities for beginning postsecondary education prior to high school graduation. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit, under the following conditions:]

1. Prior written approval of the high school principal [has been for the cross-registration must be] obtained;

2. [~~The course(s) for which high school credit is to be issued corresponds to that needed for high school graduation (i.e., one year of college English for one credit of English)~~ The college must accept the student for admission to the course(s)] ; and

3. [~~High school credit shall not be awarded for noncredit college courses. The course must be given by the college for degree credits (hence, no remedial courses will be accepted).~~

Schools that comply with this standard shall not be penalized in receiving state appropriations. Schools and colleges are strongly encouraged to provide such opportunities to the secondary school students at no tuition cost to the individual or his family]

§ 7.9. The [~~high secondary~~] school vocational education program shall be competency-based so that students can develop the knowledge, skills, and attitudes required for employment or advanced occupational preparation.

§ 7.10. Each [~~middle and~~] secondary school shall provide [~~special for the early identification and enrollment of students in a~~] college preparation [~~programs for program~~ with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and] minority students [~~to attend college~~].

[§ 7.11. Each school shall have a program designed to improve the academic achievement and aspirations of culturally disadvantaged students.]

[§ 7.11. § 7.12.] The standard school year shall be 180 days [; or 990 hours of instruction]. The standard school day for students in grades 1-12 shall average at least 5-1/2 hours, excluding intermissions for meals and a minimum of three hours for kindergarten. School divisions may develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1-12 and 540 hours for kindergarten. Such alternative plans shall be approved by the local school board and by the Board of Education [, under guidelines established by the Board of Education].

[§ 7.12. § 7.13.] All students in grades 1-12 shall maintain a full-day schedule of classes (5-1/2 hours), unless a waiver is granted by the local superintendent of schools.

[§ 7.13. § 7.14.] Each school shall implement Standards of Learning Objectives or locally developed objectives that are equivalent to or exceed Board of Education requirements.

[§ 7.14. Each school shall implement a program to reduce the academic performance gap between black students and white students by raising the performance level of the lower group.]

§ 7.15. Each school shall [~~implement make available~~] a remediation program, [~~including which may include~~] summer school, to reduce the number of students who score in the bottom [~~national~~] quartile on Virginia State Assessment Program Tests or those who fail the state's literacy tests.

§ 7.16. Each school shall prepare and adhere to a written plan to teach appropriate writing skills at every grade level which shall include specific requirements and which culminates with a research paper in grades [~~11 or~~] 12. Further, each student shall be required to make an oral presentation on the research paper before an adult or student audience. [~~(Include in biennial plan)~~]

[§ 7.17. Each school shall implement career education which promotes students' awareness or knowledge of careers and the consequences and implications of leaving school without marketable skills.]

[§ 7.17. § 7.18.] Each school shall provide for the [~~earliest possible early~~] identification of gifted students and enrollment of such students in challenging instructional programs taught by [~~appropriately trained~~] teachers [~~with special training or experience in working with gifted students~~].

[§ 7.18. § 7.19. Each school shall provide for the early identification of] handicapped students [~~shall be identified and offered a curriculum that is~~ and enrollment of such students in] appropriate [~~to their needs instructional~~ programs] , as required by law.

[§ 7.19. § 7.20.] By graduation, each student shall receive instruction designed to help him achieve the objectives outlined in Computer Literacy for Students in Virginia issued by the Department of Education.

[§ 7.21. Each school shall implement the Standards of Learning for the family life education program promulgated by the Board of Education or a family life education program consistent with the guidelines developed by the Board of Education in December, 1987.]

[§ 7.20. § 7.22.] Homebound instruction shall be made available to students who are confined for periods that would prevent normal educational progress. Homebound instruction shall be approved for credit, provided Board of Education regulations governing such instruction are met.

[§ 7.21. § 7.23.] When approved by the principal, students may be allowed to enroll in supervised correspondence courses in subjects not available to them through the school's schedule. Credit may be awarded for the successful completion of such courses when the work is done under the supervision of a certified teacher approved by local school authorities.

[§ 7.22. § 7.24.] Homework shall be governed by a written school board policy developed with the [~~involvement advice~~] of parents and teachers. The policy

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shall include guidelines for the amount and timing of homework and shall outline the responsibility of students, teachers, and parents. [~~(Include in biennial plan)~~]

[~~§ 7.23.~~ § 7.25.] Experimental and innovative programs that are in conflict with accreditation standards shall be submitted to the Department of Education for approval prior to implementation. The request shall include the purpose, objectives, outline, and evaluation procedures for the programs, and shall be approved by the local school board.

[~~§ 7.24.~~ § 7.26.] Each school shall provide a variety of materials and equipment to support the instructional program.

[~~§ 7.25.~~ § 7.27.] School-sponsored extracurricular activities shall be under the direct supervision of the staff and shall contribute to the educational objectives of the school. Extracurricular activities shall be organized to avoid interrupting the instructional program. Extracurricular activities shall not be permitted to interfere with the student's required instructional activities. Extracurricular activities and eligibility requirements shall be established and approved by the superintendent and the school board. Activities which help a student meet the objectives of the course may be considered part of the instructional program; they are not considered extracurricular activities as long as they do not interfere with instruction in other courses.

[~~§ 7.26.~~ § 7.28.] Competitive sports of a varsity nature (scheduled league games) shall be prohibited as a part of the elementary school program.

PART VIII. INSTRUCTIONAL LEADERSHIP: STANDARD D.

§ 8.1. The principal shall be responsible for instructional leadership and effective school management that promotes achievement of individual students. The principal shall be responsible for the following:

1. An atmosphere of mutual respect and courtesy shall be a primary goal of the school, and the administrative staff shall make every effort to achieve it.
2. The [~~staff principal~~] shall establish and include in the teachers' handbook procedures to protect instructional time from interruptions and intrusions.
3. The [~~staff principal or his designee~~] shall prepare and adhere to a written plan involving greater use of aids, volunteers, part-time instructors, and technology to assist teachers. [~~(Include in biennial plan)~~]
4. The regular school day shall be limited to teaching and learning activities.
5. The [~~administrative staff principal or his designee~~]

shall monitor and evaluate the quality of instruction through the following:

- a. The establishment of written objectives for each teacher, developed cooperatively by the teacher and the administrator;
 - b. A systematic program of classroom observation and follow-up consultation with each teacher;
 - c. In-service training and professional assistance and support designed to improve instruction;
 - d. Analysis and use of data on pupil achievements; and
 - e. An evaluation of each teacher at least every two years [or in accordance with a schedule approved by the Department of Education].
6. At least 40% of the time of the principal and an average of 40% of the time of the assistant principal(s) shall be devoted to supervision of instruction and curriculum development.
7. The principal shall analyze test scores and develop plans to improve them when needed. Plans shall be submitted to local school division superintendent.
8. The [~~staff principal or his designee~~] shall prepare and adhere to a written biennial school plan which includes the other written plans required in these standards, approved by the division superintendent, that is consistent with the division's six-year plan.
9. The [~~staff principal or his designee~~] shall be responsible for using the resources of the community and for involving parents and citizens in the educational program, as indicated in Standard A [(see Part V of these regulations)].
10. Each school shall prepare and adhere to written procedures to recognize and reward the scholastic achievements of students. [(Include in biennial plan)]
11. The [~~administrative staff principal or his designee~~] shall demonstrate high expectations for all students.
12. The [~~administrative staff principal or his designee~~] shall act to reduce the number of students who drop out of school by:
- a. Including dropout prevention programs in the biennial school plan and implementing these programs;
 - b. Providing alternative programs with emphasis on basic skills for students who are not successful in regular instructional programs;
 - c. Providing counseling services that motivate

students to stay in school;

d. Establishing and maintaining close contact with parents of potential dropouts;

e. Conducting interviews with potential dropouts and with students who are dropping out of school;

f. Maintaining records of dropouts, including actions taken to prevent students from dropping out of school, and their reasons for leaving school; and

g. Other activities deemed appropriate by local school authorities.

13. The [staff principal or his designee] with the [assistance advice] of parents shall develop a written procedure for referring for treatment students identified as involved in substance abuse. [~~include in biennial plan~~]

14. Each member of the administrative staff shall participate annually in state or local in-service programs designed specifically for administrators.

15. Each school shall maintain a current handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students.

16. Each school shall maintain records of receipts and disbursements of funds handled. These records shall be audited annually by a professional accountant approved by the local school board.

17. Each school shall maintain a current record of certification, endorsement, and in-service training of the staff.

18. Fund-raising activities which involve elementary students in door-to-door solicitation shall be prohibited and so stated in the school handbook.

19. Each school shall have a written procedure to be followed when students or staff are injured or become ill and keep documentation of all injuries which occur at school and on school buses. [~~include in biennial plan~~]

20. Each school shall have at least two full-time staff members [~~trained who have attended and successfully completed courses approved by the State Board of Health~~] in all of the following: cardiopulmonary resuscitation (CPR), Heimlich maneuver (for choking), and basic first aid.

PART IX.

DELIVERY OF INSTRUCTION: STANDARD E.

§ 9.1. The staff shall provide instruction that is

educationally sound in an atmosphere conducive to learning and in which students are expected to achieve.

1. Mutual respect, courtesy, and a genuine concern for all students shall be evident in the learning environment.

2. Staff members shall serve as models for effective oral and written communication with special attention to correct use of language and spelling.

3. [~~Each~~] Teachers [of all subjects] shall [~~be responsible for~~ strive to] [~~strengthening~~ strengthen] the basic skills of students [~~in all subjects taught~~].

4. Daily teaching objectives shall be established to achieve the following:

a. Identify what students are expected to learn;

b. Inform students of the learning expected and keep them engaged in learning tasks; and

c. Enable the teacher to spend the maximum time possible in the teaching/learning process by keeping to a minimum disruptions, clerical responsibilities, and the time students are out-of-class.

5. The staff shall provide for individual differences of students through the use of varied materials and activities suitable to their interests and abilities.

6. The staff shall [~~access~~ assess] the progress of students and report promptly and constructively to them and their parents.

7. The staff shall demonstrate a high expectation of learning for all students.

[8. The staff should demonstrate the qualities of patriotism, honesty, and fair play and expect the same of all students.]

[~~9.~~ 9.] Classroom activities shall be structured and monitored to minimize disruptive behavior.

[~~10.~~ 10.] Inappropriate behavior by a student shall be responded to quickly and consistently without demeaning the student responsible for the behavior.

[~~11.~~ 11. Each school shall establish a broad-based process for determining the particular guidance and counseling needs of its students and for planning how best to meet these needs.] Guidance and counseling programs shall be provided for all students in grades K-12, to achieve the following:

a. Ensure that individual curriculum planning is provided [at the middle and secondary level] to assist each student in selecting appropriate and challenging courses;

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b. Provide opportunities for parents, teachers, and other adults to participate in planned activities that encourage the personal, social, educational, and career development of students;

c. Provide employment counseling and placement services to furnish information about employment opportunities available to students graduating from or leaving school;

d. Provide for the coordination of a testing program that includes orientation to test-taking, use of test data, and the interpretation and use of student records data;

e. Provide for the evaluation of the guidance program by the principal, counselor(s), staff, and parents;

f. Ensure that at least 60% of the time of each member of the guidance staff shall be devoted to [activities which will result in every student receiving] counseling [services each year of students] ; and

g. Ensure that each student has a balanced program of studies each year, including at least one mathematics or laboratory science course in grades 11 or 12.

[H. 12.] The library media center shall be organized as the resource center of the school and shall provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall have the following:

a. An average monthly circulation of print and nonprint materials equal to at least 70% of the school membership;

b. A schedule that provides for library use by all students;

c. A written policy for the selection, evaluation, withdrawal, and disposal of all instructional materials purchased by the school division, with clearly stated procedures for handling challenged, controversial materials;

d. Cataloging of all library media in the school, which promotes accessibility and ease of retrieval, including a functional loan system, an annual inventory of materials and equipment, and a procedure for screening and discarding media;

e. An information file that reflects curriculum needs and contains pamphlets, clippings, pictures, and information about local resources;

f. A minimum of two complete sets of encyclopedias, one of which has been copyrighted within the last five years;

g. An unabridged dictionary and abridged dictionaries;

h. Newspaper subscription(s) providing daily, local, state, and national news;

i. Fifteen subscriptions to periodicals for elementary schools and 25 subscriptions for middle and secondary schools that are pertinent to the school program;

j. A current and accessible professional library in each school, or in a centralized instructional media center in the school division;

k. Materials such as prints, charts, posters, recordings (disc and tape), filmstrips, multimedia kits, models, study prints, slides, transparencies, videotapes, videodiscs, computer software, and maps and globes that are carefully selected to meet the needs of the instructional program;

l. Collection requirements (20% of which may be nonprint instructional material) for each library media center shall be as follows:

(1) Ten books per student in elementary schools;

(2) In middle and secondary schools, a basic collection of 1,000 well-selected titles. (In schools with more than 150 students there shall be a minimum of seven books per student); and

(3) Fifty percent of the minimum basic collection shall be available for circulation during the first semester in a new school.

m. Librarians involved with teachers and administrators in planning the school curriculum; and

n. Functional equipment to support the use of audiovisual materials.

PART X.

STUDENT ACHIEVEMENT: STANDARD F.

§ 10.1. Each school shall provide learning objectives to be achieved by students at successive levels of development and shall continually assess the progress of each student in relation to these objectives and the goals of education in Virginia. The goals of public education in Virginia are to aid each pupil to the full extent of his abilities, to accomplish the following:

1. Develop competence in the basic learning skills;

2. Develop the intellectual skills of rational thought and creativity;

3. Acquire knowledge and process skills of science and

technology;

[4. Acquire broad knowledge and understanding of the Humanities;]

[4. 5.] Progress on the basis of achievement;

[5. 6. Graduate from high school and] qualify for further education or employment;

[6. 7.] Develop personal standards of ethical behavior and moral choice;

[7. 8.] Participate in society as a responsible family member and citizen;

[8. 9.] Develop a positive and realistic concept of self and others;

[10. Acquire an appreciation for and a sensitivity to people of various races;]

[9. 11.] Practice sound habits of personal health and physical fitness;

[10. 12.] Enhance the quality of the environment;

[11. 13.] Develop skills, knowledge, and attitudes regarding the arts; [and]

[12. 14.] Acquire a basic understanding and appreciation of democracy and the free enterprise system [; and .]

[13. Develop the qualities of patriotism, honesty, and fair play.]

§ 10.2. Students shall pass literacy tests in reading, writing, and mathematics [in order] to be promoted to the ninth grade except for identified handicapped students who are progressing according to the objectives of their individualized education program (IEP). Students transferring to a Virginia public school prior to the ninth grade shall also be required to pass the literacy tests in order to be promoted to the ninth grade. Students who are not promoted shall be enrolled in alternative programs leading to one or more of the following:

1. Passing the literacy tests;
2. High school graduation;
3. General Educational Development (GED) Certificate;
4. Certificate of program completion; and
5. Job-entry skills.

§ 10.3. Graduation requirement.

A. To graduate from high school, a student shall meet the minimum requirements for the 21-credit diploma outlined below for grades 9-12. Students who graduate with an average grade of "B" or better will receive a Board of Education Seal on the diploma.

	9-12
English	4
Mathematics ³	2
Laboratory Science ³	2
Math or Science ⁴	1
Social Studies:	3
Virginia and United States History ¹ , Virginia and United States Government ¹ , World Studies (World Culture, World History, World Geography) ¹	
Health and Physical Education	2
Fine Arts [or Practical Arts ⁵]	1
Electives	6
Total Units	21

B. Each secondary school shall offer as an elective for students, an Advanced Studies Program which requires a minimum of 23 units of credit as outlined below for grades 9-12. Students who graduate with an average grade of "B" or better and successfully complete at least one advanced placement course (AP) or one college level course for credit will receive a Governor's Seal on the diploma.

	9-12
English	4
Mathematics	3
Laboratory Science	3
Social Studies:	3
Virginia and United States History ¹ , Virginia and United States Government ¹ , World Studies (World Cultures, World History or World Geography) ¹	
Foreign Language	3
(3 years of one language or 2 years each of 2 languages)	
Health and Physical Education	2
Fine Arts [or Practical Arts ⁵]	1
Electives	4
Total Units	23

C. To earn an Advanced Studies Diploma, students shall complete a mathematics sequence that includes Algebra I and two courses above the level of Algebra I, and a science sequence that includes three units from earth science, biology, chemistry, and physics.

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D. When students below the ninth grade successfully complete ninth, tenth, eleventh or twelfth grade subjects, credit shall be counted toward meeting the units required for graduation in grades 9-12. Students shall be encouraged to take advantage of this option.

E. Students who are graduating from a secondary school, and do not intend to continue their education [shall should] have identified marketable skills.

F. Students completing graduation requirements in a summer school accredited under these standards shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma.

§ 10.4. Transfer of credits.

A. A secondary school shall accept credits received from other accredited secondary schools, including summer schools, special sessions, schools accredited [by through] the Virginia Council for Private Education and educational programs operated by the Commonwealth. Credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted.

B. Records of transferred students shall be sent directly to the school receiving the student upon request of the receiving school.

C. The transcript of a student who graduates or transfers from a Virginia secondary school shall show that a minimum of 21 units of credit courses in grades 9-12 are required for graduation.

D. Students transferring into a Virginia School division shall be required to earn 21 units of credit or the equivalent for graduation. Each student's prior record shall be evaluated to determine the number and content of additional credits required for graduation. Specified courses normally taken at lower grade levels shall not be required, provided the student has completed the courses required at those grade levels by the school division or state from which he transferred. Students transferring from states not giving credit for health and physical education shall not be required to repeat these courses.

§ 10.5. Students who have met the requirements and conditions set forth in these standards [and have met such other requirements as may be prescribed by the local school board and approved by the Board of Education,] and handicapped students who have completed the requirements of an individualized education program shall be awarded the appropriate diploma or certificate. The last school attended by the student during regular session shall award the diploma or certificate unless otherwise determined by the two superintendents.

PART XI. STAFFING: STANDARD G.

§ 11.1. Each school shall have the required staff with proper certification and endorsement.

A. The following shall be the minimum staffing according to type of school and student enrollment:

Position: Principal; Elementary: 1 half-time to 299, 1 full-time at 300; Middle: 1 full-time; Secondary: 1 full-time.

Position: Assistant Principal; Elementary: 1 half-time at 600, 1 full-time at 900; Middle: 1 full-time each 600; Secondary: 1 full-time each 600.

Position: Librarian; Elementary: Part time to 299, 1 full-time at 300; Middle: 1 half-time to 299, 1 full-time at 300, 2 full-time at 1000; Secondary: 1 half-time to 299, 1 full-time at 300, 2 full-time at 1000.

Position: Guidance Counselors; Elementary: 1 hour per day per 100 [^s], 1 full-time at 500 [^s], 1 hour per day [^s] additional time per 100 or major fraction; Middle: 1 period per 80, 1 full-time at 400, 1 additional period per 80 or major fraction; Secondary: 1 period per 70, 1 full-time at 350, 1 additional period per 70 or major fraction.

Position: Clerical; Elementary: Part time to 299, 1 full-time at 300; Middle: 1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750; Secondary: 1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750.

B. A combined school, such as K-12, shall meet at all grade levels the staffing requirements for the highest grade level in that school. This requirement shall apply to all staff, except the guidance staff, and shall be based on the school's total enrollment. The guidance staff requirement shall be based on the enrollment at the various school organization levels as defined in § 4.3, application of standards. [At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in these standards are met. Any alternative staffing plan shall be submitted to the Accreditation and Evaluation Service, Department of Education, for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable.]

C. The principal of each middle level and secondary school shall be employed on a 12-month basis.

D. Each secondary school with 350 or more students and each middle level school with 400 or more students shall employ at least one member of the guidance staff for 11 months.

[At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in these standards are met. Any alternative staffing plan shall be submitted to the Accreditation and Evaluation Service, Department of

Education, for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable.]

E. The maximum number of students in Average Daily Membership per certified classroom teacher for grades K-3 shall be the number required by the Standards of Quality.

F. The maximum number of students in Average Daily Membership per certified classroom teacher for grades 4-7 in elementary schools shall not exceed 35.

G. Each [middle and secondary] school shall have a student-teacher ratio (based on full-time equivalent teachers and excluding administrators, librarians, and guidance personnel) that does not exceed 25-1.

H. In grade 1 and in English classes (grades 6-12), the number of students per teacher shall not exceed the number required by the Standards of Quality.

I. Middle level school teachers with a seven period day may teach 30 class periods per week, provided all teachers with more than 25 class periods per week have one period per day unencumbered of all teaching or supervisory duties.

J. The secondary classroom teacher's standard load shall be no more than 25 class periods per week. One class period each day, unencumbered by supervisory or teaching duties, shall be provided for every full-time classroom teacher for instructional planning. Teachers of block programs with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day (120 in block programs) an appropriate contractual arrangement and compensation shall be provided.

K. Middle level or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

L. Every effort shall be made to provide staff members with an unencumbered lunch period.

M. The number of students in special and vocational education classrooms shall comply with regulations of the Board of Education.

N. Custodial services shall be available to keep the school plant and grounds safe and clean.

O. Pupil personnel services, including visiting teachers/school social workers, school psychologists, and guidance counselors, shall be available to all students as necessary, especially to provide assistance in preventing dropouts and [drug substance] abuse.

PART XII. BUILDINGS AND GROUNDS: STANDARD H.

§ 12.1. The school building shall accommodate an educational program that will meet the needs of the students and ensure the health and safety of students and staff as follows:

1. The school site and physical plant shall be accessible, barrier-free, safe, clean, and free from excessive noise and other distractions, and shall be adequate in size to meet the needs of the students enrolled.

2. Each school shall prepare and adhere to a written plan of vehicular traffic control designed to ensure safe and prompt movement of students, staff, and visitors.

3. Each school shall have a written plan to follow in emergencies. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year.

4. All exit doors in a school shall be equipped with panic bars that are usable while the building is occupied.

5. Records shall be maintained to show that fire drills are held once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room.

6. The principal shall be responsible for conducting one fire inspection during each semester in accordance with regulations contained in the Fire Inspection Guide for Schools.

7. Each school shall have provisions for the proper outdoor display of the flags of the United States and of the Commonwealth of Virginia.

8. Each school plant shall have a maintenance and housekeeping program designed to ensure a healthful and pleasant learning environment.

9. The administrative unit shall have space for a principal's office, secretarial assistance, and record storage.

10. Suitable space shall be made available for student personnel services.

11. The school media center shall have adequate space to provide for the collection and circulation of instructional materials, and adequate seating for group activities.

12. Adequate, safe, and properly-equipped laboratories shall be provided to meet the needs of instruction in

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the sciences, computers, vocational, and fine arts.

13. Each school shall have appropriate areas and facilities for the physical education program offered. Secondary schools shall have locker rooms and showers.

14. Adequate and properly-equipped classroom space shall be provided.

15. The school plant and grounds shall be kept safe and clean with the responsibility for the care of buildings and grounds shared by staff and the students.

16. Space shall be provided for the proper care of students who become ill.

Footnotes:

¹ [*To become effective for the 1990-91 school year. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining the effectiveness of the Commonwealth's public schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. In the 1990-91 school year or one year following the approval by the board of such criteria, whichever is later, the Superintendent of Public Instruction shall annually identify to the board those schools that exceed or do not meet the approved criteria. From such funds as are identified in the appropriations act for this purpose, a program of one-time grants shall be established by the board to assist local school boards in the implementation of corrective action plans for those schools that are designated as not meeting the approved criteria.]*

² *Level one of a foreign language shall be available to all eighth grade students. An exploratory foreign language offering is encouraged for students below grade 8, but will not be required until electronic classroom technology makes this program available.*

³ *Must be selected from a list of courses approved for graduation requirements by the Board of Education. Only one year of a course in general mathematics may be used to meet the mathematics requirement.*

⁴ *Must be selected from a list of courses approved for graduation requirements by the Board of Education or, as an alternative, this requirement may be met by completing an appropriate sequence of courses in vocational education or JROTC.*

⁵ [*To become effective for the 1989-90 school year Must be selected from a list of courses approved for graduation requirements by the Board of Education]*.

[*To become effective for the 1989-90 school year.]*

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

REQUEST FOR
APPLICATION AMENDMENT *
VIRGINIA ENTERPRISE ZONE PROGRAM

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

Locality _____ Date _____
Chief Administrator _____ Phone _____
Designated Contact Person _____ Phone _____
Address _____

II. EXPANDED ENTERPRISE ZONE AREA LOCATION AND BOUNDARIES

List below all 1980 U. S. Census block groups comprising the proposed expanded enterprise zone area. Block groups should be listed according to the 1980 U. S. Census tract in which they are located. Joint applications should indicate the locality in which each block group is located. Complete only if an expansion to existing zone boundaries is being requested.

I. PURPOSE OF AMENDMENT

Explain why the amendment to approved local incentives or existing zone boundaries is being requested. If additional pages are used, label them Attachment EZ-2-II, Attachment EZ-2-I2, etc.

*Notes:

1. To request local incentive amendments only - complete Sections I, XII, XIII, XIV and XVI.
2. To request zone boundary amendments only - complete Sections I through XI, XV, and XVI.
3. To request both zone boundary and local incentive amendments, complete all sections.

The following two maps must be included as attachments to this application if an expansion to existing zone boundaries is being requested.

- A. A map of the locality showing the location and general boundaries of the proposed addition and the new zone boundaries. Label this map Attachment EZ-2-IIA.
- B. A 1980 U. S. Census block map of the enterprise zone clearly showing the boundaries of the proposed addition and the new zone boundaries. Label the map Attachment EZ-2-IIB.

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

III. EXPANDED ENTERPRISE ZONE AREA DEVELOPMENT HISTORY

A. Describe the factors which accounted for the proposed expanded enterprise zone area's past growth, and indicate if they are still an influence. Complete only if an expansion to existing zone boundaries is being requested and the factors are different than those described in Form EZ-1 for the original zone area. Comments must be confined to the space provided.

B. Describe any recent changes which have occurred in the proposed expanded enterprise zone area's economic and social conditions, and indicate how these changes compare to changes in conditions within the city or county as a whole. Provide documentation of trends whenever possible. Complete only if an expansion to existing zone boundaries is being requested and the changes are different than described in Form EZ-1 for the original zone area. Comments must be confined to the space provided.

IV. EXPANDED ENTERPRISE ZONE AREA LOCAL REVITALIZATION EFFORTS

Describe any past or present community development, urban renewal or other activities of the locality or any other organization aimed at revitalizing the proposed expanded enterprise zone area. Summarize the impact of these actions on the development problems of the area. Complete only if an expansion to existing zone boundaries is being requested and the revitalization efforts are different than those described in Form EZ-1 for the original zone area.

V. EXPANDED ENTERPRISE ZONE AREA LAND USE CHARACTERISTICS

Describe in general the land use characteristics of the proposed expanded enterprise zone area. Complete only if an expansion to existing zone boundaries is being requested. Comments must be confined to the space provided.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes from Article 2 regulations which are necessary to conform to changes in this Code where no agency discretion is involved. The Department of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 394-01-101. Urban Enterprise Zone Program Regulations.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Effective Date: September 29, 1988

Summary:

The 1988 revisions to the Virginia Enterprise Zone regulations fall into three areas:

1. The word "urban" is deleted from the Enterprise Zone Act. Corresponding deletions, resulting in a name change from Urban Enterprise Zones to Enterprise Zones, were made in the regulations;

2. The use of, "the most current data from the Center for Public Service or the local planning district," is now permitted in addition to 1980 Census data when determining whether criteria for designation can be met; and

3. The term full-time employee shall include, "two or more individuals who together share the same job position and together work the normal number of hours a week as required by the business firm for that one position." which own land within a designated zone.

VR 394-01-101. Enterprise Zone Program Regulations.

PROCEDURAL AND REPORTING REQUIREMENTS.

PROCEDURE I.

Designating an Urban Enterprise Zone

1. Procedure: Obtain an Application for Urban Enterprise Zone Designation (Form U EZ-1). Joint applicants should also obtain a copy(ies) of Form U EZ-1-JA.

Remarks: Forms U EZ-1 and U EZ-1-JA may be obtained from the Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

2. Procedure: Complete the application.

Remarks: In its application, a locality may propose local incentives to stimulate private investment in a proposed zone.

3. Procedure: Hold at least one public hearing on the application.

4. Procedure: Submit the completed application and a resolution by the local governing body to the department.

Remarks: Applications must be submitted by the submission date to be established by the department.

5. Procedure: The department reviews and forwards to the Governor those applications determined to be eligible for Urban Enterprise Zone designation.

6. Procedure: The director of the Department of Housing and Community Development recommends to the Governor those applications determined to have the greatest potential for accomplishing the purpose of the program.

7. Procedure: The Governor designates, upon recommendation of the director, up to 15 Urban Enterprise Zones for a period of 20 years.

Remarks: The Governor's designation shall be final. A local governing body whose application is denied will be notified and provided with the reasons for denial.

Application for Urban Enterprise Zone Designation (Form U EZ-1)

Requirements: Applications for zone designation must be submitted to the department of Form U EZ-1. Form U EZ-1 requires the following information on a proposed zone: location and boundaries; development history; local revitalization efforts; land use characteristics; physical deficiencies and investment opportunities; local development objectives; barriers to investment in a zone; proposed local program incentives; projected impact of proposed local incentives; projected impact of state tax incentives; and local assurances and authorization. A resolution of the local governing body must also accompany the application.

Need for Requirements: Section 59.1-274 of the Code of Virginia stipulates that applications for zone designation shall be made in writing to the department. Section 59.1-275A of the Code of Virginia authorizes the department to solicit whatever information is necessary for the purpose of determining whether an area qualifies to be designated as a zone. Procedures are needed to assure that applications are submitted and reviewed in a consistent manner. All the information requested on Form U EZ-1 is necessary in order to determine which applications will best accomplish the purpose of the Act. The requirement for a resolution by a local governing body is considered to be the minimum action needed to

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assure that an application is being submitted by the local governing body as stipulated in § 59.1-274 of the Code of Virginia.

Cost of Requirements: Local governments participating in the program would incur costs associated with preparing Form Ψ EZ-1 and conducting the required public hearing. Form Ψ EZ-1 requests only information which is readily available to the applicant. Therefore, it should impose no significant cost. The secretarial area of Commerce and Resources would incur administrative costs associated with determining zone eligibility and selecting zones. The department does not anticipate the need for additional personnel or budget authorization in order to carry out its responsibility.

Joint Application Agreement (Form Ψ EZ-1-JA).

Requirements: A joint application must be accompanied by a Joint Application Agreement(s) (Form Ψ EZ-1-JA). Form Ψ EZ-1-JA requires applicants to certify that they are in agreement in filing the joint application.

Need for Requirements: Section 59.1-274 of the Code of Virginia permits adjacent jurisdictions to file a joint application for zone designation. Since Form Ψ EZ-1 is designed to be completed by a single jurisdiction (the program administrator) Form Ψ EZ-1-JA is needed in order to certify that each jurisdiction is in agreement in filing the joint application.

Cost of Requirements: Jurisdictions participating in the joint application would incur costs associated with preparing Form Ψ EZ-1-JA. This additional cost would be minimal.

PROCEDURE II.

Amendment and Termination Procedures.

A. Amending an application.

1. Procedure: Obtain a Request for Application Amendment (Form Ψ EZ-2). Joint applicants should also obtain a copy(ies) of a Form Ψ EZ-2-JA.

Remarks: Forms Ψ EZ-2 and Ψ EZ-2-JA are available from the Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

2. Procedure: Complete the Request for Application Amendment.

3. Procedure: Hold at least one public hearing on the proposed amendment.

4. Procedure: Submit the completed Request for Application Amendment and a resolution by the local governing body to the department.

5. Procedure: The department reviews the Request for

Application Amendment.

Remarks: The department will approve an amendment to local program incentives only if the proposed local incentives are equal to or superior to those in the application prior to the proposed amendment. The department will approve an amendment to expand zone boundaries only if the proposed amendment can be justified.

B. Terminating a zone.

1. Procedure: Notify the department in writing of any inability or unwillingness to provide approved local program incentives.

Remarks: Notice must be made within 30 days.

2. Procedure: Request an amendment to the approved application in accordance with procedure IIA.

Remarks: Requests must be submitted within 60 days following notice to the department.

3. Procedure: The department reviews requested amendments in accordance with procedure IIA.

Remarks: Approval of an amendment will allow a zone to continue in operation.

4. Procedure: The department recommends to the secretary that the zone be terminated.

Remarks: This step occurs only if a local governing body fails to provide notice in writing of any inability or unwillingness to provide approved local program incentives (step 1) or has its request for amendment denied.

5. Procedure: The secretary reviews the department's recommendation and may recommend that the Governor terminate the zone.

6. Procedure: A zone is terminated upon written notice to a local governing body.

Remarks: The date of such notice is considered to be the date of zone termination. Qualified business firms located in a terminated zone remain eligible to receive state tax incentives under this program for any remaining taxable years in the five-year period for which they are eligible. No additional business firms may become qualified to receive state tax incentives after the date of zone termination.

Request for Application Amendment (Form Ψ EZ-2).

Requirements: A request for an amendment must be submitted to the department on Form Ψ EZ-2. Form Ψ EZ-2 requires the following information for an amendment incentives to be deleted or revised; local incentives to be

added or revised; impact of the amended local incentives; and local assurances and authorization. Form \cup EZ-2 requires the following information for an amendment to expand zone boundaries: location of proposed addition and new zone boundaries; development history, local revitalization efforts; land use characteristics; physical deficiencies and investment opportunities; local development objectives; barriers to investment in amended zone area; any new proposed local program incentives; projected impact of state tax incentives; and local assurances and authorization. A resolution of the local governing body must also accompany Form \cup EZ-2.

Need for Requirements: Section 59.1-284 of the Code of Virginia permits localities to request an enlargement of their enterprise zone boundaries and amendments to the local incentives proposed in their approved applications for zone designation. Procedures are needed to assure that such requests are submitted and reviewed in a consistent manner. All the information requested on Form \cup EZ-2 is considered to be necessary in order to determine if a boundary change is justified or whether a proposed new incentive is "equal to or superior to the unamended application" as required in § 59.1-284 of the Code of Virginia. The requirement for a resolution of the local governing body is considered to be the minimum action needed to assure that a request for application amendment is being submitted by the local governing body as stipulated in § 59.1-284 of the Code of Virginia.

Cost of Requirements: A jurisdiction would incur costs associated with preparing a Request for Application Amendment. This form asks only for information readily available to the applicant and, therefore, the costs it imposes should not be significant. The department would incur costs associated with processing the proposed amendment. The department does not anticipate a need for additional personnel or budget authorization in order to carry out this responsibility.

Joint Application Amendment Agreement (Form \cup EZ-2-JA).

Requirements: Form \cup EZ-2-JA must be attached to Form \cup EZ-2 in the case of an amendment to a joint application. Form \cup EZ-2-JA requires applicants to certify that they are in agreement in filing the amendment.

Need for Requirements: Form \cup EZ-2-JA eliminates the need for two application amendment forms: one for single applicants and one for joint applicants.

Cost of Requirements: Jurisdictions would incur costs associated with preparing a Joint Application Amendment Agreement (Form \cup EZ-2-JA). This cost would be minimal.

PROCEDURE III. Local Administrative Procedures.

A. Surveying zone business conditions.

1. Procedure: Obtain Survey of Zone Business Conditions (Form \cup EZ-3-S).

Remarks: Form \cup EZ-3-S is available from the Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

2. Procedure: Complete Survey of Zone Business Conditions by collecting and summarizing data on zone businesses and employment.

Remarks: Information from the Survey of Zone Business Conditions will be used by the department as a basis for program evaluation.

3. Procedure: Submit the completed Survey of Zone Business Conditions to the department.

Remarks: Form \cup EZ-3-S must be submitted to the department within 90 days following the date of zone designation.

B. Submitting an annual report.

1. Procedure: Obtain Annual Report (Form \cup EZ-3-AR).

Remarks: Form \cup EZ-3-AR may be obtained from the Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

2. Procedure: Complete Annual Report by updating the following: (i) a list of surplus public land and actions taken to sell such land; (ii) an evaluation of zone development progress; and (iii) a summary of zone business and employment data.

Remarks: Information from annual reports will be used by the department in monitoring local compliance with program requirements and in preparing an annual evaluation report to the Governor.

3. Procedure: Submit the completed annual report to the department.

Remarks: Form \cup EZ-3-AR must be submitted to the department within 90 days of the anniversary date of zone designation.

Survey of Zone Business Conditions (Form \cup EZ-3-S).

Requirements: Form \cup EZ-3-S must be submitted by an applicant to the department following zone designation. It requires information on zone business characteristics and zone business activity.

Need for Requirements: Section 59.1-273 of the Code of Virginia requires the department to submit annual reports to the Governor evaluating the effectiveness of the program. In order to do so, the department must obtain uniform baseline data on business conditions in designated

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zones. Such data is not readily available to the department, nor does the department have the resources to collect it. Local governments participating in the program and receiving its benefits are the appropriate agencies to collect information on zone conditions. Procedures and regulations are needed to assure that the reporting requirements of localities are consistent and that all reporting is carried out in a uniform manner.

Cost of Requirements: Local governments would incur costs from making a survey to collect data on the number of business firms and employment levels. However, the survey need not be sophisticated or costly.

Annual Report (Form \cup EZ-3-AR).

Requirements: Form \cup EZ-3-AR must be submitted by an applicant to the department within 90 days of the anniversary date of zone designation. It requires the following information: status of local actions to sell surplus public land within a zone; evaluation of the program's success in achieving local development objectives; state program evaluation data; and assurances.

Need for Requirements: In order to evaluate the effectiveness of the program, the department must obtain uniform data on an annual basis indicating changes in zone business conditions. Regulations are needed to assure that the reporting requirements of localities are consistent and that all reporting is carried out in a uniform manner. Section 59.1-273 of the Code of Virginia also requires the department to monitor the implementation and operation of the program. Regulations are needed to assure that the department's monitoring of local compliance with administrative requirements (i.e., sale of surplus public land) is consistent and fair.

Cost of Requirements: Local governments would incur costs associated with providing the information requested in the annual report. However, several steps have been taken to minimize such costs. First, the information required regarding the sale of surplus public land is readily available to localities. Second, localities are allowed to structure their local program evaluations as they see fit. Finally, the data requested on business conditions is structured in the same way as on Form \cup EZ-3-S in order to simplify reporting. The type of data requested has been carefully considered and reasonable estimates are permitted, where appropriate, in order to minimize the need for localities to conduct surveys on an annual basis.

PROCEDURE IV. Requesting State Tax Incentives.

1. Procedure: Obtain a Request to Qualify for State Tax Incentives - New Firms (Form \cup EZ-4N) or a Request to Qualify for State Tax Incentives - Existing Firms (Form \cup EZ-4E).

Remarks: Forms \cup EZ-4N and \cup EZ-4E may be obtained from the Department of Housing and

Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

2. Procedure: Complete the Request to Qualify for State Tax Incentives to the department.

Remarks: Forms \cup EZ-4N and Form \cup EZ-4E must be completed and signed by an independent certified public accountant.

3.a. Procedure: Submit the completed Request to Qualify for State Tax Incentives to the department.

Remarks: Form \cup EZ-4N or Form \cup EZ-4E must be submitted to the department no later than 30 calendar days prior to the firm's normal or extended deadline for filing its return for state income, franchise or license tax.

b. Attach to Form \cup EZ-4N or Form \cup EZ-4E a statement requesting one or more of the state tax incentives provided for in the program.

Remarks: Business firms may receive state tax incentives for only five consecutive years beginning with the first taxable year in which the firm qualifies.

4. Procedure: Within 14 calendar days of receiving Form \cup EZ-4N or Form \cup EZ-4E, the department reviews the form and certifies to the appropriate state agency the applicability of the state tax incentive requested by a qualified business firm.

Remarks: The department forwards to the appropriate local governing body a copy of the business firm's statement requesting state tax incentives, along with a determination that the firm is qualified or not qualified to receive such state tax incentives.

5. Procedure: The department notifies the business firm that it is qualified or not qualified to receive the requested state tax incentives.

Remarks: The department forwards to a qualified business firm three copies of the certification submitted to the appropriate state agency: one copy for the firm's records, one for the firm to attach to its state sales tax return and one for the firm to attach to its return for state income, franchise or license tax.

6. Procedure: File the applicable state tax return with an attached copy of the certification of qualification to receive state tax incentives.

Remarks: The return must be filed by the normal filing deadline unless an extension has been granted.

7. Procedure: Qualified business firms receive appropriate state tax credits or refunds.

Request to Qualify for State Tax Incentives (Form Ψ EZ-4N or Form Ψ EZ-4E).

Requirements: Form Ψ EZ-4N or Ψ EZ-4E must be submitted by a business firm to the department in order to qualify for state tax incentives. Each form requires information regarding the location of the firm and its zone establishment(s), data necessary to determine whether the firm is qualified under the program and a declaration that the information is accurate.

Need for Requirements: Section 59.1-279 of the Code of Virginia requires a business firm to submit annually to the department a form stating that it qualifies to receive state tax incentives. Procedures are needed so that such forms are filed in a consistent and timely manner. The information requested on Form Ψ EZ-4E and Ψ EZ-4N is the minimum needed to establish that a firm meets all requirements and to provide the department with basic record keeping data.

Cost of Requirements: A business firm would incur minimal costs associated with the requirements. Firms are not required to change their taxable years or alter their accounting practices in order to qualify to receive state tax incentives. The department would incur annual administrative costs associated with certifying the applicability of a requested tax incentive. The Virginia Department of Taxation and State Corporation Commission would incur costs related to the crediting or refunding of taxes for qualified businesses within a zone. The extent of costs to be borne by the department and other state agencies cannot be measured until zones are designated and the level of interest in the program by qualified business firms can be determined.

PART I. DEFINITIONS.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Average number of full-time employees" means the number of full-time employees during each payroll period of a business firm's taxable year divided by the number of payroll periods:

1. In calculating the average number of full-time employees, a business firm may count only those full-time employees who worked at least one-half of their normal work days during the payroll period. Paid leave time may be counted as work time.
2. For a business firm which uses different payroll periods for different classes of employees, the average number of full-time employees of the firm shall be defined as the sum of the average number of full-time employees for each class of employee.

"Base taxable year" means the taxable year preceding

the first taxable year for which a firm qualifies for state tax incentives under this program.

"Business firm" means any business entity, incorporated or unincorporated, which is authorized to do business in the Commonwealth of Virginia and which is subject to state individual income tax, state corporate income tax, state franchise or license tax on gross receipts, or state bank franchise tax on net taxable capital:

1. The term "business firm" includes partnerships and small business corporations electing to be taxed under Subchapter S of the Federal Internal Revenue Code, and which are not subject to state income tax as partnerships or corporations, but the taxable income of which is passed through to and taxed as income of individual partners and shareholders.
2. The term "business firm" does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, § 512; nor does it include homeowners associations as defined in the Federal Internal Revenue Code, § 528.

"Department" means the Department of Housing and Community Development.

"Develop" means to make improvements to land through the construction, conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement or remodeling of a structure(s) to accommodate the principal use to which the land is or will be put. Improvements to land where parking is the principal use shall not constitute development pursuant to the requirements in § 7.1 A, except where the buyer can demonstrate to the satisfaction of the seller that such use is necessary in order to further the purpose of the program (see § 2.3) and the local development objectives outlined in the application for zone designation.

"Employee of a zone establishment" means a person employed by a business firm who is on the payroll of the firm's establishment(s) within the zone. In the case of an employee who is on the payroll of two or more establishments of the firm, both inside and outside the zone, the term "employee of a zone establishment" refers only to such an employee assigned to the firm's zone establishment(s) for at least one-half of his normally scheduled work days.

"Establishment" means a single physical location where business is conducted or where services or industrial operations are performed:

1. A central administrative office is an establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same firm.

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2. An auxiliary unit is an establishment primarily engaged in performing supporting services to other establishments of the same firm.

"Family" means (i) one or more persons living in a single residence who are related by blood, marriage or adoption. A stepchild or stepparent shall be considered to be related by marriage; (ii) one or more persons not living in the same residence but who were claimed as a dependent on another person's federal income tax return for the previous year shall be presumed, unless otherwise demonstrated, part of the other person's family; or (iii) an individual 18 or older who receives less than 50% of his support from the family, and who is not the principal earner nor the spouse of the principal earner, shall not be considered a member of the family. Such an individual shall be considered a family of one.

"Family income" means all income actually received by all family members over age 16 from the following sources:

1. Gross wages and salary (before deductions);
2. Net self-employment income (gross receipts minus operating expenses);
3. Interest and dividend earnings; and
4. Other money income received from net rents, Old Age and Survivors Insurance (OASI), social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities and other sources.

The following types of income are excluded from family income:

1. Noncash benefits such as food stamps and housing assistance;
2. Public assistance payments;
3. Disability payments;
4. Unemployment and employment training benefits;
5. Capital gains and losses; and
6. One-time unearned income.

When computing family income, income of a spouse and/or other family members shall be counted for the portion of the income determination period that the person was actually a part of the family.

"Family size" means the largest number of family members during the income determination period.

"Full-time employee" means a person employed by a business firm who is normally scheduled to work at least

35 hours per week during the firm's payroll period or two or more individuals who together share the same job position and together work the normal number of hours a week as required by the business firm for that one position. The term "full-time employee" does not include unpaid volunteer workers.

"Gross receipts attributable to the active conduct of trade or business within an Urban Enterprise Zone" means all receipts of the business firm arising from the firm's activities or from the investment and use of the firm's capital in its establishment(s) within the zone. The proportion of gross receipts arising from the firm's activities, or from its investment and use of capital within the zone, shall be calculated by dividing the total expenses of the firm's establishment(s) within the zone by the firm's total expenses both inside and outside the zone:

1. This calculation must be used to allocate and apportion taxable gross receipts against which state franchise or license tax credits may be claimed (see § 9.2 C).
2. This calculation may not be used to allocate and apportion Virginia taxable income against which state corporate and individual income tax credits may be claimed or taxable net capital against which state franchise tax credits may be claimed.

"Income determination period" means the 12 months immediately preceding the month in which the person was hired.

"Independent certified public accountant" means a public accountant certified and licensed by the Commonwealth of Virginia who is not an employee of the business firm seeking to qualify for state tax incentives under this program.

"Low-income person" means a person who is a full-time employee of a business firm seeking qualification and whose family had an income which was less than 80% of median family income during the income determination period.

"Median family income" means the dollar amount, adjusted for family size, as determined annually by the department for the city or county in which the zone is located.

"Metropolitan central city" means a city so designated by the U.S. Office of Management and Budget.

"Payroll period" means the period of time for which a business firm normally pays its employees.

"Secretary" means the Secretary of Commerce and Resources Economic Development.

"Surplus public land" means land within a zone which is owned by the Commonwealth or a unit of local

government and which meets the following standards:

1. In the case of land owned by a unit of local government, (i) the land is not being used for a public purpose nor designated or targeted for a specific public use in an adopted land use plan, facilities plan, capital improvements plan or other official public document; (ii) no tangible harm would be incurred by the unit of local government if the land were eliminated from its holdings; and (iii) sale of the land would not violate any restriction stated in the deed.

2. In the case of land owned by agencies of the Commonwealth, except land acquired by the Virginia Department of Transportation for the construction of highways, the land has been determined to be surplus to the Commonwealth in accordance with criteria and procedures established pursuant to §§ 2.1-504 through 2.1-512 of the Code of Virginia.

3. In the case of land acquired by the Virginia Department of Transportation for the construction of highways, the land has been determined to be surplus to the needs of the Commonwealth Transportation Board and the Commonwealth in accordance with criteria and procedures established pursuant to §§ 33.1-93, 33.1-149 and 33.1-154 of the Code of Virginia. The Commonwealth Transportation Board, prior to determining that land surplus to its needs is also surplus to the Commonwealth, may make such land available to other state agencies in accordance with procedures established pursuant to §§ 2.1-504 through 2.1-512 of the Code of Virginia.

"Tax due" means the amount of tax liability as determined by the Department of Taxation or the State Corporation Commission.

"Tax year" means the year in which the assessment is made.

"Taxable year" means the year in which the tax due on state taxable income, state taxable gross receipts or state taxable net capital is accrued.

"Unit of local government" means any county, city or town. Special-purpose political subdivisions, such as redevelopment and housing authorities and industrial development authorities, are not units of local government.

"Zone" means an Urban Enterprise Zone declared by the Governor to be eligible for the benefits of this program.

PART II. GENERAL PROVISIONS.

§ 2.1. Authority.

These regulations are issued by the Board of Housing

and Community Development, Commonwealth of Virginia, as required by § 59.1-278 of the Code of Virginia.

§ 2.2. Scope and applicability.

These regulations describe the procedures and requirements that will be used to implement the Virginia Urban Enterprise Zone Program.

§ 2.3. Purpose of program.

The purpose of the Virginia Urban Enterprise Zone Program is to stimulate business and industrial growth which would result in revitalization of neighborhoods by means of regulatory flexibility and tax incentives. This program is to be directed to areas of the Commonwealth that need special governmental attention to attract private sector investment.

§ 2.4. Compliance with the Virginia Administrative Process Act.

The provisions of the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, shall govern the issuance and administration of these regulations.

§ 2.5. Severability.

If any provision of these regulations is held to be invalid, this does not invalidate other provisions which are severable from it.

PART III. ELIGIBILITY CRITERIA.

§ 3.1. Eligible applicants for zone designation.

Eligible applicants include the governing body of any county, city or town.

A. Applications on behalf of towns.

The governing body of a county may apply for designation of an Urban Enterprise Zone on behalf of a town located within the county.

B. Joint applications.

Two or more adjacent eligible jurisdictions may file a joint application for an Urban Enterprise Zone lying in the jurisdictions submitting the application.

C. Limit on applications.

Eligible jurisdictions may submit only one application for the designation of an Urban Enterprise Zone. This limitation includes the submission of a joint application with other jurisdictions.

§ 3.2. Zone eligibility requirements.

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To be eligible for consideration, an application for an ~~Urban~~ Enterprise Zone must meet the following requirements.

A. Contiguous area.

The proposed zone must consist of a contiguous area.

B. Distress criteria.

The proposed zone must meet at least one of the following criteria as enumerated in the 1980 U.S. Census or current data from the Center for Public Service or local planning district commission : (i) 25% or more of the households must have had incomes below 80% of the median household income of the county or city; or (ii) the unemployment rate must have been at least 1.5 times the state average.

C. Zone size.

The proposed zone shall conform to the following size guidelines. In a joint application, the portion of the zone proposed in each jurisdiction shall conform to the guidelines:

1. Size limits for zones in Metropolitan Central Cities.

Minimum: 1/2 square mile (320 acres). In no instance shall a zone consist only of a site for a single business firm.

Maximum: 1 square mile (640 acres) or 7% of the jurisdiction's land area or population, whichever is largest.

2. Size limits for zones in towns and cities other than Metropolitan Central Cities.

Minimum: 1/4 square mile (160 acres). In no instance shall a zone consist only of a site for a single business firm.

Maximum: 1/2 square mile (320 acres) or 7% of the jurisdiction's land area or population, whichever is largest.

3. Size limits for zones in unincorporated areas of counties.

Minimum: 1/2 square mile (320 acres). In no instance shall a zone consist only of a site for a single business firm.

Maximum: 4 square miles (2,560 acres).

4. Exception for zones in cities formed through consolidation. Zones in cities, the existing boundaries of which were created through the consolidation of a city and county, or the consolidation of two cities, shall conform substantially to the minimum and maximum size guidelines for unincorporated areas of counties as set forth in § 3.2C(3).

PART IV. PROCEDURES AND REQUIREMENTS FOR ZONE DESIGNATIONS.

§ 4.1. Procedures for zone application and designation.

Up to 12 ~~Urban~~ Enterprise Zones will be designated by the Governor in accordance with the following procedures and requirements.

A. Applications for zone designation.

Applications for zone designation will be solicited by the department in accordance with the following procedures and requirements:

1. Application form. An application for zone designation must be submitted on Form ~~U~~ EZ-1 to the Director, Virginia Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219, on or before the submission date established by the department.

2. Local public hearing. The local governing body must hold at least one public hearing on the application for zone designation prior to its submission to the department.

3. Application requirements. In order to be considered in the competitive zone designation process an application must provide all the requested information, be accompanied by a resolution of the local governing body and be signed by the chief administrator or the clerk to the town council or county board of supervisors where there is no chief administrator. The chief administrator or clerk, in signing the application, must certify that the local governing body held the public hearing required in § 4.1 A(2).

4. Proposed local incentives. As part of its application a locality may propose local incentives such as regulatory and tax relief, and infrastructure and service delivery improvements, in order to stimulate private investment in the proposed zone. The likely impact of proposed local incentives in offsetting identified barriers to private investment in the proposed zone, together with the projected impact of state tax incentives, will be factors in evaluating applications.

The local governing body may propose incentives which it will make generally available throughout the zone or available only under specified conditions. Likewise, the local governing body may propose incentives to be provided for the entire life of the zone or for any shorter period.

Proposed local incentives may be provided by the local governing body itself or by an assigned agent(s) such as a local redevelopment and housing authority, a private nonprofit entity or a private for-profit entity. In the case of a county which submits an application on behalf of an incorporated town, the county may designate the governing body of the town to serve as its assigned agent. In the case of a county which submits an application for a zone

encompassing unincorporated county areas as well as portions of one or more towns, the county may designate the governing body(ies) or the town(s) to serve as its assigned agent(s).

B. Departmental review of applications.

Within 60 days following the application submission date, the department shall review and forward to the Governor those applications determined to be eligible for Urban Enterprise Zone designation under § 3.2.

C. Director's review of eligible applications.

Within 30 days of forwarding eligible applications to the Governor, the Director of the Department of Housing and Community Development shall recommend to the Governor those which are determined to have the greatest potential for accomplishing the purpose of the program.

D. Governor's designation.

The Governor shall designate, upon recommendation of the Director, Urban Enterprise Zones for a period of 20 years. The Governor's designation shall be final.

E. Notification of denial.

A local governing body whose application for zone designation is denied shall be notified and provided with the reasons for denial.

§ 4.2. Procedures and requirements for joint applications.

Two or more adjacent jurisdictions submitting a joint application as provided for in § 3.1 B must meet the following requirements:

A. Designation of a program administrator.

The applicants must designate one jurisdiction to act as program administrator. The jurisdiction so designated shall be responsible for filing a survey of zone business conditions and annual reports as provided for in §§ 7.2 and 7.3.

B. Submission of joint applications.

In order to submit a joint application, Form U EZ-1 must be completed and filed by the jurisdiction acting as program administrator in accordance with the procedures set forth in §§ 4.1 A(1) through 4.1 A(4). In addition, a copy of Form U EZ-1-JA must be completed by each of the other participating jurisdictions to certify that they are in agreement in filing the joint application. A copy(ies) of Form U EZ-1-JA must be submitted to the department with Form U EZ-1.

C. Other requirements.

The applicants must meet all other requirements of

these regulations pertaining to applicants. In the case of joint applications, all references to "applicant" and "local governing body" contained in the text of these regulations shall mean the governing body of each participating jurisdiction.

PART V. PROCEDURES FOR ZONE AMENDMENT.

§ 5.1. Relationship to federal enterprise zone program.

If any portion of an area designated as an Urban Enterprise Zone by the Governor is included in an area designated as an enterprise zone by an agency of the federal government, the area designated by the Governor shall be enlarged to include the area designated by the federal agency.

§ 5.2. Amendment of approved applications.

A local governing body will be permitted to request amendments to approved applications for zone designation in accordance with the following procedures and requirements provided that the amendments relate to local program incentives or to expansions of zone boundaries.

A. Local public hearing on proposed amendment.

The local governing body must hold at least one public hearing on the requested amendment prior to its submission to the department.

B. Submission of a request for an amendment.

A request for an amendment must be submitted to the department on Form U EZ-2. This form must be accompanied by a resolution of the local governing body and must certify that the local governing body held the public hearing required in § 5.2A. In the case of a joint application, a request for an amendment must be completed by the jurisdiction serving as program administrator and must be accompanied by Form U EZ-2-JA. This form certifies that the other participating jurisdictions are in agreement in filing the request for amendment.

C. Limit on applications for amendments to expand zone boundaries.

The first application for an amendment to expand zone boundaries may be submitted at any time. Thereafter, only one application for an amendment to expand zone boundaries will be permitted every four years.

D. Eligibility criteria for amendments to expand zone boundaries.

A proposed boundary amendment must meet the following requirements:

1. Contiguous area. The area proposed for expansion

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must be contiguous to the existing zone.

2. Distress criteria.

The enlarged zone must meet at least one of the distress criteria outlined in § 3.2 B of the program regulations.

E. Boundary amendment size.

The enlarged zone shall not exceed the maximum size guidelines outlined in § 3.2 C of the program regulations. A zone boundary amendment may not consist of a site for a single business firm or be less than 10 acres.

F. Approval of an amendment.

The department will approve an amendment to local incentives only if the proposed local incentives are equal or superior to those in the application prior to the proposed amendment. The department will approve an amendment to expand zone boundaries only if the proposed amendment is deemed to be justified in the opinion of the department.

G. Notification of denial.

A local governing body that is denied either a boundary or local incentive amendment shall be provided with the reasons for denial.

PART VI. PROCEDURES FOR ZONE TERMINATION.

§ 6.1. Failure to provide local program incentives.

If a local governing body or its assigned agent(s) is unable or unwilling to provide any of the approved local program incentives, the following procedures will apply. In the case of joint applications, these procedures will apply if either local governing body or its assigned agent(s) is unable or unwilling to provide approved local incentives.

A. Notification.

A local governing body must notify the department in writing within 30 days of any inability or unwillingness to provide an approved local program incentive.

B. Request for an amendment.

A local governing body will have 60 days after submission of the notice required in § 6.1 A to request an amendment to its application. Such a request shall be filed in accordance with the procedures set forth in § 5.2 C.

C. Departmental review.

The department will review requests for amendments in accordance with the criterion set forth in § 5.2 F. Approval of an amendment will allow a zone to continue

in operation. If a local governing body fails to provide notice as set forth in § 6.1 A, or has its request for an amendment denied, then the department may recommend to the secretary that the zone be terminated.

D. Secretarial review of recommendation for zone termination.

The secretary, upon review of the department's recommendation, may recommend that the Governor terminate the zone.

§ 6.2. Zone termination.

A zone shall be terminated in accordance with the procedures set forth in § 6.1 upon written notice to a local governing body. The date of such notice is considered to be the date of zone termination.

A. Continued availability of state tax incentives to previously qualified business firms.

Qualified business firms located in a terminated zone may continue to request state tax incentives provided under this program for any remaining taxable years in the five-year period for which they are eligible.

B. Limits on business firm qualification.

After the date of zone termination, no additional business firms may become qualified to receive state tax incentives provided under this program.

PART VII. ADMINISTRATIVE REQUIREMENTS.

§ 7.1. Sale of surplus public land.

The Commonwealth and any unit of local government that owns land within the zone shall: (i) upon designation of a zone, identify any surplus land and within six months make such land available for sale; and (ii) update annually its list of surplus land and make available for sale within six months any newly identified surplus parcels. The department may waive this requirement only if the owner can demonstrate to the department's satisfaction that the land cannot be developed due to its size, configuration, topography, location or other relevant factors.

A. Conditions on the sale of public land.

The Commonwealth or any unit of local government that sells surplus land within a zone shall require the buyer to develop the land within a period not to exceed five years. This requirement of the buyer must be enforceable by the seller. The Commonwealth or any unit of local government that sells surplus land within a zone may set any additional conditions upon the sale which it considers to be necessary to assure that the land is developed in a manner consistent with the purpose of the program (See §

2.3) and the local development objectives outlined in the application for zone designation. If the land is not sold within five years, such conditions shall be revised as necessary to make the land marketable.

B. Monitoring of compliance.

In order to monitor compliance with the requirements of § 7.1, the department will request annually from local governing bodies and state agencies with responsibility for overseeing the disposition of surplus state land, information concerning the identification and sale of surplus land. A local governing body shall document compliance with § 7.1 in its annual report to the department (see § 7.3). The department shall request annually from the Division of Engineering and Buildings of the Virginia Department of General Services and from the Virginia Department of Transportation, lists of surplus state land within zones and actions taken to sell such land.

§ 7.2. Survey of zone business conditions.

Within 90 days following the date of zone designation, a local governing body shall conduct a survey of existing zone business conditions to serve as a basis for program evaluation. Survey data shall be submitted to the department on Form \cup EZ-3-S. The survey shall include information on business and employment conditions in the zone as requested on Form \cup EZ-3-S.

§ 7.3. Annual report.

A local governing body shall submit annual reports to the department for the purpose of program monitoring and evaluation. Annual reports shall be submitted to the department on Form \cup EZ-3-AR, within 90 days of the anniversary date of zone designation. Annual reports shall include information documenting the local governing body's compliance with § 7.1 and data for the purpose of program evaluation as requested on Form \cup EZ-3-AR. Annual reports shall also include an evaluation of the program's success in achieving identified local development objectives.

PART VIII. BUSINESS FIRM REQUIREMENTS.

§ 8.1. Requirements for becoming a qualified business firm.

In order to become qualified for the purpose of receiving state tax incentives, a business firm must meet the requirements of § 8.1 A or § 8.1 B.

A. Requirements for new firms.

A business firm which begins the operation of a trade or business within a zone after the date of zone designation must meet the following requirements: (i) at least 50% of its gross receipts earned during the taxable year for which state tax incentives are requested must be

attributable to trade or business conducted within the zone; and (ii) at least 40% of the average number of full-time employees of its zone establishment(s) must be low-income persons.

B. Requirements for existing firms.

A business firm which is engaged in the conduct of a trade or business in a zone at the time of zone designation must meet the following requirements: (i) at least 50% of its gross receipts earned during the taxable year for which state tax incentives are requested must be attributable to trade or business conducted within the zone; (ii) the average number of full-time employees of its zone establishment(s) must be at least 10% greater than the average for the base taxable year; and (iii) at least 40% of such increase must be low-income persons.

§ 8.2. Prohibition of duplicate government assistance.

A business firm may not use the same expense to qualify for state tax incentives under this program as is used to qualify for state tax incentives under any other program.

PART IX. BUSINESS FIRM PROCEDURES.

§ 9.1. Procedures for becoming a qualified business firm.

In order to become qualified for the purpose of receiving state tax incentives under this program, a new business firm must submit to the department Form \cup EZ-4N stating that it meets the requirements of § 8.1 A. An existing business firm must submit Form \cup EZ-4E stating that it meets the requirements of § 8.1 B. These forms must be prepared by an independent certified public accountant (CPA) licensed by the Commonwealth.

A. Proof of qualification.

Form \cup EZ-4N or Form \cup EZ-4E, when completed and signed by an independent CPA, shall be prima facie evidence that a business firm is qualified to receive state tax incentives.

B. Determination of employee low-income status.

In determining whether a business firm meets the requirements of § 8.1 A or § 8.1 B, an independent CPA may accept a signed statement from an employee affirming that he meets the definition of a low-income person.

C. Annual submission of form.

A business firm must submit either Form \cup EZ-4N or Form \cup EZ-4E for each year in which state tax incentives are requested. Form \cup EZ-4N or Form \cup EZ-4E must be submitted to the department no later than 30 calendar days prior to the firm's normal or extended deadline for

Final Regulations

filing a return for state corporate income tax, state individual income tax, state franchise or license tax on gross receipts, or state franchise tax on net capital.

D. Certification by the department - Within 14 calendar days of receipt of Form U EZ-4N or Form U EZ-4E, the department will:

1. Review the form;
2. Certify to the Commissioner of the Virginia Department of Taxation, or in the case of public service companies to the Director of Public Service Taxation for the State Corporation Commission, the applicability of the tax credits requested by the firm; and
3. Forward three copies of the certification to the firm (one copy for the firm's records and two copies to be filed with the applicable state tax returns) or notify the firm that it fails to qualify for state tax incentives under Part VIII.

E. Submission of state tax returns.

A business firm, upon receipt from the department of copies of the certificate of its qualification to receive state tax incentives, may file the applicable state tax returns. In order for the Virginia Department of Taxation or the State Corporation Commission to grant the credit or refund requested, the appropriate copy of the certificate of qualification must be attached to firm's tax return.

When a partnership or small business corporation electing to be taxed under Subchapter S of the Federal Internal Revenue Code requests a credit(s) against state individual income tax on behalf of its partners or shareholders, each partner or shareholder must attach to its state individual income tax return a photocopy of the appropriate certificate of qualification received by the firm.

F. Five-year limit for receiving state tax incentives.

A business firm may receive state tax incentives for only five consecutive taxable years beginning with the first taxable year in which the firm qualifies. If a firm fails to become qualified for any taxable year during this five-year period, it forfeits the right to request state tax incentives for that year. However, the firm is eligible to become qualified for any remaining taxable years of its five-year cycle.

G. Prohibition on requalification due to reorganization of a firm.

A business firm may not qualify for state tax incentives for more than five consecutive taxable years by reorganizing or changing its form in a manner that does not alter the basis of the firm's assets or result in a taxable event.

§ 9.2. Procedures for requesting state tax incentives.

A business firm shall submit annually to the department, along with Form U EZ-4N or Form U EZ-4E, a statement requesting one or more of the state tax incentives provided for in this section. In the case of a partnership or a small business corporation electing to be taxed under Subchapter S of the Federal Internal Revenue Code, the statement requesting state tax incentives shall include the name, address and social security number of each partner or shareholder requesting a credit(s) against state individual income tax as provided for in § 9.2 B.

A. State corporate income tax credits.

A qualified business firm subject to tax under Article 10, Chapter 3, Title 58.1, of the Code of Virginia, may request credits against any such tax due. Corporate income tax credits shall not extend for more than five consecutive tax years. The sum of the corporate income tax credits claimed under this section shall not exceed the business firm's state corporate income tax liability. Corporate income tax credits shall apply only to taxable income attributable to the conduct of business within a zone. A business firm having taxable income from business activity both inside and outside a zone shall allocate and apportion its taxable income attributable to the conduct of business in accordance with the procedures contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against corporate income tax liability for each of five consecutive tax years in an amount equaling:

- a. 80% of the tax due for the first tax year;
- b. 60% of the tax due for the second tax year;
- c. 40% of the tax due for the third tax year; and
- d. 20% of the tax due for the fourth and fifth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against corporate income tax liability for each of five consecutive tax years in an amount equaling:

- a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;
- b. 60% of such tax due for the second tax year;
- c. 40% of such tax due for the third tax year; and
- d. 20% of such tax due for the fourth and fifth tax years.

An unemployment tax credit may only be claimed against the amount of taxable corporate income remaining after the subtraction of any general credit claimed under § 9.2 A(1). An unused employment tax credit may be applied to future tax years within the five-year period established by this section.

B. State individual income tax credits.

A qualified business firm which is subject to state individual income tax may request credits against any such tax due. Individual income tax credits shall not extend for more than five consecutive tax years. The sum of the individual income tax credits claimed under this section shall not exceed the business firm's state individual income tax liability. When a partnership or a small business corporation electing to be taxed under Subchapter S of the Federal Internal Revenue Code is eligible for this tax credit, each partner or shareholder may request the credit on his individual income tax in proportion to the amount of income received by that partner from the partnership, or shareholder from his corporation, respectively. Individual income tax credits shall apply only to taxable income attributable to the conduct of business within a zone. A business firm having taxable income from business activity both inside and outside the zone shall allocate and apportion its taxable income attributable to conduct of business in accordance with the same procedures set forth for corporations subject to corporate income tax, as contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against individual income tax liability for each of five consecutive tax years in an amount equaling:

- a. 80% of the tax due for the first tax year;
- b. 60% of the tax due for the second tax year;
- c. 40% of the tax due for the third tax year; and
- d. 20% of the tax due for the fourth and fifth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against individual income tax liability for each of five consecutive tax years in an amount equaling:

- a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;
- b. 60% of such tax due for the second tax year;
- c. 40% of such tax due for the third tax year; and
- d. 20% of such tax due for the fourth and fifth tax

years.

An unemployment tax credit may only be claimed against the amount of taxable individual income remaining after the subtraction of any general credit claimed under § 9.2 B(1). An unused employment tax credit may be applied to future tax years within the five-year period established by this section.

C. Credits against state franchise or license tax on gross receipts.

A qualified business firm which is subject to state franchise tax on gross receipts or state license tax on gross premium receipts may request a credit against any such tax due. Credits against state franchise or license tax on gross receipts shall not extend for more than five consecutive tax years. The sum of the credits against state franchise or license tax on gross receipts claimed under this section shall not exceed the business firm's state franchise or license tax liability. Credits against state franchise or license tax on gross receipts shall apply only to taxable gross receipts attributable to the active conduct of trade or business within a zone. A business firm having taxable gross receipts from business activity both inside and outside the zone shall allocate and apportion its taxable gross receipts attributable to conduct of business in accordance with the procedures outlined in the definition for "gross receipts attributable to the active conduct of a trade or business within an Urban Enterprise Zone":

1. General credit. A credit may be claimed against tax liability on gross receipts for each of five consecutive tax years in an amount equaling:

- a. 80% of the tax due for the first tax year;
- b. 60% of the tax due for the second tax year;
- c. 40% of the tax due for the third tax year; and
- d. 20% of the tax due for the fourth and fifth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against tax liability on gross receipts for each of five consecutive tax years in an amount equaling:

- a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;
- b. 60% of such tax due for the second tax year;
- c. 40% of such tax due for the third tax year; and
- d. 20% of such tax due for the fourth and fifth tax years.

Final Regulations

An unemployment tax credit may only be claimed against the amount of the taxable gross receipts remaining after the subtraction of any general credit claimed under § 9.2 C(1). An unused unemployment tax credit may be applied to future tax years within the five-year period established by this section.

D. Credits against state franchise tax on net capital.

A qualified business firm which is subject to state franchise tax on net capital may request credits against any such tax due. Credits against state franchise tax on net capital shall not extend for more than five consecutive tax years. The sum of the credits against state franchise tax on net capital claimed under this section shall not exceed the business firm's state franchise tax liability. Credits against state franchise tax on net capital shall apply only to taxable net capital attributable to the active conduct of business within a zone. A business firm having taxable net capital arising from business activity both inside and outside the zone shall allocate and apportion its net capital attributable to conduct of business in accordance with the same procedures set forth for corporations subject to corporate income tax, as contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against tax liability on net capital for each of five consecutive tax years in an amount equaling:

- a. 80% of the tax due for the first tax year;
- b. 60% of the tax due for the second tax year;
- c. 40% of the tax due for the third tax year; and
- d. 20% of the tax due for the fourth and fifth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against tax liability on net capital for each of five consecutive tax years in an amount equaling:

- a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;
- b. 60% of such tax due for the second tax year;
- c. 40% of such tax due for the third tax year; and
- d. 20% of such tax due for the fourth and fifth tax years.

An unemployment tax credit may only be claimed against the amount of taxable net capital remaining after the subtraction of any general credit claimed under § 9.2 D(1). An unused employment tax credit may be applied to

future tax years within the five-year period established by this section.

E. State sales and use tax exemption.

A qualified business firm may request an exemption from state taxes on all items purchased or leased for the conduct of trade or business within a zone as required under §§ 58-441.1, 58.1-600 et seq. of the Code of Virginia. This exemption applies only to the state portion of the sales and use tax and not to any portion of the tax levied under local option. A business firm in its statement to the department requesting an exemption shall specify the amount of state sales and use tax actually paid during the year for which the exemption is claimed. The Virginia Department of Taxation shall review the amount requested and make an appropriate refund to the firm. State sales and use tax exemptions shall not extend for more than five consecutive tax years.

F. Notification to localities of requests for state tax incentives.

The department shall forward to the local governing body of the jurisdiction in which the zone is located: (i) a copy of the business firm's statement requesting state tax incentives; and (ii) the department's determination that the firm is qualified or not qualified to receive such incentives in accordance with the requirements of Part VIII.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

ANNUAL REPORT

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____ Date _____
Chief Administrator _____ Phone _____
Designated Contact Person _____ Phone _____
Address _____

Reporting Period: Beginning January 1, 1988 Ending December 31, 1988.

I. SALE OF SURPLUS PUBLIC LAND

Provide the information requested below for any surplus land owned by the local governing body within its Enterprise Zone not previously listed on the EZ application or earlier annual reports.

<u>Location of Parcel</u> <u>(Street Address)</u>	<u>Size</u> <u>(in Acres)</u>	<u>Date Parcel</u> <u>Determined</u> <u>to be Surplus</u>	<u>Actions Taken Toward</u> <u>Sale of the Parcel</u>
--	----------------------------------	---	--

Provide the information requested below for each parcel of surplus land within the Enterprise Zone sold by the local governing body during the reporting period. Also provide the requested information for parcels previously sold by the local governing body which were developed by the buyer during the reporting period.

<u>Location of Parcel</u> <u>(Street Address)</u>	<u>Size</u> <u>in Acres)</u>	<u>Date of Title</u> <u>Transfer</u>	<u>Type of Development</u> <u>Undertaken by Buyer</u>
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Additional pages may be attached as needed. Use the same format and column headings, and label the pages Attachment EZ-3-AR-I1, Attachment EZ-3-AR-I2, etc.

FORM EZ-3-AR
ANNUAL REPORT

VIRGINIA ENTERPRISE ZONE PROGRAM Locality _____

VIRGINIA ENTERPRISE ZONE PROGRAM Locality _____

II. LOCAL PROGRAM EVALUATION

On a separate page(s), provide an evaluation of the Program's success in achieving the local development objectives listed in the locality's application for zone designation. Also provide the number of business firms which have qualified for approved local incentives during the reporting period. Indicate which local incentives have been requested by the qualified business firms. Label the page(s) of this evaluation Attachment EZ-3-AR-III, Attachment EZ-3-AR-II2, etc.

III. STATE PROGRAM EVALUATION DATA

In the space below, please provide the information outlined below. Information should be based on your knowledge of the zone and local data sources.

- Column A: the number of business firms (both qualified and nonqualified) which began operations within the zone during the reporting period;
- Column B: the number of business firms (both qualified and nonqualified) which expanded their employment in the zone during the reporting period;
- Column C: the number of new jobs created in the zone during the reporting period (whether provided by qualified or nonqualified firms);
- Column D: the number of business closures in the one during the reporting period; and
- Column E: the number of jobs lost as a result of such business closures.

New Firms	Business Expansions	New Jobs	Business Closures	Jobs Lost
_____	_____	_____	_____	_____

If specific data sources are used, please list them below:

III. STATE PROGRAM EVALUATION DATA (cont'd)

For each type of permit listed below, indicate the number and dollar value of permits issued within the Enterprise Zone during the reporting period.

<u>Type of Permit</u>	<u>Number of Permits</u>	<u>Dollar Value (\$1,000)</u>
Nonresidential Structures:		
New Construction	_____	_____
Alterations/Improvements/Additions	_____	_____
Single-Family Residential Structures:		
New Construction	_____	_____
Alterations/Improvements/Additions	_____	_____
Multi-Family Residential Structures:		
New Construction	_____	_____
Alterations/Improvements/Additions	_____	_____
Mobile Homes	_____	_____

IV. ASSURANCES

As the representative of the local governing body of _____, I hereby certify that:

- A. the information in the Annual Report is accurate to the best of my knowledge; and
- B. the approved local program incentives are being provided as indicated in the locality's Application for Urban Enterprise Zone Designation (Form EZ-1).

Chief Administrator

Title

Date

Annual reports are to be submitted to the Department of Housing and Community Development by May 30, 1989.

Questions on this annual report form may be directed to:

Department of Housing and Community Development
Planning Assistance Office
205 North Fourth Street, Richmond, VA 23219
804-786-4966

Form EZ-2
(Rev. July 88)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REQUEST FOR
APPLICATION AMENDMENT*
VIRGINIA ENTERPRISE ZONE PROGRAM

OFFICE OF REGULATIONS
1988 AUG 10 AM 3:12

Locality _____ Date _____
Chief Administrator _____ Phone _____
Designated Contact Person _____ Phone _____
Address _____

I. PURPOSE OF AMENDMENT

Explain why the amendment to approved local incentives or existing zone boundaries is being requested. If additional pages are used, label them Attachment EZ-2-11, Attachment EZ-2-12, etc.

*Notes:

1. To request local incentive amendments only - complete Sections I, XII, XIII, XIV and XVI.
2. To request zone boundary amendments only - complete Sections I through XI, XV, and XVI.
3. To request both zone boundary and local incentive amendments, complete all sections.

1.

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM Locality _____

II. EXPANDED ENTERPRISE ZONE AREA LOCATION AND BOUNDARIES

List below all 1980 U. S. Census block groups comprising the proposed expanded enterprise zone area. Block groups should be listed according to the 1980 U. S. Census tract in which they are located. Joint applications should indicate the locality in which each block group is located. Complete only if an expansion to existing zone boundaries is being requested.

The following two maps must be included as attachments to this application if an expansion to existing zone boundaries is being requested.

- A. A map of the locality showing the location and general boundaries of the proposed addition and the new zone boundaries. Label this map Attachment EZ-2-IIA.
- B. A 1980 U. S. Census block map of the enterprise zone clearly showing the boundaries of the proposed addition and the new zone boundaries. Label the map Attachment EZ-2-IIB.

2.

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

III. EXPANDED ENTERPRISE ZONE AREA DEVELOPMENT HISTORY

- A. Describe the factors which accounted for the proposed expanded enterprise zone area's past growth, and indicate if they are still an influence. Complete only if an expansion to existing zone boundaries is being requested and the factors are different than those described in Form EZ-1 for the original zone area. Comments must be confined to the space provided.

- B. Describe any recent changes which have occurred in the proposed expanded enterprise zone area's economic and social conditions, and indicate how these changes compare to changes in conditions within the city or county as a whole. Provide documentation of trends whenever possible. Complete only if an expansion to existing zone boundaries is being requested and the changes are different than described in Form EZ-1 for the original zone area. Comments must be confined to the space provided.

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

IV. EXPANDED ENTERPRISE ZONE AREA LOCAL REVITALIZATION EFFORTS

Describe any past or present community development, urban renewal or other activities of the locality or any other organization aimed at revitalizing the proposed expanded enterprise zone area. Summarize the impact of these actions on the development problems of the area. Complete only if an expansion to existing zone boundaries is being requested and the revitalization efforts are different than those described in Form EZ-1 for the original zone area.

V. EXPANDED ENTERPRISE ZONE AREA LAND USE CHARACTERISTICS

Describe in general the land use characteristics of the proposed expanded enterprise zone area. Complete only if an expansion to existing zone boundaries is being requested. Comments must be confined to the space provided.

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

VI. EXPANDED ENTERPRISE ZONE AREA LAND USE CHARACTERISTICS (cont'd)

The following two maps must be included as attachments to this application if an expansion to existing zone boundaries is being requested.

- A. A map of the proposed expanded enterprise zone showing the existing land use characteristics according to the following characteristics:

<u>Privately-Held Land</u>	<u>Publicly-Held Land</u>
Business/Commercial	State/Federal Land
Industrial	Local Public Land Presently in Use
Institutional	Undeveloped/Unutilized Local Public Land
Single-Family Residential	
Multi-Family Residential	
Agriculture/Undeveloped	

Indicate on this map the acreage of the expanded zone area and the total zone acreage. Also indicate the approximate number of acres devoted to each type of land use in the expanded zone area. Show the boundaries of any community development or urban renewal project areas within the proposed expanded enterprise zone area. Label this map Attachment EZ-2-VIA.

- B. A map of the proposed expanded enterprise zone area showing the boundaries of existing zoning districts. Label this map Attachment EZ-2-VIB. (If the area is not zoned, this map need not be provided.)

VII. ENTERPRISE ZONE POPULATION AND HOUSING CHARACTERISTICS

Use 1980 U. S. Census data or the most current data from the Center for Public Service of the local planning district commission to complete all portions of Part VII. Calculate for total zone area. Complete only if an expansion to existing zone boundaries is being requested.

A. Total Population _____	G. Total Year-Round Housing Units _____
B. Persons in Poverty: Number _____ Percent _____	R. Vacant Year-Round Housing Units: Number _____ Percent _____
C. Total Households _____	I. Year-Round Housing Units Lacking Complete Plumbing Facilities: Number _____ Percent _____
D. Households Receiving Public Assistance Income: Number _____ Percent _____	J. Year-Round Housing Units With 1.01 or More Persons Per Room: Number _____ Percent _____
E. Total Civilian Labor Force _____	K. Median Household Income (Entire Jurisdiction) _____
F. Civilian Labor Force Members Unemployed: Number _____ Percent _____	L. Households With Income Below 80% of Median Household Income: Number _____ Percent _____

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

VIII. EXPANDED ENTERPRISE ZONE AREA PHYSICAL DEFICIENCIES

Describe any serious deficiencies in the physical condition of the following types of structures and facilities within the proposed expanded enterprise zone area which have impeded private investment or otherwise contributed to the problems of the area. Complete only if an expansion to existing zone boundaries is being requested and the deficiencies are different than those described in Form EZ-1 for the original zone area.

- A. Infrastructure (e.g., water, sewer, storm sewer, electrical, road and sidewalk facilities, etc.):

- B. Community Facilities (e.g., schools, police and fire stations, libraries, parks and recreational facilities, etc.):

- C. Commercial and Industrial Facilities:

- D. Housing:

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM Locality _____

IX. EXPANDED ENTERPRISE ZONE AREA INVESTMENT OPPORTUNITIES

List and indicate the square footage of any large vacant facilities in the proposed expanded enterprise zone area which provide major investment opportunities. Complete only if an expansion to existing zone boundaries is being requested. Use only the space provided.

X. EXPANDED ENTERPRISE ZONE AREA LOCAL DEVELOPMENT OBJECTIVES

List any additional development objectives that the locality hopes to achieve in the expanded enterprise zone area through the Virginia Enterprise Zone Program. These objectives should be specific and quantifiable. Complete only if an expansion to the existing zone boundaries is being requested and if there are additional development objectives. Use only the space provided.

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM Locality _____

XI. EXPANDED ENTERPRISE ZONE AREA BARRIERS TO INVESTMENT

Summarize the major barriers in the expanded enterprise zone area impeding the achievement of the development objectives listed in Part X. Complete only if an expansion to existing zone boundaries is being requested. Comments must be confined to the space provided.

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

XII. LOCAL INCENTIVES TO BE DELETED OR REVISED

Identify all local enterprise zone incentives which are proposed to be deleted or revised. It is not necessary in this section to explain the nature of any proposed revisions. If additional pages are needed, label them Attachment EZ-2-XII1, Attachment EZ-2-XII2, etc.

XIII. LOCAL INCENTIVES TO BE ADDED OR REVISED

On the following page, furnish the information described below for each new or revised local incentive to be provided in support of the enterprise zone.

Incentive: Briefly describe the proposed new or revised incentive.

Provider: Indicate who will be providing the incentive. If the applicant itself is to be the provider, so indicate with "applicant" or, in the case of joint applications, with the name of the appropriate locality. If an assigned agent is to be the provider, indicate the name of the organization or entity.

Limitations on Applicability: Indicate any limitations to be imposed on the applicability of the incentive to businesses or residents in the zone. If the incentive is to be made available without limitation, so indicate with "none".

Period of Availability: Indicate the time period for which the incentive will be made available (i.e., for the remaining life of the zone or for a shorter period - specify).

Effective Date: Indicate when the incentive will become effective (e.g., upon the approval date of the amendment, upon the date of passage of a local ordinance, etc.).

Source of Funds: For activities requiring direct expenditures, indicate the source of funds. If no direct expenditures are involved, so indicate with "n.a."

Additional pages may be attached as necessary (8 1/2"x11"--one side only). The information provided on additional pages must be presented in the same format used here. Label any additional pages Attachment EZ-2-XIII1, Attachment EZ-2-XIII2, etc.

Number of additional pages attached: _____

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

XIII. LOCAL INCENTIVES TO BE ADDED OR REVISED (cont'd)

Important: See instructions on page 9 before completing this page.

Incentive:

Provider:

Limitations on Applicability:

Period of Availability:

Effective Date:

Source of Funds:

Incentive:

Provider:

Limitations on Applicability:

Period of Availability:

Effective Date:

Source of Funds:

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

XIV. IMPACT OF AMENDED LOCAL ENTERPRISE ZONE INCENTIVES

Describe the projected impact of the amended local incentives on investment in the enterprise zone. Indicate specifically how the amended local incentives will be equal or superior to the ones they replace in helping to offset the investment barriers described in Part XI of the application for zone designation. If additional pages are used, label them Attachment EZ-2-XIV1, Attachment EZ-2-XIV2, etc.

VIRGINIA ENTERPRISE ZONE PROGRAM

Locality _____

Form EZ-2

XV. IMPACT OF STATE TAX INCENTIVES

Describe the projected impact of the State tax incentives provided through this Program on investment in the proposed expanded enterprise zone area. Indicate specifically how the State tax incentives will help offset the investment barriers described in Part XI. Complete only if an expansion to existing zone boundaries is being requested and the projected impact is different than that described in Form EZ-1 for the original zone area. Comments must be confined to the space provided.

Form EZ-2

VIRGINIA ENTERPRISE ZONE PROGRAM Locality _____

XVI. LOCAL ASSURANCES AND AUTHORIZATION

As the representative of the local governing body of _____, I hereby certify that:

- A. the information in this request for application amendment is accurate to the best of my knowledge;
- B. any local enterprise zone incentives proposed by the aforementioned locality in this request for application amendment represent a firm commitment;
- C. it is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, the zone shall be subject to termination; and
- D. a public hearing was held by the aforementioned locality to solicit comments on this request for application amendment.

Chief Administrator Title Date

Important: All requests for application amendment must include a resolution of the local governing body. Label this resolution(s) Attachment EZ-2-XVI.

VIRGINIA URBAN ENTERPRISE ZONE PROGRAM
Statement Requesting State Tax Credits

FORM UEZ-4S (1/85)

IMPORTANT
THIS STATEMENT MUST BE
ATTACHED TO FORM UEZ-4E OR
UEZ-4N.

PART A: BACKGROUND INFORMATION

- 1. LOCALITY WHERE DESIGNATED ZONE IS LOCATED _____ 2. LEGAL NAME OF BUSINESS FIRM _____
- 3. PRINCIPAL MAILING ADDRESS
(Where determination of qualification will be sent):
Rt., Street or P.O. Box _____ City or Town _____ State _____ Zip Code _____
- 4. BUSINESS FIRM IDENTIFICATION NUMBERS (BOTH NUMBERS ARE REQUIRED):
Federal Employer I.D. No. _____ Virginia Employment Commission (VEC) ID No. _____
- 6. CHECK THE APPROPRIATE BOX TO INDICATE TYPE OF BUSINESS ORGANIZATION. IF OTHER, SPECIFY TYPE.
 SOLE PROPRIETORSHIP PARTNERSHIP OTHER
 S CORPORATION CORPORATION

PART B: REQUEST FOR STATE TAX CREDITS

- 1. STATE TAX CREDITS ARE REQUESTED FOR _____ AND _____
TAXABLE YEAR BEGINNING _____ 19 _____ ENDING _____ 19 _____
(This taxable year is the same taxable year used for Program qualification purposes. See PART II, Item 3 on Form UEZ-4E or Form UEZ-4N).
- 2. The following State tax credits are requested for the above stated taxable year. (See Section 9.00 of the Urban Enterprise Zone Program Regulations which are included in the Instructions.)
A. STATE INCOME, FRANCHISE OR LICENSE TAX. CHECK APPROPRIATE BOX.
 State corporate income tax State individual income tax
 State franchise or license tax on gross receipts State franchise tax on net capital
- B. STATE UNEMPLOYMENT TAX. Indicate legal name, street address and 4-digit SIC number of each zone establishment for which State unemployment tax on employees (Article 1, Chapter 5, Title 60.1, Code of Virginia) was paid during the taxable year stated above. See Exhibit A, Codes for Principal Business Activity in Instructions.

Legal Name _____ Street Address _____ SIC Number _____
- C. STATE RETAIL SALES AND USE TAX. Does this firm request a refund of State Retail Sales and Use Tax which was paid during the taxable year, stated above, for conduct of trade or business within the urban enterprise zone? Yes No. If yes, complete Item 3 in PART D below.

PART C: DECLARATION

- 1. BUSINESS FIRM REPRESENTATIVE: I, the undersigned representative of the business firm for which this request is made, declare that this request has been examined by me and is, to the best of my knowledge, an accurate statement. (The signer must be authorized to sign on behalf of the business firm.)

Signature _____ Typed or Printed Name _____ Title _____ Type _____
- 1. Received _____ 2. a. Processed _____ b. Certificate No. _____

PART D: TAX ADMINISTRATION INFORMATION

- 1. STATE CORPORATE INCOME TAX: Complete this item ONLY if the firm is a subsidiary. Provide the following information about the parent corporation:
Legal Name _____ Federal Employer I.D. No. _____
- 2. STATE INDIVIDUAL INCOME TAX: Complete this item ONLY if the firm is a partnership or a small business corporation electing to be taxed under Subchapter S of the Federal Internal Revenue Code. List the name, address and social security number of each partner or shareholder. List in the same order as on the appropriate federal and Virginia returns: for partnerships, Schedule K-1 or Schedule KJ1; for S Corporations, Schedule K of Form 1065 and Form 501; and for S Corporations, Schedule K of Form 1120S and Form 900S.
SOCIAL SECURITY NUMBERS ARE REQUESTED FOR TAX ADMINISTRATION PURPOSES ONLY.
Partner/Shareholder Name _____ Address _____ Social Security Number _____
A _____
B _____
C _____
If additional space is needed, attach a separate sheet using same headings. No. of Attachments _____
- 3. STATE RETAIL SALES AND USE TAX. Indicate amount actually paid for taxable year (same as item 1 in PART B above) on all items purchased or leased for the conduct of trade or business within a Virginia Urban Enterprise Zone. This amount applies ONLY to the state portion of the retail sales and use tax and NOT to any portion of the tax levied under local option. (Code of Virginia references were revised as of January 1, 1985. The old reference is 58-44.1; at sec. the new reference is 58.1-600.)
AMOUNT ACTUALLY PAID \$ _____
- 4. STATE UNEMPLOYMENT TAX: Complete this item ONLY if the zone establishment(s) for which State unemployment tax on employees was paid (identified in PART B, Item 2B, above) does not have a separate Virginia Employment Commission (VEC) identification number. List the name and social security number of each full-time employee assigned to the zone establishment(s) for at least one half of his normally scheduled work days.

SOCIAL SECURITY NUMBERS ARE REQUESTED FOR TAX ADMINISTRATION PURPOSES ONLY

Employee Name _____ Social Security Number _____
A _____
B _____
C _____

If additional space is needed, attach a separate sheet using same headings. No. of Attachments _____

DETACH LAST COPY AND KEEP FOR YOUR RECORDS. MAIL OR DELIVER THIS STATEMENT TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, 205 NORTH FOURTH STREET, RICHMOND, VA 23219 NO LATER THAN 30 CALENDAR DAYS PRIOR TO YOUR NORMAL OR EXTENDED DEADLINE FOR FILING A RETURN FOR STATE CORPORATE INCOME TAX, OR STATE INDIVIDUAL INCOME TAX, OR STATE FRANCHISE OR LICENSE TAX ON GROSS RECEIPTS, OR STATE FRANCHISE TAX ON NET CAPITAL.

1986A
FORM UEZ-4 (1/79)
REV. 12/87

VIRGINIA URBAN ENTERPRISE ZONE PROGRAM Request to Qualify For State Tax Credits NEW FIRMS

PART I: BACKGROUND INFORMATION

1. LOCALITY WHERE ZONE IS LOCATED: _____
2. CHECK BOX TO INDICATE WHEN BUSINESS FIRM BEGAN OPERATING IN ZONE:
 For Zones designated effective Jan. 1, 1984 (This box is for "new" firms) Before Jan. 1, 1984 (If this box is checked, you need form UEZ-4E) After Jan. 1, 1984 (This box is for "new" firms)
 For Zones designated effective Jan. 1, 1985 (This box is for "new" firms) Before Jan. 1, 1985 (If this box is checked, you need form UEZ-4E) After Jan. 1, 1985 (This box is for "new" firms)
 For Zones designated effective Jan. 1, 1986 (If this box is checked, you need form UEZ-4E) Before Jan. 1, 1986 (If this box is checked, you need form UEZ-4E) After Jan. 1, 1986 (This box is for "new" firms)
3. NAME OF BUSINESS FIRM: _____
 (Legal Name) (If different from legal name)
4. PRINCIPAL MAILING ADDRESS (Where determination of qualification will be sent): _____
 Name of Person City or Town State ZIP Code
5. BUSINESS FIRM CONTACT: _____
 Name of Person City or Town State ZIP Code
6. Indicate legal name, street address and 4-digit SIC number of each zone establishment. See Codes for Principal Business Activity in Instructions.

Legal Name	Street Address	SIC Number
1. Check appropriate box to indicate type of State tax which applies to your firm: <input type="checkbox"/> State corporate income tax <input type="checkbox"/> State franchise or license tax on gross receipts <input type="checkbox"/> State franchise or license tax on net capital		
2. Filing deadline for State tax checked on line 1: MO DAY 19 and ending 19		
3. Qualification is requested for taxable year beginning 19 and ending 19		

PART II: QUALIFICATION INFORMATION

1. Check appropriate box to indicate type of State tax which applies to your firm: State corporate income tax State franchise or license tax on gross receipts State franchise or license tax on net capital
2. Filing deadline for State tax checked on line 1: MO DAY 19 and ending 19
3. Qualification is requested for taxable year beginning 19 and ending 19
4. QUALIFICATION REQUIREMENTS: See instructions for method of computing these numbers.
 - 1) Dollar amount of adjusted gross expenses (PROXY FOR GROSS RECEIPTS) TEST
 Item II-3 above) which was attributed to all establishments inside the zone. Round to the nearest one hundred dollars. \$ _____
 Item II-3 above) which was attributed to all establishments both inside and outside the zone. Round to the nearest one hundred dollars. \$ _____
 (Percent of adjusted gross expenses attributable to zone activity. Divide item A-1) by item A-2), multiply by 100 and round to the nearest whole percent. _____ %
 - 2) AVERAGE NUMBER OF FULL-TIME EMPLOYEES TEST
 (Average number of full-time employees who were employed at the firm's zone establishment(s) during the Qualification Taxable Year, which is the same as item II-3 above. _____)
 (Average number of full-time employees in item B-1) above. _____
 (Percent of average full-time employees who meet the definition of low-income person. Subtract line B(1) from line B(2). _____)
 (Average number of full-time employees in item B-3) who meet the definition of low-income person. _____
 (Percent of increase in average full-time employees. Divide item B-3) by item B-1), multiply by 100 and round to the nearest whole percent. _____ %
 - 3) Percent of increase in average full-time employees who meet the definition of low-income person. Divide item B-4) by item B-3), multiply by 100 and round to the nearest whole percent. _____ %

PART III: DECLARATION

1. BUSINESS FIRM REPRESENTATIVE: I, the undersigned representative of the business firm for which this request is made, declare that this request has been submitted by me and is, to the best of my knowledge, an accurate statement. (The signer must be authorized to sign on behalf of the business firm.)
 Signature: _____ Title or Printed Name: _____ Date: _____
2. CERTIFIED PUBLIC ACCOUNTANT: We, the undersigned, declare that this request has been prepared by us and is, to the best of our knowledge, an accurate statement. We further affirm that this business firm meets the requirements for becoming a qualified firm as set forth in the Rules and Regulations of the Virginia Urban Enterprise Zone Program and that the establishments of this business firm are not an employee of this business firm which is seeking to qualify for State tax incentives under the Program.
 Signature: _____ Title or Printed Name: _____ Date: _____

Office Use Only
1. Received _____ 2. Processed _____ b. Certificate No. _____

Comments: _____

DETACH LAST COPY AND KEEP FOR YOUR RECORDS. MAIL OR DELIVER THIS FORM TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, 205 NORTH FORT ST. STREET, RICHMOND, VA 23219. THIS FORM IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE STATE CORPORATE INCOME TAX, OR STATE INDIVIDUAL INCOME TAX, OR STATE FRANCHISE OR LICENSE ON GROSS RECEIPTS, OR STATE FRANCHISE TAX ON NET CAPITAL.

1986A
FORM UEZ-4 (1/79)

VIRGINIA URBAN ENTERPRISE ZONE PROGRAM Request to Qualify For State Tax Credits EXISTING FIRMS

PART I: BACKGROUND INFORMATION

1. LOCALITY WHERE ZONE IS LOCATED: _____
2. CHECK BOX TO INDICATE WHEN BUSINESS FIRM BEGAN OPERATING IN ZONE:
 For Zones designated effective Jan. 1, 1984 (This box is for "existing" firms) Before Jan. 1, 1984 (This box is for "existing" firms) After Jan. 1, 1984 (If this box is checked, you need form UEZ-4E)
 For Zones designated effective Jan. 1, 1985 (This box is for "existing" firms) Before Jan. 1, 1985 (This box is for "existing" firms) After Jan. 1, 1985 (If this box is checked, you need form UEZ-4E)
 For Zones designated effective Jan. 1, 1986 (If this box is checked, you need form UEZ-4E) Before Jan. 1, 1986 (If this box is checked, you need form UEZ-4E) After Jan. 1, 1986 (This box is for "existing" firms)
3. NAME OF BUSINESS FIRM: _____
 (Legal Name) (If different from legal name)
4. PRINCIPAL MAILING ADDRESS (Where determination of qualification will be sent): _____
 Name of Person City or Town State ZIP Code
5. BUSINESS FIRM CONTACT: _____
 Name of Person City or Town State ZIP Code
6. Indicate legal name, street address and 4-digit SIC number of each zone establishment. See Codes for Principal Business Activity in Instructions.

Legal Name	Street Address	SIC Number
1. Check appropriate box to indicate type of State tax which applies to your firm: <input type="checkbox"/> State corporate income tax <input type="checkbox"/> State franchise or license tax on gross receipts <input type="checkbox"/> State franchise or license tax on net capital		
2. Filing deadline for State tax checked on line 1: MO DAY 19 and ending 19		
3. Qualification is requested for taxable year beginning 19 and ending 19		

PART II: QUALIFICATION INFORMATION

1. Check appropriate box to indicate type of State tax which applies to your firm: State corporate income tax State franchise or license tax on gross receipts State franchise or license tax on net capital
2. Filing deadline for State tax checked on line 1: MO DAY 19 and ending 19
3. Qualification is requested for taxable year beginning 19 and ending 19
4. Base Taxable Year for Business Firm beginning 19 and ending 19
5. QUALIFICATION REQUIREMENTS: See instructions for method of computing these numbers.
 - 1) Dollar amount of adjusted gross expenses (PROXY FOR GROSS RECEIPTS) TEST
 Item II-3 above) which was attributed to all establishments inside the zone. Round to the nearest one hundred dollars. \$ _____
 Item II-3 above) which was attributed to all establishments both inside and outside the zone. Round to the nearest one hundred dollars. \$ _____
 (Percent of adjusted gross expenses attributable to zone activity. Divide item A-1) by item A-2), multiply by 100 and round to the nearest whole percent. _____ %
 - 2) AVERAGE NUMBER OF FULL-TIME EMPLOYEES TEST
 (Average number of full-time employees who were employed at the firm's zone establishment(s) during the Qualification Taxable Year, which is the same as item II-3 above. _____)
 (Average number of full-time employees who were employed at the firm's zone establishment(s) during the Qualification Taxable Year, which is the same as item II-3 above. _____)
 (Average number of full-time employees in item B-2) who were hired after the Base Taxable Year. (Subtract line B(1) from line B(2). _____)
 (Average number of full-time employees in item B-3) who meet the definition of low-income person. _____
 (Percent of increase in average full-time employees. Divide item B-3) by item B-1), multiply by 100 and round to the nearest whole percent. _____ %
 - 3) Percent of increase in average full-time employees who meet the definition of low-income person. Divide item B-4) by item B-3), multiply by 100 and round to the nearest whole percent. _____ %

PART III: DECLARATION

1. BUSINESS FIRM REPRESENTATIVE: I, the undersigned representative of the business firm for which this request is made, declare that this request has been submitted by me and is, to the best of my knowledge, an accurate statement. (The signer must be authorized to sign on behalf of the business firm.)
 Signature: _____ Title or Printed Name: _____ Date: _____
2. CERTIFIED PUBLIC ACCOUNTANT: We, the undersigned, declare that this request has been prepared by us and is, to the best of our knowledge, an accurate statement. We further affirm that this business firm meets the requirements for becoming a qualified firm as set forth in the Rules and Regulations of the Virginia Urban Enterprise Zone Program and that the establishments of this business firm are not an employee of this business firm which is seeking to qualify for State tax incentives under the Program.
 Signature: _____ Title or Printed Name: _____ Date: _____

Office Use Only
1. Received _____ 2. Processed _____ b. Certificate No. _____

Comments: _____

DETACH LAST COPY AND KEEP FOR YOUR RECORDS. MAIL OR DELIVER THIS FORM TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, 205 NORTH FORT ST. STREET, RICHMOND, VA 23219. THIS FORM IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE STATE CORPORATE INCOME TAX, OR STATE INDIVIDUAL INCOME TAX, OR STATE FRANCHISE OR LICENSE ON GROSS RECEIPTS, OR STATE FRANCHISE TAX ON NET CAPITAL.

MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-8800. Extension of Public Relaying Season.

Statutory Authority: § 28.1-179 D 3 of the Code of Virginia.

Effective Date: August 16, 1988 to September 17, 1988.

Preamble:

The following order of the Virginia Marine Resources Commission extends the season for relaying shellfish from condemned public clam grounds in the Hampton Roads and Willoughby Bay areas, Condemnation Areas No. 7 and No. 15.

§ 1. Authority, and effective date.

A. This order is promulgated pursuant to authority contained in § 28.1-179 D 3 of the Code of Virginia.

B. The effective date of this order is August 16, 1988.

§ 2. Purpose.

The purpose of this order is to extend the season for relaying of shellfish from the condemned public grounds for cleansing.

§ 3. Season extension.

The season for relaying of shellfish from condemned public grounds shall be extended to September 16, 1988.

§ 4. Area description.

The public season for relaying shellfish is extended for the areas known as Hampton Roads and Willoughby Bay, Condemnation Areas No. 7 and No. 15.

§ 5. Expiration date.

This order shall terminate September 17, 1988.

/s/ William A. Pruitt
Commissioner
Date: August 5, 1988

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulations: State Plan for Medical Assistance Relating to Reimbursement for Non-Enrolled Providers. VR 460-02-4.191. Inpatient Hospital Reimbursement. VR 460-02-4.192. All Other Institutional (Cost Reimbursed) and Non-Institutional (Fee-For-Service) Providers' Reimbursement. VR 460-02-4.194. Long Term Care Facility Services.

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

Effective Dates: August 29, 1988 through August 28, 1989.

DECISION BRIEF FOR: The Honorable Gerald L. Baliles, Governor

SUBJECT: EMERGENCY REGULATION FOR NON-ENROLLED PROVIDER REIMBURSEMENT

SUMMARY

1. REQUEST: The Governor's approval is hereby requested to adopt the emergency regulation concerning the Reimbursement of Non-Enrolled Providers.

2. RECOMMENDATION:

/s/ Ray T. Sorrell, Director
Date: July 21, 1988

3. CONCURRENCES:

Deputy Secretary of Health and Human Resources:

Concur

/s/ Maston T. Jacks (for Eva S. Teig)
Date: July 22, 1988

4. GOVERNOR'S ACTION:

Approve

/s/ Gerald L. Baliles, Governor
Date: August 3, 1988

5. FILED WITH:

/s/ Ann M. Brown, Deputy Registrar of Regulations
Date: August 4, 1988 - 9:56 a.m.

DISCUSSION.

BACKGROUND: The Code of Federal Regulations, at 42 CFR 431.52, requires that "A State plan must provide that the State will furnish Medicaid to:

- (1) A recipient who is a resident of the State while that recipient is in another State, to the same extent

that Medicaid is furnished to residents in the State, when:

(i) Medical services are needed because of a medical emergency;

(ii) Medical services are needed because the recipient's health would be endangered if he were required to travel to his State of residence;

(iii) The State determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other State; or

(iv) It is the general practice for recipients in a particular locality to use medical resources in another State."*

Medicaid providers have the option of enrolling with the Program to serve Medicaid recipients. Without exception, high volume providers are enrolled. There are some providers, mainly out of state and near our borders, who serve Virginia Title XIX recipients on an emergency basis or infrequently, and therefore, do not enroll. For cost effectiveness purposes two different payment systems were used for enrolled and non-enrolled institutional (hospitals and nursing homes) providers. Historically, both systems paid approximately the same. However, with the many cost savings initiatives implemented since 1982 affecting enrolled providers, a disparity in the amount of reimbursement has developed between the enrolled and non-enrolled reimbursement methodologies.

Recently, an enrolled institutional (hospital) provider recognized the disparity between the two methodologies and requested a change in its participation status from an enrolled provider to a non-enrolled provider. Being a non-enrolled provider would allow it to receive higher reimbursement because Medicaid pays 84% of the charges submitted by non-enrolled institutional providers and approximately 59% for enrolled. As an enrolled provider, this hospital's per diem rate for the cost report year ending 6/30/87, was about \$435. As a non-enrolled provider, the per diem rate is currently about \$1130. Should even a small portion of the currently enrolled institutional providers initiate a similar action, the resultant fiscal impact would be significant.

[*NOTE: The Code of Federal Regulations, as printed in the volume effective October 1, 1987, also states "(2) A child for whom the State makes adoption assistance or foster care maintenance payments under title IV-E of the Act." This provision has been superseded by Public Law 99-272, Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA required that adoption assistance and foster care maintenance payment children are to be considered residents of the state where they are living regardless of the state making these two kinds of assistance payments.]

Emergency Regulations

The current procedure for non-enrolled institutional providers creates significant administrative problems for the Department and may prove to be very costly:

- manual transference of claims billing information from the registered providers' claims to the Department's computerized claims is labor intensive;
- due to the absence of a common invoice for registered providers, the invoice submitted describing the claim is subject to interpretation by Department personnel in preparing the claim for computer processing; this results in different approved payment amounts for the same services;
- the manual system makes identifying duplicate claims difficult;
- the current registered provider system impedes the collection of necessary data about services rendered, their frequency, and approved payments as compared to provider charges; and
- lack of uniformity of payment to enrolled and non-enrolled providers may result in more enrolled providers seeking non-enrolled status.

7. **AUTHORITY TO ACT:** At the May 10, 1988, meeting, the Board of Medical Assistance Services discussed the increasing incidence of Medicaid providers cancelling their enrollment in order to increase their reimbursement. The Board approved the adoption of a uniform policy of reimbursement for non-enrolled providers and directed DMAS to proceed with an emergency regulation and the initiation of the Administrative Process Act, pursuant to the Code of Virginia § 9-6.14:7.1. The process of preparing the emergency regulation identified some policy problems which required resolution before completion of the regulation.

The Governor is requested to approve the adoption of an emergency regulation in accordance with the Code of Virginia § 9-6.14:4.1(C)(5). This emergency regulation is to become effective upon adoption by the Director (pursuant to the authority set out in the Code § 32.1-324) and filing with the Registrar of Regulations, and is to remain in effect for twelve full months or until superseded by final regulations resulting from the Administrative Process Act.

8. **FISCAL/BUDGETARY IMPACT:** Without this approval, the Department will lack the regulatory authority to expeditiously modify its reimbursement methodology for non-enrolled providers. Failure to take such action will allow all 105 currently enrolled hospitals to change their provider status to non-enrolled. If all hospitals did this, DMAS expenditures for hospital services would increase 159% resulting in a significant Program deficit.

9. **RECOMMENDATION:** Recommend approval of this request to take an emergency adoption action. Without an effective emergency regulation, the Department would lack

the authority to equalize non-enrolled and enrolled providers' reimbursements for the nine to twelve months required by the APA process.

10. **Approval Sought for VR 460-02-4.191, 460-02-4.192, 460-02-4.194.**

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

* * *

VR 460-02-4.191. Inpatient Hospital Reimbursement.

XII. Non-enrolled providers.

A. *Hospitals that are not enrolled as providers with the Department of Medical Assistance Services (DMAS) which submit claims shall be paid using the DMAS average reimbursable inpatient cost-to-charge ratio, updated annually, for enrolled hospitals less five percent. The five percent is for the cost of the additional manual processing of the claims. Hospitals that are not enrolled shall submit claims on DMAS invoices. A yearly review shall be made to determine the number of Medicaid recipients served by non-enrolled hospitals. A hospital is determined to regularly treat Virginia Medicaid recipients and shall be required by DMAS to enroll if it provides more than 100 days of care to Medicaid recipients in a year. The Operations and Provider Services Division shall determine whether a hospital is to be enrolled.*

B. *Prior approval must be received from the DMAS Health Services Review Division when a referral has been made for treatment to be received from a non-enrolled acute care facility (in-state or out-of-state), except in the case of an emergency or because medical resources or supplementary resources are more readily available in another state.*

VR 460-02-4.192. All Other Institutional (Cost Reimbursed) and Non-Institutional (Fee-For-Service) Providers' Reimbursement.

n. *Reimbursement for all other non-enrolled institutional and non-institutional providers.*

A. *All other non-enrolled providers shall be reimbursed the lesser of the charges submitted, the DMAS cost to charge ratio, or the Medicare limits for the services provided.*

B. *Outpatient hospitals that are not enrolled as providers with the Department of Medical Assistance Services (DMAS) which submit claims shall be paid using the DMAS average reimbursable outpatient cost-to-charge ratio, updated annually, for enrolled outpatient hospitals less five percent. The five percent is for the cost of the additional*

Emergency Regulations

manual processing of the claims. Outpatient hospitals that are not enrolled shall submit claims on DMAS invoices.

C. Non-enrolled providers of non-institutional services shall be paid on the same basis as enrolled in-state providers of non-institutional services. Non-enrolled providers of physician, dental, podiatry, optometry, and clinical psychology services, etc., shall be reimbursed the lesser of the charges submitted, or the DMAS rates for the services.

D. All non-enrolled non-institutional providers shall be reviewed every two years for the number of Medicaid recipients they have served. Those providers who have had no claims submitted in the past twelve months shall be declared inactive.

VR 460-02-4.194. Long Term Care Facility Services.

e. Reimbursement of non-enrolled long term care facilities.

A. Non-enrolled providers of institutional long term care services shall be reimbursed based upon the average per diem cost, updated annually, reimbursed to enrolled intermediate or skilled care providers.

B. Prior approval must be received from the DMAS Medical Social Services Division for recipients to receive institutional services from non-enrolled long term care facilities. Prior approval can only be granted:

- 1. When the non-enrolled long term care facility with an available bed is closer to the recipient's Virginia residence than the closest facility located in Virginia with an available bed, or*
- 2. When long term care special services, such as intensive rehabilitation services, are not available in Virginia, or*
- 3. If there are no available beds in Virginia facilities.*

Exception. (applicable to VR 460-02-4.191, 460-02-4.192, 460-02-4.194)

A. Nothing in this regulation is intended to preclude DMAS from reimbursing for special services, such as rehabilitation, ventilator, and transplantation, on an exception basis and reimbursing for these services on an individually, negotiated rate basis.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0020. Classification of
Expenditures.

Governor's Comment:

I endorse the general objective of establishing a new chart of accounts for local school divisions. These regulations could, however, have an impact on the budgetary relationships between local school boards and governing bodies. I ask the State Board of Education to pay particular attention to the comments of the school boards and local governing bodies and, if necessary, to extend the period for public comment to solicit the review of as many local officials as possible.

/s/ Gerald L. Baliles

Date: July 28, 1988

GENERAL NOTICES/ERRATA

Symbol Key †
† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Conservation and Historic Resources intends to consider amending regulations entitled: **Standards for Classification of Real Estate as Devoted to Open Space Use Under the Virginia Land Use Tax Assessment Law**. The purpose of the proposed action is to amend the Standards for Classification of Real Estate as Devoted to Open Space under the Virginia Land Use Assessment Law to clarify the standards and strengthen eligibility requirements for participation in accordance with the current law as amended by the 1988 Acts of Assembly.

Statutory Authority: §§ 10.1-104 and 58.1-3230 of the Code of Virginia.

Written comments may be submitted until September 1, 1988, to B.C. Leynes, Jr., Director, Department of Conservation and Historic Resources, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

Contact: Leon A. App, Executive Assistant, Department of Conservation and Historic Resources, 203 Governor St., Suite 302, Richmond, Va. 23219, telephone (804) 786-6124

VIRGINIA FIRE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Fire Services Board intends to consider amending regulations entitled: **Certification Standards for Fire Inspector I and II**. The purpose of the proposed action is to revise the present regulations to include training for issuing, obtaining and serving inspection warrants according to § 27-98.1 et seq. of the Code of Virginia. This section was added to the Code by the passage of House Bill 564 by the 1988 General Assembly.

Statutory Authority: § 27-34.2 of the Code of Virginia.

Written comments may be submitted until October 1, 1988.

Contact: Robert Williams, II, Fire Services Training Specialist, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681 or SCATS

225-2681

DEPARTMENT OF HEALTH (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Regulations for Disease Reporting and Control**. The purpose of the proposed action is to amend the regulations and thereby comply with current disease control policies and new statutory requirements.

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

Written comments may be submitted until September 2, 1988.

Contact: C. Diane Woolard, M.P.H., Senior Epidemiologist, Department of Health, Office of Epidemiology, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6261

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Rules and Regulations Governing Emergency Medical Services (EMS)**. The purpose of the proposed action is to amend the standards for licensure of EMS agencies and EMS vehicles by type of services rendered, required medical equipment, supplies, vehicle specifications and the personnel required for each classification. By reference EMS Agency guidelines and EMT and First Responder Guidelines and Procedures are part of the regulations and include updated amendments.

Statutory Authority: § 32.1-112 of the Code of Virginia.

Written comments may be submitted until September 2, 1988, to the Division of Emergency Medical Services, 109 Governor Street, Room 1001, Richmond, Virginia 23219.

Contact: Susan D. McHenry, Director, 109 Governor St., Room 1001, Richmond, Va. 23219, telephone (804) 786-5188, toll-free 1-800-523-6019 or SCATS 786-5188

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Rules and Regulations Governing Financial Assistance for Emergency Medical Services (EMS)**. The purpose of the proposed action is to amend the requirements and conditions for EMS nonprofit organizations applying for financial assistance from the Virginia Rescue Squad Assistance Fund. The amendments will revise the application form, use of funds, and the review and evaluation process including new procedures and guidelines.

Statutory Authority: § 32.1-115 of the Code of Virginia.

Written comments may be submitted until September 2, 1988, to the Division of Emergency Medical Services, 109 Governor Street, Room 1001, Richmond, Virginia 23219.

Contact: Susan D. McHenry, Director, Department of Health, 109 Governor St., Room 1001, Richmond, Va. 23219, telephone (804) 786-5188, toll-free 1-800-523-6019, or SCATS 786-5188

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings**. The purpose of the proposed action is to allow a marina/boat mooring to provide pump-out service through a contactual agreement with another marina/boat mooring.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Written comments may be submitted until September 2, 1988.

Contact: A. F. Golding, Marina Supervisor, Department of Health, 109 Governor St., Room 903A, Richmond, Va. 23219, telephone (804) 786-1761 or SCATS 786-1761

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider amending regulations entitled: **Senior Citizens Higher Education Act**. The purpose of the proposed action is to amend the Senior Citizens Higher Education Act to incorporate amendments enacted by the 1988 General Assembly.

Statutory Authority: § 23-38.56 of the Code of Virginia.

Written comments may be submitted until September 1,

1988.

Contact: Dr. Barry M. Dorsey, Associate Director, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2632 or SCATS 225-2632

MARINE RESOURCES COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Marine Resources Commission intends to consider promulgating regulations entitled: **Criteria for the Placement of Sandy Dredged Material along Beaches in the Commonwealth**. The purpose of the proposed regulation is to provide criteria to assure that all suitable dredged material is utilized on eroding beach shorelines to the maximum extent practicable. Documents support § 10.1-704 of the Code of Virginia.

Statutory Authority: § 62.1-3 of the Code of Virginia.

Written comments may be submitted until September 2, 1988.

Contact: Norman E. Larsen, Chief, Habitat Management, Commonwealth of Virginia, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2200 or SCATS 535-2200

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Marine Resources Commission intends to consider promulgating regulations entitled: **Wetlands Mitigation - Compensation Policy**. The purpose of the proposed regulation is to develop guidelines which will be used by the Marine Resources Commission and Local Wetlands Boards in the evaluation of projects which may require wetlands mitigation or compensation pursuant to Chapter 2.1 of Title 62.1 of the Code of Virginia. The guidelines will be incorporated into the existing Wetlands Guidelines which were promulgated in 1974 and revised in 1982.

Statutory Authority: Chapter 2.1 of Title 62.1 of the Code of Virginia.

Written comments may be submitted until September 2, 1988.

Contact: Norman E. Larsen, Chief, Habitat Management, Commonwealth of Virginia, Marine Resources Commission, P. O. Box 756, Newport news, Va. 23607-0756, telephone (804) 247-2200 or SCATS 535-2200

General Notices/Errata

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **Nonenrolled Provider Reimbursement**. The purpose of the proposed regulation is to establish the payment method for nonenrolled providers.

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

Written comments may be submitted until September 12, 1988, to Malcolm O. Perkins, Manager of Provider Relations, Division of Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Hospital and Nursing Home Audited Financial Statements**. The purpose of the proposed action is to establish program requirements for filing audited financial statements with annual cost reports.

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

Written comments may be submitted until August 31, 1988, to N. Stanley Fields, Division of Medical Social Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to consider amending regulations entitled: **Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation**. The purpose of the proposed action is to assure the department's regulations on the rights of residents are current and adequately protect the rights of the residents served. The Task Force will meet regularly throughout the state in hopes of

completing the process in 12 months.

Statutory Authority: § 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until October 19, 1988, to Elsie D. Little, State Human Rights Director, P. O. Box 1797, Richmond, Virginia 23214.

Contact: Rubyjean Gould, Administrative Services Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915 or SCATS 786-3915

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider promulgating regulations entitled: **Rules and Regulations Governing Certification of Diesel-Engine Mechanics**. The purpose of the proposed action is to ensure that qualified personnel are responsible for the repair and maintenance of diesel engines used in underground coal mines.

Statutory Authority: § 45.1-13(4) of the Code of Virginia.

Written comments may be submitted until September 1, 1988.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 West Broad Street, Richmond, Va. 23220, telephone (804) 367-6898 or SCATS 367-6898

VIRGINIA REAL ESTATE BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Real Estate Board intends to consider amending regulations entitled: **Virginia Real Estate Board Regulations, Real Estate License Laws and Fair Housing Laws**. The Virginia Real Estate Board proposes to undertake an annual review and seek public comments on all its regulations for promulgation, amendment and repeal as is deemed necessary.

Statutory Authority: § 54-740 of the Code of Virginia.

Written comments may be submitted until November 1, 1988.

Contact: Joan L. White, Assistant Director, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Rehabilitative Services intends to consider amending regulations entitled: **Provision of Vocational Rehabilitation Services**. The purpose of the proposed action is to amend certain portions to (i) comply with new federal regulations and (ii) broaden the service capabilities of the department.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Written comments may be submitted until October 1, 1988, to Charles H. Merritt, P. O. Box 11045, Richmond, Virginia 23230.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 367-6446, SCATS 367-6466, toll-free 1-800-552-5019 , or (804) 367-0280

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Child Protective Services Client Appeals Procedures**. The purpose of the proposed action is to alter the procedures by which child protective services clients can appeal founded or reason to suspect dispositions.

Statutory Authority: §§ 63.1-25 and 63.1-248.1 of the Code of Virginia.

Written comments may be submitted until September 1, 1988.

Contact: Janine Tondrowski, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081 or toll-free 1-800-552-7091

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Establishment of Administrative Support Orders**. The purpose of the proposed regulation is to provide an administrative means for the expedited handling of support cases in addition to the judicial system.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Child Support Enforcement Services**. The purpose of the proposed regulation is to provide for recoupment of funds expended in public assistance and assistance to persons with dependent children who need support.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Confidentiality and Exchange of Information for Child Support Enforcement Services**. The purpose of the proposed regulation is to allow for efficient use of information while providing protection for responsible parents and applicants for service.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Enforcement of Child Support Obligations**. The purpose of the proposed regulation is to provide for the collection of current and delinquent support obligations to ensure that caretakers and children in need of support receive it.

Statutory Authority: § 63.1-25 of the Code of Virginia.

General Notices/Errata

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Establishment of Paternity in Child Support Enforcement**. The purpose of the proposed regulation is to establish the rights of children and enable the Department of Social Services to collect support for children from persons responsible for their support.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Persons Qualifying for Child Support Enforcement Services**. The purpose of the proposed regulation is to ensure that child support enforcement services be made available to all persons with dependent children who are in need of support.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Responsibilities of IV-D Agencies in Interstate Child Support**. The purpose of the proposed regulation is to allow for more efficient and effective handling of interstate child support cases.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: Jane Clements, Chief, Bureau of Program Operations, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-7469 or SCATS 662-7469

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Transportation intends to consider promulgating regulations entitled: **Subdivision Street Requirements**. The purpose of the proposed regulations is to provide a reference source of the Department of Transportation's requirements for the acceptance of subdivision streets into the Secondary System of State Highways.

Statutory Authority: §§ 33.1-12, 33.1-69 and 33.1-229 of the Code of Virginia.

Written comments may be submitted until August 31, 1988, to Gerald E. Fisher, State Secondary Roads Engineer, Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

Contact: D. L. Camper, Assistant Secondary Roads Engineer, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2745 or SCATS 786-2745

GENERAL NOTICES

BUREAU OF CAPITAL OUTLAY MANAGEMENT

Procedures for the Receipt and Consideration of Written Public Comment on Survey Standards for Buildings other than School Buildings Developed Pursuant to Article 5.2. [Section] 2.1-526.14 of Chapter 32 of Title 2.1 of the Code of Virginia

Comment pursuant to the above section of the Code of Virginia must in written format and be received by the Bureau of Capital Outlay Management not later than September 30, 1988. It is requested that the comments identify the specific section of the standards referenced and that substitute language be provided which will accomplish the recommended change. General comments will also be accepted; however, it will be more difficult to incorporate "general" concepts into the specific standards.

At the conclusion of the comment period, the Asbestos Management Section will collate the responses to each section of the standard and will review each comment for

merit. Proposed changes will be incorporated into the standards and will be presented to the Director for his approval.

Upon the approval of the Director, a copy of the revised survey standards will be submitted to the Agency Head responsible for the implementation of the standards. Copies will be available at a small charge.

Written comments are to be mailed to:

Asbestos Management Section
Bureau of Capital Outlay Management
805 East Broad Street
Richmond, Virginia 23219

Please submit separate comments for each survey standard reviewed. Please include the name, address and telephone number of a contact person who can, if necessary, address specific questions.

DEPARTMENT OF HEALTH

† Notice of Intent to Solicit Comments on the Vendor Management Aspects of the Federal Fiscal Year 1987 WIC State Plan

Notice is hereby given that the Special Supplemental Food Program for Women, Infants and Children (WIC) intends to solicit additional public comments regarding the manner in which it manages its vendor operations. Interested parties will have the opportunity to comment on the WIC authorization process for grocery stores, pharmacies and military commissaries as well as related aspects of WIC program administration. The length of the comment period and the dates, times and locations of public hearings will be announced later in the Register.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Grant and Loan Programs

The Department of Housing and Community Development (DHCD) was designated administrative agency for distribution of state funds appropriated by the General Assembly for the 1988-90 beinum. Three community and economic development programs were authorized under this initiative: Community for Opportunity, Southwest Virginia Economic Development Grant Fund, and Economic Development Revolving Loan Fund.

The Department has developed Program Guidelines for each program with the assistance of local, regional and state government representatives and other individuals interested in promoting economic development. These guidelines reflect a consensus of the comments received during the June 9, 1988, public meeting held in Wytheville

and written comments received by DHCD through June 17, 1988.

Notice is hereby given of the availability of grants and loans to eligible project applicants under the following programs.

* Community for Opportunity: Application Deadline - September 2, 1988; Amount Available - \$850,000 first year, \$3,748,000 second year; Funds targeted to economically distressed areas in Southwest Virginia.

* Southwest Virginia Economic Development Grant Fund: Application Deadline - First-come, first-served; Amount Available - \$5 million each year of biennium; Funds targeted to Southwest Virginia.

* Economic Development Revolving Loan Fund: Application Deadline - First-come, first-served; Amount Available - \$2.5 million each year of biennium; Funds available to 301 Community Development Block Grant (CDBG) non-entitlement communities.

Copies of Program Guidelines and Application forms are available from DHCD, Office of Community Financial Assistance, 205 North Fourth Street, Richmond, Virginia, 23219, telephone (804) 786-4474 or SCATS 786-4474. Information about the programs can be received by contacting Bill Shelton, Associate Director or Sue Moreland, Program Manager.

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the 1987 Virginia Register Form, Style and

General Notices/Errata

Procedure Manual may also be obtained from Jane Chaffin at the above address.

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

STATE ADULT LITERACY COMMITTEE

† September 13, 1988 - 9 a.m. - Open Meeting
Marriott Hotel, Richmond, Virginia. ☒

A quarterly meeting of the State Adult Literacy Committee. Addresses progress and issues related to state agency participation in the Virginia Literacy Initiative.

Contact: Dr. Stephen A. Nunes, Office of State Adult Literacy, James Monroe Bldg., 18th Fl., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-4430

DEPARTMENT FOR THE AGING

† September 27, 1988 - 10 a.m. - Open Meeting
Council Chambers, Municipal Building, S.W., Room 450, Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

† September 29, 1988 - 10 a.m. - Open Meeting
Holiday Inn - South, Virginia Room, US 1 and Interstate 95, Exit 44, Fredericksburg Exit, Fredericksburg, Virginia. ☒ (Interpreter for deaf provided if requested)

Hearing to invite public comment and perspectives as part of a study on the problems of suicide and substance abuse by the elderly. Also, to consider the impact of family care-giving on employee work performance (HJR 156). Written comments should be sent to: Mr. Ron Handy, Virginia Department for the

Aging, 700 Centre, 10th Floor, 700 East Franklin Street, Richmond, Virginia 23219-2327. The department will arrange interpreter services for the hearing impaired on request.

Contact: Ron Handy, Information Analyst, 700 Centre, 10th Fl., 700 E. Franklin St., Richmond, Va. 23219-2327, telephone (804) 225-2853, toll-free 1-800-552-4464, SCATS 225-2271 or 225-2271/TDD ☎

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

† October 4, 1988 - 1 p.m. - Open Meeting
† October 5, 1988 - 9 a.m. - Open Meeting
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia

A regular meeting of the board.

Contact: Roy E. Seward, Acting Secretary, 1100 Bank St., Room 210, Richmond, Va. 23219, telephone (804) 786-3501 or SCATS 786-3501

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

October 4, 1988 - 2 p.m. - Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-09. Rules and Regulations - Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law.** This regulation provides official descriptions of the requirements to be used in determining the quality and grade of apples and also specifies packing and marking requirements.

Statutory Authority: § 3.1-615 of the Code of Virginia.

Written comments may be submitted until September 3, 1988, to Raymond D. Vaughan, Secretary, 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Chief, Department of Agriculture and Consumer Services, 1100 Bank St., Room 701, Richmond, Va. 23219, telephone (804) 786-3549

Calendar of Events

VIRGINIA AGRICULTURAL COUNCIL

August 29, 1988 - 9 a.m. – Open Meeting
Holiday Inn-Airport, 5203 Williamsburg Road, Sandston, Virginia

The annual meeting of the council to (i) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; and (ii) discuss any other business that may come before the members of the council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, Va. 23219, telephone (804) 786-2373

STATE AIR POLLUTION CONTROL BOARD

† **October 3, 1988 - 9 a.m.** – Open Meeting
† **October 4, 1988 - 8:45 a.m.** – Open Meeting
Sheraton, Virginia Beach, Virginia

This is a general meeting of the board. The annual meeting of the State Advisory Board on Air Pollution will be on October 4 at the Sheraton, Virginia Beach.

Contact: Richard Stone, Public Information Officer, P. O. Box 10089, Department of Air Pollution Control, Richmond, Va. 23240, telephone (804) 786-5478 or SCATS 786-5478

DEPARTMENT OF AIR POLLUTION CONTROL

† **August 30, 1988 - 7 p.m.** – Public Hearing
Dabney S. Lancaster Community College, Administrative Building, Room 223, Clifton Forge, Virginia. ☒

Public briefing and meeting to allow public comments on a permit application from Westvaco Corporation to expand and modernize the existing kraft pulp mill facility in Covington, Virginia.

Contact: Donald L. Shepherd, Director, Department of Air Pollution Control, Region II, Suite D, 5338 Peters Creek Rd., Roanoke, Va., telephone (703) 982-7328

† **September 8, 1988 - 6:30 p.m.** – Public Hearing
Saltville Town Hall, Main Street, Saltville, Virginia

Public briefing and meeting to receive comments on permit application from Texasguld Inc., a manufacturing facility located in the Town of Saltville, Virginia.

Contact: Michael D. Overstreet, Regional Director, Southwest Virginia Regional Office, Department of Air Pollution Control, 121 Russell Rd., Abingdon, Va. 24210, telephone (703) 628-7841

* * * * *

September 7, 1988 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Southwest Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

September 7, 1988 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Valley of Virginia Regional Office, 5338 Peters Creek Road, Suite D, Roanoke, Virginia

September 7, 1988 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia

September 7, 1988 - 10 a.m. – Public Hearing
Richmond Public Library, 101 East Franklin Street, Conference Room A, Richmond, Virginia

September 7, 1988 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia

September 7, 1988 - 10 a.m. – Public Hearing
State Air Pollution Control Board, National Capitol Regional Office, Springfield Towers, Suite 502, 6320 Augusta Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Air Pollution Control intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The proposed amendments to the regulations will provide the latest edition of referenced documents and incorporate newly promulgated federal NSPS and NESHAPS.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until September 7, 1988, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy Saylor, Policy Analyst, Department of Air Pollution Control, Division of Program Development, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-1249

* * * * *

October 18, 1988 - 7 p.m. – Public Hearing
Fairfax County Government Office, 4100 Chain Bridge Road, "A Level" Massey Building, Board of Supervisors Meeting Room, Fairfax, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Air Pollution Control intends to adopt regulations entitled: **VR 120-99-01. Regulation for the Control of Motor Vehicle Emissions.** The regulation concerns the inspection of motor vehicle emissions and subsequent

repairs, as necessary to meet air pollution control requirements.

Statutory Authority: § 46.1-326.6 of the Code of Virginia.

Written comments may be submitted until October 18, 1988, to the Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia 23240.

Contact: M.E. Lester, Director, Division of Mobile Source Operations, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564 or SCATS 786-7564

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October 18, 1988 - 7 p.m. - Public Hearing
Fairfax County Government Office, Board of Supervisors Meeting Room, "A Level" Massey Building, 4100 Chain Bridge Road, Fairfax, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia the Department of Air Pollution Control intends to adopt regulations entitled: **VR 120-99-02. Regulation for Vehicle Emissions Control Program Analyzer Systems.** The proposed regulation established the specifications that must be met for an analyzer system to be approved for use in conducting emissions inspections in the Vehicle Emission Control Program.

Statutory Authority: § 46.1.326.6 of the Code of Virginia.

Written comments may be submitted until October 18, 1988, to the Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia 23240.

Contact: M.E. Lester, Director, Division of Mobile Source Operations, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564 or SCATS 786-7564

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

September 20, 1988 - 10 a.m. - Public Hearing
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Alcoholic Beverage Control intends to amend regulations concerning the possession, sale, distribution and consumption of alcoholic beverages. The proposed amendments will affect the following seven categories:

Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and the Adoption or Amendment of Regulations (VR 125-01-1);

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operations (VR 125-01-5);

Manufacturers and Wholesalers Operations (VR 125-01-6);

Other Provisions (VR 125-01-7).

Summary:

New regulations pertaining to beer and beverage excise taxes, solicitation of mixed beverage licensees by representatives of manufacturers, etc., of distilled spirits, and the prohibition of certain Sunday deliveries by wholesalers are proposed. In addition numerous regulations are being amended some of which relate to: (i) offers in compromise, (ii) advertising sales or reduced prices on alcoholic beverages, (iii) advertisement and sponsorship of cultural events and intercollegiate events, (iv) outdoor alcoholic beverage advertising promoting responsible drinking, (v) advertising of beer in student publications, (vi) placement of wine refund coupons on rebate bulletin boards, (vii) renumbering the tied-house regulations, (viii) solicitation of mixed beverage licensees and disqualifying factors, (ix) wine containers, (x) peddling of wine coolers and (xi) participation of wine wholesalers with specialty shop licensees in wine tastings involving the public.

Interested persons will be afforded an opportunity to submit data, views and arguments orally or in writing with respect to the proposals. Tentative drafts will be available for public inspection at the Office of the Secretary to the Board, with copies obtainable at such address or by request addressed to such office at P. O. Box 27491, Richmond, Virginia 23261.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until 10 a.m., September 20, 1988.

Contact: Robert N. Swinson, Secretary, Department of Alcoholic Beverage Control, P. O. Box 27491, 2901 Hermitage Rd., Richmond, Va. 23261, telephone (804) 367-0616 or SCATS 367-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

September 30, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the May 20, 1988,

Calendar of Events

meeting; (ii) review enforcement cases; and (iii) review correspondence.

Virginia State Board of Architects

September 29, 1988 - 1:30 p.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of May 6, 1988, meeting, (ii) discuss enforcement cases; (iii) review applications; and (iv) discuss correspondence.

Virginia State Board of Professional Engineers

August 30, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the May 5, 1988, meeting; (ii) review applications; and (iii) review and discuss enforcement files and general correspondence.

Contact: Bonnie S. Salzman, Assistant Director for APELSCLA, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

BEDFORD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **September 14, 1988 - 7:30 p.m. - Open Meeting**
Courthouse, Court Room on 2nd Floor, Bedford, Virginia. ☒ (when requested)

Progress report by staff.

Contact: John P. Tansey, Chairman, Local Emergency Planning Committee, Courthouse, Lower Level, Bedford, Virginia, telephone (703) 586-0179

VIRGINIA BOATING ADVISORY BOARD

September 8, 1988 - 10 a.m. - Open Meeting
Virginia Institute of Marine Science, Gloucester Point, Virginia

Discussion of and action on issues, legislation and regulations affecting Virginia's recreational boaters.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, Va. 23229, telephone (804) 740-7206

CHESAPEAKE BAY COMMISSION

† **September 8, 1988 - 10:30 a.m. - Open Meeting**
Gunston Hall, Lorton, Virginia

† **September 9, 1988 - 8:30 a.m. - Open Meeting**
Holiday Inn-Springfield, Springfield, Virginia

Third quarterly meeting.

The agenda will include reviewing legislative and budgetary proposals developed pursuant to the 1987 Chesapeake Bay Agreement and nontidal wetlands protection programs in the Bay region.

Contact: Ann Pesiri Swanson, Executive Director, 60 West Street, Suite 200, Annapolis, MD 21401, telephone (301) 263-3420

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

September 1, 1988 - 5:30 p.m. - Open Meeting
October 6, 1988 - 5:30 p.m. - Open Meeting
† **November 3, 1988 - 5:30 p.m. - Open Meeting**
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P. O. Box 40, Chesterfield, Va. 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† **September 8, 1988 - 9:30 a.m. - Open Meeting**
Koger Executive Center, West End, Blair Building, 8007 Discovery Drive, Conference Rooms A and B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensure, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

* * * * *

† **November 1, 1988 - 4 p.m. - Public Hearing**
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

† **November 2, 1988 - 4 p.m. - Public Hearing**
Hugh Mercer Elementary School, 2100 Cowan Boulevard, AV Room, Fredericksburg, Virginia

† **November 3, 1988 - 2 p.m. - Public Hearing**
Yorktown Victory Center, Route 238, Yorktown, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of

the Code of Virginia that the Child Day-Care Council intends to adopt regulations entitled: **VR 175-02-01. Minimum Standards for Licensed Child Care Centers.** This regulation lists the standards that child care centers licensed by the Department of Social Services must meet. The following issues are addressed in the regulation: administration, personnel, staffing/supervision, physical environment, admission policies and procedures, special care provisions, emergencies, and program and services which include: management of behavior, nutrition and food service, daily schedule, and activities.

STATEMENT

Subject: The regulation, Minimum Standards for Licensed Child Care Centers, is being proposed for a 60-day period of public comment.

Substance: Under the current definition and exemptions in the Code of Virginia, any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardian during a part of the day must have a child care center license. This regulation describes the requirements a child care center must meet to become licensed.

Issues: This proposed regulation is comprised of the following issues which impact child care centers subject to licensure by the Department of Social Services:

Administration, personnel, staffing/supervision, physical environment, admission policies and procedures, special care provisions, emergencies, and program and services which include: management of behavior, nutrition and food service, daily schedule, and activities.

Basis: Section 63.1-202 of the Code of Virginia provides the statutory basis for the Child Day-Care Council to promulgate child care center regulations.

Purpose: During the 1987 General Assembly Session the addition of § 63.1-202.1 of the Code of Virginia effective July 1, 1987, created the Child Day-Care Council. The council is responsible for formulating standards and regulations for licensure and operation of child care centers in the Commonwealth by July 1, 1988. While emergency regulations have been adopted to meet this deadline, permanent regulations need to be promulgated.

The purpose of the proposed regulation is to provide protective oversight of children in child care centers. Viewpoints of child care center operators, licensing staff and other professionals involved in group care of children were incorporated into the proposed regulation.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 28, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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† **November 1, 1988 - 4 p.m.** – Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

† **November 2, 1988 - 4 p.m.** – Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Boulevard, AV Room, Fredericksburg, Virginia

† **November 3, 1988 - 2 p.m.** – Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to adopt regulations entitled: **VR 175-04-01. Criminal Record Checks.** This regulation establishes the criminal record check procedures that employees and volunteers of a child care center must follow. The regulation includes the following topics: individuals required to obtain certificates, routing of certificates, validity of certificates, duplicate certificates, and maintenance and responsibility of certificates by facilities.

STATEMENT

Subject: The regulation, Criminal Record Checks is being proposed for a 60-day period of public comment.

Substance: This proposed regulation describes the procedures newly hired staff and volunteers must follow to obtain a certificate to work in a licensed child care center. The certificate is based on a criminal records search by the Department of State Police.

Impact: The document is comprised of the following issues which impact child care centers subject to licensure by the Department of Social Services:

Individuals required to obtain certificates, routing of certificates, validity of certificates, duplicate certificates, and maintenance and responsibility of certificates by facilities.

Basis: Section 63.1-202 of the Code of Virginia provides the statutory basis for the Child Day-Care Council to promulgate child care center standards. Sections 63.1-197 and 63.1-198.1 of the Code of Virginia provide the statutory basis for the requirements of criminal record checks.

Purpose: During the 1987 General Assembly session the addition of § 63.1-202.1 of the Code of Virginia effective July 1, 1987, created the Child Day-Care Council. The council is responsible for formulating standards and

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regulations for licensure and operation of child care centers in the Commonwealth by July 1, 1988. While emergency regulations have been adopted to meet this deadline, permanent regulations need to be promulgated.

The purpose of the regulation is to protect children in child care centers from persons already charged or convicted of certain crimes. This regulation incorporates statutory changes made during the 1987 General Assembly to §§ 63.1-197 and 63.1-198.1 of the Code of Virginia.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 28, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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† **November 1, 1988 - 4 p.m.** – Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

† **November 2, 1988 - 4 p.m.** – Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Boulevard, AV Room, Fredericksburg, Virginia

† **November 3, 1988 - 2 p.m.** – Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Title of Regulation: General Procedures and Information for Licensure.

Notice: Refer to Notice of Comment Period for this regulation listed under Department of Social Services.

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

September 9, 1988 - 8:30 a.m. – Open Meeting
Department of Social Services, 1603 Santa Rosa Road, Tyler Building, Suite 221, Richmond, Virginia. ☒

A regularly scheduled monthly meeting to discuss administrative and policy areas related to the Interdepartmental Licensure and Certification of Residential Facilities for Children.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

DEPARTMENT OF COMMERCE

† **October 11, 1988 - 10 a.m.** – Open Meeting
Department of Social Services, Pembroke Office Park, Pembroke IV, Suite 300, Conference Rooms A and B, Virginia Beach, Virginia

The department will meet to conduct a formal administrative hearing regarding Department of Commerce v. Flair Beauty Institute, No. 2.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

October 18, 1988 - 7 p.m. – Public Hearing
Board of Corrections Meeting Room, 6900 Atmore Drive, Richmond, Virginia

October 20, 1988 - 7 p.m. – Public Hearing
Marriott Hotel, 2801 Hershberger Road, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **VR 230-30-002. Community Diversion Program Standards.** These regulations establish minimum standards for the administration and operation of community diversion programs.

Statutory Authority: § 53.1-182 of the Code of Virginia.

Written comments may be submitted until October 14, 1988.

Contact: Robert S. Cooper, Manager, Community Alternatives, 5306-A Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7430 or SCATS 676-7430

VIRGINIA BOARD OF COSMETOLOGY

August 29, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review (i) enforcement cases; (ii) correspondence; (iii) applications; (iv) committee reports; and (v) discuss regulatory review.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

† **October 4, 1988 - 10 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒

A meeting to conduct a formal administrative hearing regarding Virginia Board of Cosmetology v. Flair Beauty Institute, No. 2.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

Statutory Authority: § 54-175.3 of the Code of Virginia.

Written comments may be submitted until September 15, 1988.

Contact: N. Taylor Feldman, Executive Director, Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906 or SCATS 662-9906

VIRGINIA BOARD OF DENTISTRY

September 14, 1988 - 8 a.m. - Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, NW, Roanoke, Virginia. ☐

General board business including reports from various committees. Formal hearings and election of officers.

September 15, 1988 - 9 a.m. - Public Hearing
Rehabilitation Center Auditorium, Belleview at Jefferson Streets, Roanoke Memorial Hospitals, Roanoke, Virginia

A public hearing on proposed regulations for the Virginia Board of Dentistry.

September 15, 1988 - 2 p.m. - Open Meeting
September 16, 1988 - 1:30 p.m. - Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, NW, Roanoke, Virginia. ☐

General board business including reports from various committees. Formal hearings.

September 23, 1988 - 9 a.m. - Open Meeting
September 28, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

Informal conferences.

Contact: N. Taylor Feldman, Executive Director, Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906 or SCATS 662-9906

September 15, 1988 - 9 a.m. - Public Hearing
Roanoke Memorial Hospitals, Rehabilitation Center Auditorium, Belleview at Jefferson Streets, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Dentistry intends to amend regulations entitled: **VR 225-01-1. Virginia Board of Dentistry Regulations.** The proposed regulations establish requirements for administration of general anesthesia and conscious sedation; for the use of hand-over-mouth management techniques; and for the issuance of full-time faculty licenses. Also proposes fee adjustments and provisions for reexamination in radiation safety.

STATE BOARD OF EDUCATION

September 26, 1988 - 9 a.m. - Open Meeting
September 27, 1988 - 9 a.m. - Open Meeting
Wise County School Board Office, Wise, Virginia. (Interpreter for deaf provided if requested)

The Board of Education will hold its regularly scheduled meeting on September 26-27, 1988. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

October 27, 1988 - 9 a.m. - Open Meeting
October 28, 1988 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D & E, Richmond, Virginia. ☐

The Board of Education will hold its regularly scheduled meeting on October 27-28, 1988. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

STATE BOARD OF ELECTIONS

† September 1, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

A meeting to determine the names of presidential electors who have qualified to appear on the ballot as well as those qualified for the use of a party group name.

Contact: Susan H. Fitz-Hugh, Secretary, State Board of Elections, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-6551

Calendar of Events

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

September 8, 1988 - 10 a.m. - Open Meeting
Wood Municipal Center, Old Lee Highway, Fairfax,
Virginia

The committee is meeting in accordance to SARA
Title III in order to carry out the provisions required
within.

Contact: Melanie Pearson, Community Information
Coordinator, 4031 University Dr., Suite 400, Fairfax, Va.
22030, telephone (703) 246-2331

FLOYD COUNTY EMERGENCY PLANNING COMMITTEE

† September 7, 1988 - 7 p.m. - Open Meeting
County Courthouse, Circuit Courtroom, Floyd, Virginia. ☒

Review revised sections of County Emergency
Operations Plan.

Contact: Alan W. Thompson, Chairman, Route 4, Box 146,
Floyd, Va. 24091, telephone (703) 745-3522

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

NOTE: CHANGE OF MEETING TIME
August 30, 1988 - 9 a.m. - Open Meeting
August 31, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Surry Building, Koger Center - West,
Richmond, Virginia. ☒

Tuesday, August 30, 1988 - A general board meeting.
Proposed regulations may be discussed. A formal
administrative hearing will be held at 1:30 p.m. After
the hearing, a committee meeting of the Preneed
committee and the legislative committee to prepare
information for the HJR 50 Preneed Funeral Planning
and the HJR 73 regulation for-profit cemeteries. (This
committee meeting is a working session only.)

Wednesday, August 31, 1988 - A continuation of the
board meeting to include a formal administrative
hearing.

August 30, 1988 - 9 a.m. - Open Meeting
NOTE: CHANGE OF LOCATION FOR EXAMINATION
SITE
Embassy-Suites Hotel, The Commerce Center, 2925
Emerywood Parkway, Richmond, Virginia

A meeting to administer the Virginia Board of Funeral
Directors and Embalmers examination.

Contact: Mark L. Forberg, Executive Secretary, 1601
Rolling Hills Dr., Richmond, Va. 23229-5005, telephone
(804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

September 9, 1988 - 10 a.m. - Open Meeting
† October 7, 1988 - 10 a.m. - Open Meeting
Main Conference Room, Virginia Museum of Fine Arts,
Richmond, Virginia.

The board will advise the Director of the Department
of General Services and the Governor on architecture
of state facilities to be constructed and works of art to
be accepted or acquired by the Commonwealth.

Contact: M. Stanley Krause, AIA, AICP, Architect, Rancorn,
Wildman & Krause, Architects, P. O. Box 1817, Newport
News, Va. 23601, telephone (804) 867-8030

Division of Consolidated Laboratory Services

September 9, 1988 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference
Room D, Richmond, Virginia. ☒

The Advisory Board will discuss issues, concerns and
programs that impact the Division of Consolidated
Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of
Consolidated Laboratory Services, 1 N. 14th St., Richmond,
Va. 23219, telephone (804) 786-7905 or SCATS 786-7905

VIRGINIA STATE BOARD OF GEOLOGY

September 15, 1988 - 10 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond,
Virginia. ☒

A meeting to (i) approve minutes of April 20, 1988,
meeting; (ii) review applications; (iii) discuss
correspondence; and (iv) grade examinations.

Contact: Bonnie S. Salzman, Assistant Director, 3600 W.
Broad St., Richmond, Va. 23230, telephone (804) 367-8514,
toll-free 1-800-553-3016 or SCATS 367-8514

GEORGE MASON UNIVERSITY

Board of Visitors

† September 10, 1988 - 9 a.m. - Open Meeting
Old Colony Inn, Alexandria, Virginia. ☒

Board of Visitors retreat to discuss the board's role at

George Mason University.

Contact: Ann Wingblade, Office of the President, George Mason University, 4400 University Dr., Fairfax, Va. 22030, telephone (703) 323-2041

GOOCHLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **September 20, 1988 - 8 p.m.** — Open Meeting
General District Courtroom, Goochland Courthouse, Virginia

The Local Emergency Operations Plan will be reviewed and topics such as air borne toxic substances discussed.

Contact: Gregory K. Wolfrey, County Administrator, P. O. Box 10, Goochland, Va. 23063, telephone (804) 556-5300 or (804) 749-3715

HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

† **September 21, 1988 - 9 a.m.** — Open Meeting
Radisson Hotel Virginia Beach, 1900 Pavilion Drive, Virginia Beach, Virginia

The meeting will focus on the formation of a permanent Hazardous Materials Training Committee to include membership, committee functions and responsibilities.

Contact: Captain Lou Stark, Chairman, Newport News Fire Department, 2400 Washington Ave., Newport News, Va. 23607, telephone (804) 247-8404

DEPARTMENT OF HEALTH (STATE BOARD OF)

† **November 3, 1988 - 2 p.m.** — Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **VR 355-28-01.02. Regulations for Disease Reporting and Control.** These regulations explain the requirements for reporting communicable diseases, toxic substances related diseases, and cancer to the health department, including defining who is required to report, which diseases are reportable, and what mechanisms are available for reporting. The amendments to the regulation are proposed as a result of current national disease control initiatives, recent changes to the Code of Virginia, or both. They will enable the Virginia Department of Health to monitor diseases of public

health importance, including conditions which have only recently achieved such importance.

STATEMENT

The proposed amendments to the regulations include the following:

1. A modification of the emergency regulation for reporting human immunodeficiency virus infection based on a change in the Code of Virginia.
2. The addition of a list of infectious diseases occurring in persons dying that must be reported to funeral directors. This list includes human immunodeficiency virus infection, hepatitis B, hepatitis non A, non B, rabies, and syphilis.
3. A section defining information required to be reported to the Virginia Tumor Registry on all persons diagnosed with cancer. This will clarify the new cancer reporting requirements.
4. Additions to the list of reportable diseases, including chlamydia trachomatis infections, invasive Haemophilus influenzae type b infections, human immunodeficiency virus (HIV) infection, listeriosis, and Lyme disease.
5. Additions to the list of diseases requiring rapid communication, including invasive Haemophilus influenzae type b infections and hepatitis A.
6. Additions to the list of diseases reportable by directors of laboratories, including chlamydia trachomatis infections, Haemophilus influenzae type b infections, hepatitis A, listeriosis, and pertussis.

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

Written comments may be submitted until October 31, 1988.

Contact: Diane Woolard, M.P.H., Senior Epidemiologist, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6261 or SCATS 786-6261

COUNCIL ON HEALTH REGULATORY BOARDS

Regulatory Evaluation and Research Committee

† **September 1, 1988 - 10 a.m.** — Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☐

A meeting to continue consideration of unfinished business related to regulation of acupuncture, occupational therapy, marriage and family therapy, and other matters. Please phone staff for details.

Calendar of Events

Committee on Scopes and Standards of Practice

† September 1, 1988 - time to be announced - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☒

A meeting to continue consideration of unfinished business related to regulation of acupuncture, occupational therapy, marriage and family therapy, and other matters. Please phone staff for details.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23219, telephone (804) 662-9904 or SCATS 662-9904

VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

† September 7, 1988 - 8:30 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. ☒

An open board meeting to (i) administer examinations which may continue into the next day; (ii) review enforcement cases; (iii) review correspondence; (iv) review regulations; and (v) consider matters which require board action.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† September 7, 1988 - 9 a.m. - Open Meeting
Wintergreen Resort, Wintergreen, Virginia

A monthly council meeting. The agenda is available on request.

Contact: Marla Richardson, 101 N. 14th St., 9th Fl., Richmond, Va. 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

September 8, 1988 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator,

City of Hopewell, 300 N. Main St., Hopewell, Va. 23860, telephone (804) 541-2298

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

September 8, 1988 - 9 a.m. - Open Meeting
Fourth Street State Office Building, 205 North Fourth Street, 7th Floor Conference Room, Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

Contact: Jack A. Proctor, CPCA, Deputy Director, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

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October 17, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations/1985 Edition.** The proposed amended guidelines will allow for comments from the general public prior to the completion of a final draft of proposed regulations.

Statutory Authority: § 9-6.14:7 of the Code of Virginia.

Written comments may be submitted until October 17, 1988.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

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October 17, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1987 Edition.** The purpose is to provide one uniform Fire Prevention Safety Standard and maintenance of buildings. Enforcement is optional by local government or by the State Fire Marshal in localities choosing not to enforce the Fire Prevention

Calendar of Events

Code.

Statutory Authority: § 27-94 of the Code of Virginia.

Written comments may be may until October 17, 1988.

Contact: Jack A. Proctor, CPCA, Deputy Director, Department of Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

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October 17, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I New Construction Code/1987 Edition. The purpose is to provide minimum statewide building construction standards for the design, construction, use and repair of buildings and structures. The proposed amendments add a new section to regulate the construction of magazines for explosive storage; require building security measures; provide additional rest room facilities for women at places of public assembly; increase the requirement for 2-hour fire walls between dwelling units.

Statutory Authority: §§ 36-97 - 36-107 of the Code of Virginia.

Written comments may be submitted until October 17, 1988.

Contact: Jack A. Proctor, CPCA, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

COUNCIL ON INDIANS

† **September 16, 1988 - 2 p.m. - Open Meeting**
Ninth Street Office Building, Cabinet Conference Room, 6th Floor Richmond, Virginia. ☐

A regular meeting to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Special Assistant, Virginia Council on Indians, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9285 or SCATS 662-9285

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

September 15, 1988 - 9 a.m. - Open Meeting

State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☐

A regular quarterly meeting. Public session begins at 9 a.m. and council meeting at 10 a.m.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or SCATS 786-2381

STATE LAND EVALUATION ADVISORY COUNCIL

August 30, 1988 - 10 a.m. - Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☐

September 20, 1988 - 10 a.m. - Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☐

A meeting to set suggested ranges of values for agricultural, horticultural, forest and open-space land use under the use-value assessment program.

Contact: Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8020

LIBRARY BOARD

† **September 8, 1988 - 9:30 a.m. - Open Meeting**
Virginia State Library and Archives, 11th Street at Capitol Square, Supreme Court Room, 3rd Floor, Richmond, Virginia. ☐

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean K. Reynolds, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

LOCAL EMERGENCY PLANNING COMMITTEE - SCOTT COUNTY

September 27, 1988 - 2:30 p.m. - Open Meeting
County Office Building, Gate City, Virginia. ☐

Update of progress of draft of Scott County's emergency response plan for Superfund Amendments and Reauthorization Act (SARA).

Contact: Barbara Edwards, Public Information Officer, 112 Water St., Suite 1, Gate City, Va. 24251, telephone (703) 386-6521

Calendar of Events

COMMISSION ON LOCAL GOVERNMENT

367-9130 or SCATS 367-9130

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September 13, 1988 - 9 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. ☐

The commission will hold a regular meeting to consider such issues as may be presented. The meeting will also be utilized for the receipt of testimony from local governments and from state agency officials with respect to the study being conducted under the direction of Item 76 in the Appropriations Act for the 1988-90 Biennium (HB 30). Item 76 directs the commission to "conduct a study of the financial impact of annexation and immunity actions on affected localities with regard to state aid, mandates, and regulations."

September 19, 1988 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Department intends to adopt regulations entitled: **VR 447-02-1. The State Lottery Regulations**. This proposed regulation sets out general operational parameters for the department and board.

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

Written comments may be submitted until September 29, 1988.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-9130 or SCATS 367-9130

Contact: Ted McCormack, Assistant Director, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

VIRGINIA LONG-TERM CARE COUNCIL

MARINE RESOURCES COMMISSION

September 8, 1988 - 9:30 a.m. - Open Meeting
Ninth Street Office Building, Ninth and Grace Streets,
Room 622, Cabinet Conference Room, Richmond, Virginia.
☐

A meeting of Virginia's Long-Term Care Council. Business conducted pertains to developing increased long-term care services for disabled or chronically ill people of all ages.

† **September 6, 1988 - 9:30 a.m. - Open Meeting**
Newport News City Council Chambers, 2400 Washington
Avenue, Newport News, Virginia

The Virginia Marine Resources Commission will meet on the first Tuesday of each month at 9:30 a.m. in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing, oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Contact: Thelma Bland, 700 E. Franklin St., 10th Fl.,
Richmond, Va. 23219-2327, telephone (804) 225-2271

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

STATE LOTTERY DEPARTMENT (BOARD OF)

Contact: Sandra S. Schmidt, Secretary to the Commission,
2401 West Ave., P. O. Box 756, Newport News, Va.
23607-0756, telephone (804) 247-2208

Habitat Management Division

September 19, 1988 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Department intends to adopt regulations entitled: **VR 447-01-1. Guidelines for Public Participation in Regulation Development and Promulgation**. This proposed regulation sets out procedures for involving interested parties and the public in the development of the department's regulations.

September 6, 1988 - 9:30 a.m. - Public Hearing
Newport News City Council Chambers, Newport News,
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to adopt guidelines entitled: **VR 450-01-0051. Wetlands Mitigation - Compensation**

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

Written comments may be submitted until September 29, 1988.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, Va. 23220, telephone (804)

Policy. The proposed guidelines will be used by the Virginia Marine Resources Commission and Local Wetlands Boards in the evaluation of projects which may require mitigation or compensation pursuant to Chapter 2.1 of Title 62.1 of the Code of Virginia. These guidelines will be incorporated into the existing Wetlands Guidelines which were promulgated in 1974 and revised in 1982.

Statutory Authority: Chapter 2.1 of Title 62.1 of the Code of Virginia.

Written comments may be submitted until October 14, 1988.

Contact: Norman E. Larsen, Chief, Habitat Management, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2200

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September 6, 1988 - 9:30 a.m. - Public Hearing
Newport News City Council Chambers, Newport News, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to adopt regulations entitled: **VR 450-01-0052. Criteria for the Placement of Sandy Dredged Material along Beaches in the Commonwealth.** The proposed criteria will be used by commission staff to identify dredging projects involving sandy dredged material which may be suitable for placement along beaches in the Commonwealth.

Statutory Authority: § 62.1-3 of the Code of Virginia.

Written comments may be submitted until October 14, 1988.

Contact: Norman E. Larsen, Chief, Habitat Management, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2200

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

September 8, 1988 - 9:30 a.m. - Open Meeting
Henry County Administration Building, Collinsville, Virginia. ☒

An open meeting to discuss general business relating to SARA Title III and development of the emergency response plan.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Building, P. O. Box 7, Collinsville, Va. 24078, telephone (703) 638-5311, ext. 256

BOARD OF MEDICAL ASSISTANCE SERVICES

† **September 9, 1988 - 9 a.m. - Open Meeting**
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

An open meeting to discuss amendments to the Medicaid State Plan and other business pertinent to the board.

Contact: Jacqueline Fritz, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7958

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

September 30, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-04-8.2. Home and Community Based Ventilator Services.** This regulation regulates provision of services to ventilator dependent individuals up to age of 21 years.

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

Written comments may be submitted until September 30, 1988, to Charlotte Carnes, Manager, Community Based Care, 600 East Broad, Suite 1300, Richmond, Virginia

Contact: Victoria P. Simmons, Regulatory Coordinator, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

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October 14, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-03-4.194. Nursing Home Payment System (Part III, Appeals).** These proposed regulations establish the process for providers and the department to use for filing appeals to nursing homes per diem rates.

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

Written comments may be submitted until 4:30 p.m., October 14, 1988, to N. Stanley Fields, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

Calendar of Events

VIRGINIA STATE BOARD OF MEDICINE

September 1, 1988 - 10 a.m. – Open Meeting
Department of Health Regulatory Board, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Richmond, Virginia. ☒

The Informal Conference Committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Acupuncture Committee

† **October 15, 1988 - 10 a.m. – Open Meeting**
Embassy Suite Hotel, 2925 Emerywood Parkway, Richmond, Virginia. ☒

A meeting to review acupuncture treatment records, review new acupuncture programs for approval and discuss any other items which may come before the committee.

Ad Hoc Committee on Optometry

† **September 30, 1988 - 2 p.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review the clinical studies and postgraduate training of optometry relating to didactic therapeutic training.

Chiropractic Examination Committee

† **September 22, 1988 - noon – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

The Chiropractic Examination Committee will meet in open and executive session for the purpose of reviewing and developing chiropractic questions for the January, 1989 exam.

Credentials Committee

October 1, 1988 - 8:15 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☒

The Credentials Committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and Executive Session and discuss any other items which may come before this committee.

Executive Committee

† **September 30, 1988 - 9 a.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review (i) proposed legislation for the 1988-1989 General Assembly Session, (ii) Licensure of Clinical Psychologists, (iii) case files and (iv) any other items which may come before the committee.

Podiatry Examination Committee

† **September 16, 1988 - 9 a.m. – Open Meeting**
Springfield Hilton, 6550 Loisdale Road, Springfield, Virginia. ☒

A meeting to develop examination questions for the board's podiatry examination and discuss any other business which may come before the committee.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

DEPARTMENT MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **September 14, 1988 - 9 a.m. – Open Meeting**
Hotel Roanoke, Roanoke, Virginia. (Interpreter for deaf provided if requested)

Meeting of Virginia's Early Intervention Coordinating Council for Part H, Public Law 99-457. The council is to advise and assist the DMHMRSAS as lead agency to administer Part H, in the development and implementation of a statewide interagency, multidisciplinary system of early intervention services for infants and toddlers with disabilities, ages birth through two.

Contact: Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

Task Force on the Revision of the "Blue Book"

† **August 30, 1988 - 10 a.m. – Open Meeting**
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☒

A meeting to review the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services ("Blue Book") for revision.

Contact: Elsie D. Little, State Human Rights Director, P.

O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

VIRGINIA MILITARY INSTITUTE

Board of Visitors

October 8, 1988 - 8 a.m. - Open Meeting
The Virginia Military Institute, Smith Hall, Board Room, Lexington, Virginia. ☐

Regular fall meeting of the VMI Board of Visitors to consider committee reports.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, Va. 24450, telephone (703) 463-6206

DEPARTMENT OF MINES, MINERALS AND ENERGY

September 1, 1988 - 10 a.m. - Open Meeting
Mountain Empire Community College, Auditorium, Dalton-Cantrell Building, Big Stone Gap, Virginia

The Department of Mines, Minerals and Energy intends to initiate the promulgation of regulations to outline a program to certify diesel-engine mechanics in underground coal mines. This meeting is to offer the public an opportunity to comment on this action.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-6898

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

† August 30, 1988 - 7 p.m. - Public Hearing
Montgomery County Courthouse, 3rd Floor, Courtroom B, Christiansburg, Virginia. ☐

A public hearing to receive comments on the Hazardous Materials Emergency Response Plan developed by the committee for Montgomery County and the Town of Blacksburg.

September 12, 1988 - 3 p.m. - Open Meeting
† September 13, 1988 - 3 p.m. - Open Meeting
Montgomery County Courthouse, 3rd Floor, Board of Supervisors Room, Christiansburg, Virginia. ☐

Development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District Commission, P. O. Box 3726, Radford, Va. 24143, telephone (703) 639-9313 or SCATS 676-4012

DEPARTMENT OF MOTOR VEHICLES

† September 12, 1988 - 10:30 a.m. - Open Meeting
Virginia Department of Transportation Auditorium, 870 Bonham Road, Bristol, Virginia

† September 12, 1988 - 2:30 p.m. - Open Meeting
Roanoke Airport Marriott, Roanoke, Virginia

† September 13, 1988 - 10:30 a.m. - Open Meeting
Sheraton Hotel, Woodrow Wilson Parkway, Staunton, Virginia

† September 13, 1988 - 2:30 p.m. - Open Meeting
No. Virginia Ramada Renaissance, 13869-71 Park Center Road, Herndon, Virginia

† September 14, 1988 - 10:30 a.m. - Open Meeting
DMV Headquarters, 2300 West Broad Street, Richmond, Virginia

† September 26, 1988 - 2 p.m. - Open Meeting
Norfolk Airport Hilton, 1500 No. Military Highway, Norfolk, Virginia

† September 27, 1988 - 10:30 a.m. - Open Meeting
Holiday Inn, Route 58 & I-85, South Hill, Virginia

The federal Commercial Vehicle Safety Act of 1986 requires each state, including Virginia, to adopt legislation that will ultimately affect anyone who drives a vehicle weighing 26,001 pounds or more, or who drives a vehicle designed to carry 16 or more persons including the driver, or anyone who drives a vehicle of any size which carries hazardous materials required to be placarded.

DMV is planning to submit legislation to the 1989 session of the General Assembly that will bring Virginia into compliance with the impending federal licensing and testing standards.

DMV is conducting public meetings through the Commonwealth for the purpose of introducing and explaining the new requirements. The meetings will provide an opportunity for interested parties to ask questions and make suggestions concerning the federal requirements and how the Commonwealth will implement these new requirements.

Contact: Susan R. Metcalf, Manager, P. O. Box 27412, Richmond, Va. 23269, telephone (804) 367-1930

VIRGINIA STATE BOARD OF NURSING

September 26, 1988 - 1:30 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Calendar of Events

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to amend regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The purpose of these proposed amended and new regulations is to enable the Board of Nursing to more effectively discharge its duties as required by § 54-367.11 of the Code of Virginia in the protection of the health, safety and welfare of the Citizens of the Commonwealth. More specifically, the changes in Part II, Nursing Education Programs, will clarify the standards for attaining and maintaining the approval of nursing education programs and facilitate the evaluation of such programs by visitors representing the board. Changes proposed in Part III, Licensure and Practice, are for clarity, to insure proper mailing addresses of licensees for mailing notices and to establish who may supervise or direct the practice of licensed practical nurses as required by § 54-367.2 of the Code of Virginia as amended by the 1988 session of the General Assembly.

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until September 26, 1988.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or SCATS 662-9909

* * * * *

† **September 26, 1988 - 9 a.m.** – Open Meeting
† **September 27, 1988 - 9 a.m.** – Open Meeting
† **September 28, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regular meeting of the Virginia Board of Nursing to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement, and other matters under jurisdiction of the board. On Monday, September 26, 1988, at 1:30 p.m., the board will conduct a public hearing on proposed regulations in House Room C, General Assembly Building, Capitol Square, Richmond. Depending on the extent of public comment, the board may take action on proposed regulations before the close of the meeting on September 28, 1988.

† **October 25, 1988 - 1 p.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting of the Virginia Board of Nursing to respond to public comment on proposed regulations and take action on regulations if such action cannot be taken at meeting scheduled September 26-28, 1988. Other matters under the jurisdiction of the board may be considered.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or SCATS 662-9909

COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

† **October 13, 1988 - 1:30 p.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to consider and act upon matters related to the certification and practice of nurse practitioners.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909 or SCATS 662-9909

PETERSBURG LOCAL EMERGENCY PLANNING COUNCIL

† **September 1, 1988 - 9 a.m.** – Open Meeting
American Red Cross, 233 South Adams Street, Board Room, Petersburg, Virginia. ☒

Reports from subcommittees, correlation of material from subcommittee into major plan.

New business if any.

Report on progress of plan, exercises or any other related material.

Contact: Captain Thomas C. Hairston, Community Emergency Coordinator, Petersburg Fire Department, 400 E. Washington St., Petersburg, Va. 23803, telephone (804) 733-3951

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

† **September 9, 1988 - 2 p.m.** – Open Meeting
† **September 23, 1988 - 2 p.m.** – Open Meeting
† **October 7, 1988 - 2 p.m.** – Open Meeting
† **October 21, 1988 - 2 p.m.** – Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning Committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, Va. 23192-9201, telephone (703) 335-6800

PRIVATE SECURITY SERVICES ADVISORY BOARD

† August 31, 1988 - 10 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond,
Virginia. ☐

A called meeting to discuss procedures for regulatory
and legislative review.

Contact: Geralde W. Morgan, Administrator, Department of
Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917,
telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS
367-8534

VIRGINIA REAL ESTATE BOARD

September 19, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☐

A work session for regulatory review of licensing
regulations.

Contact: Joan L. White, Assistant Director, Virginia Real
Estate Board, 3600 W. Broad St., Richmond, Va. 23230,
telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS
367-8552

RICHLANDS LOCAL EMERGENCY PLANNING COMMITTEE

August 31, 1988 - 7 p.m. - Open Meeting
Richlands Town Hall Chamber Room, 217 Railroad
Avenue, Richlands, Virginia

A regular planning session in accordance with SARA
Act of 1986, Title III open to public comment.

Contact: David M. Curry, Hazardous Materials Coordinator,
217 Railroad Ave., Richlands, Va. 24641, telephone (703)
964-2566

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

September 14, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room
A, Richmond, Virginia. ☐

A meeting to hear and render a decision on all
appeals of denials of on-site sewage disposal system
permit.

Contact: Deborah E. Randolph, 109 Governor St., Room
500, Richmond, Va. 23219, telephone (804) 786-3559

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

September 2, 1988 - Written comments may be submitted
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Department of Social
Services intends to amend regulations entitled: VR
615-01-10. Aid to Dependent Children (ADC) Program
- Disregard of Job Training Partnership Act (JTPA)
Title IV, Part A, Income. An amendment to disregard
children's earnings income derived through
participation in JTPA, Title IV, Part A, indefinitely.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 2,
1988, to I. Guy Lusk, Director, Division of Benefit
Programs, 8007 Discovery Drive, Richmond, Virginia
23229-8699.

Contact: Carol Holmes, Program Specialist, Department of
Social Services, 8007 Discovery Dr., Richmond, Va.
23229-8699, telephone (804) 662-9046 or SCATS 662-9046

* * * * *

September 29, 1988 - Written comments may be submitted
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Department of Social
Services intends to adopt regulations entitled: VR
615-01-24. Relocation Assistance - General Relief
Program. This regulation establishes a new short-term
General Relief Component and identifies the specific
criteria that must be met for eligibility for the
component.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 29,
1988, to I. Guy Lusk, Director, Division of Benefit
Programs, Department of Social Services, 8007 Discovery
Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn Sturgill, Program Specialist, 8007
Discovery Dr., Richmond, Va. 23229-8699, telephone (804)
662-9046

STATE BOARD OF SOCIAL SERVICES AND CHILD DAY-CARE COUNCIL

† November 1, 1988 - 4 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, S.W., Room 450,
Roanoke, Virginia

† November 2, 1988 - 4 p.m. - Public Hearing
Hugh Mercer Elementary School, 2100 Cowan Road, AV
Room, Fredericksburg, Virginia

Calendar of Events

† November 3, 1988 - 2 p.m. - Public Hearing
Yorktown Victory Center, Route 238, Yorktown, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services and Child Day-Care Council intend to adopt and amend regulations entitled: **General Procedures and Information for Licensure**. This regulation describes the rights and responsibilities of licensees and the Department of Social Services during the licensing process. The following issues are addressed in the regulation: the license, the licensing process, allowable variances, informal appeal process, complaint investigation, revocation and denial, licensing office locations and schedule of fees.

STATEMENT

Subject: The regulation, **General Procedures and Information for Licensure**, is being proposed for a 60-day period of public comment.

Substance: This regulation is similar to the General Procedures adopted by the State Board of Social Services on October 20, 1983, and the Child Day-Care Council on April 14, 1988, as an emergency regulation. The proposed regulation includes the following changes:

- a more structured informal appeal process;
- permission to extend authority to approve or deny allowable variances to different organizational positions within the department and revisions to the reasons a licensee may request another review of a denied allowable variance;
- a new procedure requiring the Department of Social Services to approve functional design features of a building before a Certificate of Occupancy is issued on a building which has not previously been in service under the type of license or use group being sought;
- several amendments to reflect the authority of the Child Day-Care Council to prescribe standards for licensure of child care centers (§ 63.1-202 of the Code of Virginia);
- a new requirement for a child care center located in a building constructed or under construction prior to 1978 to have an inspection for the presence of asbestos prior to issuance of a license (§ 63.1-198.1 of the Code of Virginia); and
- time limits concerning applications, informal appeals and approval of functional design requirements.

Issues: This regulation is comprised of the following issues which impact facilities subject to licensure by the Department of Social Services:

The license, the licensing process, allowable variances,

informal appeal process, complaint investigation, revocation and denial, licensing office locations and schedule of fees.

Basis: Sections 63.1-174 and 63.1-202 provide the statutory basis for the State Board of Social Services to promulgate standards for adult day care centers, homes for adults, child placing agencies, child caring institutions, independent foster homes, family day care homes and family day care systems. Section 63.1-202 provides the statutory basis for the Child Day-Care Council to promulgate standards for child care centers.

Purpose: During the 1987 General Assembly session the addition of § 63.1-202.1 of the Code of Virginia effective July 1, 1987, created the Child Day-Care Council. The council is responsible for formulating standards and regulations for licensure and operation of child care centers in the Commonwealth by July 1, 1988. While emergency regulations have been adopted to meet this deadline, permanent regulations need to be promulgated.

The purpose of the regulation is to define the rights and responsibilities of licensees and the Department of Social Services during the licensing process. The proposed regulation was revised to include statutory changes (§§ 63.1-198.01, 63.1-202 and 63.1-202.1 of the Code of Virginia) and to reduce possibility that a licensee will enter into expensive building contracts which may not meet the functional design features required by the Department of Social Services.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 28, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† September 26, 1988 - 1 p.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to adopt regulations entitled: **VR 625-01-00. Impounding Structure Regulations** and repeal existing regulations of the State Water Control Board entitled: **Impounding Structure Regulations, Regulation No. 9**. The regulation provides for the safe design, construction, alteration and operation and maintenance of impounding structures. Permits for construction or

alteration and certificates for operation and maintenance will be issued in accordance with these Impounding Structure Regulations.

STATEMENT

Purpose: The proposed regulation is to provide for the proper and safe design, construction, alteration, and operation and maintenance of impounding structures not exempt from the law to the extent required to protect public safety.

Basis: To be adopted pursuant to § 10.1-605 of the Code of Virginia.

Subject, substance and issues: Under current regulations, owners of nonagricultural impounding structures which are 25 feet or more in height and 50 acre-feet or more in volume; and agricultural structures which are 25 feet or more in height and 100 acre-feet or more in volume are required to obtain a permit. The current impounding structure regulation, Regulation No. 9 of the State Water Control Board, was last amended on December 7, 1982, and then transferred July 1, 1986, to the Virginia Soil and Water Conservation Board.

The proposed impounding structure regulations; VR 625-01-00, regulate the same entities as Regulation No. 9. However, this proposed regulation has been developed and reorganized to provide the owners of impounding structures a better understanding of and ability to comply with its provisions. This regulation requires permits for the construction or alteration of impounding structures and certificates for the operation and maintenance of impounding structures. The term of the operation and maintenance certificate has been increased to six years with required periodic updates based upon the impounding structure classification. Where appropriate a lower classification has been created to relieve the impact on some owners. All of the changes in the regulation are technical or administrative in nature and are in conformity with the provisions of the Dam Safety Act.

Statutory Authority: § 10.1-605 of the Code of Virginia.

Written comments may be submitted until October 29, 1988.

Contact: Robert V. Gay, Chief of Dam Safety, Department of Conservation and Historic Resources, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064 or SCATS 786-2064

BOARD OF PROFESSIONAL SOIL SCIENTISTS

September 1, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of July 18, 1988, meeting; (ii) review and revise draft application; (iii) review and revise draft regulations; (iv) review and revise draft Public Participation List; (v) discuss correspondence; and (vi) review and discuss examination.

Contact: Bonnie S. Salzman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016, or SCATS 367-8514

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

† November 1, 1988 - 10 a.m. - Public Hearing
Virginia Department of Transportation - Central Office,
1221 East Broad Street, Auditorium, Richmond, Virginia

† November 2, 1988 - 10 a.m. - Public Hearing
Virginia Department of Transportation - Suffolk District
Office, 1700 North Main Street, Auditorium, Suffolk,
Virginia

† November 4, 1988 - 10 a.m. - Public Hearing
James McCoart Administration Building, Prince William
County Government Complex, 1 County Complex Court,
Auditorium, Prince William, Virginia

† November 10, 1988 - 10 a.m. - Public Hearing
Virginia Department of Transportation - Staunton District
Office, Route 11 (Commerce Road) near the North
Corporate Limits of Staunton, Auditorium, Staunton,
Virginia

† November 15, 1988 - 1 p.m. - Public Hearing
Virginia Highlands Community College, located off Route
140 between Route 11 and Exit 7, Route 81, Auditorium,
Abingdon, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Transportation intends to adopt regulations entitled: **VR 385-01-08. Subdivision Street Requirements.** These proposed regulations prescribe the requirements and administrative procedures for the addition of subdivision streets into the secondary system of state highways.

STATEMENT

Purpose: To provide local governments, developers, and other interested parties a reference source of the Department of Transportation's requirements for the addition of subdivision streets into the secondary systems of state highways. By the application of these regulations, new streets resulting from subdivision development will be constructed in a manner to provide adequate roadway facilities for the projected traffic without undue cost to the Commonwealth for subsequent maintenance or improvement.

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Estimated impact: Annually, approximately 150 miles of new subdivision streets are accepted into the secondary system of state highways. This includes approximately 1000 segments of such streets throughout the Commonwealth. It is anticipated these requirements will annually affect approximately 100 developers and their agents. Indirectly these requirements will also affect an estimated 50,000 home owners per year who purchase houses within the subdivisions involved, as well as other motorists who utilize these streets. Only a minor increase in the cost of subdivision street construction is anticipated to result from the application of the requirements over those currently in effect. Since the cost for the design and construction of these streets is borne by the developer, no increased cost will be experienced by VDOT in the implementation and enforcement of these proposed regulations.

Explanation of need for these regulations: These regulations are necessary to assure that new subdivisions streets accepted into the secondary system of state highways are designed and constructed commensurate with reasonable standards to provide adequate and safe roadway facilities for the projected traffic. In the absence of such requirements, the department would be requested to accept inadequate or unsafe roadway facilities into the secondary system and thereby assume all future liabilities for these deficient facilities.

Clarity and simplicity: Every effort was made, within the provisions of the Administrative Process Act, to incorporate simplicity and clarity into these proposed regulations. Also, national standards were incorporated by reference to publications of recognized professional associations.

Statutory Authority: §§ 33.1-12(3) and 33.1-229 of the Code of Virginia.

Written comments may be submitted until October 31, 1988, to Gerald E. Fisher, Secondary Roads Engineer, Virginia Department of Transportation, 1401 East Broad Street, Richmond, Va. 23219.

Contact: D.L. Camper, Assistant Secondary Roads Engineer, Virginia Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2745 or SCATS 786-2745

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

October 8, 1988 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped

citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23277, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

September 30, 1988 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

The Virginia Voluntary Formulary Board will hold a public hearing on this date. The purpose of this hearing is to consider the proposed adoption and issuance of a revised Virginia Voluntary Formulary. The proposed revision to the Formulary adds and deletes drugs and drug products to the Formulary that became effective on November 1, 1987, and a supplement to the Formulary that becomes effective on August 15, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia. Written comments sent to the above address and received prior to 5 p.m., September 30, will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

September 16, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

September 19, 1988 - 7 p.m. - Public Hearing
Virginia Polytechnic Institute and State University, Donaldson Brown Center, Blacksburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to repeal existing regulations and adopt new regulations entitled: **VR 672-20-10. Solid Waste Management Regulations.** The regulations provide for siting, permitting, design, construction, and operation of solid waste management facilities. They identify solid wastes that are included.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until September 26,

1988.

Contact: William F. Gilley, Director, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667

Contact: Doneva A. Dalton, State Water Control Board, P. O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

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STATE WATER CONTROL BOARD

August 30, 1988 - 7 p.m. - Public Hearing
Neighborhood Facility Building, County Courthouse Complex, Route 5, Charles City, Virginia

A public hearing to receive comments on the proposed issuance of a National Pollutant Discharge Elimination System (NPDES) permit for the Lake Charles on the James, Inc. The proposed facility would be located on the south side of State Route 5, approximately 1 mile east of Route 659 in Charles City County. Lake Charles on the James, Inc., a residential subdivision, is a proposed sewage treatment plant which would discharge municipal sewage to the James River.

September 8, 1988 - 7 p.m. - Public Hearing
United Methodist Church, Travis Chapel, Oyster, Virginia

A public hearing to receive comments on the proposed NPDES permit for the Sea Watch International, LTD., T/A H. Allen Smith, Inc., the issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

September 8, 1988 - 8 p.m. - Public Hearing
United Methodist Church, Travis Chapel, Oyster, Virginia

A public hearing to receive comments on the proposed NPDES permit for C & D Seafood Inc., the issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

† September 12, 1988 - 7 p.m. - Public Hearing
Spotsylvania County Board of Supervisors Room, County Administration Building, Route 208, Spotsylvania, Virginia

A public hearing to receive comments on the proposed issuance of a National Pollutant Discharge Elimination System (NPDES) Permit for the Chesapeake Corporation, Wood Treating Division, P. O. Box 7938, Fredericksburg, Virginia. The purpose of the hearing is to receive comments on the proposed permit, the issuance or denial of the permit, and the effects of the discharge on water quality or beneficial uses of state waters.

September 26, 1988 - 9 a.m. - Open Meeting
September 27, 1988 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

A quarterly meeting.

† October 4, 1988 - 7 p.m. - Public Hearing
Council Chambers, City of Harrisonburg, 345 South Main Street, Harrisonburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: VR 680-16-14. Potomac-Shenandoah River Basin Water Quality Management Plan. The purpose of this action is to amend the five day biochemical oxygen demand loading requirements for Stony Creek at the Bryce Mountain sewage treatment plant and Quail Run at Massanutten sewage treatment plant.

STATEMENT

Subject: A proposed amendment to the Potomac-Shenandoah River Basin Water Quality Management Plan (WQMP).

Substance: Revised the allowable five day Biochemical Oxygen Demand (BOD5) loading in Stony Creek at the Stony Creek Sanitary District's (SCSD) Bryce Mountain Sewage Treatment Plant (STP), and Quail Run at the Massanutten Public Service Corporation's (MPSC) Massanutten STP.

Issue: To maintain water quality standards in Stony Creek and Quail Run.

Basis: Water quality management plans set forth measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for BOD5 for identified stream segments.

Purpose: To establish new BOD5 loading requirements for Stony Creek at the SCSD's Bryce Mountain STP discharge and Quail Run at the MPSC's Massanutten STP discharge based upon more recent and improved modeling.

Impact: National Pollutant Discharge Elimination System (NPDES) issued to dischargers must be in compliance with appropriate area or basinwide water quality management plans. Revisions to the BOD5 loading rates are required because they are unnecessarily stringent.

The original wasteload allocations were determined before 1973 by desk top modeling. Desk top modeling utilizes little or no field data in the determination of wasteload allocations. The Massanutten Public Service Corporation (MPSC) had a stream model prepared in 1982 by Roy Weston Consultants for their discharge into Quail Run. The modeling was done in response to a SWCB Order requiring sewage treatment plant improvements. The model utilized

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by the Weston Consultants is called "Diurnal." It was originally developed at Manhattan College and was later modified by the EPA and Weston. Diurnal utilized actual field data and was calibrated and verified. The model for Quail Run demonstrated that flow from the STP could be increased from 0.1 MGD to 1.0 MGD and the carbonaceous (C) BOD5 concentration remain at 10 mg/l. The increase in CBOD5 discharged (8.4 lb/day to 84 lb/day) would be offset by a TKN permit limitation of 10 mg/l. The SWCB water quality standards would be maintained by the conditions proposed in the model and it was approved in 1983.

If the BOD5 requirement in the WQMP of 8.4 lb/day is not revised it could cost the MPSC \$6.1 million to comply with it at a flow of 1.0 MGD. Annual operation and maintenance costs could increase by \$400,000.

The Stoney Creek Sanitary District (SCSD) had a stream model prepared by Clean Water Engineers in 1985. This modeling was also done in response to a SWCB Order requiring STP improvements. The model utilized actual field data and demonstrated that the flow from the SCSD could be increased from 0.2 MGD to 0.6 MGD and the BOD5 concentration remain at 13 mg/l.

Therefore the BOD5 poundage discharged would increase from 22 lb/day to 65 lb/day. The SWCB determined that water quality standards would be maintained by the conditions proposed in the model and approved it in 1986. Should the BOD5 requirement of 22 lb/day contained in the WQMP not be revised it could cost the SCSD an additional \$3.6 million to comply with it at a flow of 0.6 MGD.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until October 28, 1988, to Doneva Dalton, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595 or SCATS 332-7879

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† **October 3, 1988 - 7 p.m.** – Public Hearing
City Council Chambers, City Hall, 497 Cumberland Street,
2nd Floor, Bristol, Virginia

† **October 4, 1988 - 2 p.m.** – Public Hearing
Warm Springs Courthouse, Courthouse Road, General
District Courtroom, Warm Springs, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-08. River Basin Section Tables - Water Quality Standards.** The purpose is to amend the stream

classification for Beaver Creek and the unnamed tributary to Cascades Creek.

STATEMENT

Basis: Section 62.1-44.15(3) of the Code of Virginia, as amended, authorized the board to establish water quality standards and policies for any state water consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or cancelled.

Purpose: Water quality standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of this proposed action is to amend the standards so as to classify the unnamed tributary to Cascades Creek, § 12, James River Basin (Upper) as natural trout water and to change the stream class designation of Beaver Creek, § 4, Holston River Subbasin, from natural trout water to put-and-take trout water.

These amendments are being proposed in response to recommendations from the Department of Game and Inland Fisheries which is responsible for determining appropriate trout stream classifications.

Impact: If the unnamed tributary to Cascades Creek is classified as natural trout waters, VR 680-21-01.11.B.5 of the water quality standards would apply and the Ashwood Healing Springs Sewage Treatment Plant would not be allowed to use chlorine for disinfection and would be required to use an alternative form of disinfection. If the classification of Beaver Creek is changed to put-and-take trout water, Battelle High School Sewage Treatment Plant, Bristol Compressors, Inc. and Bristol Industrial Park Sewage Treatment Plant would be allowed to use chlorine for treatment rather than be required to install alternative forms of disinfection.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be may until 4 p.m., October 28, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Jean Gregory, Water Resources Ecologist, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6985 or SCATS 367-6985

BOARD FOR THE CERTIFICATION OF WATER AND WASTEWATER WORKS OPERATORS

† **September 21, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Conference

Room 2, Richmond, Virginia. ☐

An open meeting to (i) continue work on regulations and (ii) consider matters which require board action.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

September 3, 1988 - 10:30 a.m. - Open Meeting
Ash Lawn-Highland, Route 6, Conference Room,
Charlottesville, Virginia

A meeting of the Executive Committee of the Board of Visitors of the College of William and Mary called by the Rector of the College to review contracts, budget considerations, and any other matters presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE MEETINGS

JOINT SUBCOMMITTEE STUDYING ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

† **September 1, 1988 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, Appropriations Room, 9th Floor, Richmond, Virginia. ☐

A working session to discuss problems relating to AIDS. HJR 31

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ALL-TERRAIN VEHICLES

† **September 7, 1988 - 2 p.m. - Open Meeting**
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

A regular meeting of the committee. SJR 6

Contact: Alan B. Wambold, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

HOUSE APPROPRIATIONS COMMITTEE

† **September 19, 1988 - 9:30 a.m. - Open Meeting**
General Assembly Building, Capitol Square, 9th Floor,
Richmond, Virginia. ☐

A regular monthly meeting of the full committee to conduct general business.

Higher Education Subcommittee

† **September 19, 1988 - Immediately following the 9:30 Appropriations meeting - Open Meeting**
General Assembly Building, Capitol Square, 9th Floor,
Committee Meeting Room, Richmond, Virginia. ☐

A regular meeting of the subcommittee to conduct general business.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE CAPITAL OUTLAY AND PUBLIC SAFETY SUBCOMMITTEES

† **October 12, 1988 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

The subcommittees will receive a report on the 1992 Inmate Forecast, trends in inmate custody classifications, and the status of the Greenville and Buchanan construction projects.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE ON JAIL AND JUVENILE DETENTION FACILITY FINANCING

† **October 12, 1988 - 1:30 p.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

The subcommittee will receive public comment regarding issues involving state support for local jails

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and juvenile detention facilities.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING INVESTIGATIVE PROCEDURES USED IN CHILD ABUSE CASES

September 8, 1988 - 10 a.m. - Public Hearing
City Council Chambers, Municipal Building, 215 Church Street, S.W., Roanoke, Virginia

Subcommittee will meet for purpose of receiving testimony from the public prior to final work session.
HJR 127

September 15, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

Subcommittee will have working session to finalize recommendations. HJR 127

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CLINICAL LABORATORY TESTING

August 29, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

A regular meeting. SJR 62

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742 or Normal E. Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA CODE COMMISSION

September 2, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☐

The commission will continue with the revision of Title 46.1 of the Code of Virginia.

October 6, 1988 - 9:30 a.m. - Open Meeting
October 7, 1988 - 9:30 a.m. - Open Meeting
(These meetings are tentative and the location is to be announced), Virginia Beach, Virginia

The commission will continue with the revision of

Title 46.1 of the Code of Virginia.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING METHODS OF CLEARING TITLE TO REAL PROPERTY

September 19, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The subcommittee will meet for purpose of discussing statutory right of redemption. HJR 185

October 17, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The subcommittee will meet for purpose of discussing partition and other methods of clearing title.

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CRIMINAL DEFENSE SYSTEMS FOR THE INDIGENT

† **September 29, 1988 - 10 a.m. - Open Meeting**
† **November 2, 1988 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The subcommittee will meet for the purpose of receiving information on post conviction remedies and defense systems in capital cases and other related issues. HJR 141

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING FIRE PREVENTION SERVICES

September 21, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

A public hearing. SJR 67

Contact: Persons wishing to speak should contact: Jessica Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. For additional information contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P. O.

Box 396, Richmond, Va. 23203, telephone (804) 786-4638

SUBCOMMITTEE FROM THE HOUSE OF DELEGATES COMMITTEE ON AGRICULTURE STUDYING WAYS TO IMPROVE VIRGINIA'S FARM ECONOMY

† **September 27, 1988 - 2 p.m.** - Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond,
Virginia. ☐

The subcommittee will meet to discuss the use of agricultural lands for recreational purposes and liability coverage for private property owners offering recreational opportunities. HR 6

Contact: Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE FREEDOM OF INFORMATION ACT

† **September 14, 1988 - 10 a.m.** - Open Meeting
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☐

† **October 13, 1988 - 10 a.m.** - Open Meeting
† **November 17, 1988 - 10 a.m.** - Open Meeting
† **December 9, 1988 - 10 a.m.** - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

The subcommittee will meet to discuss certain issues pertaining to the Virginia Freedom of Information Act and certain other public access laws contained in the Code of Virginia. HJR 100

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING PRENEED CONTRACTS FOR FUNERAL SERVICES

† **September 15, 1988 - 10 a.m.** - Open Meeting
General Assembly, Capitol Square, 6th Floor Conference
Room, Richmond, Virginia. ☐

A working session to discuss information and testimony from previous meetings. HJR 50

Contact: Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

LABOR FORCE NEEDS STUDY

† **September 1, 1988 - 10 a.m.** - Open Meeting
General Assembly Building, Capitol Square, House Room
D, Richmond, Virginia. ☐

A meeting to discuss work of Task Force of this joint subcommittee. HJR 159

Contact: Terry M. Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING LONG-WALL MINING

† **August 30, 1988 - 2 p.m.** - Public Hearing
Buchanan County Courthouse, Grundy, Virginia

† **August 31, 1988 - 1 p.m.** - Public Hearing
Dickenson County Courthouse, Clintwood, Virginia

Public hearings to be held in Southwest Virginia as indicated above. SJR 59.

Contact: Persons wishing to speak contact: John Heard, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. For additional information contact: Lucy Dodson, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

COMMISSION ON LOCAL GOVERNMENT STRUCTURES AND RELATIONSHIPS

September 2, 1988 - 1:30 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

The first meeting of the interim for this continued commission. HJR 6

Contact: Dr. R. J. Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING DISCLOSURE OF THE EXISTENCE OF MAJOR HIGHWAY CORRIDORS

† **September 12, 1988 - 10 a.m.** - Public Hearing
Fairfax County Board of Supervisors' Meeting Room, 4100n
Chain Bridge Road, Massey Building, "A" Level, Fairfax,
Virginia

The purpose of the hearing is to elicit testimony from local government, private enterprise, and concerned citizens regarding disclosure to potential buyers of real estate the existence of planned highways near the

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property.

Contact: Dr. Phyllis H. Price, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

THE COMMONWEALTH'S ROLE IN THE PROVISION OF HOUSING FOR MIGRANT WORKERS SUBCOMMITTEE

† **September 7, 1988 - 10 a.m.** — Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

The first meeting and working session of the interim for this study committee. HJR 117

Contact: Terry Mapp Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ADMISSIONS OF MINORS TO PSYCHIATRIC HOSPITALS

September 12, 1988 - 10 a.m. — Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The second in a series of meetings prior to public hearing in October.

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING POUND SEIZURE LEGISLATION

† **September 13, 1988 - 7 p.m.** — Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Special Conservation and Natural Resources Subcommittee studying pound seizure is holding second of three public hearings on the issue. HB 933

Contact: Persons wishing to speak contact: Anne R. Howard, Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: John T. Heard, Staff Attorney, or Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SUBCOMMITTEE STUDYING CONSTRUCTION FUNDING OF PUBLIC SCHOOL FACILITIES

† **September 8, 1988 - 10 a.m.** — Open Meeting

General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

A second meeting of the interim to discuss proposals for funding issues and plans for future public hearings. HJR 108

Contact: John A. Garka, Staff Economist, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING OFF-SITE ROAD IMPROVEMENTS, LOCAL ZONING AND SUBDIVISION REGULATION AUTHORITY AND THE IMPACT OF LAND DEVELOPMENT ON THE PUBLIC INFRASTRUCTURE

† **August 31, 1988 - 10 a.m.** — Public Hearing
Martha Washington Inn, Ball Room, Abingdon, Virginia.

The subcommittee will receive testimony from the public on the subject of off-site road improvements. HJR 125

Contact: Dr. Jack Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

PRIVILEGES AND ELECTIONS SUBCOMMITTEE STUDYING SCHOOL BOARDS AND FISCAL INDEPENDENCE

† **September 14, 1988 - 1:30 p.m.** — Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A special House of Delegates Committee on Privileges and Elections Subcommittee studying the election of school boards in the Commonwealth. HJR 126

Contact: Persons wishing to speak contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Dr. R. J. Austin, Research Associate, or Mary Spain, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CONSTRUCTION OF A SUPERHIGHWAY ALONG VIRGINIA'S SOUTHERN BOUNDARY

September 9, 1988 - 10 a.m. — Public Hearing
Martha Washington Inn, Ball Room, Abingdon, Virginia

Subcommittee will meet for purpose of receiving public testimony relating to need for construction of superhighway along Virginia's southern boundary.

Contact: Alan Wambold, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING STATUTES OF LIMITATIONS AND ACCRUAL OF CAUSES OF ACTION SUBCOMMITTEE

† **September 7, 1988 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A second meeting and working session of the interim for this study committee. HJR 66

Contact: Mary P. Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING SUPPLY AND DEMAND OF NURSES IN THE COMMONWEALTH

† **September 9, 1988 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, Appropriations Room, 9th Floor, Richmond, Virginia. ☒

A meeting and working session. HJR 165

† **October 11, 1988 - 10 a.m. - Public Hearing**
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A public hearing. HJR 165

Contact: Persons wishing to speak contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE OF COUNTIES, CITIES AND TOWNS AND LOCAL GOVERNMENT STUDYING TREE PRESERVATION IN THE COMMONWEALTH

† **September 16, 1988 - - Public Hearing**
Massey Building, 4100 Chain Bridge Road, Supervisors' Meeting Room, Fairfax, Virginia

A special joint subcommittee studying tree preservation is holding two in series of public hearings.

Contact: Persons wishing to speak contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: C. M. Conner, Jr., Staff Attorney, or Dr. R. J. Austin, Research Associate, Division of

CHRONOLOGICAL LIST

OPEN MEETINGS

August 29

Agricultural Council, Virginia
Clinical Laboratory Testing, Joint Subcommittee Studying
Cosmetology, Virginia Board of

August 30

Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
- Virginia State Board of Professional Engineers
Funeral Directors and Embalmers, Virginia Board of Land Evaluation Advisory Council, State
† Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Task Force on the Revision of the Blue Book

August 31

Funeral Directors and Embalmers, Virginia Board of
† Private Security Services Advisory Board
Richlands Local Emergency Planning Committee

September 1

† Acquire Immunodeficiency Syndrome (AIDS), Joint Subcommittee Studying
Chesterfield County, Local Emergency Planning Committee of
† Elections, State Board of
† Health Regulatory Boards, Council on
- Regulatory Evaluation and Research Committee
- Committee on Scopes and Standards of Practice
† Labor Force Needs Study
Medicine, Virginia State Board of
Mines, Minerals and Energy, Department of
† Petersburg Local Emergency Planning Council
Soil Scientists, Board of Professional

September 2

Code Commission, Virginia
Local Government Structures and Relationships, Commission on

September 3

William and Mary, The College of
- Board of Visitors

September 6

Hopewell Industrial Safety Council
† Marine Resources Commission

September 7

† All-Terrain Vehicles, Joint Subcommittee Studying
† Floyd County Emergency Planning Committee

Calendar of Events

† Hearing Aid Dealers and Fitters, Virginia Board of
† Higher Education for Virginia, State Council of
† The Commonwealth's Role in the Provision of
Housing for Migrant Workers Subcommittee
† Statutes of Limitations and Accrual of Causes of
Action Subcommittee

September 8

Boating Advisory Board, Virginia
† Chesapeake Bay Commission
† Child Day-Care Council
Fairfax County, Town of Vienna, City of Fairfax, Town
of Herndon, Local Emergency Planning Committee of
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
† Library Board
Long-Term Care Council, Virginia
Martinsville and Henry County, Local Emergency
Planning Committee for the City of
† Public School Facilities, Subcommittee Studying
Construction Funding of

September 9

† Chesapeake Bay Commission
Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Coordinating Committee
General Services, Department of
- Art and Architectural Review Board
- Division of Consolidated Laboratory Services
† Medical Assistance Services, Board of
† Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee
Superhighway along Virginia's Southern Boundary,
Joint Subcommittee Studying Construction of a
† Supply and Demand of Nurses in the
Commonwealth, Joint Subcommittee Studying

September 10

† George Mason University
- Board of Visitors

September 12

Minors to Psychiatric Hospitals, Joint Subcommittee
Studying Admissions of
Montgomery, Town of Blacksburg Local Emergency
Planning Committee, County of
† Motor Vehicles, Department of

September 13

† Adult Literacy Committee, State
Local Government, Commission on
† Montgomery, Town of Blacksburg Local Emergency
Planning Committee, County of
† Motor Vehicles, Department of

September 14

† Bedford County Local Emergency Planning
Committee
Dentistry, Virginia Board of
† Freedom of Information Act, Joint Subcommittee

Studying the

† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
† Motor Vehicles, Department of
Sewage Handling and Disposal Appeals Review Board,
State

September 15

Child Abuse Cases, Joint Subcommittee Studying
Investigative Procedures Used in
Dentistry, Virginia Board of
† Funeral Services, Joint Subcommittee Studying
Preneed Contracts for
Geology, Virginia State Board of
Labor and Industry, Department of
- Virginia Apprenticeship Council

September 16

Dentistry, Virginia Board of
† Indians, Council on
† Medicine, Virginia State Board of
- Podiatry Examination Committee

September 19

† Appropriations Committee, House
- Higher Education Subcommittee
Clearing Title to Real Property, Joint Subcommittee
Studying Methods of
Real Estate Board, Virginia

September 20

† Goochland County Local Emergency Planning
Committee
Land Evaluation Advisory Council, State

September 21

† Hazardous Materials Emergency Response Advisory
Council, Training Study Committee of the
† Water and Wastewater Works Operators, Board for
the Certification of

September 22

† Medicine, Virginia State Board of
- Chiropractic Examination Committee

September 23

Dentistry, Virginia Board of
† Prince William County, Manassas city, and Manassas
Park City Local Emergency Planning Committee

September 26

Education, State Board of
† Motor Vehicles, Department of
† Nursing, Virginia State Board of
Water Control Board, State

September 27

† Aging, Department for the
Education, State Board of
† Farm Economy, Subcommittee from the House of
Delegates Committee on Agriculture Studying Ways to

Calendar of Events

Improve Virginia's
Local Emergency Planning Committee - Scott County
† Motor Vehicles, Department of
† Nursing, Virginia State Board of
Water Control Board, State

September 28

Dentistry, Virginia Board of
† Nursing, Virginia State Board of

September 29

† Aging, Department for the
Architects, Virginia State Board of
† Criminal Defense Systems for the Indigent, Joint
Subcommittee Studying

September 30

Architects, Professional Engineers, Land Surveyors and
Certified Landscape Architects, State Board of
† Medicine, Virginia State Board of
- Ad Hoc Committee on Optometry
- Executive Committee

October 1

Medicine, Virginia State Board of
- Credentials Committee

October 3

† Air Pollution Control Board, State

October 4

† Agriculture and Consumer Services, State Board of
† Air Pollution Control Board, State
- State Advisory Board on Air Pollution
† Cosmetology, Virginia Board of

October 5

† Agriculture and Consumer Services, State Board of

October 6

Chesterfield County, Local Emergency Planning
Committee of
Code Commission, Virginia (Tentative)

October 7

Code Commission, Virginia (Tentative)
Education, State Board of
† General Services, Department of
- Art and Architectural Review Board
† Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee

October 8

Military Institute, Virginia
- Board of Visitors
Visually Handicapped, Department for the
- Advisory Committee on Services

October 11

† Commerce, Department of

October 12

† Appropriations and Senate Finance Capital Outlay
and Public Safety, Joint Subcommittee of House
† Appropriations and Senate Finance on Jail and
Juvenile Detention Facility Financing, Joint
Subcommittee of House

October 13

† Freedom of Information Act, Joint Subcommittee
Studying the
† Nursing and Medicine, Committee of the Joint
Boards of

October 15

† Medicine, Virginia State Board of
- Acupuncture Committee

October 17

Clearing Title to Real Property, Joint Subcommittee
Studying Methods of

October 21

† Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee

October 25

† Nursing, Virginia State Board of

October 27

Education, State Board of

October 28

Education, State Board of

November 2

† Criminal Defense Systems for the Indigent, Joint
Subcommittee Studying

November 3

† Chesterfield County, Local Emergency Planning
Committee of

November 17

† Freedom of Information Act, Joint Subcommittee
Studying

December 9

† Freedom of Information Act, Joint Subcommittee
Studying the

PUBLIC HEARINGS

August 30

† Air Pollution Control, Department of
† Long-Wall Mining, Joint Subcommittee Studying
† Montgomery, Town of Blacksburg Local Emergency
Planning Committee, County of
Water Control Board, State

August 31

Calendar of Events

† Long-Wall Mining, Joint Subcommittee Studying
† Road Improvements, Local Zoning and Subdivision Regulation Authority and the Impact of Land Development on the Public Infrastructure, Joint Subcommittee Studying Off-Site

September 6

Marine Resources Commission
- Habitat Management Division

September 7

Air Pollution Control, Department of

September 8

† Air Pollution Control, Department of
Child Abuse Cases, Joint Subcommittee Studying Investigative Procedures Used in
Water Control Board, State

September 12

† Major Highway Corridors, Joint Subcommittee Studying Disclosure of the Existence of
† Water Control Board, State

September 13

† Pound Seizure Legislation, Joint Subcommittee Studying

September 14

† School Boards and Fiscal Independence, Privileges and Elections Subcommittee Studying

September 15

Dentistry, Virginia Board of

September 16

† Tree Preservation in the Commonwealth, Joint Subcommittee of Counties, Cities and Towns and Local Government Studying
Waste Management, Department of

September 19

Lottery Department, State
Waste Management, Department of

September 20

Alcoholic Beverage Control, Department of

September 21

Fire Prevention Services, Joint Subcommittee Studying

September 26

Nursing, Virginia State Board of
† Soil and Water Conservation Board, Virginia

September 30

Medical Assistance Services, Department of
Voluntary Formulary Board, Virginia

October 3

† Water Control Board, State

October 4

Agriculture and Consumer Services, Department of
† Water Control Board, State

October 11

† Supply and Demand of Nurses in the Commonwealth, Joint Subcommittee Studying

October 17

Housing and Community Development, Board of

October 18

Air Pollution Control, Department of
Corrections, Department of

October 20

Corrections, Department of

November 1

† Child Day-Care Council
† Social Services and Child Day-Care Council, State Board of
† Transportation/Commonwealth Transportation Board, Department of

November 2

† Child Day-Care Council
† Social Services and Child Day-Care Council, State Board of
† Transportation/Commonwealth Transportation Board, Department of

November 3

† Child Day-Care Council
† Health, Department of
† Social Services and Child Day-Care Council, State Board of

November 4

† Transportation/Commonwealth Transportation Board, Department of

November 10

† Transportation/Commonwealth Transportation Board, Department of

November 15

† Transportation/Commonwealth Transportation Board, Department of