
THE VIRGINIA REGISTER INFORMATION PAGE

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 new and amended sections of regulations, both as proposed and as finally adopted, 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 and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

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

The 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 Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

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

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day extension

period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

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

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt 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 to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 VA.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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PUBLICATION DEADLINES AND SCHEDULES

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August 1998 through June 1999

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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15:2	September 23, 1998	October 12, 1998
15:3	October 7, 1998	October 26, 1998
15:4	October 21, 1998	November 9, 1998
15:5	November 4, 1998	November 23, 1998
15:6	November 17, 1998 (Tuesday)	December 7, 1998
15:7	December 2, 1998	December 21, 1998
INDEX 1 - Volume 15		January 1999
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15:9	December 29, 1998 (Tuesday)	January 18, 1999
15:10	January 13, 1999	February 1, 1999
15:11	January 27, 1999	February 15, 1999
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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-180-10	Amended	14:19 VA.R. 2666	7/8/98
2 VAC 5-180-20	Amended	14:19 VA.R. 2667	7/8/98
2 VAC 5-180-30	Amended	14:19 VA.R. 2668	7/8/98
2 VAC 5-180-50	Amended	14:19 VA.R. 2668	7/8/98
2 VAC 5-180-60	Amended	14:19 VA.R. 2668	7/8/98
2 VAC 5-180-80	Amended	14:19 VA.R. 2668	7/8/98
2 VAC 5-180-90	Amended	14:19 VA.R. 2669	7/8/98
2 VAC 5-180-120	Amended	14:19 VA.R. 2669	7/8/98
2 VAC 5-205-10 through 2 VAC 5-205-110	Added	14:19 VA.R. 2670	7/8/98
2 VAC 5-390-180	Amended	14:14 VA.R. 2136	3/1/98
Title 4. Conservation and Natural Resources			
4 VAC 15-290-140	Amended	14:16 VA.R. 2357	7/1/98
4 VAC 20-260-20	Amended	14:15 VA.R. 2231	3/13/98
4 VAC 20-280-10	Amended	14:16 VA.R. 2357	3/31/98
4 VAC 20-345-10	Added	14:15 VA.R. 2236	3/1/98
4 VAC 20-345-20	Added	14:15 VA.R. 2236	3/1/98
4 VAC 20-345-20	Amended	14:18 VA.R. 2513	5/4/98
4 VAC 20-345-30	Added	14:15 VA.R. 2236	3/1/98
4 VAC 20-345-40	Added	14:15 VA.R. 2237	3/1/98
4 VAC 20-345-40	Amended	14:18 VA.R. 2513	5/4/98
4 VAC 20-380-30	Amended	14:16 VA.R. 2357	3/31/98
4 VAC 20-380-60	Amended	14:16 VA.R. 2358	3/31/98
4 VAC 20-395-10 through 4 VAC 20-395-40	Added	14:22 VA.R. 3205-3206	7/1/98
4 VAC 20-500-40	Amended	14:14 VA.R. 2137	3/1/98
4 VAC 20-560-10	Amended	14:18 VA.R. 2514	5/1/98
4 VAC 20-560-20	Amended	14:18 VA.R. 2514	5/1/98
4 VAC 20-560-40	Amended	14:18 VA.R. 2515	5/1/98
4 VAC 20-560-50	Amended	14:18 VA.R. 2516	5/1/98
4 VAC 20-620-50	Amended	14:16 VA.R. 2358	4/1/98
4 VAC 20-620-60	Amended	14:16 VA.R. 2358	4/1/98
4 VAC 20-880-40	Amended	14:14 VA.R. 2137	3/1/98
4 VAC 20-880-40	Amended	14:18 VA.R. 2516	5/1/98
4 VAC 20-880-50	Amended	14:14 VA.R. 2138	3/1/98
4 VAC 20-880-50	Amended	14:18 VA.R. 2517	5/1/98
4 VAC 20-910-45	Amended	14:12 VA.R. 1915	1/30/98
4 VAC 20-950-30	Amended	14:16 VA.R. 2358	4/1/98
4 VAC 20-950-45	Added	14:12 VA.R. 1915	1/30/98
4 VAC 20-950-45	Amended	14:16 VA.R. 2359	4/1/98
4 VAC 20-960-30	Amended	14:16 VA.R. 2359	4/1/98
4 VAC 20-960-45	Added	14:16 VA.R. 2359	4/1/98
4 VAC 20-1000-10	Added	14:12 VA.R. 1916	1/30/98

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4 VAC 20-1000-20	Added	14:12 VA.R. 1916	1/30/98
4 VAC 20-1000-30	Added	14:12 VA.R. 1916	1/30/98
4 VAC 20-1000-40	Added	14:12 VA.R. 1916	1/30/98
4 VAC 25-40-10	Amended	14:17 VA.R. 2428	7/1/98
4 VAC 25-40-20	Repealed	14:17 VA.R. 2430	7/1/98
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4 VAC 25-40-30	Repealed	14:17 VA.R. 2430	7/1/98
4 VAC 25-40-40	Amended	14:17 VA.R. 2430	7/1/98
4 VAC 25-40-50	Amended	14:17 VA.R. 2430	7/1/98
4 VAC 25-40-60	Repealed	14:17 VA.R. 2431	7/1/98
4 VAC 25-40-70	Amended	14:17 VA.R. 2431	7/1/98
4 VAC 25-40-80	Repealed	14:17 VA.R. 2431	7/1/98
4 VAC 25-40-90	Amended	14:17 VA.R. 2431	7/1/98
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4 VAC 25-40-140	Amended	14:17 VA.R. 2432	7/1/98
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4 VAC 25-40-200	Amended	14:17 VA.R. 2432	7/1/98
4 VAC 25-40-210	Amended	14:17 VA.R. 2432	7/1/98
4 VAC 25-40-220	Amended	14:17 VA.R. 2432	7/1/98
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4 VAC 25-40-385	Added	14:17 VA.R. 2433	7/1/98
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4 VAC 25-40-710	Amended	14:17 VA.R. 2435	7/1/98
4 VAC 25-40-720	Amended	14:17 VA.R. 2435	7/1/98
4 VAC 25-40-730	Repealed	14:17 VA.R. 2435	7/1/98
4 VAC 25-40-750	Repealed	14:17 VA.R. 2435	7/1/98
4 VAC 25-40-770	Amended	14:17 VA.R. 2435	7/1/98
4 VAC 25-40-780	Amended	14:17 VA.R. 2435	7/1/98
4 VAC 25-40-790	Amended	14:17 VA.R. 2436	7/1/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-40-800	Amended	14:17 VA.R. 2436	7/1/98
4 VAC 25-40-810	Amended	14:17 VA.R. 2437	7/1/98
4 VAC 25-40-820	Amended	14:17 VA.R. 2437	7/1/98
4 VAC 25-40-830	Amended	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-870	Amended	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-880	Amended	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-890	Amended	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-895	Added	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-900	Amended	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-910	Amended	14:17 VA.R. 2438	7/1/98
4 VAC 25-40-920	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-930	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-940	Repealed	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-960	Repealed	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-970	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-1030	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-1060	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-1070	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-1090	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-1100	Amended	14:17 VA.R. 2439	7/1/98
4 VAC 25-40-1130	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1140	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1180	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1200	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1210	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1220	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1250	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1260	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1280	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1300	Repealed	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1310	Repealed	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1320	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1340	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1350	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1370	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1490	Repealed	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1540	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1550	Amended	14:17 VA.R. 2440	7/1/98
4 VAC 25-40-1560	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1580	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1590	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1670	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1685	Added	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1690	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1740	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1780	Amended	14:17 VA.R. 2441	7/1/98
4 VAC 25-40-1785	Added	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-1810	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-1880	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-1940	Repealed	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2010	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2015	Added	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2040	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2080	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2100	Amended	14:17 VA.R. 2442	7/1/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-40-2140	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2170	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2180	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2210	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2220	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2250	Amended	14:17 VA.R. 2442	7/1/98
4 VAC 25-40-2260	Repealed	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2270	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2280	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2300	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2340	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2390	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2400	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2410	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2420	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2440	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2450	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2480	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2490	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2500	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2510	Repealed	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2530	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2540	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2550	Amended	14:17 VA.R. 2443	7/1/98
4 VAC 25-40-2590	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2610	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2650	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2660	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2680	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2700	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2720	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2750	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2760	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2770	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2790	Amended	14:17 VA.R. 2444	7/1/98
4 VAC 25-40-2800	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2810	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2820	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2850	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2870	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2880	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2910	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2915	Added	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2920	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2930	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-2980	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-3000	Amended	14:17 VA.R. 2445	7/1/98
4 VAC 25-40-3030	Amended	14:17 VA.R. 2446	7/1/98
4 VAC 25-40-3050	Amended	14:17 VA.R. 2446	7/1/98
4 VAC 25-40-3070	Amended	14:17 VA.R. 2446	7/1/98
4 VAC 25-40-3080	Amended	14:17 VA.R. 2446	7/1/98
4 VAC 25-40-3110	Amended	14:17 VA.R. 2446	7/1/98
4 VAC 25-40-3120	Amended	14:17 VA.R. 2446	7/1/98
4 VAC 25-40-3160	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3170	Amended	14:17 VA.R. 2447	7/1/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-40-3220	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3230	Repealed	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3240	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3280	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3290	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3300	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3310	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3320	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3325	Added	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3328	Added	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3330	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3340	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3350	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3420	Amended	14:17 VA.R. 2447	7/1/98
4 VAC 25-40-3430	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3450	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3460	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3475	Added	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3478	Added	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3590	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3595	Added	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3620	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3660	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3680	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3690	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3700	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3710	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3720	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3830	Amended	14:17 VA.R. 2448	7/1/98
4 VAC 25-40-3840	Amended	14:17 VA.R. 2449	7/1/98
4 VAC 25-40-3855	Added	14:17 VA.R. 2449	7/1/98
4 VAC 25-40-3890	Amended	14:17 VA.R. 2449	7/1/98
4 VAC 25-40-3930	Amended	14:17 VA.R. 2449	7/1/98
4 VAC 25-40-3955	Added	14:17 VA.R. 2449	7/1/98
4 VAC 25-40-3958	Added	14:17 VA.R. 2450	7/1/98
4 VAC 25-40-3980	Amended	14:17 VA.R. 2450	7/1/98
4 VAC 25-40-3990	Amended	14:17 VA.R. 2450	7/1/98
4 VAC 25-40-4060	Amended	14:17 VA.R. 2450	7/1/98
4 VAC 25-40-4090	Amended	14:17 VA.R. 2450	7/1/98
4 VAC 25-40-4100	Amended	14:17 VA.R. 2450	7/1/98
4 VAC 25-40-4110	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4140	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4160	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4220	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4230	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4260	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4280	Amended	14:17 VA.R. 2451	7/1/98
4 VAC 25-40-4290	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4320	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4330	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4350	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4430	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4440	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4460	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4540	Amended	14:17 VA.R. 2452	7/1/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-40-4590	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4650	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4750	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4770	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4910	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4920	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4970	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-4980	Amended	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-5040	Repealed	14:17 VA.R. 2452	7/1/98
4 VAC 25-40-5050	Repealed	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5060	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5070	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5120	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5170	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5180	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5200	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5210	Amended	14:17 VA.R. 2453	7/1/98
4 VAC 25-40-5230	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5290	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5310	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5320	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5330	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5340	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5370	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5400	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5450	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5470	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5550	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5580	Amended	14:17 VA.R. 2454	7/1/98
4 VAC 25-40-5590	Amended	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5630	Amended	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5660	Amended	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5670	Amended	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5680	Repealed	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5690	Repealed	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5710	Amended	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5720	Repealed	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5730	Repealed	14:17 VA.R. 2455	7/1/98
4 VAC 25-40-5740	Repealed	14:17 VA.R. 2456	7/1/98
4 VAC 25-40-5750	Added	14:17 VA.R. 2456	7/1/98
4 VAC 25-40-5760	Added	14:17 VA.R. 2456	7/1/98
4 VAC 25-40-5770	Added	14:17 VA.R. 2457	7/1/98
4 VAC 25-40-5780	Added	14:17 VA.R. 2457	7/1/98
Title 6. Criminal Justice and Corrections			
6 VAC 15-60-10 through 6 VAC 15-60-100	Repealed	14:17 VA.R. 2457	9/1/98
6 VAC 15-61-10 through 6 VAC 15-61-300	Added	14:17 VA.R. 2457	9/1/98
Title 8. Education			
8 VAC 20-20-750	Repealed	14:20 VA.R. 2754	7/22/98
8 VAC 20-20-770	Repealed	14:20 VA.R. 2754	7/22/98
8 VAC 20-20-780	Repealed	14:20 VA.R. 2754	7/22/98
8 VAC 20-20-790	Repealed	14:20 VA.R. 2754	7/22/98
8 VAC 20-21-425	Added	14:20 VA.R. 2754	7/22/98
8 VAC 20-21-430	Added	14:20 VA.R. 2755	7/22/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-21-435	Added	14:20 VA.R. 2756	7/22/98
8 VAC 20-21-440	Added	14:20 VA.R. 2757	7/22/98
8 VAC 20-21-445	Added	14:20 VA.R. 2758	7/22/98
Title 9. Environment			
9 VAC 5-20-203	Amended	14:11 VA.R. 1804	4/1/98
9 VAC 5-20-204	Amended	14:11 VA.R. 1804	4/1/98
9 VAC 5-20-205	Amended	14:11 VA.R. 1805	4/1/98
9 VAC 5-20-220	Added	14:11 VA.R. 1812	4/1/98
9 VAC 5-20-230	Added	14:11 VA.R. 1812	4/1/98
9 VAC 5-50-400	Amended	14:11 VA.R. 1807	4/1/98
9 VAC 5-60-60	Amended	14:11 VA.R. 1807	4/1/98
9 VAC 5-60-90	Amended	14:11 VA.R. 1807	4/1/98
9 VAC 5-60-100	Amended	14:11 VA.R. 1808	4/1/98
9 VAC 5-80-40	Repealed	14:11 VA.R. 1813	4/1/98
9 VAC 5-80-800	Added	14:11 VA.R. 1820	4/1/98
9 VAC 5-80-810	Added	14:11 VA.R. 1820	4/1/98
9 VAC 5-80-820	Added	14:11 VA.R. 1822	4/1/98
9 VAC 5-80-830	Added	14:11 VA.R. 1823	4/1/98
9 VAC 5-80-840	Added	14:11 VA.R. 1823	4/1/98
9 VAC 5-80-850	Added	14:11 VA.R. 1823	4/1/98
9 VAC 5-80-860	Added	14:11 VA.R. 1825	4/1/98
9 VAC 5-80-870	Added	14:11 VA.R. 1825	4/1/98
9 VAC 5-80-880	Added	14:11 VA.R. 1825	4/1/98
9 VAC 5-80-890	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-900	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-910	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-920	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-930	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-940	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-950	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-960	Added	14:11 VA.R. 1826	4/1/98
9 VAC 5-80-970	Added	14:11 VA.R. 1827	4/1/98
9 VAC 5-80-980	Added	14:11 VA.R. 1827	4/1/98
9 VAC 5-80-990	Added	14:11 VA.R. 1828	4/1/98
9 VAC 5-80-1000	Added	14:11 VA.R. 1828	4/1/98
9 VAC 5-80-1010	Added	14:11 VA.R. 1828	4/1/98
9 VAC 5-80-1020	Added	14:11 VA.R. 1829	4/1/98
9 VAC 5-80-1030	Added	14:11 VA.R. 1830	4/1/98
9 VAC 5-80-1040	Added	14:11 VA.R. 1831	4/1/98
9 VAC 5-190-80	Erratum	14:12 VA.R. 1937	--
9 VAC 25-31-800	Erratum	14:12 VA.R. 1937	--
9 VAC 25-31-800	Erratum	14:17 VA.R. 2477	--
9 VAC 25-31-840	Erratum	14:12 VA.R. 1937	--
9 VAC 25-31-900	Erratum	14:17 VA.R. 2477	--
9 VAC 25-31-920	Amended	14:16 VA.R. 2360	5/27/98
9 VAC 25-90-10 through 9 VAC 25-90-70	Repealed	14:18 VA.R. 2517	6/24/98
9 VAC 25-91-10 through 9 VAC 25-91-220	Added	14:18 VA.R. 2518	6/24/98
9 VAC 25-91-20	Erratum	14:24 VA.R. 3682	--
9 VAC 25-91-120	Erratum	14:24 VA.R. 3682	--
9 VAC 25-91-130	Erratum	14:24 VA.R. 3682	--
9 VAC 25-91-170	Erratum	14:24 VA.R. 3682	--
9 VAC 25-91-180	Erratum	14:24 VA.R. 3682	--
9 VAC 25-91-220	Erratum	14:24 VA.R. 3682	--

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-100-10 through 9 VAC 25-100-70	Repealed	14:18 VA.R. 2547	6/24/98
9 VAC 25-101-10 through 9 VAC 25-101-70	Added	14:18 VA.R. 2547	6/24/98
9 VAC 25-101-40	Erratum	14:23 VA.R. 3682	--
9 VAC 25-101-50	Erratum	14:23 VA.R. 3682	--
9 VAC 25-130-10 through 9 VAC 25-130-100	Repealed	14:18 VA.R. 2517	6/24/98
9 VAC 25-140-10 through 9 VAC 25-140-110	Repealed	14:18 VA.R. 2518	6/24/98
9 VAC 25-196-50	Erratum	14:12 VA.R. 1937	--
9 VAC 25-196-70	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-20	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-110	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-140	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-350	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-370	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-390	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-400	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-450	Erratum	14:12 VA.R. 1937	--
9 VAC 25-260-540	Erratum	14:12 VA.R. 1937	--
9 VAC 25-590-10 through 9 VAC 25-590-230	Amended	14:23 VA.R. 3607	9/2/98
9 VAC 25-590-240	Added	14:23 VA.R. 3621	9/2/98
9 VAC 25-590-250	Added	14:23 VA.R. 3621	9/2/98
9 VAC 25-590-260	Added	14:23 VA.R. 3621	9/2/98
9 VAC 25-590, Appendix I	Amended	14:23 VA.R. 3621	9/2/98
9 VAC 25-590, Appendix II	Amended	14:23 VA.R. 3623	9/2/98
9 VAC 25-590, Appendices V through X	Amended	14:23 VA.R. 3625	9/2/98
9 VAC 25-590, Appendix XI	Added	14:23 VA.R. 3631	9/2/98
Title 10. Finance and Financial Institutions			
10 VAC 5-60-40	Amended	14:14 VA.R. 2139	3/10/98
10 VAC 5-60-50	Amended	14:14 VA.R. 2139	3/10/98
10 VAC 5-70-20	Amended	14:14 VA.R. 2140	3/10/98
10 VAC 5-70-30	Amended	14:14 VA.R. 2140	3/10/98
10 VAC 5-70-50	Amended	14:14 VA.R. 2140	3/10/98
Title 11. Gaming			
11 VAC 10-70-20	Amended	14:11 VA.R. 1831	3/19/98
11 VAC 10-70-30	Amended	14:11 VA.R. 1831	3/19/98
11 VAC 10-70-40	Amended	14:11 VA.R. 1831	3/19/98
11 VAC 10-70-50	Amended	14:11 VA.R. 1831	3/19/98
11 VAC 10-70-60	Amended	14:11 VA.R. 1832	3/19/98
11 VAC 10-70-70	Amended	14:11 VA.R. 1832	3/19/98
11 VAC 10-70-80	Amended	14:11 VA.R. 1833	3/19/98
11 VAC 10-70-110	Amended	14:11 VA.R. 1833	3/19/98
11 VAC 10-70-170	Amended	14:11 VA.R. 1833	3/19/98
11 VAC 10-70-180	Amended	14:11 VA.R. 1833	3/19/98
11 VAC 10-90-10	Amended	14:11 VA.R. 1835	3/19/98
11 VAC 10-90-20	Amended	14:11 VA.R. 1835	3/19/98
11 VAC 10-90-30	Amended	14:11 VA.R. 1835	3/19/98
11 VAC 10-90-40	Amended	14:11 VA.R. 1835	3/19/98
11 VAC 10-90-50	Amended	14:11 VA.R. 1835	3/19/98
11 VAC 10-90-60	Amended	14:11 VA.R. 1836	3/19/98
11 VAC 10-180-10	Amended	14:22 VA.R. 3207	8/20/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-180-20	Amended	14:22 VA.R. 3207	8/20/98
11 VAC 10-180-30	Amended	14:22 VA.R. 3208	8/20/98
11 VAC 10-180-50	Amended	14:22 VA.R. 3209	8/20/98
11 VAC 10-180-60	Amended	14:22 VA.R. 3211	8/20/98
11 VAC 10-180-70	Amended	14:22 VA.R. 3212	8/20/98
11 VAC 10-180-80	Amended	14:22 VA.R. 3213	8/20/98
11 VAC 10-180-90	Amended	14:22 VA.R. 3213	8/20/98
Title 12. Health			
12 VAC 5-210-10	Amended	14:15 VA.R. 2237	6/1/98
12 VAC 5-210-20	Amended	14:15 VA.R. 2243	6/1/98
12 VAC 5-220-10	Amended	14:12 VA.R. 1917	4/2/98
12 VAC 5-220-105	Added	14:12 VA.R. 1920	4/2/98
12 VAC 5-220-150	Amended	14:12 VA.R. 1920	4/2/98
12 VAC 5-220-180	Amended	14:12 VA.R. 1920	4/2/98
12 VAC 5-220-200	Amended	14:12 VA.R. 1921	4/2/98
12 VAC 5-220-230	Amended	14:12 VA.R. 1923	4/2/98
12 VAC 5-220-280	Amended	14:12 VA.R. 1924	4/2/98
12 VAC 5-220-290	Amended	14:12 VA.R. 1925	4/2/98
12 VAC 5-220-385	Amended	14:12 VA.R. 1925	4/2/98
12 VAC 5-220-500	Amended	14:12 VA.R. 1926	4/2/98
12 VAC 30-20-170	Amended	14:21 VA.R. 2889	8/5/98
12 VAC 30-50-30	Amended	14:18 VA.R. 2568	7/1/98
12 VAC 30-50-70	Amended	14:18 VA.R. 2568	7/1/98
12 VAC 30-50-100	Amended	14:18 VA.R. 2571	7/1/98
12 VAC 30-50-100 emer	Amended	14:22 VA.R. 3270	7/1/98 - 6/30/99
12 VAC 30-50-105	Amended	14:18 VA.R. 2573	7/1/98
12 VAC 30-50-105 emer	Amended	14:22 VA.R. 3272	7/1/98 - 6/30/99
12 VAC 30-50-140	Amended	14:12 VA.R. 1926	4/1/98
12 VAC 30-50-140	Amended	14:18 VA.R. 2574	7/1/98
12 VAC 30-50-150	Amended	14:12 VA.R. 1927	4/1/98
12 VAC 30-50-160	Amended	14:18 VA.R. 2564	7/1/98
12 VAC 30-50-160	Amended	14:21 VA.R. 2890	8/5/98
12 VAC 30-50-200	Amended	14:18 VA.R. 2579	7/1/98
12 VAC 30-50-220	Amended	14:18 VA.R. 2569	7/1/98
12 VAC 30-50-229.1	Added	14:18 VA.R. 2581	7/1/98
12 VAC 30-50-540	Amended	14:18 VA.R. 2575	7/1/98
12 VAC 30-50-550	Added	14:18 VA.R. 2576	7/1/98
12 VAC 30-50-560	Added	14:18 VA.R. 2577	7/1/98
12 VAC 30-50-570	Added	14:18 VA.R. 2578	7/1/98
12 VAC 30-60-20 emer	Amended	14:22 VA.R. 3273	7/1/98 - 6/30/99
12 VAC 30-60-25 emer	Amended	14:22 VA.R. 3274	7/1/98 - 6/30/99
12 VAC 30-60-40	Amended	14:12 VA.R. 1928	4/1/98
12 VAC 30-60-40	Amended	14:21 VA.R. 2892	8/5/98
12 VAC 30-60-90	Repealed	14:17 VA.R. 2465	6/10/98
12 VAC 30-60-120	Amended	14:12 VA.R. 1929	4/1/98
12 VAC 30-60-320	Amended	14:21 VA.R. 2894	8/5/98
12 VAC 30-60-340	Amended	14:21 VA.R. 2897	8/5/98
12 VAC 30-70-200 through 12 VAC 30-70-500 emer	Amended	14:22 VA.R. 3275-3297	7/1/98 - 6/30/99
12 VAC 30-70-440	Repealed	14:15 VA.R. 2248	6/1/98
12 VAC 30-70-441	Added	14:15 VA.R. 2248	6/1/98
12 VAC 30-80-30	Amended	14:12 VA.R. 1933	4/1/98
12 VAC 30-80-30	Amended	14:18 VA.R. 2582	7/1/98
12 VAC 30-80-170 emer	Amended	14:22 VA.R. 3299	7/1/98 - 6/30/99
12 VAC 30-90-52	Amended	14:22 VA.R. 3220	8/19/98

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12 VAC 30-90-264	Amended	14:21 VA.R. 2899	8/5/98
12 VAC 30-90-266	Added	14:22 VA.R. 3220	8/19/98
12 VAC 30-90-290	Amended	14:21 VA.R. 2902	8/5/98
12 VAC 30-90-330	Added	14:22 VA.R. 3221	8/19/98
12 VAC 30-100-120	Amended	14:18 VA.R. 2583	7/1/98
12 VAC 30-120-360	Amended	14:18 VA.R. 2584	7/1/98
12 VAC 30-120-360 emer	Amended	14:22 VA.R. 3300	7/1/98 - 6/30/99
12 VAC 30-120-370	Amended	14:18 VA.R. 2585	7/1/98
12 VAC 30-120-370 emer	Amended	14:22 VA.R. 3301	7/1/98 - 6/30/99
12 VAC 30-120-385	Added	14:18 VA.R. 2587	7/1/98
12 VAC 30-120-410	Amended	14:18 VA.R. 2587	7/1/98
12 VAC 30-120-420	Amended	14:18 VA.R. 2587	7/1/98
12 VAC 30-120-490 through 12 VAC 30-120-550	Added	14:18 VA.R. 2590	7/1/98
Title 13. Housing			
13 VAC 5-51-135 emer	Added	14:18 VA.R. 2605	4/27/98 - 4/26/99
13 VAC 5-61-440	Amended	14:18 VA.R. 2600	7/1/98
13 VAC 10-10-20	Amended	14:17 VA.R. 2466	5/1/98
13 VAC 10-20-20	Amended	14:17 VA.R. 2467	5/1/98
13 VAC 10-40-100	Amended	14:11 VA.R. 1838	1/28/98
13 VAC 10-40-110	Amended	14:11 VA.R. 1839	1/28/98
13 VAC 10-40-120	Amended	14:11 VA.R. 1839	1/28/98
13 VAC 10-40-130	Amended	14:11 VA.R. 1839	1/28/98
13 VAC 10-40-140	Amended	14:11 VA.R. 1841	1/28/98
13 VAC 10-40-190	Amended	14:11 VA.R. 1842	1/28/98
13 VAC 10-40-210	Amended	14:11 VA.R. 1843	1/28/98
13 VAC 10-40-230	Added	14:11 VA.R. 1843	1/28/98
13 VAC 10-130-30	Amended	14:17 VA.R. 2468	5/1/98
13 VAC 10-140-20	Amended	14:17 VA.R. 2469	5/1/98
13 VAC 10-180-50	Amended	14:14 VA.R. 2141	3/4/98
13 VAC 10-180-60	Amended	14:14 VA.R. 2142	3/4/98
Title 16. Labor and Employment			
16 VAC 10-20-10	Amended	14:20 VA.R. 2759	7/1/98
16 VAC 10-20-20	Amended	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-30	Amended	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-40	Amended	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-50	Repealed	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-60	Repealed	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-70	Repealed	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-80	Amended	14:20 VA.R. 2760	7/1/98
16 VAC 10-20-90	Repealed	14:20 VA.R. 2761	7/1/98
16 VAC 10-20-100	Repealed	14:20 VA.R. 2761	7/1/98
16 VAC 10-20-110	Amended	14:20 VA.R. 2761	7/1/98
16 VAC 10-20-140	Amended	14:20 VA.R. 2761	7/1/98
16 VAC 10-20-150	Amended	14:20 VA.R. 2761	7/1/98
16 VAC 10-20-160	Amended	14:20 VA.R. 2761	7/1/98
16 VAC 10-20-170	Amended	14:20 VA.R. 2762	7/1/98
16 VAC 10-20-180	Repealed	14:20 VA.R. 2762	7/1/98
16 VAC 10-20-190	Amended	14:20 VA.R. 2762	7/1/98
16 VAC 10-20-200	Amended	14:20 VA.R. 2762	7/1/98
16 VAC 10-20-210	Repealed	14:20 VA.R. 2763	7/1/98
16 VAC 10-20-220	Repealed	14:20 VA.R. 2763	7/1/98
16 VAC 10-20-230	Repealed	14:20 VA.R. 2764	7/1/98
16 VAC 10-20-240	Amended	14:20 VA.R. 2764	7/1/98
16 VAC 10-20-250	Repealed	14:20 VA.R. 2765	7/1/98

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16 VAC 10-20-260	Repealed	14:20 VA.R. 2765	7/1/98
16 VAC 10-20-270	Repealed	14:20 VA.R. 2766	7/1/98
16 VAC 10-20-275	Added	14:20 VA.R. 2766	7/1/98
16 VAC 10-20-280	Amended	14:20 VA.R. 2766	7/1/98
16 VAC 10-20-290	Repealed	14:20 VA.R. 2766	7/1/98
16 VAC 10-20-300	Amended	14:20 VA.R. 2766	7/1/98
16 VAC 10-20-310 through 16 VAC 10-20-460	Repealed	14:20 VA.R. 2767-2770	7/1/98
16 VAC 25-90-1910.94	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.111	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.134	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.134	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.139	Added	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.156	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.252	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.261	Erratum	14:17 VA.R. 2477	6/1/98
16 VAC 25-90-1910.1001	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1003	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1003	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.1017	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1018	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1025	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1025	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.1027	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1028	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1028	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.1029	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1043	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1044	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1045	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1045	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.1047	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1048	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1048	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.1050	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1050	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-90-1910.1051	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1052	Amended	14:14 VA.R. 2151	5/1/98
16 VAC 25-90-1910.1052	Amended	14:15 VA.R. 2250	6/1/98
16 VAC 25-90-1910.1052	Amended	14:22 VA.R. 3222	9/1/98
16 VAC 25-175-1926.1101	Amended	14:22 VA.R. 3222	9/1/98
Title 18. Professional and Occupational Licensing			
18 VAC 25-21-70	Amended	14:11 VA.R. 1845	4/1/98
18 VAC 30-20-10	Amended	14:14 VA.R. 2155	4/29/98
18 VAC 30-20-20	Repealed	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-30	Repealed	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-40	Repealed	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-45	Added	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-50	Amended	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-60	Repealed	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-70	Amended	14:14 VA.R. 2156	4/29/98
18 VAC 30-20-80	Amended	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-90	Repealed	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-100	Repealed	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-110	Repealed	14:14 VA.R. 2157	4/29/98

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18 VAC 30-20-120	Repealed	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-130	Repealed	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-140	Repealed	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-150	Amended	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-160	Amended	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-170	Amended	14:14 VA.R. 2157	4/29/98
18 VAC 30-20-180	Amended	14:14 VA.R. 2159	4/29/98
18 VAC 30-20-190	Repealed	14:14 VA.R. 2159	4/29/98
18 VAC 30-20-200	Repealed	14:14 VA.R. 2159	4/29/98
18 VAC 30-20-210	Repealed	14:14 VA.R. 2159	4/29/98
18 VAC 30-20-220	Repealed	14:14 VA.R. 2159	4/29/98
18 VAC 30-20-240	Amended	14:14 VA.R. 2159	4/29/98
18 VAC 30-20-250	Repealed	14:14 VA.R. 2160	4/29/98
18 VAC 30-20-260	Repealed	14:14 VA.R. 2160	4/29/98
18 VAC 30-20-270	Repealed	14:14 VA.R. 2160	4/29/98
18 VAC 30-20-280	Amended	14:14 VA.R. 2160	4/29/98
18 VAC 60-20-105	Added	14:18 VA.R. 2602	6/24/98
18 VAC 76-10-10	Amended	14:11 VA.R. 1845	1/22/98
18 VAC 85-20-10	Amended	14:21 VA.R. 2904	8/5/98
18 VAC 85-20-20	Amended	14:21 VA.R. 2904	8/5/98
18 VAC 85-20-21	Added	14:21 VA.R. 2904	8/5/98
18 VAC 85-20-22	Added	14:21 VA.R. 2904	8/5/98
18 VAC 85-20-30	Amended	14:21 VA.R. 2905	8/5/98
18 VAC 85-20-60	Repealed	14:21 VA.R. 2905	8/5/98
18 VAC 85-20-70	Repealed	14:21 VA.R. 2905	8/5/98
18 VAC 85-20-105	Added	14:21 VA.R. 2905	8/5/98
18 VAC 85-20-110	Repealed	14:21 VA.R. 2905	8/5/98
18 VAC 85-20-120	Amended	14:21 VA.R. 2905	8/5/98
18 VAC 85-20-121	Added	14:21 VA.R. 2906	8/5/98
18 VAC 85-20-122	Added	14:21 VA.R. 2906	8/5/98
18 VAC 85-20-131	Added	14:21 VA.R. 2908	8/5/98
18 VAC 85-20-140	Amended	14:21 VA.R. 2908	8/5/98
18 VAC 85-20-150	Amended	14:21 VA.R. 2909	8/5/98
18 VAC 85-20-160	Repealed	14:21 VA.R. 2909	8/5/98
18 VAC 85-20-170	Repealed	14:21 VA.R. 2910	8/5/98
18 VAC 85-20-180	Repealed	14:21 VA.R. 2910	8/5/98
18 VAC 85-20-190	Repealed	14:21 VA.R. 2911	8/5/98
18 VAC 85-20-200	Repealed	14:21 VA.R. 2911	8/5/98
18 VAC 85-20-210	Amended	14:21 VA.R. 2912	8/5/98
18 VAC 85-20-230	Amended	14:21 VA.R. 2912	8/5/98
18 VAC 85-20-240	Amended	14:21 VA.R. 2912	8/5/98
18 VAC 85-20-250	Repealed	14:21 VA.R. 2912	8/5/98
18 VAC 85-20-260	Repealed	14:21 VA.R. 2913	8/5/98
18 VAC 85-20-270	Repealed	14:21 VA.R. 2913	8/5/98
18 VAC 85-40-10	Amended	14:21 VA.R. 2915	8/5/98
18 VAC 85-40-20	Amended	14:21 VA.R. 2915	8/5/98
18 VAC 85-40-40	Amended	14:21 VA.R. 2915	8/5/98
18 VAC 85-40-50	Amended	14:21 VA.R. 2916	8/5/98
18 VAC 85-40-60	Amended	14:21 VA.R. 2916	8/5/98
18 VAC 85-40-70	Amended	14:21 VA.R. 2916	8/5/98
18 VAC 85-40-80	Amended	14:21 VA.R. 2916	8/5/98
18 VAC 85-50-10	Amended	14:21 VA.R. 2923	8/5/98
18 VAC 85-50-50	Amended	14:21 VA.R. 2924	8/5/98
18 VAC 85-50-55	Amended	14:21 VA.R. 2924	8/5/98
18 VAC 85-50-57	Amended	14:21 VA.R. 2924	8/5/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-50-101	Added	14:21 VA.R. 2924	8/5/98
18 VAC 85-50-115	Amended	14:21 VA.R. 2925	8/5/98
18 VAC 85-50-116	Added	14:21 VA.R. 2925	8/5/98
18 VAC 85-50-170	Amended	14:21 VA.R. 2925	8/5/98
18 VAC 85-80-10	Amended	14:21 VA.R. 2934	8/5/98
18 VAC 85-80-40	Amended	14:21 VA.R. 2934	8/5/98
18 VAC 85-80-50	Amended	14:21 VA.R. 2934	8/5/98
18 VAC 85-80-60	Amended	14:21 VA.R. 2935	8/5/98
18 VAC 85-80-70	Amended	14:21 VA.R. 2935	8/5/98
18 VAC 85-80-80	Amended	14:21 VA.R. 2935	8/5/98
18 VAC 85-80-120	Amended	14:21 VA.R. 2935	8/5/98
18 VAC 110-20-210	Amended	14:15 VA.R. 2253	5/13/98
18 VAC 120-30-100	Amended	14:11 VA.R. 1846	4/1/98
18 VAC 125-20-30	Amended	14:11 VA.R. 1851	4/1/98
18 VAC 135-20-10	Amended	14:20 VA.R. 2771	9/1/98
18 VAC 135-20-20	Amended	14:20 VA.R. 2771	9/1/98
18 VAC 135-20-30	Amended	14:20 VA.R. 2772	9/1/98
18 VAC 135-20-40	Amended	14:20 VA.R. 2773	9/1/98
18 VAC 135-20-45	Added	14:20 VA.R. 2773	9/1/98
18 VAC 135-20-50	Amended	14:20 VA.R. 2773	9/1/98
18 VAC 135-20-60	Amended	14:20 VA.R. 2774	9/1/98
18 VAC 135-20-80	Amended	14:20 VA.R. 2774	9/1/98
18 VAC 135-20-90	Amended	14:20 VA.R. 2775	9/1/98
18 VAC 135-20-100	Amended	14:20 VA.R. 2775	9/1/98
18 VAC 135-20-110	Amended	14:20 VA.R. 2776	9/1/98
18 VAC 135-20-120	Amended	14:20 VA.R. 2776	9/1/98
18 VAC 135-20-150	Amended	14:20 VA.R. 2776	9/1/98
18 VAC 135-20-160	Amended	14:20 VA.R. 2776	9/1/98
18 VAC 135-20-170	Amended	14:20 VA.R. 2777	9/1/98
18 VAC 135-20-180	Amended	14:20 VA.R. 2777	9/1/98
18 VAC 135-20-190	Amended	14:20 VA.R. 2778	9/1/98
18 VAC 135-20-200	Amended	14:20 VA.R. 2779	9/1/98
18 VAC 135-20-210	Amended	14:20 VA.R. 2779	9/1/98
18 VAC 135-20-220	Amended	14:20 VA.R. 2780	9/1/98
18 VAC 135-20-240	Amended	14:20 VA.R. 2780	9/1/98
18 VAC 135-20-250	Amended	14:20 VA.R. 2780	9/1/98
18 VAC 135-20-260	Amended	14:20 VA.R. 2780	9/1/98
18 VAC 135-20-270	Amended	14:20 VA.R. 2781	9/1/98
18 VAC 135-20-280	Amended	14:20 VA.R. 2781	9/1/98
18 VAC 135-20-290	Amended	14:20 VA.R. 2781	9/1/98
18 VAC 135-20-300	Amended	14:20 VA.R. 2782	9/1/98
18 VAC 135-20-310	Amended	14:20 VA.R. 2782	9/1/98
18 VAC 135-20-320	Amended	14:20 VA.R. 2783	9/1/98
18 VAC 135-20-350	Amended	14:20 VA.R. 2783	9/1/98
18 VAC 135-20-360	Amended	14:20 VA.R. 2783	9/1/98
18 VAC 135-20-370	Amended	14:20 VA.R. 2784	9/1/98
18 VAC 135-20-380	Amended	14:20 VA.R. 2784	9/1/98
18 VAC 135-20-390	Amended	14:20 VA.R. 2784	9/1/98
18 VAC 135-20-400	Amended	14:20 VA.R. 2785	9/1/98
18 VAC 135-20-410	Amended	14:20 VA.R. 2785	9/1/98
18 VAC 135-20-420	Repealed	14:20 VA.R. 2785	9/1/98
18 VAC 135-20-430	Repealed	14:20 VA.R. 2785	9/1/98
18 VAC 135-20-440	Repealed	14:20 VA.R. 2785	9/1/98
Title 19. Public Safety			
19 VAC 30-20-10	Amended	14:11 VA.R. 1853	3/18/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-20-70	Amended	14:11 VA.R. 1853	3/18/98
19 VAC 30-20-80	Amended	14:11 VA.R. 1854	3/18/98
19 VAC 30-20-140	Amended	14:11 VA.R. 1854	3/18/98
19 VAC 30-20-150	Amended	14:11 VA.R. 1854	3/18/98
19 VAC 30-20-160	Amended	14:11 VA.R. 1854	3/18/98
19 VAC 30-170-05	Added	14:22 VA.R. 3225	7/1/98
19 VAC 30-170-10	Amended	14:22 VA.R. 3225	7/1/98
19 VAC 30-170-20	Amended	14:22 VA.R. 3225	7/1/98
19 VAC 30-170-30	Amended	14:22 VA.R. 3226	7/1/98
19 VAC 30-170-40	Amended	14:22 VA.R. 3227	7/1/98
19 VAC 30-170-50	Amended	14:22 VA.R. 3228	7/1/98
19 VAC 30-170-60	Added	14:22 VA.R. 3228	7/1/98
Title 20. Public Utilities and Telecommunications			
20 VAC 5-310-10	Amended	14:15 VA.R. 2253	3/24/98
Title 21. Securities and Retail Franchising			
21 VAC 5-10-40	Amended	14:22 VA.R. 3240	7/1/98
21 VAC 5-20-10	Amended	14:22 VA.R. 3240	7/1/98
21 VAC 5-20-70	Amended	14:22 VA.R. 3241	7/1/98
21 VAC 5-20-80	Amended	14:22 VA.R. 3241	7/1/98
21 VAC 5-20-230	Amended	14:22 VA.R. 3243	7/1/98
21 VAC 5-20-290	Amended	14:22 VA.R. 3243	7/1/98
21 VAC 5-20-300	Amended	14:22 VA.R. 3243	7/1/98
21 VAC 5-30-20	Amended	14:22 VA.R. 3244	7/1/98
21 VAC 5-30-50	Amended	14:22 VA.R. 3244	7/1/98
21 VAC 5-30-60	Amended	14:22 VA.R. 3244	7/1/98
21 VAC 5-30-70	Amended	14:22 VA.R. 3244	7/1/98
21 VAC 5-30-80	Amended	14:22 VA.R. 3245	7/1/98
21 VAC 5-40-20	Amended	14:22 VA.R. 3245	7/1/98
21 VAC 5-40-30	Amended	14:22 VA.R. 3246	7/1/98
21 VAC 5-40-100	Amended	14:22 VA.R. 3247	7/1/98
21 VAC 5-40-120	Amended	14:22 VA.R. 3249	7/1/98
21 VAC 5-80-10	Amended	14:22 VA.R. 3249	7/1/98
21 VAC 5-80-40	Amended	14:22 VA.R. 3250	7/1/98
21 VAC 5-80-140	Amended	14:22 VA.R. 3250	7/1/98
21 VAC 5-80-160	Amended	14:22 VA.R. 3251	7/1/98
21 VAC 5-80-170	Amended	14:22 VA.R. 3253	7/1/98
21 VAC 5-80-210	Amended	14:22 VA.R. 3253	7/1/98
21 VAC 5-80-220	Amended	14:22 VA.R. 3254	7/1/98
21 VAC 5-80-250	Added	14:22 VA.R. 3255	7/1/98
21 VAC 5-85-10	Amended	14:13 VA.R. 1976	2/17/98
21 VAC 5-85-10	Amended	14:15 VA.R. 2259	3/24/98
21 VAC 5-85-10	Amended	14:22 VA.R. 3256	7/1/98
21 VAC 5-120-10 through 21 VAC 5-120-110	Added	14:22 VA.R. 3261-3264	7/1/98
Title 22. Social Services			
22 VAC 15-30-10	Amended	14:21 VA.R. 2942	9/1/98
22 VAC 15-30-20	Amended	14:21 VA.R. 2946	9/1/98
22 VAC 15-30-30	Amended	14:21 VA.R. 2946	9/1/98
22 VAC 15-30-40	Repealed	14:21 VA.R. 2946	9/1/98
22 VAC 15-30-50	Amended	14:21 VA.R. 2946	9/1/98
22 VAC 15-30-60	Repealed	14:21 VA.R. 2947	9/1/98
22 VAC 15-30-70	Amended	14:21 VA.R. 2948	9/1/98
22 VAC 15-30-80	Amended	14:21 VA.R. 2948	9/1/98
22 VAC 15-30-90	Amended	14:21 VA.R. 2948	9/1/98
22 VAC 15-30-100	Amended	14:21 VA.R. 2949	9/1/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 15-30-110	Amended	14:21 VA.R. 2949	9/1/98
22 VAC 15-30-120	Amended	14:21 VA.R. 2949	9/1/98
22 VAC 15-30-130	Amended	14:21 VA.R. 2950	9/1/98
22 VAC 15-30-140	Amended	14:21 VA.R. 2950	9/1/98
22 VAC 15-30-150	Amended	14:21 VA.R. 2950	9/1/98
22 VAC 15-30-160	Amended	14:21 VA.R. 2950	9/1/98
22 VAC 15-30-170	Amended	14:21 VA.R. 2951	9/1/98
22 VAC 15-30-180	Amended	14:21 VA.R. 2951	9/1/98
22 VAC 15-30-190	Amended	14:21 VA.R. 2952	9/1/98
22 VAC 15-30-200	Amended	14:21 VA.R. 2952	9/1/98
22 VAC 15-30-210	Repealed	14:21 VA.R. 2952	9/1/98
22 VAC 15-30-220	Repealed	14:21 VA.R. 2952	9/1/98
22 VAC 15-30-230	Amended	14:21 VA.R. 2953	9/1/98
22 VAC 15-30-240	Repealed	14:21 VA.R. 2953	9/1/98
22 VAC 15-30-250	Amended	14:21 VA.R. 2954	9/1/98
22 VAC 15-30-260	Amended	14:21 VA.R. 2954	9/1/98
22 VAC 15-30-270	Repealed	14:21 VA.R. 2955	9/1/98
22 VAC 15-30-280	Amended	14:21 VA.R. 2955	9/1/98
22 VAC 15-30-290	Amended	14:21 VA.R. 2955	9/1/98
22 VAC 15-30-300	Repealed	14:21 VA.R. 2955	9/1/98
22 VAC 15-30-310	Amended	14:21 VA.R. 2955	9/1/98
22 VAC 15-30-320	Amended	14:21 VA.R. 2956	9/1/98
22 VAC 15-30-330	Amended	14:21 VA.R. 2957	9/1/98
22 VAC 15-30-340	Amended	14:21 VA.R. 2958	9/1/98
22 VAC 15-30-350	Amended	14:21 VA.R. 2958	9/1/98
22 VAC 15-30-360	Amended	14:21 VA.R. 2959	9/1/98
22 VAC 15-30-370	Amended	14:21 VA.R. 2959	9/1/98
22 VAC 15-30-380	Amended	14:21 VA.R. 2959	9/1/98
22 VAC 15-30-390	Amended	14:21 VA.R. 2960	9/1/98
22 VAC 15-30-400	Repealed	14:21 VA.R. 2960	9/1/98
22 VAC 15-30-410	Amended	14:21 VA.R. 2961	9/1/98
22 VAC 15-30-420	Repealed	14:21 VA.R. 2961	9/1/98
22 VAC 15-30-430	Amended	14:21 VA.R. 2961	9/1/98
22 VAC 15-30-440	Amended	14:21 VA.R. 2962	9/1/98
22 VAC 15-30-450	Repealed	14:21 VA.R. 2963	9/1/98
22 VAC 15-30-451	Added	14:21 VA.R. 2965	9/1/98
22 VAC 15-30-460	Repealed	14:21 VA.R. 2963	9/1/98
22 VAC 15-30-461	Added	14:21 VA.R. 2965	9/1/98
22 VAC 15-30-470	Repealed	14:21 VA.R. 2964	9/1/98
22 VAC 15-30-471	Added	14:21 VA.R. 2966	9/1/98
22 VAC 15-30-480	Repealed	14:21 VA.R. 2964	9/1/98
22 VAC 15-30-481	Added	14:21 VA.R. 2966	9/1/98
22 VAC 15-30-484	Added	14:21 VA.R. 2966	9/1/98
22 VAC 15-30-487	Added	14:21 VA.R. 2966	9/1/98
22 VAC 15-30-490	Amended	14:21 VA.R. 2966	9/1/98
22 VAC 15-30-500	Amended	14:21 VA.R. 2967	9/1/98
22 VAC 15-30-510	Amended	14:21 VA.R. 2968	9/1/98
22 VAC 15-30-520	Amended	14:21 VA.R. 2968	9/1/98
22 VAC 15-30-530	Repealed	14:21 VA.R. 2969	9/1/98
22 VAC 15-30-540	Amended	14:21 VA.R. 2969	9/1/98
22 VAC 15-30-550	Amended	14:21 VA.R. 2969	9/1/98
22 VAC 15-30-560	Amended	14:21 VA.R. 2970	9/1/98
22 VAC 15-30-570	Amended	14:21 VA.R. 2970	9/1/98
22 VAC 15-30-575	Added	14:21 VA.R. 2970	9/1/98
22 VAC 15-30-580	Amended	14:21 VA.R. 2971	9/1/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 15-30-590	Amended	14:21 VA.R. 2971	9/1/98
22 VAC 15-30-600	Amended	14:21 VA.R. 2972	9/1/98
22 VAC 15-30-610	Amended	14:21 VA.R. 2972	9/1/98
22 VAC 15-30-620	Amended	14:21 VA.R. 2973	9/1/98
22 VAC 15-30-630	Amended	14:21 VA.R. 2973	9/1/98
22 VAC 15-30-640	Amended	14:21 VA.R. 2974	9/1/98
22 VAC 15-30-650	Amended	14:21 VA.R. 2975	9/1/98
22 VAC 15-30-660	Amended	14:21 VA.R. 2975	9/1/98
22 VAC 15-30-670	Amended	14:21 VA.R. 2975	9/1/98
22 VAC 15-30-680	Repealed	14:21 VA.R. 2976	9/1/98
22 VAC 15-30-690	Repealed	14:21 VA.R. 2976	9/1/98
22 VAC 15-30-700	Repealed	14:21 VA.R. 2977	9/1/98
22 VAC 15-30-710	Repealed	14:21 VA.R. 2977	9/1/98
22 VAC 15-30-720	Repealed	14:21 VA.R. 2978	9/1/98
22 VAC 15-30-730	Repealed	14:21 VA.R. 2978	9/1/98
22 VAC 15-40-10 through 22 VAC 15-40-730	Repealed	14:21 VA.R. 2990	9/1/98
Title 24. Transportation and Motor Vehicles			
24 VAC 30-71-10	Amended	14:23 VA.R. 3633	9/3/98
24 VAC 30-71-80	Amended	14:23 VA.R. 3634	9/3/98
24 VAC 30-71-130	Amended	14:23 VA.R. 3634	9/3/98
24 VAC 30-71-160	Erratum	14:13 VA.R. 2011	--
24 VAC 30-71-170	Erratum	14:13 VA.R. 2028	--
24 VAC 30-170-10	Amended	14:13 VA.R. 1992	4/15/98
24 VAC 30-350-10	Amended	14:23 VA.R. 3635	7/14/98
24 VAC 30-380-10	Amended	14:13 VA.R. 1992	2/24/98
24 VAC 30-390-10	Amended	14:13 VA.R. 1992	2/24/98

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

(804) 786-0809, toll-free 1-800-422-2083 or 1-800-422-1098/TTY ☎

VA.R. Doc. No. R98-277; Filed June 30, 1998, 12:01 p.m.

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-80-10 et seq. Regulations Governing Special Education Programs for Children With Disabilities in Virginia.** The purpose of the proposed action is to revise the special education regulations in accordance with the 1997 amendments to the federal Individuals with Disabilities Education Act and incorporate the Special Education Program Standards, 8 VAC 20-570-10 et seq., into these regulations. The agency intends to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until August 20, 1998, to Cathy Pomfrey, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2402, FAX (804) 371-8796, toll-free 1-800-292-3820 or 1-800-422-1098 or 371-2822/TTY ☎

Contact: H. Douglas Cox, Director, Office of Special Education and Student Services, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2402, FAX (804) 371-8796, toll-free 1-800-292-3820 or 1-800-422-1098 or 371-2822/TTY ☎

VA.R. Doc. No. R98-276; Filed June 30, 1998, 12:01 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-350-10 et seq. Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits.** The purpose of the proposed action is to (i) reorganize and simplify the regulations, (ii) respond to changes made in the Code of Virginia, and (iii) address conformity and compliance with current standards impacting the schools for children with disabilities. The agency intends to hold a public hearing on the proposed regulations after publication.

Statutory Authority: § 22.1-321 of the Code of Virginia.

Public comments may be submitted until August 21, 1998.

Contact: Carol Buchanan, Specialist, Department of Education, Proprietary Schools Unit, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2100, FAX

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider repealing regulations entitled: **8 VAC 20-570-10 et seq. Special Education Program Standards.** The purpose of the proposed action is to repeal the current program standards and incorporate them, in revised form, into the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 8 VAC 20-80-10 et seq. The agency intends to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until August 20, 1998, to Cathy Pomfrey, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2402, FAX (804) 371-8796, toll-free 1-800-292-3820 or 1-800-422-1098 or 371-2822/TTY ☎

Contact: H. Douglas Cox, Director, Office of Special Education and Student Services, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2402, FAX (804) 371-8796, toll-free 1-800-292-3820 or 1-800-422-1098 or 371-2822/TTY ☎

VA.R. Doc. No. R98-275; Filed June 30, 1998, 12:01 p.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-91-10 et seq. Regulation for the Control of Motor Vehicle Emissions in Northern Virginia.** The purpose of the proposed action is to develop a regulation revision which conforms to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Public Meeting: A public meeting will be held by the department in the regional headquarters in Woodbridge, 13901 Crown Court, Woodbridge, Virginia, at 10 a.m. on Tuesday, September 29, 1998, to discuss the intended

Notices of Intended Regulatory Action

action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Accessibility to Persons with Disabilities: The meeting is being held at a public facility accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Faye Arrington at the Office of Air Quality Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 698-4031 or TTY (804) 698-4021. Persons needing interpreter services for the deaf must notify Ms. Arrington no later than September 15, 1998.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m. September 30, 1998, to David J. Kinsey, Office of Air Quality Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Public Hearing Plans After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation drafted pursuant to this notice.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary focus of this proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) in the air react together in the presence of sunlight. VOCs are chemicals contained in gasoline, polishes, paints, varnishes, cleaning fluids, inks, and other household and industrial products. NO_x emissions are a byproduct from the combustion of fuels and industrial processes.

The National Ambient Air Quality Standard for ozone is currently 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is classified as "nonattainment." Several counties and cities within the Northern Virginia area have been identified as ozone nonattainment areas according to provisions of the Act.

States are required to develop plans to ensure that areas will come into compliance with the federal health standard. Failure to develop adequate programs to meet the ozone air quality standard (i) may result in the continued violations of

the standard and subsequent negative affects on human health, (ii) may result in assumption of the program by EPA at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent control requirements.

Motor vehicle emissions inspection programs, known as inspection and maintenance (I/M) programs, are an integral part of the effort to reduce mobile source air pollution. Cars and trucks create about half of the ozone air pollution. Of all highway vehicles, passenger cars and light trucks emit most of the vehicle-related carbon monoxide and ozone-forming hydrocarbons. Tremendous progress has been made in reducing these pollutants; however, total vehicle emissions remain high. This is because the number of vehicle miles traveled on our highways has doubled in the last 20 years, offsetting much of the technological progress in vehicle emission control over the same two decades. Ongoing efforts to reduce emissions from individual vehicles will be necessary to achieve the agency's air quality goals.

I/M programs achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions and requiring them to be repaired. Minor malfunctions in the emissions control system can increase emissions significantly. The average car on the road can emit three to four times the carbon monoxide and hydrocarbons allowed by new car standards if emission control systems are malfunctioning. Unfortunately, rarely is it obvious which cars have malfunctions as the emissions themselves may not be noticeable and emission control malfunctions do not necessarily affect vehicle driveability.

I/M programs provide a way to check whether the emission control systems on a vehicle are working correctly. All new passenger cars and trucks sold in the United States today must meet stringent air pollution standards and those standards became more stringent in model year 1994, but they can only retain this low-polluting profile if the emission controls and engine are functioning properly. An I/M program is designed to ensure that vehicles stay clean in actual use. This, in turn, can substantially reduce the amount of volatile organic compounds, carbon monoxide, and nitrogen oxides emitted to the ambient air, thereby reducing the formation of ozone, lowering ozone concentrations, and contributing toward attainment of the NAAQS.

Alternatives:

1. Draft new regulation revisions which will provide for implementation of a motor vehicle emissions testing program that meets the provisions of the state code, federal Clean Air Act and associated EPA regulations and policies.

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2. Draft new regulation revisions which will provide for implementation of a motor vehicle emissions testing program that does not meet the provisions, or meets alternative provisions, of the state code, federal Clean Air Act and associated EPA regulations and policies. No regulatory alternatives to an enhanced I/M program have been promulgated by EPA as meeting the requirements of the Act. Adopting an unapprovable program will result in sanctions being imposed by EPA.

3. Take no action to develop the regulation revisions and risk sanctions by EPA.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Statutory Requirements: The 1990 amendments to the Clean Air Act established a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. Nonattainment areas are classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of its own class.

The Northern Virginia area has an ozone air pollution problem classified by the EPA as "serious." The problem is a result of emissions from both industrial sources and motor vehicles. The Act requires that all areas classified as serious must implement an enhanced vehicle emissions inspection and maintenance program, commonly referred to as I/M.

Section 182(c)(3) of the federal Clean Air Act requires that the state submit revisions to the state implementation plan to "provide for an enhanced program to reduce hydrocarbon emissions and NO_x emissions from in-use motor vehicles...." The program "shall comply in all respects with guidance...by the Administrator..." The Act requires that enhanced I/M programs be implemented within two years of enactment (11/16/90) of the Clean Air Act Amendments of 1990. The program implemented by the state must achieve a performance standard equal to:

(i) "...a program combining emission testing, including on-road emission testing, with inspection to detect tampering with emission control devices and misfueling for all light-duty vehicles and all light-duty trucks subject to standards under § 202; and

(ii) program administration features necessary to reasonably assure that adequate management resources, tools, and practices are in place to attain and maintain the performance standard."

The compliance method is to be established, per the Act, by EPA. The state program, per the Act, must include, at a minimum:

1. Computerized emission analyzers, including on-road testing devices.

2. No waivers for vehicles and parts covered by an emission control performance warranty.

3. For nonwarranty situations, waivers only after \$450 (in 1990 dollars) has been spent for emissions-related repairs.

4. Enforcement through registration denial.

5. Annual testing unless biennial testing, in combination with other features, will equal or exceed emissions reductions obtainable through annual inspections.

6. Operation on a centralized basis unless the state demonstrates to the satisfaction of the administrator that a decentralized program will be equally effective.

This law is implemented by EPA through 40 CFR Part 51, subpart S. The performance standard for the program is contained in § 51.351, "Enhanced I/M Performance Standard." It includes:

1. Centralized testing.

2. Annual testing.

3. Testing of 1968 and later model year vehicles.

4. Transient, mass emissions testing on 1986 and later model year vehicles, two-speed idle testing of 1981-1985 vehicles, and single-speed idle testing of pre-1981 vehicles.

5. Testing of light duty vehicles and trucks.

6. Emissions standards according to model year and weight class as enumerated in § 51.351(a)(7).

7. Visual inspection of the catalyst and fuel inlet restrictor on all 1984 and later model year vehicles.

8. Evaporative system integrity (pressure) test on 1983 and later vehicles and an evaporative system transient purge test on 1986 and later vehicles.

9. Twenty percent emission test failure rate among pre-1981 model year vehicles

10. Three percent (3%) waiver rate

11. Ninety-six percent (96%) compliance rate

12. On-road testing of at least 0.5% of the subject vehicle population.

Under the current rule, the state has considerable flexibility to design its own program and demonstrate that it is as effective as the EPA model program in reducing emissions.

Sections 46.2-1176 through 46.2-1187.3 of the Virginia Motor Vehicle Emissions Control Law (Title 46.2, Chapter 10, Article 22 of the Code of Virginia) requires a "test and repair enhanced emissions inspection program" for vehicles that have actual gross weights of 10,000 pounds or less and are registered in the Counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford, and the and the Cities of

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Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Key provisions of the legislation include:

1. A biennial inspection;
2. An inspection fee cap of \$20;
3. A minimum repair cost of \$450 (in 1990 dollars) in order to qualify for a waiver, and requirement that repairs to qualify for a waiver be done by a certified repair technician;
4. Motor vehicles being titled for the first time may be registered for up to two ears without being subject to an emissions inspection;
5. An exemption for any of the following vehicles, (i) vehicles powered by a clean special fuel as defined in § 58.1-2101, (ii) motorcycles, (iii) vehicles which, at the time of manufacture were not designed to meet emission standards set or approved by the federal government, (iv) any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730, or (v) vehicles for which no testing standards have been adopted by the board;
6. The requirement for the inspection to apply to all vehicles registered and/or operated in the affected area including (i) vehicles owned by government entities, (ii) vehicles owned by military personnel residing in the affected areas, and (iii) vehicles owned by leasing or rental companies;
7. The certification of motor vehicle emissions repair technicians and emissions repair facilities, including the suspension or revocation of such certification;
8. In addition to biennial testing of all subject vehicles, on-road testing of motor vehicles in use and requirement for follow-up testing of those vehicles which exceed emissions standards; and

The Code of Virginia directs the State Air Pollution Control Board to adopt regulations to implement the program.

Statutory Authority: §§ 46.2-1178.1, 46.2-1179, 46.2-1180, and 46.2-1187.2 of the Code of Virginia.

Public comments may be submitted until close of business Tuesday, September 29, 1998.

Contact: David J. Kinsey, Office of Air Quality Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

VA.R. Doc. No. R98-302; Filed July 24, 1998, 4:17 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider **repealing** regulations entitled: **9 VAC 5-150-10 et seq. Regulation for Transportation Conformity** and **promulgating** regulations entitled: **9 VAC 5-151-10 et seq. (Rev. U97) Regulation for Transportation Conformity**. The purpose of the proposed action is to

develop a new regulation (9 VAC 5 Chapter 151) which will streamline criteria and procedures for the transportation planning organization to determine whether federally-funded transportation plans, programs, and projects are in conformance with state plans for attaining and maintaining national ambient air quality standards in maintenance and nonattainment areas. These areas include Northern Virginia, Richmond, and Hampton Roads. The previous regulation (9 VAC 5 Chapter 150) concerning this matter is proposed for repeal.

Public Meeting: A public meeting will be held by the department in the Training Room, Department of Environmental Quality Central Office, 629 East Main Street, Richmond, Virginia, at 10 a.m. on Thursday, August 20, 1998, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m., Friday, August 21, 1998, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Public Hearing Plans: After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: The contemplated regulation is essential (i) to protect the health, safety or welfare of citizens or (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, including ozone. Ozone is formed when volatile organic compounds and nitrogen oxides in the air react together in the presence of sunlight. The National Ambient Air Quality Standard for ozone was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard, the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas were initially identified as ozone nonattainment areas but since then localities in the

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Richmond and Hampton Roads areas have been reassigned as maintenance areas.

Virginia is required by the Act to develop a State Implementation Plan (SIP) to ensure that nonattainment areas will come into compliance with the federal ozone standard. Failure to develop adequate programs to meet the ozone standard (i) will result in continued violations of the standard; (ii) may result in assumption of the program by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens; and (iii) may result in the imposition of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements.

Section 176(c) of the Act states, "No department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to a [State Implementation Plan]." This requires metropolitan planning organizations (MPOs) and the United States Department of Transportation (DOT) to make determinations that federally funded transportation plans, programs, and projects conform with Virginia's SIP. "Conformity" means that the activity conforms to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and will not (i) cause or contribute to any new violation of any standard in any area, (ii) increase the frequency or severity of any existing violation of any standard in any area, or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act ties conformity to attainment and maintenance of the NAAQS. Thus, a transportation activity must not adversely affect implementation of the SIP or the timely attainment and maintenance of the NAAQS. The Act emphasizes reconciling the emissions from transportation activities with the SIP rather than simply providing for the implementation of SIP measures. This integration of transportation activities and air quality planning is intended to protect the integrity of the SIP by helping to ensure that SIP emissions growth projections are not exceeded, emissions reduction targets are met, and maintenance efforts are not undermined.

EPA promulgated a rule (58 FR 62188, November 24, 1993) which established the criteria and procedures governing the determination of conformity for all federally funded transportation plans, programs, and projects in nonattainment areas. In response to this promulgation, the board adopted 9 VAC 5 Chapter 150 on August 13, 1996. On August 15, 1997, (62 FR 43779) EPA promulgated a new version of its transportation conformity rule which significantly restructures the program. This new rule requires Virginia to submit to EPA, by August 15, 1998, a revision to the SIP that establishes conformity criteria and

procedures consistent with the new transportation conformity rule promulgated by EPA. The new EPA rule provides more clarity and flexibility to the existing transportation conformity program.

The transportation conformity rule requires MPOs and DOT to make conformity determinations on metropolitan transportation plans and transportation improvement programs (TIPs) before they are adopted, approved, or accepted. In addition, highway or transit projects which are funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) must be found to conform before they are approved or funded by DOT or an MPO.

Alternatives: Alternatives to the proposed regulation are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department are discussed below.

1. Adopt a new regulation to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action: to provide clarity and additional flexibility to the existing transportation conformity program.
2. Make alternative regulatory requirements to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it would not provide for the additional flexibility and clarification of the existing program.
3. Take no action to adopt the new regulation and continue to process transportation conformity analysis according to the existing rule. This option is not being selected because it would not give states and local governments more authority in selecting the performance measures used as tests of conformity and more discretion when a transportation plan does not conform to a SIP.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Statutory Requirements: The contemplated regulation is mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Section 176 of the federal Clean Air Act requires that transportation plans, programs and projects which are funded or approved under Title 23 USC or the Federal Transit Act conform with state or federal air quality implementation plans.

Section 176(c)(1) of the Act states, "No department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not

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conform to a [State Implementation Plan]." This requires metropolitan planning organizations (MPOs) and the United States Department of Transportation (DOT) to make determinations that federally funded transportation plans, programs, and projects conform with Virginia's SIP. "Conformity" means that the activity conforms to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and will not (i) cause or contribute to any new violation of any standard in any area, (ii) increase the frequency or severity of any existing violation of any standard in any area, or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act ties conformity to attainment and maintenance of the NAAQS. Section 176(c)(2) requires that a transportation activity must not adversely affect implementation of the SIP or the timely attainment and maintenance of the NAAQS. The Act emphasizes reconciling the emissions from transportation activities with the SIP rather than simply providing for the implementation of SIP measures. This integration of transportation activities and air quality planning is intended to protect the integrity of the SIP by helping to ensure that SIP emissions growth projections are not exceeded, emissions reduction targets are met, and maintenance efforts are not undermined.

Sections 176(c)(4)(A) and (B) require EPA to promulgate criteria and procedures for demonstrating and assuring conformity of federal actions to a SIP. Section 176(c)(4)(C) then requires states to submit a SIP revision containing the criteria and procedures.

40 CFR Part 51 subpart T of the Code of Federal Regulations establishes the criteria and procedures governing the determination of conformity for all federally funded transportation plans, programs, and projects in nonattainment areas. Virginia is required to submit to EPA a revision to the SIP that establishes conformity criteria and procedures consistent with the transportation conformity rule promulgated by EPA. DOT and MPOs are required to make conformity determinations on metropolitan transportation plans and transportation improvement programs (TIPs) before they are adopted, approved, or accepted. In addition, highway or transit projects which are funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) must be found to conform before they are approved or funded by DOT or an MPO.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., Friday, August 21, 1998, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TDD ☎

VA.R. Doc. No. R98-268; Filed June 30, 1998, 9:27 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **9 VAC 25-260-10 et seq. Water Quality Standards.** The purpose of the proposed action is to receive comments from the public on whether the board should (i) propose amendments to the numerical criteria for metals to include the Environmental Protection Agency's dissolved conversion factors for metals (9 VAC 25-260-140 B); (ii) propose amendments to the mixing zone section (9 VAC 25-260-20 B) of the regulation to provide specific protection to endangered and threatened species; (iii) propose updates to the listing of endangered species (9 VAC 25-260-110); and (iv) consider whether the requirements of the antidegradation policy (9 VAC 25-260-30) should apply to all state activities, including nonpoint source activities.

Intent: These issues may have a significant impact on activities in the Commonwealth and DEQ intends to provide the public every avenue of public participation, beginning with this Notice of Intended Regulatory Action, in order to ensure the amendments are necessary to protect aquatic life and provide for the maintenance of water quality in the Commonwealth of Virginia.

Public Hearing Plans: After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: The Environmental Protection Agency submitted comments to the Department of Environmental Quality stating that recent amendments to the Water Quality Standards would not meet federal approval unless the subject matters listed above were addressed. At its meeting on September 25, 1997, the State Water Control Board directed the staff to publish this Notice of Intended Regulatory Action so that the issues could be presented to the public.

Alternatives: DEQ could allow the Environmental Protection Agency to promulgate amendments to Virginia's water quality standards to address the four issues. This is the least favorable alternative since it is preferable to promulgate regulations that are tailored to meet Virginia's needs. EPA has never had to promulgate water quality regulations for Virginia in the past.

There may be various alternatives to address the Environmental Protection Agency's concerns regarding endangered species. For example, smaller mixing zones (rather than no mixing zones) could be specified for endangered and threatened species waters or the regulation could "grandfather" existing mixing zones and only apply the new protection requirements for endangered species to new discharges. Regarding the listing of endangered and threatened species, the list could contain only federal species or both federal and state listed species. DEQ has

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technical concerns regarding the dissolved metals conversion factors. Therefore, one alternative to address this need would be for DEQ to do the necessary research to resolve these concerns before adopting the conversion factors.

Request for Comments: Comments are requested on the intended regulatory action, to include any ideas to assist the agency in the development of the proposal. Comments are requested on the costs and benefits of the stated alternatives or other alternatives. DEQ also requests comments as to whether the agency should use the participatory approach to assist the agency in the development of the proposal. The participatory approach is defined as a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the agency, or (iv) any combination thereof.

Public Meetings: Public meetings will be held on Wednesday, September 9, 1998, at 7 p.m. and Thursday, September 10, 1998, at 2 p.m. at the Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia 23220.

Statutory Authority: § 62.1-44.15 (3a) of the Code of Virginia.

Public comments may be submitted until September 18, 1998, to Dr. Alan J. Anthony, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

VA.R. Doc. No. R98-266; Filed June 30, 1998, 9:27 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider promulgating regulations entitled: **12 VAC 5-212-10 et seq. Procedures and Policies for Administering the Commonwealth Neurotrauma Initiative Trust Fund.** The purpose of the proposed action is to carry out a 1997 legislative directive (Chapter 567 of the 1997 Acts of Assembly) by developing regulations that establish procedures and policies for soliciting and receiving applications for moneys in the Commonwealth Neurotrauma Initiative (CNI) Trust Fund, and criteria for reviewing and ranking such applications. The purpose of the CNI Trust Fund is to prevent traumatic spinal cord and brain injuries and to improve the treatment and care of Virginians with such injuries. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-73.4 of the Code of Virginia.

Public comments may be submitted until August 20, 1998.

Contact: Douglas R. Harris, Administrative Law Advisor, Department of Health, Office of the Commissioner, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3561, FAX (804) 786-4616 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R98-263; Filed June 25, 1998, 12:11 p.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **13 VAC 5-21-10 et seq. Virginia Certification Standards.** The purpose of the proposed action is to review the regulations and amend provisions that are found to be no longer necessary or overly restrictive and to amend the regulations as required by General Assembly action and to put before the public for comment suggested changes submitted to the Board of Housing and Community Development. Those provisions may include, but are not limited to, amending the regulation regarding certificates of competence and training requirements for code officials and assistants. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-137 of the Code of Virginia.

Public comments may be submitted until August 21, 1998.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170, FAX (804) 371-7092 or (804) 371-7089/TTY ☎

VA.R. Doc. No. R98-273; Filed July 1, 1998, 12:10 p.m.

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **13 VAC 5-31-10 et seq. Virginia Amusement Device Regulations.** The purpose of the proposed action is to review the regulations and amend provisions that are found to be no longer necessary or overly restrictive and as required by General Assembly action and to put before the public for comment suggested changes submitted to the Board of Housing and Community Development. The

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proposed amendments may include, but are not limited to, amending the regulation by updating to more recent standards of the American National Standards Institute (ANSI) and the American Society for Testing and Materials (ASTM) relating to amusement devices. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Public comments may be submitted until August 21, 1998.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170, FAX (804) 371-7092 or (804) 371-7089/TTY ☎

VA.R. Doc. No. R98-271; Filed July 1, 1998, 12:11 p.m.

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code.** The purpose of the proposed action is to review the regulations and amend provisions that are found to be no longer necessary or overly restrictive and as required by General Assembly action and to put before the public for comment suggested changes submitted to the Board of Housing and Community Development. The proposed amendments may include, but are not limited to: (i) amending the regulation to clarify the appointment procedures of local assistant (deputy) fire marshals as set forth in legislation, (ii) considering requiring the code official to enforce maintenance provisions of the code regarding replacement of smoke detectors in R-2 buildings, (iii) considering amending the time allowed to become certified by the board following appointment as a code official, and (iv) considering amending the regulation to address a potential safety problem with an already installed fire sprinkler device which may not function properly during a fire situation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 27-97 of the Code of Virginia.

Public comments may be submitted until August 21, 1998.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170, FAX (804) 371-7092 or (804) 371-7089/TTY ☎

VA.R. Doc. No. R98-270; Filed July 1, 1998, 12:12 p.m.

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code.** The purpose of the proposed

action is to review the regulations and amend provisions that are found to be no longer necessary or overly restrictive and as required by General Assembly action and to put before the public for comment suggested changes submitted to the Board of Housing and Community Development. The proposed amendments may include, but are not limited to: (i) requiring an additional sign for handicap parking stating the penalty as required by statute, (ii) amending and adding definitions to comport with legislation regarding farm structures and buildings, (iii) codifying the recommendations in the board's 1998 report to the Governor and the General Assembly (House Document No. 29) regarding exterior insulation and finish systems (EIFS), (iv) considering amending the building code regarding accessibility standards for renovation projects, (v) implementing expedited plan review as recommended by the board's ad hoc committee, (vi) considering requiring certain smoke detectors be replaced in R-2 buildings, (vii) considering adoption of the radon gas provisions in the CABO 1 & 2 Family Dwelling Code, and (viii) considering amending the time allowed to become certified by the board following appointment as a code official. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-98 of the Code of Virginia.

Public comments may be submitted until August 21, 1998.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170, FAX (804) 371-7092 or (804) 371-7089/TTY ☎

VA.R. Doc. No. R98-274; Filed July 1, 1998, 12:12 p.m.

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **13 VAC 5-91-10 et seq. Virginia Industrialized Building Safety Regulations.** The purpose of the proposed action is to delete or amend provisions that are found to be no longer necessary or overly restrictive, to amend the regulations as required by General Assembly action, and to put before the public for comment suggested changes submitted to the Board of Housing and Community Development. Those provisions may include but are not limited to (i) deleting the section regarding the requirement for "warning signs" on unregistered industrialized buildings offered for sale by dealers in Virginia and (ii) deleting the section regarding the requirement for the building manufacturer to include the name and model numbers of appliances in industrialized buildings. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-137 of the Code of Virginia.

Public comments may be submitted until September 3, 1998.

Notices of Intended Regulatory Action

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170, FAX (804) 371-7092 or (804) 371-7089/TTY ☎

VA.R. Doc. No. R98-297; Filed July 14, 1998, 12:02 p.m.

Notice of Intended Regulatory Action

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 consider amending regulations entitled: **13 VAC 5-111-10 et seq. Enterprise Zone Program Regulations.** The purpose of the proposed action is to provide clearer guidance regarding the state enterprise zone program incentives that stimulate new job creation and private investment in designated distressed enterprise zones. Amendments will give clearer guidelines for businesses in qualifying for the use of these incentives.

In 1995, the General Assembly made significant legislative changes to the enterprise zone program. Since that time, it has been discovered that more guidance is needed to ensure that the program is operating as efficiently and fairly as possible. These proposed regulations are to provide this guidance to the localities and businesses that benefit from the enterprise zone program.

The proposed regulations are needed to enable the enterprise zone program to operate efficiently and economically. Three of the four state incentives provided in the program are structured as tax credits. In addition, there are fiscal limits placed on the amount of credits that can be authorized. It has come to the board's attention that there is a considerable amount of confusion concerning the requirements and operation of the program. Many of the program clients have indicated that the current regulations do not clearly address the many issues surrounding program qualification and have requested clarification. There have been several questions concerning what types of businesses are eligible for this program and how these businesses can qualify. It is the board's desire to ensure that the regulations provide clear and understandable guidelines by addressing all issues concerning the performance of the program. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 59.1-273 of the Code of Virginia.

Public comments may be submitted until September 4, 1998.

Contact: M. Shea Hollifield, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7030 or FAX (804) 371-7093.

VA.R. Doc. No. R98-298; Filed July 14, 1998, 12:02 p.m.

MANUFACTURED HOUSING BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Manufactured Housing Board intends to consider amending regulations entitled: **13 VAC 6-20-10 et seq. Manufactured Housing Licensing and Transaction Recovery Fund Regulations.** The purpose of the proposed action is to review the regulations and amend provisions that are found to be no longer necessary or overly restrictive. The proposed amendments may include, but are not limited to: (i) amending the regulations to allow the Manufactured Housing Board to require tests/examinations for licensure as dealers, brokers, or salespersons; (ii) adding a provision which would allow a licensed regulant to obtain a temporary location license if needed; (iii) in 13 VAC 6-20-180, Penalties; notice to regulant, changing "Transaction Recovery Fund assessment" to "monetary penalty"; (iv) deleting unnecessary requirements from 13 VAC 6-20-210 and 13 VAC 6-20-220 concerning dealer/manufacture sales agreements; and (v) reviewing 13 VAC 6-20-250 for possible deletion as restriction of trade. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-85.18 of the Code of Virginia.

Public comments may be submitted until August 21, 1998.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092 or (804) 371-7089/TTY ☎

VA.R. Doc. No. R98-272; Filed July 1, 1998, 12:10 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waste Management Facility Operators intends to consider amending regulations entitled: **18 VAC 155-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to determine from public comment the effectiveness and continued need for the existing regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until September 3, 1998.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R98-279; Filed July 8, 1998, 10:42 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waste Management Facility Operators intends to consider amending regulations entitled: **18 VAC 155-20-10 et seq. Waste Management Facility Operators Regulations.** The purpose of the proposed action is to determine from public comment the effectiveness and continued need for the existing regulations. The board will solicit public comment, with specific emphasis on the following subjects:

1. Should the CPE requirement be either eliminated or amended?
2. Which state agency should decide when a licensed operator is required -- the boards administered by the Department of Environmental Quality or the Board for Waste Management Facility Operators administered by the Department of Professional and Occupational Regulation?
3. What is considered a "substantial change" to a training course in 18 VAC 155-20-230 E?
4. Should the seven-year experience requirement to qualify for licensure in lieu of facility specific training be modified or eliminated?
5. Should the sections dealing with reciprocity and reinstatement be amended?
6. Elimination of all references to "Interim Certification" since this is no longer applicable.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2211 of the Code of Virginia.

Public comments may be submitted until September 3, 1998.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R98-278; Filed July 8, 1998, 10:42 a.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

September 10, 1998 - 10 a.m. – Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to repeal regulations entitled: **4 VAC 25-50-10 et seq. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.** The regulation is being repealed because the essential elements in the regulation have been incorporated in the certification regulation for coal miners.

Statutory Authority: § 45.1-161.28 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

September 10, 1998 - 10 a.m. – Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-60-10 et seq. Rules and Regulations Governing the Installation and Use of Automated Temporary Roof Support (ATRS)**

Systems. The regulation serves to protect miners from unsupported roof falls before permanent roof supports are installed in a newly mined area of an underground coal mine. Amendments to the regulation make the requirements consistent with current safety standards for ATRS systems and consistent with the rules of the Mine Safety and Health Administration.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106, and 45.1-161.114 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

September 10, 1998 - 10 a.m. – Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-70-10. Rules and Regulations Governing Disruption of Communication in Mines.** The regulation ensures that there is a system of communication between those mining coal underground and mine personnel on the surface so miners can get help in case of an emergency. Amendments to the regulation address important hazards not addressed by the Mine Safety and Health Administration (MSHA), avoid conflicts with MSHA regulations and federal law, and eliminate duplicative information.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106 and 45.1-161.191 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

Public Comment Periods - Proposed Regulations

September 10, 1998 - 10 a.m. – Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to repeal regulations entitled: **4 VAC 25-80-10. Rules and Regulations Governing Advanced First Aid.** The regulation sets forth requirements for first aid training and the number of persons with first aid training needed on the mine site. However, the regulation is no longer needed as stand-alone requirements because they are incorporated in the certification requirements for coal miners promulgated by the Board of Coal Mining Examiners.

Statutory Authority: § 45.1-161.3, 45.1-161.101, 45.1-106 and 45.1-161.254 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

September 10, 1998 - 10 a.m. – Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-110-10 et seq. Rules and Regulations Governing Blasting in Surface Mining Operations.** The regulation ensures that blasting performed in conjunction with coal mining is performed safely and efficiently. It serves to protect miners, persons living close to mines, and property from fly rock and other hazards associated with blasting. Amendments to the regulation address important hazards not addressed by the Mine, Safety and Health Administration (MSHA) and to avoid conflicts with MSHA regulations in federal law, address changes in technology and eliminate duplicative information.

Statutory Authority: §§ 45.1-161.3, 46.1-161.254 and 45.1-161.286 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

September 10, 1998 - 10 a.m. – Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-120-10 et seq. Rules and Regulations Governing Installation and Use of Cabs and Canopies.** The regulation protects persons operating self-propelled mobile equipment at the face of coal mines from roof falls. Amendments are needed to address important hazards not addressed by the Mine Safety and Health Administration (MSHA), to avoid conflicts with MSHA regulations and federal law, and to adopt standards for loads and capacities.

Statutory Authority: §§ 45.1-161.3 and 45.1-161.106 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)



TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

September 24, 1998 - 10 a.m. – Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 repeal regulations entitled: **9 VAC 25-150-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing.** This general permit expires on June 30, 1999, and is not going to be reissued. Therefore, the board intends to repeal the regulation. Future discharges of industrial storm water may be authorized under the new general permit, 9 VAC 25-151-10 et seq.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Public Comment Periods - Proposed Regulations

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The repeal of this regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

September 24, 1998 - 10 a.m. – Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 adopt regulations entitled: **9 VAC 25-151-10 et seq. General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity.** This regulation will authorize point source discharges of storm water runoff from industrial sites. Discharges may be directly to surface waters or through separate storm sewer systems. This general permit will replace industrial storm water general permits, 9 VAC 25-150-10 et seq., 9 VAC 25-160-10 et seq., and 9 VAC 25-170-10 et seq., which expire June 30, 1999.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

September 24, 1998 - 10 a.m. – Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 repeal regulations entitled: **9 VAC 25-160-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities.** This general permit expires on June 30, 1999, and is not going to be reissued. Therefore, the board intends to repeal the regulation. Future discharges of industrial storm water may be authorized under the new general permit, 9 VAC 25-151-10 et seq.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The repeal of this regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

September 24, 1998 - 10 a.m. – Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

Public Comment Periods - Proposed Regulations

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 repeal regulations entitled: **9 VAC 25-170-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities.** This general permit expires on June 30, 1999, and is not going to be reissued. Therefore, the board intends to repeal the regulation. Future discharges of industrial storm water may be authorized under the new general permit, 9 VAC 25-151-10 et seq.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The repeal of this regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

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September 24, 1998 - 10 a.m. – Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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: **9 VAC 25-180-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites.** This regulation authorizes discharges of storm water runoff from construction

activities. The amendment is proposed in order to reissue the general permit for an additional five year term.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.



TITLE 12. HEALTH

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

October 26, 1998 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt regulations entitled: **12 VAC 35-210-10 et seq. Certification of the Qualifications of Providers of Behavior Consultation Services.** The proposed regulation defines the specific knowledge, skills, and abilities that mental retardation behavior consultants must have at entry level for Medicaid reimbursement for mental retardation waiver services. The regulation further defines who is subject to certification, the application procedure, the conditions under which a certification can be revoked and subsequently reinstated, provider agreement to inspection of records, and notification that all certified behavior consultants are subject to the department's human rights regulations.

Statutory Authority: §§ 37.1-10 and 37.1-182.2 of the Code of Virginia.

Public Comment Periods - Proposed Regulations

Public comments may be submitted until 5 p.m. on Monday, October 26, 1998, to Cathy Rowe, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

October 16, 1998 - Public 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 State Board of Social Services intends to repeal regulations entitled: **22 VAC 40-40-10 et seq. Rules of the Neighborhood Assistance Act.** The purpose of the proposed action is to repeal outdated and burdensome regulations. New regulations are being promulgated.

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Contact: Phyllis Parrish, Special Projects Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

October 16, 1998 - Public 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 Board of Social Services intends to adopt regulations entitled: **22 VAC 40-41-10 et seq. Neighborhood Assistance Tax Credit Program.** The purpose of the regulation action is to replace regulations which are being repealed and reflect changes which have developed over time and through legislation. The regulations will set out criteria for approving projects, allocating tax credits and appealing decisions made by Department of Social Services staff. The regulations will also require applicant organizations to submit an audit as a prerequisite to approval.

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Contact: Phyllis Parrish, Special Projects Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

October 16, 1998 - Public 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 State Board of Social Services intends to repeal regulations entitled: **22 VAC 40-140-10 et seq. Minimum Standards for Independent Foster Homes.** The purpose of the proposed action is to repeal the current standards, which were promulgated in 1949. Concurrently with this action, new standards are being promulgated.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Contact: Doris Jenkins, Child-Placing/Residential Licensing Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1773 or FAX (804) 692-2370.

October 16, 1998 - Public 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 State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-141-10 et seq. Minimum Standards for Licensed Independent Foster Homes.** The proposed regulation establishes minimum standards that independent foster homes must meet in order to be licensed to provide care to children.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Contact: Doris Jenkins, Child-Placing/Residential Licensing Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1773 or FAX (804) 692-2370.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: **4 VAC 25-50-10 et seq. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines (REPEALING).**

Statutory Authority: § 45.1-161.28, 45.1-161.29, 45.1-161.34 and 45.1-161.35 and of the Code of Virginia.

Public Hearing Date: September 10, 1998 - 10 a.m.

Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The DMME derives its authority to promulgate this regulation from the Coal Mine Safety Act, §§ 45.1-161.28, 45.1-161.29, 45.1-161.34 and 45.1-161.35. These statutes grant the agency and Board of Coal Mining Examiners authority to develop regulations to protect the safety of miners.

Purpose: The Board of Coal Mining Examiners (BCME) is proposing to repeal the Rules and Regulations Governing Diesel Engine Mechanics in Underground Coal Mines because the essential elements in the regulation have been incorporated in the certification regulation for coal miners. These provisions will protect the health and safety of miners. The repeal of the regulation was recommended by the industry and labor representatives that served on the regulatory review committee and in the Executive Order 15 (94) report.

Substance: The regulation is no longer essential to ensure that workers are qualified to perform work on diesel engines. The Executive Order 15 report recommended repeal of the regulation as stand alone requirements.

Issues: The advantage of repealing these regulations is that it will make it easier for those subject to them to locate all those requirements that apply to them because they will be in one regulation rather than two. In addition, those regulated will not longer be confused by any duplicative or out of date requirements. There are no disadvantages for the public in repealing the regulation.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic

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

Summary of the proposed regulation. The Department of Mines Minerals and Energy is proposing to repeal its Rules and Regulations Governing Certification of Diesel Mechanics in Underground Coal Mines because the provisions of this regulation have been incorporated into the certification regulations for coal miners.

Estimated economic impact. The proposed repeal will have no economic impact consequences and, therefore, no economic impact, because the provisions of the repealed regulation will remain in force elsewhere.

Businesses and entities particularly affected. The proposed regulation particularly affects the 264 licensed underground coal mines in Virginia, their 4,445 employees, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected Impact on Employment. The proposed regulation is not anticipated to have a significant effect on employment.

Affects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. The proposed repeal of Rules and Regulations Governing Certification of Diesel Engine Mechanics in Underground Coal Mines will have no economic consequences and, therefore, no economic impact, because the provisions of the repealed regulation will remain in force elsewhere.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has no objection to the economic impact analysis.

Summary:

The Board of Coal Mining Examiners (BCME) is proposing to repeal the Rules and Regulations Governing Diesel Engine Mechanics in Underground Coal Mines because the essential elements in the regulation have been incorporated in the certification regulation for coal miners.

VA.R. Doc. No. R98-27; Filed July 24, 1998, 9:54 a.m.

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Title of Regulation: 4 VAC 25-60-10 et seq. **Requirements for the Installation and Use of Automated Temporary Roof Support (ATRS) Systems (amending 4 VAC 25-60-10, 4 VAC 25-60-20, 4 VAC 25-60-40 and 4 VAC 25-60-70).**

Statutory Authority: §§ 45.1-161.3, 45.1-161.106 and 45.1-161.114 of the Code of Virginia.

Public Hearing Date: September 10, 1998 - 10 a.m.

Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The department derives its authority to promulgate this regulation from §§ 45.1-161.3, 45.1-161.106, and 45.1-161.114 of the Coal Mine Safety Act. These statutes grant the agency the authority to develop regulations to protect the safety of miners.

Purpose: The Department of Mines, Minerals and Energy (DMME) is proposing to amend the ATRS regulation to ensure that coal mining is performed safely and efficiently. These proposed amendments were recommended in the Executive Order 15 report. The regulation is needed to protect miners from unsupported roof falls before permanent roof supports are installed in a newly mined area of an underground mine or where a "retreat" is in progress from mining. There were five deaths caused by roof falls in 1997 and two in 1998. In the last 10 years 38% of all mining fatalities were attributed to roof falls.

The regulation addresses general requirements for supporting roofs, approvals and waivers, and machines used for ATRS systems. Amendments to the regulation make the requirements consistent with current safety standards for ATRS systems and consistent with the rules of the Mine Safety and Health Administration (MSHA). These revisions, and other less substantive ones, were recommended by the industry and labor representatives that served on the regulatory review committee.

Substance: The regulation was modified to reflect changes in technology and mine safety law, address important hazards not addressed by MSHA, and avoid conflicts with MSHA regulations and federal law.

In the definitions section, several terms were deleted because they are already in the Coal Mine Safety Act. Other definitions were reworded and consolidated for clarity and conciseness.

The regulation was revised to (i) delete a date which is no longer needed, (ii) explain the general requirements for machines which do not have an exemption, and (iii) clarify that alternative means of roof support may be approved by the Chief of the Division of Mines. Language was then deleted because it was redundant.

The regulation addresses approvals and waivers needed for ATRS systems. Text of the regulation was deleted because the revisions to old language now address areas where the

roof is low. This was accomplished by addressing the relationship of the roof height to the machine design and considering basic safety standards. Also amendments were made to allow the authorized representative of the Chief to grant approval (as was done in other sections of the regulation). This will ensure that the division can respond to requests efficiently.

Subsection C of 4 VAC 25-60-40 was revised for clarity and was made more specific about when approval is needed and why. A separate approval is not needed as long as the machine is moved from one location to another and it has not been transferred to a new mine. In the next section, unnecessary language was deleted and current standards for ATRS systems were added to be consistent with MSHA. The requirements for certifying the strength of the system were simplified and documentation will just need to be available for inspection instead of having to submit it to the division. In the last section verbiage no longer needed was deleted and the maximum speed a tram may operate is specified.

Issues: There are no disadvantages for the public, miners or operators in revising these regulations. The regulation will provide advantages to the public, agency, miners and operators by making the regulation easier to comply with and reflecting current safety standards.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. The proposed regulation amends current regulations governing automated temporary roof support systems. The proposed amendments were recommended in DMME's Executive Order 15 (94) report. These amendments largely update the regulation for changes in technology and mine safety law, or delete sections of the regulation that are duplicative of other regulations. The primary amendments to the regulation are as follows:

1. Provisions regarding approvals and waivers for ATRS systems would be amended to delete the automatic waiver "for those active sections where the average working height of the section is less than 42 inches, and, "where conditions warrant," require approval of ATRS systems to "address the need for and availability of ATRS mounted deflector pads"; and

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2. Minimum requirements for ATRS machines would be amended to specify that, if the controls used to place the machine are not located under permanently supported roof, the compartment in which they are located must include a deck "that provides the equipment operator with overhead and lateral protection, and has the structural capacity to elastically support a dead weight load of at least 18,000 pounds," and require that "[d]ocumentation of the certification of the ATRS system ... be made available to the Chief or his authorized representative."

Estimated economic impact. Updating the regulation to reflect current technological and legal standards may impose some additional compliance costs on mine operators. In most cases, however, the proposed changes are consistent with current practice and are, as a result, unlikely to require significant additional expenditures on the part of mine operators. Moreover, because these changes reflect current mine safety standards, they will further protect coal mine workers from unsupported roof falls, a leading cause of mining fatalities.

Businesses and entities particularly affected. The proposed regulation particularly affects the 264 licensed underground coal mines in Virginia, their 4,445 employees, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. DPB anticipates that the proposed amendments to Regulations Governing the Use and Installation of Automated Temporary Roof Support Systems will likely have two main economic effects. They will: (i) cause a negligible increase in the regulatory compliance costs faced by coal mine operators; and (ii) decrease the risk of mining injuries and fatalities attributable to roof falls.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has no objection to the economic impact analysis.

Summary:

The proposed amendments update the regulation for changes in technology and mine safety law, and delete sections of the regulation that are duplicative of other regulations. In addition, approvals and waivers needed for automated temporary roof support systems (ATRS) and minimum requirements for ATRS machines are amended.

4 VAC 25-60-10. Definitions.

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

~~"Adopted Approved roof control plan"~~ means the roof control plan and revisions thereof suitable to the roof conditions and mining systems of each coal mine which has been approved by the Chief.

~~"Approved"~~ means in strict compliance with mining law, or, in the absence of law, accepted by a recognized standardizing body or organization where approval is generally recognized as authoritative on the subject.

~~"Automated temporary roof support system" or "ATRS system"~~ means the devices and mechanisms, including the ATRS, used, and methods followed by which the ATRS is activated and set to support the roof a device to provide temporary roof support from a location where the equipment operator is protected from roof falls.

~~"Automated temporary roof support" or "ATRS"~~ means a mechanical device used to support the roof temporarily.

~~"Chief"~~ means the Chief of the Division of Mines.

~~"Rebuilt"~~ means the performance of service work on any roof bolting machine or continuous mining machine with integral roof drills exceeding 60% of the new purchase price.

4 VAC 25-60-20. Time General requirements.

~~A. After September 1, 1983, all new~~ Unless an exemption has been obtained in accordance with 4 VAC 25-60-40, roof bolting machines and continuous mining machines with integral roof drills used in a working face in a coal mine shall ~~be provided with~~ have an approved automated temporary roof support ATRS system; ~~provided, other.~~ Alternative methods of temporarily supporting the roof may be approved by the Chief in the adopted approved roof control plan.

~~B. After September 1, 1985, all rebuilt (as defined in 4 VAC 25-60-10) roof bolting machines and rebuilt continuous mining machines with integral roof drills used in a working face in a coal mine shall be provided with an approved automated temporary roof support system. Provided, that other methods of temporarily supporting the roof may be approved by the Chief in the adopted approved roof control plan.~~

4 VAC 25-60-40. Approval and waivers.

~~A. An automatic waiver will be granted for those active working sections where the average working height of the section is less than 42 inches.~~

~~B. Automated temporary roof support A. ATRS systems and all other methods of temporarily supporting the roof shall be approved on an individual mine basis by the Chief or his authorized representative and shall become part of the adopted approved roof control plan. Such approval of the ATRS system is not necessary if it has already been approved for the machine for which it was designed and meets the requirements in 4 VAC 25-60-70.~~

~~C. After the effective date of these rules and regulations, the operator shall, prior to any automated temporary roof support B. Before an ATRS system being is used underground, first the operator shall obtain approval from the~~

Chief or ~~an~~ his authorized representative of the Chief, such approval to be in the manner and. Approval shall be in a form prescribed by the Chief and where conditions warrant shall address the need for and availability of ATRS mounted deflector pads or equivalent protective devices which promote safety for drill operators by reducing exposure to rock falling inby and deflecting back under the installed ATRS. ~~Provided, that such approval shall not be unreasonably withheld and furthermore, any automated temporary roof support~~ Any ATRS system that has been "approved" prior to the effective date of this chapter shall also be deemed approved by the Chief, or his authorized representative, if the automated temporary roof support provided such an ATRS system meets the minimum requirements stated in these rules and regulations set forth in this chapter.

~~D. A waiver may be granted, as to the use of C. The Chief may grant a waiver for an automated temporary roof support ATRS system, by the Chief, where it has been demonstrated proposed and proven effective by the operator and the Chief has determined during an investigation by an authorized representative of the Chief, that:~~

1. The use of an automated temporary roof support ATRS system would create a condition which will cause a greater hazard to people working inby the area where permanent supports have been installed, than the method presently being employed or proposed by the operator for temporarily supporting the roof; or,
2. Where the technology of an automated temporary roof support ATRS system does not exist to allow compliance with the requirements set forth in these rules and regulations this chapter.

In granting a waiver as to the use of the automated temporary roof support system, the Chief may approve the use of temporary jacks and posts to be used in lieu thereof alternative methods of temporary roof support.

4 VAC 25-60-70. Minimum requirements for machines using, or used as, automated temporary roof support systems.

~~After the effective date of these rules and regulations, A.~~ All machines using, or used as, an automated temporary roof support ATRS system shall comply with the following minimum requirements unless a waiver has been granted or another method of temporarily supporting the roof has been approved by the Chief under this chapter.

A. B. The necessary controls to position the machine and place the ATRS system against the roof shall be operated from under permanently supported roof, unless, the design of the system will provide adequate protection for the miner while setting such supports or the controls may be located in a compartment which includes a deck that provides the equipment operator with overhead and lateral protection, and has the structural capacity to elastically support a dead weight load of at least 18,000 pounds.

~~B. C.~~ The ATRS system shall be placed firmly against the roof before any work is performed inby permanent roof supports and shall remain against the roof while work is being done.

~~C. D.~~ All hydraulic jacks affecting the support capacity of an ATRS system shall have check valves or equivalent protection to prevent support failure in the event of a sudden loss of hydraulic pressure.

~~D. E.~~ ATRS systems used in conjunction with single bolt installation are required to elastically support, at a minimum, a deadweight load of measured in pounds of at least 450 times each square foot of roof intended to be supported, but in no case less than 11,250 pounds for each five foot by five foot square area of the roof intended to be supported.

~~E.~~ ATRS consisting of pads and/or crossbars used in single or multiple rows must elastically support, at a minimum, a deadweight load in pounds of $450 \times [(L+5) \times (W+5)]$; where L is the length of the support structure from tip to tip and W is the width taken at the centerline of a support structure to the centerline of another support structure.

F. The actual capacity to elastically support elastically a deadweight load shall be certified by a registered professional engineer or the manufacturer of such product. Documentation of the certification of the ATRS system shall be made available to the Chief or his authorized representative.

G. The distance that the ATRS system may be set inby the last row of permanent supports shall be dependent on the spacing requirements of the permanent roof supports and must be approved by the Chief or his authorized representative in the adopted approved roof control plan.

H. No person shall work or travel beyond the ATRS system unless the distance between the coal face and the ATRS system is five feet or less;. In addition, no person shall work or travel left or right of the ATRS unless a coal rib, a permanent support, or a temporary support is within five feet of the ATRS; provided, system. The only exception is that when such a five foot limit is being determined for measured from an ATRS system consisting of a ring, then said the five foot limit shall be determined from the outside of the ring.

I. The inch tram control speed of a roof bolting machine shall not exceed one-half of the maximum tram control speed; provided, that In no case shall the inch tram control speed exceed 80 feet per minute when the roof bolting machine is being used to establish the ATRS system.

VA.R. Doc. No. R98-23; Filed July 24, 1998, 9:55 a.m.

* * * * *

Title of Regulation: **4 VAC 25-70-10. Regulations Governing Disruption of Communications in Mines (amending 4 VAC 25-70-10).**

Proposed Regulations

Statutory Authority: §§ 45.1-161.3, 45.1-161.106 and 45.1-161.191 of the Code of Virginia.

Public Hearing Date: September 10, 1998 - 10 a.m.

Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The department derives its authority to promulgate this regulation from §§ 45.1-161.3, 45.1-161.106 and 45.1-161.191 of the Coal Mine Safety Act. These statutes grant the agency the authority to develop regulations to protect the safety of miners.

Purpose: The regulation is needed to ensure that underground miners are not cut-off from those who could help them if they are trapped in a coal mine by a roof fall or other such occurrence. The regulation addresses general requirements for communications in case of an emergency.

Amendments to the regulation are needed to address an important hazard not addressed by the Mine Safety and Health Administration (MSHA) as noted in the new subsection C of the regulation, avoid conflicts with MSHA regulations and federal law, and eliminate duplicative information. These revisions, along with less substantive ones, were recommended by the industry and labor representatives who served on the regulatory review committee.

Substance: The last part of subsection A is deleted because it is now part of the Coal Mine Safety Act. The subsections B, D and E are stricken to simplify procedures and consolidate the requirements into fewer standards. The proposed amendments also require the foreman to keep records of any disruption in communication which is not restored within an hour instead of notifying the Chief at the time.

Issues: There are no disadvantages for the public, miners or operators in revising these regulations. The regulation will provide advantages to the public, agency, miners and operators by making the regulation easier to comply with and understand.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. The proposed regulation amends current regulations governing the disruption of communication in mines. These amendments largely consolidate and simplify current requirements. The one exception to this is new language which would replace the current requirement that in cases where disrupted communication is not restored within one hour, the operator must notify the District Mine Inspector, with language requiring the mine foreman to simply record the disruption and all corrective actions taken on the shift report.

Estimated economic impact. The proposed amendments are unlikely to have economic consequences and, therefore, unlikely to have any economic impact.

Businesses and entities particularly affected. The proposed regulation particularly affects the 264 licensed underground coal mines in Virginia, their 4,445 employees, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. The amendments proposed for Regulations Governing Disruption of Communications in Mines are unlikely to have economic consequences and, therefore, unlikely to have any economic impact.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has no objection to the economic impact analysis.

Summary:

Amendments to the regulation consolidate and simplify current requirements. The requirement that the Chief of the Division of Mines be informed when communications are disrupted for more than one hour is eliminated.

CHAPTER 70.

RULES AND REGULATIONS GOVERNING DISRUPTION OF COMMUNICATIONS IN MINES.

4 VAC 25-70-10. General requirements.

A. Section 45.1-161.191 of the Code of Virginia requires that telephone service or an equivalent two-way communication system be provided between the top and each landing of main shafts and slopes in the mines. ~~The following rules shall apply in the event a disruption of the required communication system occurs.~~

~~B. Mine foremen or their designee shall check the communication system to all sections or part of an underground mine where preparation for or mining is in progress at least once every hour to ascertain if the system is in operation.~~

~~C. In the event there is B. Corrective actions shall be taken when a disruption or failure in of the required communication system occurs to any section or part of an underground mine where preparation for mining is being made or mining is in progress. Work is to restore communications shall begin immediately and continue until communications are restored.~~

~~D. If the required communication is not reestablished within one hour (60 minutes) the mine operator shall notify the District Mine Inspector that communication is down, state any circumstances or existing conditions at the mine and advise of estimated time needed to reestablish communication. Based on the information, the Chief shall take whatever action that is indicated which may include immediate inspection, ordering withdrawal of workers from the area, or both.~~

~~E. The owner/operator shall advise the Chief of the Division of Mines, or District Mine Inspector, when communication has been restored.~~

C. Any disruption in communication which is not restored within one hour shall be recorded by the mine foreman in the on-shift report. The record shall reflect the corrective actions taken and time the communication was restored.

F. D. Whenever a representative of the miners, or a miner where there is no such representative, has reason to believe that conditions are such that continuing to work on a section without communication would constitute an imminent danger to safety or health, such miner or representative shall have the right to notify the Chief of the Division of Mines or District mine inspector of his concern. Upon receipt of such notification, the Chief shall cause an inspection to be made as soon as possible. If the inspection determines that such danger exists, the ~~workmen~~ workers, excluding those needed to correct the problem, shall be withdrawn to a ~~point~~ place that has communication with the surface.

VA.R. Doc. No. R98-26; Filed July 24, 1998, 9:55 a.m.

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Title of Regulation: 4 VAC 25-80-10. Rules and Regulations Governing Advanced First Aid (REPEALING).

Statutory Authority: §§ 45.1-161.3, 45.1-161.101, 45.1-161.106 and 45.1-161.254 of the Code of Virginia.

Public Hearing Date: September 10, 1998 - 10 a.m.
Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The department derives its authority to promulgate this regulation from §§ 45.1-161.3, 45.1-161.101, 45.1-161.106 and 45.1-161.254 of the Coal Mine Safety Act. These statutes grant the agency the authority to develop regulations to protect the safety of miners.

Purpose: The Department of Mines, Minerals and Energy is proposing to repeal the Rules and Regulations Governing Advanced First Aid because the essential elements in the regulation have been incorporated into the certification regulation for coal miners, the rewrite of the Coal Mine Safety Act, or the mine's emergency response plan submitted by the operator to the Division of Mines. These provisions will protect the health and safety of miners. The repeal of the regulation was recommended by the industry and labor representatives who served on the regulatory review committee and in the Executive Order 15 (94) report.

Substance: The regulation is no longer essential to protect workers by providing adequate medical care to miners who are injured or become ill while working on a mine site. The Executive Order 15 (94) report recommended repeal of the regulation as stand alone requirements.

Issues: The advantage of repealing this regulation is that it will make it easier for those subject to them to locate all those requirements that apply to them because they will be in one regulation rather than two. In addition, those regulated will no longer be confused by any duplicative or out-of-date requirements. There are no disadvantages for the public in repealing the regulation.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number or persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. DMME is proposing to repeal its Rules and Regulations Governing Advanced First Aid because the provisions of this regulation have been incorporated into the certification regulations for coal miners, the Coal Mine Safety Act, or a mine's emergency response plan.

Estimated economic impact. The proposed repeal will have no economic consequences and, therefore, no economic impact because the provisions of the repealed regulation will remain in force elsewhere.

Businesses and entities particularly affected. The proposed regulation particularly affects the 356 licensed surface and underground coal mines in Virginia, their 6,526 employees, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

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Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. The proposed repeal of Rules and Regulations Governing Advanced First Aid will have no economic consequences and, therefore, no economic impact because the provisions of the repealed regulation will remain in force elsewhere.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has no objection to the economic impact analysis.

Summary:

The Department of Mines, Minerals and Energy proposes to repeal the Rules and Regulations Governing Advanced First Aid because the essential elements in the regulation have been incorporated into the certification regulation for coal miners, in the rewrite of the Coal Mine Safety Act, or a mine's emergency response plan submitted by the operator to the Division of Mines.

VA.R. Doc. No. R98-24; Filed July 24, 1998, 9:54 a.m.

* * * * *

Title of Regulation: **4 VAC 25-110-10 et seq. Regulations Governing Blasting in Surface Mining Operations (amending 4 VAC 25-110-10, 4 VAC 25-110-20, 4 VAC 25-110-200 and 4 VAC 25-110-210; repealing 4 VAC 25-110-60, 4 VAC 25-110-130, 4 VAC 25-110-170, 4 VAC 25-110-320, 4 VAC 25-110-330, 4 VAC 25-110-340, 4 VAC 25-110-350, 4 VAC 25-110-360, 4 VAC 25-110-370, 4 VAC 25-110-380 and 4 VAC 25-110-390).**

Statutory Authority: §§ 45.1-161.3, 45.1-161.254 and 45.1-161.286 of the Code of Virginia.

Public Hearing Date: September 10, 1998 - 10 a.m.

Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The department derives its authority to promulgate this regulation from §§ 45.1-161.3, 45.1-161.254 and 45.1-161.286 of the Coal Mine Safety Act. These statutes grant the agency the authority to develop regulations to protect the safety of miners.

Purpose: The Department of Mines, Minerals and Energy proposes to amend the Rules and Regulations Governing Blasting in Surface Mining Operations to ensure that blasting at coal mines is performed safely and efficiently. These proposed amendments were recommended in the Executive Order 15 (94) report.

The regulation is needed to ensure mine blasting is performed safely and that miners, persons living close to the mine, and nearby property are protected from fly rock and other hazards associated with blasting.

Amendments to the regulation are needed to address important hazards not addressed by the Mine Safety and Health Administration (MSHA), avoid conflicts with MSHA regulations and federal law, address changes in technology, and eliminate duplicative information. These revisions were recommended by the industry and labor representatives who served on the regulatory review committee.

Substance: Until recently, § 45.1-161.286 of the Code of Virginia delineated the minimum requirements for blasting practices, and most of the requirements in the regulation were mandated. In the 1996 General Assembly Session, however, the requirements were modified to align the Division of Mines with worker safety, not environmental regulations on blasting. The law now states that the Chief shall promulgate regulations regarding the safe storage, transportation, handling and use of blasting agents and other explosives in accordance with § 45.1-161.255 of the Code of Virginia. Section 45.1-161.28 of the Code of Virginia says surface blasters, among others, shall be certified by the Board of Coal Mining Examiners.

The agency, with advice from the work committee, considered whether all the requirements in the regulation were needed and determined that it was only important to include those not covered by the Division of Mined Land Reclamation (DMLR) blasting regulation. To administer blasting-related regulations more efficiently, DMLR and the Division of Mines worked out an agreement to divide responsibilities for enforcing these regulations. The Division of Mines will enforce blasting regulations related to safety and DMLR will enforce regulations related to the environment and respond to citizen complaints. This means that there will not be conflicting standards or duplication except in the area of recordkeeping, where it is to be maintained because of its importance when the Division of Mines has to investigate a safety problem at a mine. However, the records requirements now mirror those requirements in the Division of Mined Land Reclamation (DMLR) blasting regulation.

The proposed regulation deletes definitions which are now included in the Coal Mine Safety Act, ones no longer used in the revised regulation, and ones that are not standard terms used in industry. One definition was reworded to be consistent with related regulations governing blasting, another was added for clarity.

The proposed regulation also eliminates requirements that are out of date or covered in other department regulations. Thus, the section on certification is deleted and refers to the certification and recertification regulations. Likewise, parts of the sections on seismographic measurements and instrumentation, blasting safety, evaluation of a blast site, monitoring and reporting, notification, authority to require instrumentation, noise blast level, approval of measurements and penalties were deleted because they were duplicated in

the Coal Surface Mining Reclamation Regulations, (4 VAC 25-130-700 et seq.) or the mine safety law.

Issues: There are no disadvantages for the public, miners or operators in revising these regulations. The amendments provide advantages to the public, agency, miners and operators by making the regulation easier to comply with and by reflecting current safety standards. The amended regulation will result in time saved by both operators and agency staff because there will be no duplication of effort between two DMME divisions. Stronger, clearer standards are set forth to protect miners and property against blast damage.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. The proposed regulation amends current regulations governing blasting in surface mining operations. The proposed amendments delete sections of the regulation that are duplicative of other regulations, such as regulations of the Board of Coal Mining Examiners Certification Requirements (4 VAC 25-20-10 et seq.) and the Division of Mined Land Reclamation (4 VAC 25-130-816.61 et seq.), and the Coal Surface Mining Reclamation Regulations (4 VAC 25-130-700 et seq.). In addition, the proposed amendments delete certain definitions that are now included in the Coal Mine Safety Act and some out-of-date requirements.

Estimated economic impact. Because the sections of the regulation that are deleted under the proposed amendments remain in force elsewhere, these amendments will have no economic consequences and, therefore, no economic impact.

Businesses and entities particularly affected. The proposed regulation particularly affects the 92 licensed surface coal mines in Virginia, their 2,081 employees, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. DMME is proposing to amend current regulations governing blasting in surface mining operations to delete sections of the regulation that are duplicative of other regulations and the Code of Virginia. Because these sections of the regulation remain in force elsewhere, the proposed amendments will have no economic consequences and, therefore, no economic impact.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has no objection to the economic impact statement.

Summary:

Amendments to the regulation address changes in technology and eliminate duplicative provisions.

CHAPTER 110.

~~RULES AND REGULATIONS GOVERNING BLASTING IN SURFACE MINING OPERATIONS.~~

4 VAC 25-110-10. Definitions.

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

"Actual distance" means the distance in feet from the blast location to the nearest dwelling house, public building, school, church, or commercial or institutional building neither owned nor leased by the person conducting the blast.

~~"Approved" means approved by the Division of Mines or other recognized agencies.~~

~~"Barricade" means natural features of the ground such as hills, timber of sufficient density that surrounding exposures cannot be seen when the trees are bare of leaves, or an efficient artificial barricade consisting of an artificial mound or properly revetted wall of earth not less than three feet thick at the top.~~

~~"Charge weight" means the weight in pounds of an explosive charge.~~

~~"Delay interval" means the time interval in milliseconds between successive detonations of the delay devices used.~~

~~"Detonating cord" means a flexible cord containing a center core of high explosives and used to initiate other explosives.~~

~~"Division" means the Division of Mines.~~

~~"DMLR" means the Division of Mined Land Reclamation.~~

~~"Establishment" means any place within the Commonwealth of Virginia where work is done for compensation, to whomever payable, supervision over which has been given by statute to the Division of Mines.~~

~~"Fly rock" means fly rock including blasted material traveling along the ground shall not be cast from the blasting vicinity more than half the distance to the nearest dwelling or other occupied structure and in no case beyond the line of property owned or leased by the operator uncontrolled material generated by the blast traveling along the ground~~

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and shall not be cast from the blasting vicinity more than half the distance to the nearest dwelling or other occupied structure and in no case beyond the Division of Mined Land Reclamation (DMLR) permit boundary.

~~"Highway" means and includes any public street, public alley or public road.~~

~~"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.~~

~~"Magazine" means a building or structure, other than a factory building, designed to be used exclusively for the storage of explosives.~~

~~"Mudcapping," also known as bulldozing, adobe blasting or dobbing, means a method of blasting by placing a quantity of explosives in contact with a rock, boulder, or other object without confining the explosives in a drill hole.~~

~~"Person" means and includes individuals, firms, partnerships, associations, corporations, receivers, or any officer of the Commonwealth, or any agent or officer of the above-mentioned classes employing any person in this Commonwealth.~~

~~"Primer" means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and blasting agents, and which contains a detonator or detonating cord.~~

~~"Railroad" means and includes any steam, electric or other motive powered transportation systems operating on track which carries passengers for hire, or over which loaded or empty equipment is transported.~~

~~"Scaled distance (Ds)" means the actual distance (D) in feet divided by the square root of the maximum explosive weight (W) in pounds that is detonated per delay period for delay intervals of eight milliseconds or greater; or the total weight of explosive in pounds that is detonated within an interval less than eight milliseconds.~~

This means

that

$$\text{Scaled Distance} = \frac{\text{Actual Distance}}{\sqrt{\text{Charge Wt. Per Delay Period}}}$$

$$\text{Thus, } D_s = \frac{D}{\sqrt{W}}$$

~~"Stemming" means that inert material placed in a borehole after the explosive charge for the purpose of confining the explosion gases in the borehole or that inert material used to separate the explosive charges (decks) in decked holes.~~

~~"Subcharge" means a quantity of explosive or equivalent that is to be detonated within a period of less than one millisecond.~~

~~"Surface mine" means an open pit excavation from which coal or other minerals are produced for sale, exchange, or commercial use; and includes all buildings and equipment above the surface of the ground used in connection with such mining.~~

~~"Vehicle" means any rolling stock or equipment, whether self-propelled or otherwise, and includes all trailers.~~

4 VAC 25-110-20. Certification.

~~A. By the authority provided in § 45.1-161.28 of the Code of Virginia, the Board of Coal Mining Examiners will require on and after June 30, 1975, that all blasters be certified by such board.~~

~~B. Between June 30, 1975, and December 31, 1975, all persons who have performed blasting at any surface mine in this Commonwealth for a period of one year, previous to June 30, 1975, may be certified without examination. The applicant must file an application and furnish proof of experience to the board.~~

~~C. After January 1, 1976, all blasters must pass a written examination, prescribed by the board, and have worked at least one year with or under the direction of a certified blaster.~~

~~D. The board may grant certificates to persons holding a certificate issued by another state, provided that the requirements for a certification in such state are substantially equivalent to those of Virginia.~~

~~A. All blasters performing blasting at Virginia surface coal mines and the surface at underground coal mines shall be certified by the Board of Coal Mining Examiners (BCME) and meet DMLR recertification requirements.~~

~~B. As stated in 4 VAC 25-20-40 of the BCME certification requirements, the board may grant certificates by reciprocity.~~

4 VAC 25-110-60. Blasting standards. (Repealed.)

~~A. Ground vibration. In all blasting operations, except as otherwise authorized herein, the maximum ground vibration shall not exceed the values listed in Table 3-A. The maximum ground vibration adjacent to the location of any dwelling house, public building, school, church, or commercial or institutional building shall be established in accordance with either the maximum peak particle velocity limits of Table 3-A of this section, the scaled distance equation, the blasting level chart of Table 3-B, or by regulatory authority under 4 VAC 25-110-340.~~

TABLE 3-A MAXIMUM (ALLOWABLE) PEAK VELOCITY

Distance (D), from Blasting Site in Feet	Maximum Allowable Peak Particle Velocity (V _{max}) For Ground Vibration, in Inches/Second. ¹	Scaled Distance Factor to be Applied Without Seismic Monitoring. ²
0 to 300	1.25	50
301 to 5000	1.00	55
501 and beyond	0.75	65

⁴ Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.

² Applicable to the scaled distance equation of 4 VAC 25-110-80.

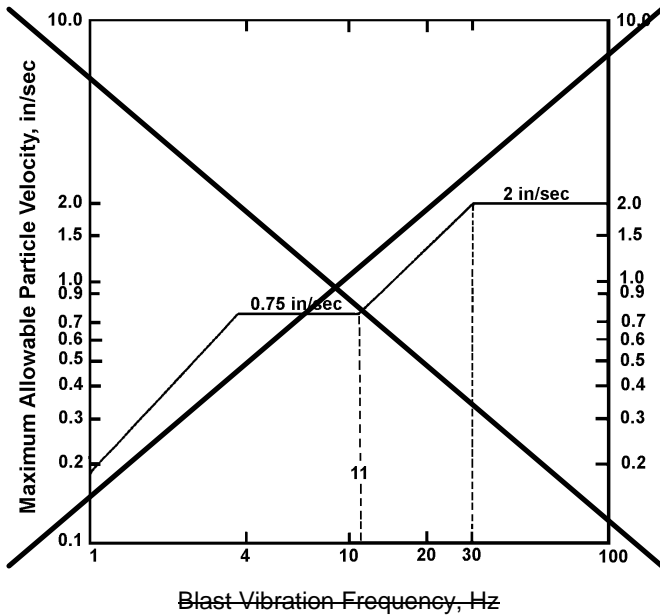


Figure 1 Alternative blasting-level criteria
(Source modified from figure B-1, Bureau of Mines R18507)

If Table 3-B is used, a seismographic record including both particle velocity and vibration frequency levels shall be provided for each blast. The method for the analysis of the predominant frequency contained in the blasting records shall be approved by the regulatory authority before application of this alternative blasting criterion.

An operator may use the ground-vibration limits in Table 3-B to determine the maximum allowable peak particle velocity.

B. This ground velocity limit does not apply to mean a property owned, leased, or contracted by the blaster or blaster's company or on property on which the owner gives a written waiver.

C. Where seismic instrumentation is not employed, the United States Bureau of Mines has recommended that the maximum charge per delay period (W) be determined by the formula:

$$W = \left(\frac{D}{D_s} \right)^2$$

where (W) is the weight of explosive in pounds per delay and (D) is the distance in feet to the nearest dwelling house, public building, school, church, or commercial or institutional building. On sites where the Division decides it necessary

not to comply with the provision of the law this formula may be altered.

D. If on a particular site the peak ground particle velocity continuously exceeds one half inch per second after a period of one second following the maximum ground particle velocity, the Division shall require the charge per delay to be reduced so that this limit is complied with. This applies where short delays are being used.

E. Any deviation from the formula found in 4 VAC 25-110-60 C, a nationally accepted formula, shall be supported by seismic instrumentation according to an approved test plan. The test plan shall be designed to establish the scaled distance for a given operation which will not produce particle velocities greater than prescribed in Table 3-A and Table 3-B, at the nearest building as defined in 4 VAC 25-110-10. The plan shall be approved by the Chief of the Division of Mines prior to testing. When said tests have been completed, a qualified seismologist shall certify the seismic analyses to be submitted to the Chief of the Division of Mines.

EXAMPLE: Given an actual distance of 1,100 feet and a Charge Weight per delay period of 400 pounds, find the Scaled Distance:

$$D = \left[\frac{1,100}{\sqrt{400}} = \frac{1,100}{20} \right] = 55$$

Once the safe minimum Scaled Distance has been determined, the safe maximum Charge Weight per delay for any blast can be determined by use of the relationship:

$$W = \left(\frac{D}{D_s} \right)^2$$

$$\text{Thus, Charge Weight} = \left(\frac{\text{Actual Distance}}{\text{Scaled Distance}} \right)^2$$

EXAMPLE: Given an Actual Distance of 1,100 feet and a Scaled Distance of 55, find the Charge Weight.

$$\text{Charge Weight} = \left(\frac{1,100}{55} \right)^2 = (20)^2 = 400 \text{ lbs.}$$

F. In lieu of 4 VAC 25-110-60 E, the operator may choose to record every blast. The seismic data shall be available for inspection at any time by the Chief of the Division of Mines or his designated representative and shall be retained by the operator for a minimum of three years. As long as the seismographic records indicate particle velocities prescribed in Table 3-A and Table 3-B, the operator shall be considered to be in compliance with state law.

G. If explosive charges of greater than 40,000 pounds are necessary, a permit must be obtained from the Division of Mines. The Division shall consider each case on its own merits in making a determination as to whether or not to grant such a permit.

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4 VAC 25-110-130. ~~Seismograph measurements. (Repealed.)~~

~~A. If a blaster considers the standard too conservative for his particular area, he may petition for a modified standard for blasting operation at that particular site but in no case shall the Division allow a standard that would permit velocities above the limits prescribed in Table 3-A and Table 3-B.~~

~~B. In making seismograph determination of the velocity at a particular position, the formula shall be used:~~

$$V = V_0 \left(\frac{D_0}{D} \right)^{1.5}$$

~~Where (V₀) is the maximum ground particle velocity at the seismograph, (D₀) is the distance of the seismograph from the blast and (D) is the distance from the blast to the position in question and in the same general direction. The distance (D₀) may not be greater than (D) and (D) cannot be more than five times (D₀). This determined velocity at the site dwelling house, public building, school, church, or commercial or institutional building shall not exceed the prescribed limits in Table 3-A and Table 3-B.~~

~~C. In seismic tests for compliance or petition, the analysis of seismic data shall be conducted and analysed by a qualified seismologist.~~

~~D. If there is reason to believe a blaster is operating illegally under the provisions of this chapter, the division may require a seismograph recording of any or all blasts.~~

4 VAC 25-110-170. ~~Instrumentation. (Repealed.)~~

~~A. All three component portable displacement seismographs currently in use will be approved until further notice by the Division of Mines.~~

~~B. A direct reading velocity instrument shall be approved by the Division of Mines, only if it has a frequency response of the instrument of five cycles per second to 150 cycles per second or greater, a velocity range from 0.0 to 2.0 in/sec. or greater, adheres to design criteria for portable seismographs as outlined in USBM R1-5708, USBM R1-6487, and meets such standards as are established from time to time by the Division of Mines.~~

~~C. Three component instruments of both the direct reading velocity type having internal calibration capability and the displacement type will be approved by the Division of Mines for use as follows:~~

- ~~1. Particle velocity reading may be calculated from results obtained by a displacement instrument or obtained from an approved direct reading velocity instrument in any blasting operation where all of the following conditions exist:
 - ~~a. Recording distance is over 200 feet from the blast;~~
 - ~~b. Scaled distance is numerically greater than 25;~~
 - ~~c. The predominant frequency of the ground motion is 40 cycles per second or less.~~~~

~~2. A direct reading velocity instrument will be required in any blasting operation where all of the following conditions exist:~~

- ~~a. Recording distance is less than 200 feet from the blast;~~
- ~~b. Scaled distance is numerically less than 50.~~

~~3. A direct reading velocity instrument will be required in any blasting operation where all of the following conditions exist:~~

- ~~a. Recording distance is more than 200 feet from the blast;~~
- ~~b. Scaled distance is numerically less than 25.~~

~~4. A direct reading velocity instrument will be required in any blasting operation where all of the following conditions exist:~~

- ~~a. Recording distance is more than 200 feet from the blast;~~
- ~~b. The predominant frequency of the ground motion is in excess of 40 cycles per second. Scaled distance is defined as:~~

$$\text{Scaled Distance} = \frac{\text{Actual Distance}}{\sqrt{\text{Charge Wt. Per Delay Period}}}$$

$$\text{Thus, } D_s = \frac{D}{\sqrt{W}}$$

~~where (D) is the actual distance in feet and (W) is the maximum weight of explosives in pounds per delay period of eight milliseconds or greater.~~

4 VAC 25-110-200. ~~Records.~~

~~A record of each blast shall be kept. All records including seismograph reports shall be retained at least three years and shall be available for inspection by the Division of Mines and shall contain the following minimum data required in DMLR regulations, 4 VAC 25-130-816.68:~~

- ~~1. Name of company or contractor the operator conducting the blast;~~
- ~~2. Location, date and time of blast;~~
- ~~3. Name, signature, social security number, and certification number of the blaster in charge conducting the blast;~~
- ~~4. Type of material blasted;~~
- ~~5. Sketches of the blast pattern, including number of holes, burden and , spacing, decks, and delay interval;~~
- ~~6. Diameter and depth of holes;~~
- ~~7. Types of explosives used;~~
- ~~8. Total amount weight of explosives used per hole;~~

9. ~~Maximum amount weight of explosives per delay period of eight milliseconds or greater detonated in an eight-millisecond period;~~

10. ~~Method of firing and type of circuit Initiation system;~~

11. ~~Identification, direction and distance, in feet to, from the nearest blast hole to the nearest dwelling house, public building, school, church, or commercial community or institutional building neither owned nor leased by the person conducting the blasting outside the mine area, except those structures owned by the operator and not leased to another person, if a written waiver by the lessee is submitted to the division before blasting;~~

12. ~~Weather conditions (including such factors as wind directions, etc.) those which may cause adverse blasting effects;~~

13. ~~Height or Type and length of stemming;~~

14. ~~If Mats or other protections were used;~~

15. ~~Type of detonators used and delay periods used;~~

16. ~~The person taking the seismograph reading shall accurately indicate the exact location of seismograph, if used, and shall also show the distance of seismograph from blast;~~

17. ~~Seismograph records, including seismograph readings, where required~~

15. ~~Seismographic and airblast records, if required, which shall include:~~

a. ~~Name and signature of person operating seismograph and firm taking the reading;~~

b. ~~Name of person and firm analyzing the seismograph seismographic record;~~

c. ~~Seismograph reading. Vibration or airblast level recorded;~~

d. ~~Type of instrument, sensitivity, and calibration signal or certification of annual calibration; and~~

e. ~~Exact location of instrument and the date, time and distance from the blast; and~~

16. ~~Reasons and conditions for each unscheduled blast.~~

18. ~~Maximum number of holes per delay period of eight milliseconds or greater.~~

4 VAC 25-110-210. Blasting safety.

A. ~~When blasting operations, other than those conducted at a fixed site as a part of any industry or business operated at such site, are to be conducted within 200 feet of a pipe line, or high voltage transmission line, the blaster or person in charge of the blasting operations shall take due precautionary measures for the protection of the line, and shall notify the owner of the line or his agent that such blasting operations are intended.~~

B. ~~Blasting operations near streams shall be prohibited in all cases where the effect of the blasting is liable to change the course or channel of any stream without first obtaining a permit from the division which has been approved by the Division of Mines.~~

C. ~~Mudcapping in blasting operations shall be permitted only where the driller would be in a hazardous position in attempting to drill the rock or material to be blasted.~~

D. ~~All trunk lines of detonating cord, having explosive loading exceeding three grains per foot, should be covered, except that trunk lines of detonating cord must be covered if located within 800 feet of any public highway, dwelling house, public building, school, church, or commercial or institutional building. When the use of detonating cord could cause severe air blast problems, the Division of Mines may require all trunk lines to be covered with a minimum of six inches of loose earth.~~

E. ~~In blasting operations, fly rocks shall not be allowed to fall greater than one half the distance between the blast and a dwelling house, public building, school, church, commercial or institutional building, and in no case beyond the line of property owned or leased by the operator. For the purpose of this paragraph, fly rock shall be considered as any uncontrolled material generated by the effect of a blast and that would be potentially hazardous to personnel and/or property.~~

F. ~~When operating near a highway, traffic must be stopped at a safe distance. Blasted material, if thrown on a public road, must be removed promptly. Regular blasting areas should be posted with warning signs.~~

G. ~~Where a blasting operation is conducted in the vicinity of an active deep mine, the blaster shall observe all procedures necessary to secure the health and safety of the underground mine workers.~~

H. ~~Blasting operations shall be conducted during daylight hours (one half hour before sunrise to one half hour after sunset) except by special permit issued by the Division of Mines. Said permit is to be issued on the basis of safety.~~

I. ~~Misfires, hangfires, etc., shall be handled in accordance with § 45.1-161.285 of the Code of Virginia. In addition, all other sections of Title 45.1 of the Code of Virginia pertaining to blasting must be carried out.~~

J. ~~Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.~~

A code of blasting signals shall be posted in one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it.

EXAMPLE:

Warning Signal—a one minute series of long blasts five minutes prior to the blast signal.

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~~Blast Signal—a series of short blasts one minute prior to the shot.~~

~~All Clear Signal—a prolonged blast following the inspection of the blast area.~~

~~K. These rules do not supersede or repeal any existing laws or regulations pertaining to blasting or blasting practices applicable to surface mining operations.~~

A. When operating within 1,000 horizontal feet of a highway, traffic must be stopped at a safe distance and the blasting area shall be posted with warning signs.

B. Where a blasting operation is conducted in the vicinity of an active deep mine, the blaster shall observe all procedures necessary to secure the health and safety of the deep mine workers. The operator of the affected deep mine shall be notified of planned blasting activities to coordinate necessary precautions for underground workers.

C. When blasting operations, other than those conducted at a fixed site as a part of any industry or business operated at such site, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the blaster or person in charge of the blasting operations shall take due precautionary measures for the protection of the line, and shall notify the owner of the line or his agent at least 48 hours in advance that such blasting operations are intended.

D. When an operator applies for a mine license, he shall indicate on the application the actual distance to the nearest inhabited building.

E. Before a blast is fired, a loud warning signal, audible within a range of ½ mile, shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance or under sufficient cover.

F. Fly rock as defined in 4 VAC 25-110-10 shall not be allowed.

G. Blasting operations shall be conducted during daylight hours (sunrise to sunset) unless authorized by the Chief or his authorized representative.

H. Misfires, hangfires, etc., shall be handled in accordance with § 45.1-161.285 of the Code of Virginia.

I. Mudcapping in blasting operations shall be permitted only where the driller would be in a hazardous position in attempting to drill the rock or material to be blasted.

4 VAC 25-110-320. Evaluation of blast site. (Repealed.)

~~If the Chief of the Division of Mines concludes that blasting complaints are excessive from residents living in the vicinity of an operation over which it has control, the Division may impose more stringent limits on ground vibration than that specified in 4 VAC 25-110-60, 4 VAC 25-110-130 and 4 VAC 25-110-170 and limits may be imposed on blast noise levels. The Chief may order an evaluation of the blast site by a vibration consultant and a technical representative of the explosives manufacturer, if he deems it necessary, before~~

~~imposing a more stringent limit. Blasting will be stopped until the results of the evaluation and recommendations are submitted to the Chief of the Division of Mines and permission granted to resume blasting. These requirements will remain in effect until rescinded by the Chief of the Division of Mines.~~

4 VAC 25-110-330. Monitoring and reporting. (Repealed.)

~~Monitoring and reporting of all blasts will be continued until the Chief of the Division of Mines is satisfied that vibration and blast noise standards are met.~~

4 VAC 25-110-340. Notification; inhabited buildings. (Repealed.)

~~When an operator applies for a mine license, he shall indicate on the application, the distance to the nearest inhabited building.~~

4 VAC 25-110-350. Notification to division when approaching inhabited buildings. (Repealed.)

~~During the course of mining, if an operator approaches within 2,000 feet of an inhabited building, he shall notify the Division of Mines 15 days prior to reaching the 2,000-foot limitation.~~

4 VAC 25-110-360. Authority to require instrumentation. (Repealed.)

~~If requested by the property owner registering a complaint, and deemed necessary by the Chief, peak particle velocity measurements using approved instrumentation shall be made for three consecutive blasts near the structure in question to ensure that the ground vibration limits in 4 VAC 25-110-60 C are not exceeded. All complaints will be verified by the Division of Mines before any action is taken.~~

4 VAC 25-110-370. Noise blast level. (Repealed.)

~~Airblast shall not exceed the maximum limits listed below at the location of any private dwelling, public building, school, church, or community or institutional building.~~

Table 13-Airblast Limits

<i>Lower Frequency Limit of Measuring System, in Hz (±3db)</i>	<i>Measurement Level, in db</i>
<i>0.1 Hz or Lower — Flat Response⁴</i>	<i>134 Peak</i>
<i>2 Hz or Lower — Flat Response</i>	<i>133 Peak</i>
<i>6 Hz or Lower — Flat Response</i>	<i>129 Peak</i>
<i>C-weighted — Slow Response</i>	<i>105 Peak dbc</i>

⁴Only when approved by the regulatory authority.

4 VAC 25-110-380. Chief may require continuing measurements. (Repealed.)

~~If requested by the property owner registering a complaint, and deemed necessary by the Chief, air blast measurements on three consecutive blasts using approved instrumentation shall be made near the structure in question to ensure that the maximum noise level limit is not exceeded. All~~

~~complaints will be verified with the Division of Mines before any action is taken.~~

~~**4 VAC 25-110-390. Penalty for failing to modify blasting procedures when ordered. (Repealed.)**~~

~~Surface mine operators shall make such modifications to their blasting procedures as are necessary to conform with the more stringent ground vibration limits and air blast limits when and if imposed by the Division of Mines. Failure to make such modifications will result in an order prohibiting the loading or firing of any explosive charge(s).~~

VA.R. Doc. No. R98-25; Filed July 24, 1998, 9:54 a.m.

* * * * *

Title of Regulation: 4 VAC 25-120-10 et seq. Requirements for Installation and Use of Cabs and Canopies (amending 4 VAC 25-120-10).

Statutory Authority: §§ 45.1-161.3 and 45.1-161.106 of the Code of Virginia.

Public Hearing Date: September 10, 1998 - 10 a.m.
Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The department derives its authority to promulgate this regulation from §§ 45.1-161.3 and 45.1-161.106 of the Coal Mine Safety Act. These statutes grant the agency the authority to develop regulations to protect the safety of miners.

Purpose: The Department of Mines, Minerals and Energy is proposing to amend the Rules and Regulations Governing the Installation and Use of Cabs and Canopies to ensure that coal mining is performed safely and efficiently. These proposed amendments were recommended in the Executive Order 15 (94) report and will protect the health and safety of miners.

The regulation is needed to protect miners operating self-propelled mobile equipment at the face of coal mines from roof falls. Accidents and fatalities may occur if equipment is not protected from roof falls or if operators have obstructions to vision or extend themselves beyond the cab or canopy. The regulation addresses general requirements for cabs and canopies on self-propelled mobile equipment.

Amendments to the regulation are needed in order to reflect changes in technology, address important hazards not addressed by the Mine Safety and Health Administration (MSHA), avoid conflicts with MSHA regulations and federal law, and adopt standards for loads and capacities. These revisions, along with less substantive ones, were recommended by the industry and labor representatives that served on the regulatory review committee.

The regulation is essential to protect workers by preventing accidents and fatalities in work that is inherently dangerous. Improper actions are a significant cause of injuries and

fatalities. One of the greatest causes of fatalities are equipment operators who have obstructions to vision or extend themselves beyond the cab or canopy.

Substance: The regulation is important in that it removes conflicts between state and federal mining regulations which were created when MSHA began requiring cabs or canopies be installed on face equipment after January 1973. Operators had two different standards to follow and felt the MSHA ones created a hazard, e.g., having operators' bodies extended beyond the cab and the obstruction of operators' vision.

The areas not specifically covered by MSHA which were needed to provide minimum safety protection to operators in cabs and canopies are those that address the following:

1. Hazards related to ergonomics of operators;
2. The visibility of those in the vicinity of the equipment;
3. Installations which could cause the striking or dislodging of the existing roof and rib supports; and
4. Structural parts of the cab or canopy such as construction of top plates and bolts or pins to ensure integrity of equipment.

In addition, the agency thought it was important to develop standards for load capacities and strengths because they have been a source of misunderstanding with operators.

In the introduction to the regulation, the requirement that the engineer certify to the Chief that the cab or canopy meets the requirements is deleted because he does not need to be advised of this. The proposed regulation also clarifies that protection is needed on self-propelled mobile face equipment, which needs the most protection from roof falls.

The old subsection A is deleted because it is redundant and subsection B is revised to explain the way that evidence of certification needs to be provided. Language in the next subsection is deleted because the mounting on the structure is no longer needed. New subsection E replaces current language with a better standard which explains the outcome desired without specifying how it will be accomplished. New subsection F replaces current language with a better standard which explains the outcome desired without specifying how it will be accomplished and old subsection G is deleted because it is in conflict with MSHA standards. Old subsection H is deleted because it is not consistent with industry standards and does not provide adequate protection to miners.

Old subsection I is revised to be consistent with MSHA regulations and to clarify the causes of enforcement actions. The last section is deleted because it is out of date and vague. The revised standard states that cabs and canopies shall not be used as a sole form of support unless they are part of the automated temporary support system.

Issues: There are no disadvantages for the public, miners or operators in revising these regulations. The amended regulation will provide advantages to the public, agency, miners and operators because the regulation will be easier to

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comply with and will reflect current safety standards. The revised regulation will result in time saved by both operators and agency staff because cabs and canopies will no longer be required to be approved by the Chief. Instead, evidence that they meet standards must be available for review by a representative of the Chief. Stronger, clearer standards are set forth to protect miners against roof falls.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. The proposed regulation amends current regulations governing the installation and use of cabs and canopies in underground coal mines. The proposed amendments were recommended in DMME's Executive Order 15 (94) report. Most of the proposed amendments are simple clarifications. Two which bear special consideration, however, are:

1. A new requirement specifying that operators of self-propelled mobile face equipment "shall provide evidence of [equipment] certification by attaching documentation to the cab or canopy or plate, or by keeping a letter of certification available for review..."; and
2. Current requirements specifying that "[t]he top plate [of self-propelled mobile face equipment] must be "beveled" in the direction of travel to lessen the likelihood of dislodging or loosening roof supports" would be deleted.

Estimated economic impact. Most of the proposed amendments are simple clarifications and will not have economic consequences. The new provision requiring operators of self-propelled mobile face equipment to attach certification documentation to their equipment is likely to have two economic effects, however. First, because it is a new requirement, it will cause a minor increase in compliance costs. Simultaneously, however, it will better enable inspectors to ensure that such equipment has met mandatory certification requirements, thereby enhancing mine safety. On net, this additional cost and additional benefit are likely to be roughly equivalent and small. The second amendment, deletion of the requirement that top plates be beveled, will likely reduce compliance costs by removing an overly prescriptive provision that no longer comports to industry standards.

Businesses and entities particularly affected. The proposed regulation particularly affects the 264 licensed underground coal mines in Virginia, their 4,445 employees, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. The proposed amendments to the Regulations Governing the Installation and Use of Cabs and Canopies are likely to have a negligible effect on regulatory compliance costs while providing a small increase in mine safety.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has no objection to the economic impact analysis.

Summary:

The proposed amendments (i) require operators of self-propelled mobile face equipment to attach certification documentation to their equipment; (ii) remove the requirement that top plates be beveled; (iii) make changes to avoid conflicts with MSHA regulations and federal law; (iv) add requirements for load capacities and strengths; and (v) clarify existing regulations.

CHAPTER 120. RULES AND REGULATIONS GOVERNING REQUIREMENTS FOR INSTALLATION AND USE OF CABS AND CANOPIES.

4 VAC 25-120-10. General requirements.

A. To provide the minimum protection, a registered engineer must certify ~~to the Chief~~ that the cab or canopy ~~proposed to be being used on all self-propelled mobile face equipment meets the following minimum standards outlined below; provided in this section.~~

~~A. It must be designed for the mine in which it will be used.~~

B. ~~So~~ *It shall be installed so that the minimum structural capacities will support a dead load weight of 18,000 pounds. The operator shall provide evidence of certification by attaching documentation to the cab or canopy or providing such information on a plate, or by keeping a letter of certification available for review by an authorized representative of the Chief.*

C. The deck plate or mounting ~~must~~ *shall* withstand the same load which the cab or canopy is designed to support. ~~Where possible the structure must be mounted on the main frame of the equipment.~~

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D. Cabs or canopies ~~must shall~~ have overhead clearance below the lowest projection of the roof or roof supports to prevent striking of the roof or roof supports.

E. ~~The visibility of the operator shall not be obstructed by the design of the cabs or canopy to the extent that the operator must "lean" out of the structure to see where he is going.~~

F. ~~The structure shall be wide enough to protect the operator from side obstructions such as ribs, overhangs, timbers, etc.~~ E. *To protect the machine operator, the cab or canopy shall be designed to ensure that mine personnel can safely operate the machine and stay within the confines of the structure.*

G. ~~Cabs or canopies that are adjustable must have minimum of clearance between segments. The bolt or pin used must~~ F. *When a bolt or pin is used as an integral part of the cab or canopy, the bolt or pin shall withstand more than the shear weight of the designated load capacity.*

H. ~~The top plate must be "beveled" in the direction of travel to lessen the likelihood of dislodging or loosening roof supports.~~

I. G. Any other act or practice *resulting from the installation and use of cabs and canopies* considered by the Chief to be hazardous to the operator of the equipment or other mine personnel will result in ~~an order requiring appropriate enforcement action to ensure~~ *corrective measures are taken by the operator.*

J. H. Cabs or canopies ~~for roof bolting machines will shall~~ not be ~~accepted used as the sole means of~~ temporary roof support unless they have been approved by the Chief. ~~They must be so designed as to be firmly positioned against the roof and mechanically held in place until permanent supports are installed. Unless the cab or canopy covers the entire area of unsupported roof to be bolted, safety jacks, or other adequate temporary supports, shall be installed in conjunction with the cab or canopy as prescribed in the roof support plan for the mine in which they are to be used. When other means of automated temporary support are employed, the cab or canopy does not have to be positioned against the roof as part of the automated temporary roof support system.~~

Any violations of the above ~~discovered by the State Mine Inspector shall result in a closure order being issued stating what constitutes the unsafe condition observed and the order shall specify that the equipment in question is not to be operated until the unsafe condition is corrected.~~

VA.R. Doc. No. R98-29; Filed July 24, 1998, 9:54 a.m.



REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act for the following five regulatory actions. Section 9-6.14:4.1 C 12 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action (NOIRA) in conformance with the provisions of § 9-6.14:7.1 B; (ii) forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 9-6.14:7.1 F; and (iv) conducts at least one public hearing on the proposed general permit. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **9 VAC 25-150-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing (REPEALING).**

Statutory Authority: 62.1-44.15(10) of the Code of Virginia.

Public Hearing Date: September 24, 1998 - 10 a.m.
Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board proposes to repeal this general permit regulation for storm water discharges associated with industrial activity at heavy manufacturing facilities. The general permit expires on June 30, 1999, and dischargers that were previously authorized by it can apply for coverage under the board's proposed industrial storm water general permit, 9 VAC 25-151-10 et seq. Owners covered under the expiring general permits who wish to continue to discharge under a general permit must register for coverage under the new general permit.

VA.R. Doc. No. R98-106; Filed July 28, 1998, 10:57 a.m.

Title of Regulation: **9 VAC 25-151-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity.**

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Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Public Hearing Date: September 24, 1998 - 10 a.m.

Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board proposes to adopt a general permit regulation that will authorize the discharge of storm water runoff from industrial sites. This general permit will replace three general permits, 9 VAC 25-150-10 et seq., 9 VAC 25-160-10 et seq., and 9 VAC 25-170-10 et seq., which expire June 30, 1999. Owners covered under the expiring general permits, who wish to continue to discharge under a general permit, must register for coverage under the new general permit. Coverage under the new general permit would not be allowed where regulations required the issuance of an individual permit. The general permit would not be issued to facilities proposing to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges. Discharges would be allowed either directly to surface waters or to surface waters through a municipal separate storm sewer system. The regulation also establishes minimum information requirements for all requests for coverage under the general permit.

This general VPDES permit will regulate storm water contamination from industrial activity at manufacturing facilities in 30 industrial sectors. Storm water contamination is to be controlled through the implementation of a storm water pollution prevention plan. It establishes a standard pollution prevention plan format for all sectors and sector-specific requirements where necessary. Industrial facilities may be exempted from the requirement to develop the pollution prevention plan where they can certify that storm water is not contaminated by industrial activity. Pollution prevention plans must include descriptions of potential pollution sources, site-specific storm water management controls, and site compliance evaluations.

Certain industrial sectors would be required to monitor the quality of their storm water runoff and report the results to the Department of Environmental Quality. Technology-based effluent limitations are established for storm water runoff from coal piles, log storage areas, phosphate fertilizer manufacturing areas, areas where asphalt paving and roofing emulsions are manufactured and material storage areas of cement manufacturing plants.

CHAPTER 151.

GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY.

9 VAC 25-151-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the VPDES Permit Regulation (9 VAC 25-31-10 et seq.) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Coal pile runoff" means the rainfall runoff from or through any coal storage pile.

"Colocated industrial activity" means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of 9 VAC 25-151-90 through 9 VAC 25-151-380.

"Commercial treatment and disposal facilities" means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities treating or disposing exclusively residential hazardous wastes are not included in this definition.

"Inactive landfill" means a landfill that, on a permanent basis, will no longer receive waste and has completed closure in accordance with any applicable federal, state, or local requirements.

"Industrial activity" - the following categories of facilities are considered to be engaging in "industrial activity":

(1) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (1998) (except facilities with toxic pollutant effluent standards which are exempted under category (10) of this definition);

(2) Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);

(3) Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) (1998) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act of 1977 (SMCRA) (91 USC § 445 et seq.) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or

transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

(4) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC § 6901 et seq.);

(5) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA;

(6) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification Codes 5015 and 5093 (OMB SIC Manual, 1987);

(7) Steam electric power generating facilities, including coal handling sites;

(8) Transportation facilities classified as SIC Codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operation, airport deicing operation, or which are otherwise identified under categories 1 through 7 or 9 and 10 of this definition are associated with industrial activity;

(9) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved POTW pretreatment program under 9 VAC 25-31-10 et seq. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 9 VAC 25-31-420 through 720;

(10) Facilities under SIC Codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within categories 2 through 9.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

"Large and medium municipal separate storm sewer system" means all municipal separate storm sewers that are located in the following municipalities: the City of Norfolk; the City of Virginia Beach; Fairfax County; the City of Chesapeake; the City of Hampton; Prince William County; Arlington County; Chesterfield County; Henrico County; the City of Newport News; and the City of Portsmouth.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW).

"No exposure" means all industrial materials or activities are protected by a storm resistant cover so that they are not exposed to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment, industrial machinery, raw materials, intermediate products, by-products, or waste products, however packaged.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Section 313 water priority chemicals" means a chemical or chemical categories which: (i) are listed at 40 CFR 372.65 (1998) pursuant to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986) (42 USC § 11001 et seq.); (ii) are present at or above threshold levels at a facility subject to EPCRA § 313 reporting requirements; and (iii) that meet at least one of the following criteria: (a) are listed in Appendix D of 40 CFR Part 122 (1998) on either Table II (Organic priority

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pollutants), Table III (Certain metals, cyanides and phenols) or Table V (Certain toxic pollutants and hazardous substances); (b) are listed as a hazardous substance pursuant to § 311(b)(2)(A) of the Clean Water Act at 40 CFR 116.4 (1998); or (c) are pollutants for which EPA has published acute or chronic water quality criteria.

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

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under § 311 of the Clean Water Act (see 40 CFR 110.10 (1998) and 40 CFR 117.21 (1998)) or § 102 of CERCLA (see 40 CFR 302.4 (1998)).

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under 9 VAC 25-31-10 et seq. For the categories of industries identified in categories (1) through (9) of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in category (10) of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term

excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

"Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

9 VAC 25-151-20. Purpose.

This general permit regulation governs all new and existing storm water discharges associated with industrial activity through a point source to surface waters or through a municipal or nonmunicipal separate storm sewer system to surface waters.

9 VAC 25-151-30. Delegation of authority.

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

9 VAC 25-151-40. Effective date of the permit.

This general permit will become effective on June 30, 1999. This general permit will expire five years from June 30, 1999.

9 VAC 25-151-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files the registration statement of 9 VAC 25-151-60, receives a copy of the general permit, complies with the requirements of 9 VAC 25-151-70 et seq. and provided that:

1. Facilities with collocated industrial activities shall comply with all applicable effluent limitations, monitoring and pollution prevention plan requirements of each section of 9 VAC 25-151-70 et seq. in which a collocated industrial activity is described;
2. This permit may authorize storm water discharges associated with industrial activity that are mixed with other storm water discharges requiring a VPDES permit provided that the owner obtains coverage under this VPDES general permit for the industrial activity discharge and a VPDES general or individual permit for the other storm water discharges. The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge; and
3. The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit.

B. Limitations on coverage.

1. The owner shall not be authorized to discharge under this general permit if the owner has been required to

obtain an individual permit pursuant to 9 VAC 25-31-170 B;

2. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges;

3. The following storm water discharges associated with industrial activity are not authorized by this permit:

a. Discharges that are not listed under the coverage sections contained in 9 VAC 25-151-90 through 9 VAC 25-151-380;

b. Discharges that are mixed with sources of nonstorm water other than nonstorm water discharges that are:

(1) In compliance with a different VPDES permit; or

(2) Identified by and in compliance with 9 VAC 25-151-70 D 1 (Prohibition of nonstorm water discharges);

c. Discharges that are located at a facility where a VPDES permit has been terminated (other than at the request of the permittee) or denied;

d. Discharges that the director determines cause, or may reasonably be expected to cause, or be contributing to a violation of a water quality standard;

e. Discharges subject to storm water effluent guidelines, not described under 9 VAC 25-151-90 through 9 VAC 25-151-380; and

f. Discharges from inactive mining, inactive landfills, or inactive oil and gas operations occurring on federal lands where an owner cannot be identified.

C. Conditional exemption from permit requirements for no exposure of industrial activities and materials to storm water. Discharges composed entirely of storm water which meet the no exposure definition in 9 VAC 25-151-10 do not require a VPDES permit if the owner of the facility satisfies the conditions of this paragraph. This exemption does not apply to storm water discharges from facilities required to obtain an individual permit under 9 VAC 25-31-170 B or discharges individually designated under 9 VAC 25-151-50 C 3. Actions taken to qualify for this provision shall not interfere with the attainment or maintenance of water quality standards, including designated uses.

To establish that the facility meets the definition of no exposure described in this paragraph, an owner must submit a written certification to the department which fulfills the requirements of 9 VAC 25-151-60 C.

1. Any owner claiming the no exposure exemption must:

a. Notify the department at the beginning of each permit term or prior to commencing discharges during a permit term;

b. Allow the department, or the municipality where the facility discharges into a municipal separate storm sewer system, to inspect the facility and allow the department or the municipality to make such inspection reports publicly available upon request;

c. Upon request, also submit a copy of the certification to the municipality in which the facility is located; and

d. Sign and certify the certification in accordance with 9 VAC 25-151-70 E 11.

2. If there is a change in circumstances which causes exposure of industrial activities or materials to storm water, the owner must comply immediately with all the storm water program requirements of 9 VAC 25-31-120, including applying for and obtaining coverage under a VPDES permit.

3. Requests for a no exposure exemption that meet the requirements of 9 VAC 25-151-50 C 1 shall be deemed acceptable unless the owner is notified otherwise by the department.

4. Even if an owner certifies to no exposure under 9 VAC 25-151-50 C 1, the department retains the authority to require the owner of a facility to apply for an individual or general permit if the department has determined that the discharge:

a. Is, or may reasonably be, causing or contributing to the violation of a water quality standard; or

b. Is, or may reasonably be, interfering with the attainment or maintenance of water quality standards, including designated uses.

D. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-151-60. Registration statement; no exposure certification; notice of termination.

A. Deadlines for submitting registration statement. The owner of a facility with storm water discharges associated with industrial activity who is proposing to be covered by this general permit shall file a complete VPDES general permit registration statement in accordance with this chapter.

1. Existing facility. Except as provided in 9 VAC 25-151-60 A 4 (New owner), and 9 VAC 25-151-60 A 5 (Late notification), owners who intend to obtain coverage under this general permit for an existing storm water discharge associated with industrial activity, not currently covered by a VPDES permit, shall submit a registration statement within 90 days of the effective date of this general permit.

2. New facility. Except as provided in 9 VAC 25-151-60 A 3 (Oil and gas operations), 9 VAC 25-151-60 A 4 (New owner), and 9 VAC 25-151-60 A 5 (Late notification),

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owners of facilities that begin industrial activity after the effective date of this general permit shall submit a registration statement at least 30 days prior to the commencement of the industrial activity at the facility.

3. Oil and gas operations. Owners of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that after the effective date of this general permit have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 (1998), 40 CFR 117.21 (1998), or 40 CFR 302.6 (1998), must submit a registration statement in accordance with the requirements of 9 VAC 25-151-60 B within 14 calendar days of the first knowledge of such release.

4. New owner. Where the owner of a facility with a storm water discharge associated with industrial activity that is covered by this permit changes, the new owner of the facility must submit a registration statement at least 30 days prior to the change.

5. Late notification. An owner of a storm water discharge associated with industrial activity is not precluded from submitting a registration statement in accordance with the requirements of this section after the applicable dates provided in 9 VAC 25-151-60 A 1 through 9 VAC 25-151-60 A 4.

6. Facilities previously subject to the storm water general permits or an individual VPDES permit. Owners of eligible facilities previously covered by an expiring general permit or an individual permit for storm water discharges associated with industrial activity may elect to be covered by this permit by submitting a registration statement. To avoid a lapse in permit coverage, registration statements from eligible facilities may be submitted during the period 90 days prior to the expiration date of the applicable storm water general permit or individual permit.

7. Discharges to municipal separate storm sewer systems. Where the discharge of storm water associated with industrial activity is through a large or medium municipal separate storm sewer system, the owner shall notify the operator of the municipal system receiving the discharge and submit a copy of their registration statement to the municipal system operator.

B. Registration statement contents. The owner shall submit a registration statement which shall contain the following information:

1. Facility owner's name, mailing address and telephone number.
2. Facility location.
3. Facility ownership status: federal, state, public or private.
4. Primary and secondary standard industrial classification (SIC) codes.

5. A statement indicating if storm water runoff is discharged to a municipal separate storm sewer system (MS4). If yes, the name of the MS4 operator.

6. Receiving water body of direct discharge or municipal separate storm sewer system for each outfall.

7. Other existing VPDES permit numbers.

8. A statement indicating if this facility is subject to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) for any § 313 water priority chemicals.

9. A statement indicating if this facility discharges storm water runoff from coal storage piles.

10. A statement indicating if the facility is a steam electric power generator, a hazardous waste treatment, storage or disposal facility regulated under RCRA subtitle C, or a landfill or land application site regulated under RCRA subtitle D.

11. A topographic map or other map which indicates the location of the facility, the water body receiving discharge(s) and other surface waterbodies within a 1/2 mile radius of the facility.

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

13. A signature on the registration statement in accordance with 9 VAC 25-31-110.

C. No exposure certification. In order to qualify for an exemption from the requirements for obtaining a permit based on a claim of no exposure, one certification must be completed for each facility or site seeking the exemption. The owner shall submit a no exposure certification which shall contain the following information:

1. Facility owner's name, mailing address and telephone number.
2. Facility location.
3. Primary and secondary standard industrial classification (SIC) codes.
4. Exposure checklist. Are any of the following items exposed to precipitation, now or in the foreseeable future, and is the drainage from these areas discharged from the site to surface waters or to a municipal

separate storm sewer system? Answer as appropriate to describe conditions at the facility:

- a. Vehicles used in material handling (except adequately maintained mobile equipment);
- b. Industrial machinery or equipment;
- c. Residue from the cleaning of machinery or equipment;
- d. Materials associated with vehicular maintenance, cleaning or fueling;
- e. Materials or products during loading/unloading or transporting activities;
- f. Materials or products at uncovered loading docks;
- g. Materials or products stored outdoors (except products intended for outside use, e.g., cars);
- h. Materials or products handled/stored on roads or railways owned or maintained by the certifier;
- i. Materials or spill/leak residues accumulated in storm water inlets;
- j. Residuals on the ground from spills/leaks (including subsurface residuals from percolation);
- k. Materials contained in open or deteriorated storage tanks/drums/containers;
- l. Industrial activities conducted outdoors;
- m. Materials or products from past outdoor industrial activity;
- n. Waste material;
- o. Process wastewater disposed of outdoors (unless otherwise permitted);
- p. Particulate matter from roof stacks/vents not otherwise regulated (i.e., under an air quality control permit) and in quantities detectable in the storm water outflow;
- q. Visible deposits of residuals near roof or side vents; and
- r. Spills/leaks resulting from maintenance of stacks or air exhaust systems.

5. The following certification: "I certify that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the facility identified in this document. I understand that I am obligated to make this certification once every five years to the department and, if requested, to the municipality (or other local government entity) in which this facility is located providing the facility discharges storm water into the local municipal separate storm sewer system (MS4). I understand that I must seek coverage under a VPDES storm water permit prior to any point source discharge of exposed storm water from the facility. I understand that I must allow the department, or municipality where the

discharge is into the MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. Additionally, I certify under penalty of law this document was prepared under my direction and that qualified personnel gathered and evaluated the information submitted. Based upon my knowledge of the personnel directly involved in gathering the information, the information is true, accurate and complete. I am aware there are significant penalties for providing false information, including the possibility of fine and imprisonment."

6. A signature on the no exposure certification in accordance with 9 VAC 25-31-110.

D. Notice of termination. The owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination shall be filed in situations where all storm water discharges associated with industrial activity authorized by this general permit are eliminated, where the owner of storm water discharges associated with industrial activity at a facility changes, or where all storm water discharges associated with industrial activity have been covered by an individual VPDES permit. The owner shall submit a notice of termination which shall contain the following information:

1. Facility owner's name, mailing address and telephone number.
2. Facility location.
3. VPDES storm water general permit number.
4. A statement indicating if you are no longer the owner of the facility.
5. A statement indicating if the storm water discharges associated with industrial activity have been eliminated.
6. A statement indicating if the storm water discharges associated with industrial activity are covered by an individual VPDES permit.
7. A statement indicating if termination of coverage is being requested for another reason.
8. The following certification: "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated or covered under a VPDES individual permit or that I am no longer the owner of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit."

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9. A signature on the notice of termination in accordance with 9 VAC 25-31-110.

9 VAC 25-151-70. General permit conditions applicable to all storm water discharges associated with industrial activity.

Any owner whose registration statement is accepted by the director will receive the following general permit and shall comply with the requirements therein and be subject to the VPDES Permit Regulation, 9 VAC 25-31-10 et seq. Facilities with colocated industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section of this chapter in which a colocated industrial activity is described. All pages of 9 VAC 25-151-70 and 9 VAC 25-151-80 apply to all storm water discharges associated with industrial activity covered under this general permit. Not all pages of 9 VAC 25-151-90 through 9 VAC 25-151-380 will apply to every permittee. The determination of which pages apply will be based on an evaluation of the regulated activities located at the facility.

A. Permit cover page.

General Permit No.: VAR5

Effective Date:

Expiration Date:

**GENERAL PERMIT FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITY
AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA
POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of facilities with storm water discharges associated with industrial activity are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Conditions Applicable to All VPDES Permits, Part III - Storm Water Pollution Prevention Plan and Part IV - Sector-Specific Permit Requirements, as set forth herein.

B. Effluent limitations and compliance monitoring requirements. The following effluent limitations and compliance monitoring requirements are applicable to all discharges of storm water associated with industrial activity authorized under this general permit.

1. Numeric effluent limitations for discharges associated with a specific industrial activity are described in 9 VAC 25-151-90 through 9 VAC 25-151-380. Facilities with colocated industrial activities shall comply with all applicable effluent limitations of each section of this

chapter in which a colocated industrial activity is described.

2. Compliance monitoring requirements. Permittees with storm water discharges subject to effluent limitations described in 9 VAC 25-151-70 B 3 and 9 VAC 25-151-90 through 9 VAC 25-151-380 shall monitor the discharges for the presence of the pollutant subject to the effluent limitation at least annually. Monitoring shall be conducted in accordance with 9 VAC 25-151-70 C, except that the low concentration waiver of 9 VAC 25-151-70 C 4 b, the representative discharge provision of 9 VAC 25-151-70 C 5 and the alternative certification provision of 9 VAC 25-151-70 C 6 are not applicable to storm water discharge monitoring for compliance with effluent limitations. Results of the compliance monitoring shall be reported in accordance with 9 VAC 25-151-70 E 3. In addition to the analytical results, permittees shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

3. Coal pile runoff.

a. Effluent limitations. Any discharge composed of coal pile runoff shall not exceed a maximum concentration at any time of 50 mg/L total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids. The pH of coal pile runoff discharges shall be within the range of 6.0 to 9.0. Runoff from coal piles located at steam electric generating facilities and at facilities with previous coverage under a general permit for storm water shall be in compliance with these limits upon submittal of the registration statement. Runoff from coal piles at all other types of facilities shall comply with these limitations as expeditiously as practicable, but in no case later than March 26, 2000.

b. Compliance monitoring requirements for coal pile runoff. During the period beginning on date of coverage under the general permit and lasting through the expiration date of this permit, permittees with storm water discharges containing coal pile runoff shall monitor such storm water for: pH and TSS (mg/L) at least annually (one time per year). In addition to the parameters listed above, the permittee shall comply with the compliance monitoring requirements of 9 VAC 25-151-70 B 2.

C. Monitoring and reporting requirements.

1. Monitoring requirements.

a. Except as required by paragraph C 1 b, only those permittees with discharges or activities identified in 9 VAC 25-151-70 B 3 and 9 VAC 25-151-90 through 9 VAC 25-151-380 are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under 9 VAC 25-151-70 B 3 and 9 VAC 25-151-90 through 9 VAC 25-151-380 are additive. Permittees with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section.

b. The director may provide written notice to any permittee otherwise exempt from the sampling requirements of this general permit, requiring discharge sampling in accordance with the general permit, or specifying an alternative monitoring frequency or specifying additional parameters to be analyzed.

2. Analytical monitoring requirements. Permittees are required to monitor their storm water discharges for the pollutants of concern listed in the appropriate table(s) in 9 VAC 25-151-90 through 9 VAC 25-151-380. Permittees must monitor their storm water discharges associated with industrial activity at least semi-annually (two times per year) during the second and fourth years of coverage under the general permit, except as provided in 9 VAC 25-151-70 C 4 through 9 VAC 25-151-70 C 6. The second year is the period beginning one year after the date of coverage under the general permit lasting through two years after the date of coverage under the general permit and the fourth year is the period beginning three years after the date of coverage under the general permit lasting through four years after the date of coverage under the general permit. Permittees required to perform monitoring shall monitor samples collected during the sampling periods of: January through June, and July through December. Permittees must report in accordance with 9 VAC 25-151-70 E 3. In addition to the parameters listed in the appropriate tables in 9 VAC 25-151-90 through 9 VAC 25-151-380, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

3. Sample type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event

interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the nonstorm water discharge.

4. Sampling waiver.

a. Adverse conditions. When a permittee is unable to collect samples within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

b. Low concentration waiver. When the average concentration for a pollutant calculated from all monitoring data collected from an outfall during the monitoring period for the second year after coverage under this general permit is less than or equal to the corresponding value for that pollutant listed in the applicable table in 9 VAC 25-151-90 through 9 VAC 25-151-380 under the column Monitoring Cut-Off Concentration, a permittee may waive monitoring and reporting requirements in the monitoring period beginning in the fourth year after coverage under this general permit. The exclusion from monitoring in the fourth year of the permit is conditional on the facility maintaining industrial operations and best management practices that will ensure a quality of storm water discharges consistent with the average concentrations recorded during the second year of the permit. Permittees who monitored their storm water discharges under another VPDES permit may submit data from that monitoring with their registration statement for coverage under this general permit. If the average concentration for a pollutant calculated from this earlier monitoring data is at or below the applicable monitoring cut-off concentration, the permittee may waive monitoring for that pollutant in both the second and fourth years after coverage under the general permit. For any low concentration waiver, the permittee must submit to the director, in

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lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.

c. Inactive and unstaffed facilities. When a permittee is unable to conduct the chemical storm water sampling required in applicable sections of 9 VAC 25-151-90 through 9 VAC 25-151-380 at an inactive and unstaffed facility, the permittee may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The permittee must submit to the director, in lieu of monitoring data, a certification statement on the discharge monitoring report stating that the facility is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

5. Representative discharge. When a facility has two or more outfalls that, based on a consideration of the industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40 to 65%) or high (above 65%)) shall be provided in the plan. Permittees required to submit monitoring information under this permit shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the discharge monitoring report.

6. Alternative certification. A permittee is not subject to the monitoring requirements of this permit provided the permittee makes a certification for a given outfall, on a pollutant-by-pollutant basis, in lieu of the monitoring reports required under 9 VAC 25-151-90 through 9 VAC 25-151-380, under penalty of law, signed in accordance with 9 VAC 25-151-70 E 11, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained with the storm water pollution prevention plan, and

submitted to the department in accordance with 9 VAC 25-151-70 E 3. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under 9 VAC 25-151-70 E 3. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.

7. Reporting monitoring results.

a. Reporting to the department. Permittees shall submit monitoring results for each outfall associated with industrial activity, or a certification in accordance with 9 VAC 25-151-70 C 4 through 9 VAC 25-151-70 C 6, according to the requirements of 9 VAC 25-151-70 E 3. For each outfall, one signed discharge monitoring report form must be submitted to the department per storm event sampled.

b. Additional reporting. In addition to filing copies of discharge monitoring reports in accordance with 9 VAC 25-151-70 E 3, permittees with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the director must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system at the same time. Permittees not required to report monitoring data and permittees that are not otherwise required to monitor their discharges need not comply with this provision.

8. Quarterly visual examination of storm water quality. All permittees shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. Unless another schedule is established in applicable sections of 9 VAC 25-151-90 through 9 VAC 25-151-380, the examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The examination shall be made during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

a. Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting

from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

b. Visual examination reports must be maintained onsite with the pollution prevention plan. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

c. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40 to 65%), or high (above 65%)) shall be provided in the plan.

d. When a permittee is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (such as drought, extended frozen conditions, etc.).

e. When a permittee is unable to conduct visual storm water examinations at an inactive and unstaffed site, the owner of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

D. Special conditions.

1. Prohibition of nonstorm water discharges. Except as provided in this paragraph or in 9 VAC 25-151-90 through 9 VAC 25-151-380, all discharges covered by this permit shall be composed entirely of storm water. The following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with this general permit:

- a. Discharges from fire fighting activities;
- b. Fire hydrant flushings;
- c. Potable water sources including waterline flushings;
- d. Drinking fountain water, uncontaminated compressor condensate, irrigation drainage;
- e. Lawn watering;
- f. Routine external building washdown that does not use detergents or other compounds;
- g. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- h. Air conditioning condensate;
- i. Compressor condensate;
- j. Uncontaminated springs;
- k. Uncontaminated ground water; and
- l. Foundation or footing drains where flows are not contaminated with process materials such as solvents.

All other nonstorm water discharges must be in compliance with a VPDES permit (other than this permit) issued for the discharge.

2. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) or 40 CFR Part 302 (1998) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of 9 VAC 25-151-70 E 7 as soon as he has knowledge of the discharge. In addition, the storm water pollution prevention plan required under 9 VAC 25-151-80 must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110

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(1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

3. *Colocated industrial activity.* In the case where a facility has industrial activities occurring onsite which are described by any of the activities in 9 VAC 25-151-90 through 9 VAC 25-151-380, those industrial activities are considered to be colocated industrial activities. Storm water discharges from colocated industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from 9 VAC 25-151-90 through 9 VAC 25-151-380 applicable to the colocated industrial activity. The permittee shall determine which additional pollution prevention plan and monitoring requirements are applicable to the colocated industrial activity by examining the narrative descriptions of each coverage section (Discharges covered under this section).

4. The storm water discharges authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit.

5. There shall be no discharge of floating solids or visible foam in other than trace amounts.

E. Conditions applicable to all VPDES permits.

1. Monitoring.

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

b. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (1998) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

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

2. Records.

a. Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) and time(s) analyses were performed;

(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of such analyses.

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

3. Reporting monitoring results.

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

b. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.

c. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (1998) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR or reporting form specified by the department.

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

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

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

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

a. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

b. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

7. *Reports of unauthorized discharges.* Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of 9 VAC 25-151-70 E 6; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of 9 VAC 25-151-70 E 6, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

a. A description of the nature and location of the discharge;

b. The cause of the discharge;

c. The date on which the discharge occurred;

d. The length of time that the discharge continued;

e. The volume of the discharge;

f. If the discharge is continuing, how long it is expected to continue;

g. If the discharge is continuing, what the expected total volume of the discharge will be; and

h. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

8. *Reports of unusual or extraordinary discharges.* If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no

case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with 9 VAC 25-151-70 E 9 b. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

a. Unusual spillage of materials resulting directly or indirectly from processing operations;

b. Breakdown of processing or accessory equipment;

c. Failure or taking out of service some or all of the treatment works; and

d. Flooding or other acts of nature.

9. *Reports of noncompliance.* The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

(1) Any unanticipated bypass; and

(2) Any upset which causes a discharge to surface waters.

b. A written report shall be submitted within 5 days and shall contain:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under 9 VAC 25-151-70 E 9 if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

c. The permittee shall report all instances of noncompliance not reported under 9 VAC 25-151-70 E 9 a or b, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in 9 VAC 25-151-70 E 9 b.

NOTE: The immediate (within 24 hours) reports required in 9 VAC 25-151-70 E 7, 8 and 9 may be made to the department's regional office. Reports may be made by telephone or by fax. For reports

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outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

10. Notice of planned changes.

a. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under § 306 of Clean Water Act which are applicable to such source; or

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

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

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

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

11. Signatory requirements.

a. Registration statement. All registration statements shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities

employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in 9 VAC 25-151-70 E 11 a or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in 9 VAC 25-151-70 E 11 a;

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

(3) The written authorization is submitted to the department.

c. Changes to authorization. If an authorization under 9 VAC 25-151-70 E 11 b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of 9 VAC 25-151-70 E 11 b shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

d. Certification. Any person signing a document under 9 VAC 25-151-70 E 11 a or b shall make the following certification:

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

those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

13. *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

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

15. *State law.* Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (9 VAC 25-151-70 E 21), and "upset" (9 VAC 25-151-70 E 22) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

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

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

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

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

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

21. *Bypass.*

a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 9 VAC 25-151-70 E 21 b and c.

b. *Notice.*

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

(2) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in 9 VAC 25-151-70 E 9.

c. *Prohibition of bypass.*

(1) *Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:*

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

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

(c) The permittee submitted notices as required under 9 VAC 25-151-70 E 21 b.

(2) The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed above in 9 VAC 25-151-70 E 21 c (1).

22. Upset.

a. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of 9 VAC 25-151-70 E 22 b are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

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

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in 9 VAC 25-151-70 E 9; and

(4) The permittee complied with any remedial measures required under 9 VAC 25-151-70 E 19.

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

23. *Inspection and entry.* The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

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

24. *Permit actions.* Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

25. Transfer of permits.

a. Permits are not transferable to any person except after notice to the department. Except as provided in 9 VAC 25-151-70 E 25 b, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

b. As an alternative to transfers under 9 VAC 25-151-70 E 25 a, this permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;

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

(3) The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in 9 VAC 25-151-70 E 25 b (2).

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

9 VAC 25-151-80. Storm water pollution prevention plans.

A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plans developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of 9 VAC 25-151-80 D. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations, 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

A. Deadlines for plan preparation and compliance.

1. Existing facilities. Except as provided in subdivisions 3, 4, and 5 of 9 VAC 25-151-80 A, all existing facilities and new facilities that begin operation on or before June 30, 1999, shall prepare and implement the plan as expeditiously as practicable, but not later than March 26, 2000.
2. New facilities. Facilities that begin operation after June 30, 1999, shall prepare and implement the plan prior to submitting the registration statement.
3. Oil and gas facilities. Oil and gas exploration, production, processing or treatment facilities that are not required to submit a registration statement but which have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 (1998) or 40 CFR 302.6 (1998), shall prepare and implement the plan on or before the date 60 calendar days after first knowledge of such discharge.
4. Measures that require construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than June 30, 2002. Where

a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

5. Extensions. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.

B. Signature and plan review.

1. Signature/Location. The plan shall be signed in accordance with 9 VAC 25-151-70 E 11, and be retained onsite at the facility that generates the storm water discharge in accordance with 9 VAC 25-151-70 E 2 b. For inactive facilities, the plan may be kept at the nearest office of the permittee.

2. Availability. The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available upon request to the department.

3. Required modifications. The director, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this permit. Within 60 days of such notification from the director, (or as otherwise provided by the director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the director a written certification that the requested changes have been made.

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to surface waters or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under 9 VAC 25-151-80 D (Contents of the Plan) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the department in the same manner as 9 VAC 25-151-80 B.

D. Contents of the plan. The contents of the pollution prevention plan shall comply with the requirements listed below and those in the appropriate section of 9 VAC 25-151-90 through 9 VAC 25-151-380. These requirements are cumulative. If a facility has colocated activities that are covered in more than one section of 9 VAC 25-151-90 through 9 VAC 25-151-380, that facility's pollution prevention plan must comply with the requirements listed in all applicable sections. The following requirements are applicable to all

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storm water pollution prevention plans developed under this general permit. The plan shall include, at a minimum, the following items.

1. *Pollution prevention team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of potential pollutant sources.* Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. *Drainage.*

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under 9 VAC 25-151-80 D 2 c have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes and wastewaters, locations used for the treatment, filtration, or storage of water supplies, liquid storage tanks, processing areas, and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls;

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified;

b. *Inventory of exposed materials.* An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of submission of a registration statement to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the submission of a registration statement to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives;

c. *Spills and leaks.* A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of submission of a registration statement to be covered under this permit. Such list shall be updated as appropriate during the term of the permit;

d. *Sampling data.* A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit; and

e. *Risk identification and summary of potential pollutant sources.* A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices, and wastewater treatment activities to include sludge drying, storage, application or disposal activities. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, total suspended solids, etc.) of concern shall be identified.

3. *Measures and controls.* Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

a. *Good housekeeping.* Good housekeeping requires the maintenance of areas that may contribute

pollutants to storm water discharges in a clean, orderly manner. The plan shall describe procedures performed to minimize contact of materials with storm water runoff. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, material handling areas, and loading/unloading areas.

b. *Preventive maintenance.* A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. *Spill prevention and response procedures.* Areas where potential spills that can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. *Inspections.* Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. *Employee training.* Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

f. *Recordkeeping and internal reporting procedures.* A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan. Inspections and maintenance activities shall be documented and

records of such activities shall be incorporated into the plan.

g. *Nonstorm water discharges.*

(1) The plan shall include a certification that the discharge has been tested or evaluated for the presence of nonstorm water discharges. The certification shall include the identification of potential significant sources of nonstorm water at the site, a description of the results of any test and/or evaluation for the presence of nonstorm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with 9 VAC 25-151-70 E 11. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required was not feasible, along with the identification of potential significant sources of nonstorm water at the site. A permittee that is unable to provide the certification required by this paragraph must notify the department in accordance with 9 VAC 25-151-80 D 3 g (3).

(2) Except for flows from fire fighting activities, sources of nonstorm water listed in 9 VAC 25-151-70 D 1 that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

(3) *Failure to certify.* Any permittee that is unable to provide the certification required (testing for nonstorm water discharges), must notify the department within 270 days after the date of coverage under this general permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of nonstorm water discharges; the results of such test or other relevant observations; potential sources of nonstorm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible.

(4) If the facility discharges wastewater, other than storm water, via an existing VPDES permit, the VPDES permit authorizing the discharge must be referenced in the plan. Nonstorm water discharges to surface waters that are not authorized by a VPDES permit are unlawful, and must be terminated.

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h. Sediment and erosion control. The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

i. Management of runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those that control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices; reuse of collected storm water (such as for a process or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices, and wet detention/retention devices; or other equivalent measures.

4. Comprehensive site compliance evaluation. *Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall include the following:*

a. Areas contributing to a storm water discharge associated with industrial activity such as material storage, handling, and disposal activities shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made;

b. Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with 9 VAC 25-151-80 D 2 and pollution prevention measures and controls identified in the plan in accordance with 9 VAC 25-151-80 D 3 shall be revised as appropriate within two weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation;

c. A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with 9 VAC 25-151-80 D 4 b shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with 9 VAC 25-151-70 E 11; and

d. Where compliance evaluation schedules overlap with inspections required under 9 VAC 25-151-80 D 3 d, the compliance evaluation may be conducted in place of one such inspection.

E. Special pollution prevention plan requirements. *In addition to the minimum standards listed in 9 VAC 25-151-80 D and 9 VAC 25-151-90 through 9 VAC 25-151-380, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines.*

1. Additional requirements for storm water discharges associated with industrial activity that discharge into or through municipal separate storm sewer systems serving a population of 100,000 or more.

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the director shall make plans available to the municipal operator of the system upon request.

2. Additional requirements for storm water discharges associated with industrial activity from facilities subject to EPCRA § 313 requirements. *In addition to the requirements of 9 VAC 25-151-90 through 9 VAC 25-151-380 and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under EPCRA § 313 for chemicals that are classified as § 313 water priority chemicals' in accordance with the definition in 9 VAC 25-151-10, except as provided in 9 VAC 25-151-80 E 2 b (2), and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices that are*

necessary to provide for conformance with the following guidelines.

a. In areas where § 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under 9 VAC 25-151-80 E 2 c. At a minimum, one of the following preventive systems or its equivalent shall be used:

(1) Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or

(2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

b. In addition to the minimum standards listed under 9 VAC 25-151-80 E 2 a, and except as otherwise exempted under 9 VAC 25-151-80 E 2 c, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable state rules, regulations, and guidelines.

(1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for § 313 water priority chemicals.

(a) No tank or container shall be used for the storage of a § 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

(b) Liquid storage areas for § 313 water priority chemicals shall be operated to minimize discharges of § 313 chemicals. Appropriate measures to minimize discharges of § 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

(2) Material storage areas for § 313 water priority chemicals other than liquids. Material storage areas for § 313 water priority chemicals other than liquids that are subject to runoff, leaching, or wind shall incorporate drainage or other control features that will minimize the discharge of § 313 water priority chemicals by reducing storm water contact with § 313 water priority chemicals.

(3) Truck and rail car loading and unloading areas for liquid § 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid § 313 water priority chemicals shall be operated to

minimize discharges of § 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of § 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

(4) Areas where § 313 water priority chemicals are transferred, processed, or otherwise handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of § 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with § 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of § 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying § 313 water priority chemicals without secondary containment.

(5) Discharges from areas covered by subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b.

(a) Drainage from areas covered by subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of § 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of § 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

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(6) Facility site runoff other than from areas covered by subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b. Other areas of the facility (those not addressed in subdivision (1), (2), (3), or (4) of 9 VAC 25-151-80 E 2 b), from which runoff that may contain Section 313 water priority chemicals or spills of § 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of § 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures that could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered that may result in significant releases of § 313 water priority chemicals to waters of the United States, action to stop the leak or otherwise prevent the significant release of § 313 water priority chemicals to waters of the United States shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a § 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with federal, state, and local requirements and as described in the plan.

(8) Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel that work in areas where § 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address: pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation that are designed to

minimize discharges of § 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of § 313 water priority chemicals can be isolated and contained before a discharge of a § 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

c. Facilities subject to reporting requirements under EPCRA § 313 for chemicals that are classified as "§ 313 water priority chemicals" in accordance with the definition in 9 VAC 25-151-10 that are handled and stored onsite only in gaseous or nonsoluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in 9 VAC 25-151-80 E 2. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with 9 VAC 25-151-70 E 11.

d. The storm water pollution prevention plan shall be certified in accordance with 9 VAC 25-151-70 E 11.

3. Additional requirements for salt storage. Storage piles of salt used for deicing or other commercial or industrial purposes and that generate a storm water discharge associated with industrial activity that is discharged to surface waters shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Permittees shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than June 30, 2002. Permittees with previous coverage under a VPDES general permit for storm water shall be compliant with this provision upon submittal of the registration statement. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters.

9 VAC 25-151-90. Timber products facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: establishments generally classified under Standard Industrial Classification (SIC) Major Group 24 that are engaged in cutting timber and pulpwood, merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in wood preserving or in manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under 9 VAC 25-151-310.

B. Special conditions. Prohibition of nonstorm water discharges.

1. Discharges of boiler blowdown and water treatment wastewaters, noncontact and contact cooling waters, wash down waters from treatment equipment, and storm water that has come in contact with areas where spraying of chemical formulations designed to provide surface protection, to surface waters, or through municipal separate storm sewer systems are not authorized by this permit. The owners of such discharges must obtain coverage under a separate VPDES discharge permit.

2. In addition to the discharges described in 9 VAC 25-151-70 D 1, the following nonstorm water discharges may be authorized by this permit provided the nonstorm water component of the discharge is in compliance with 9 VAC 25-151-90 C and the effluent limitations described in 9 VAC 25-151-90 D: discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. A site map indicating the location of treatment chemical storage areas; treated wood and residue storage areas; wet decking areas; dry decking areas; untreated wood and residue storage areas; and treatment equipment storage areas.

b. Where information is available, facilities that have used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or wood preserving activities onsite in the past should identify in the inventory the following: areas where contaminated soils, treatment equipment, and stored materials still remain and management practices employed to minimize the contact of these materials with storm water runoff.

2. Measures and controls. The description of storm water management controls shall address the following areas of the site: log, lumber and other wood product storage areas; residue storage areas, loading and unloading areas; material handling areas; chemical storage areas; and equipment/vehicle maintenance, storage and repair areas. Facilities that surface protect and/or preserve wood products should address specific BMPs for wood surface protection and preserving activities. The pollution prevention plan should address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping measures in storage areas, loading and unloading

areas, and material handling areas should be designed to:

(1) Limit the discharge of wood debris;

(2) Minimize the leachate generated from decaying wood materials; and

(3) Minimize the generation of dust;

b. Preventive maintenance. Periodic removal of debris from ditches, swales, diversions, containment basins, sediment ponds and infiltration measures should be performed to limit discharges of solids and to maintain the effectiveness of the controls.

c. Spill prevention and response procedures. Response schedules should be developed to limit tracking of spilled materials to other areas of the site. Leaks or spills of wood surface protection or preservation chemicals shall be cleaned up immediately in accordance with applicable RCRA regulations at 40 CFR Part 264 (1998) and 40 CFR Part 265 (1998).

d. Inspections. Permittees are required to conduct quarterly visual inspections of BMPs. Material handling, and unloading and loading areas should be inspected daily whenever industrial activities occur in those areas. If no activities are occurring, no inspection is required. Inspections at processing areas, transport areas, and treated wood storage areas of facilities performing wood surface protection and preservation activities should be performed monthly to assess the usefulness of practices in minimizing drippage of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges. The inspections shall include:

(1) An assessment of the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures;

(2) Visual inspection of sediment and erosion BMPs to determine if soil erosion has occurred; and

(3) Visual inspections of storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

e. Sediment and erosion control. When developing the plan, the following areas of the site should be considered: loading and unloading areas, access roads, material handling areas, storage areas, and any other areas where heavy equipment and vehicle use is prevalent. The following erosion and sediment controls shall be considered to minimize the discharge of sediments from the site: stabilization measures such as seeding, mulching, contouring, porous pavement, paving and sodding or its equivalent and

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structural measures such as sediment traps and silt fences or other equivalent measures.

3. *Comprehensive site compliance evaluation.* Such evaluations shall include areas contributing to a storm water discharge associated with industrial activity such as locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas. These areas shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system.

D. Numeric effluent limitations.

1. In addition to the numeric effluent limitations described in 9 VAC 25-151-70 B, the following limitations shall be met by existing and new facilities.

Wet deck storage area runoff. Nonstorm water discharges from areas used for the storage of logs where water, without chemical additives, is intentionally sprayed or deposited on logs to deter decay or infestation by insects are required to meet the following effluent limitations: pH shall be within the range of 6.0-9.0, and there will be no discharge of debris. Chemicals are not allowed to be applied to the stored logs. The term "debris" is defined as woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1 in.) diameter round opening and is present in the discharge from a wet deck storage area. Permittees subject to these numeric limitations must be in compliance with these limitations through the duration of permit coverage.

2. *Compliance monitoring requirements.* Permittees with log storage area spray water discharges which are covered by this permit must monitor the discharge for the presence of debris and pH at least annually. In addition to the parameters listed above, the permittee shall provide an estimate of the total volume (in gallons) of the discharge sampled.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Timber product facilities are required to monitor their storm water discharges for the pollutants of concern listed in the appropriate table (Table 90-1, 90-2, 90-3 or 90-4).

Table 90-1.

Monitoring Requirements for General Sawmills and Planing Mills Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L
Total Recoverable Zinc	120 mg/L

Table 90-2.

Monitoring Requirements for Wood Preserving Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Arsenic	50 mg/L
Total Recoverable Copper	18 mg/L

Table 90-3.

Monitoring for Log Storage and Handling Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

Table 90-4.

Monitoring Requirements for Hardwood Dimension and Flooring Mills; Special Products Sawmills Not Elsewhere Classified; Millwork, Veneer, Plywood and Structural Wood; Wood Containers; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities Not Elsewhere Classified.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

9 VAC 25-151-100. Paper and allied products manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements beyond those in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Good housekeeping.* The plan shall describe procedures performed to minimize contact of materials with storm water runoff. Examples include cleaning of lots and roofs that collect debris; routine cleaning of wastewater treatment, and other waste disposal (such as sludge handling) locations.

2. *Management of runoff.* Appropriate measures may include: screens or fences used to protect dust and particulate collection activities from wind or to minimize the effects of wind on material loading and storage, and

processing activities to eliminate or reduce wind blown or airborne pollutants; secondary containment of storage areas such as berms and dikes; diversionary structures to direct storm water away from areas of potential contamination; and tarpaulins, roofs, or other coverings of outdoor storage or industrial activities or other equivalent measures.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Paperboard mills are required to monitor their storm water discharges for the pollutant of concern listed in Table 100.

Table 100.
Monitoring Requirements for Paperboard Mills.

Pollutants of Concern	Monitoring Cut-Off Concentration
Biochemical Oxygen Demand	30 mg/L

9 VAC 25-151-110. Chemical and allied products manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC code shown:

1. Basic industrial inorganic chemicals (including SIC Code 281);
2. Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other humanmade fibers, except glass (including SIC Code 282);
3. Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC Code 284);
4. Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC Code 285);
5. Industrial organic chemicals (including SIC Code 286);
6. Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC Code 287);
7. Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics

materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry soaps, and writing and stamp pad ink; industrial compounds, such as boiler and heat insulating compounds; metal, oil, and water treatment compounds; waterproofing compounds; and chemical supplies for foundries (including facilities with SIC Code 289);

8. Ink and paints, including china painting enamels, India ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC Code 3952, limited to those listed; for others in SIC Code 3952 not listed above, see 9 VAC 25-151-330); and

9. Medicinal chemicals and pharmaceutical products, including the grading, grinding and milling of botanicals (including SIC Code 283).

B. Discharges not covered by this section. Storm water discharges from drug manufacturing facilities and other establishments classified as SIC Code 283.

C. Special conditions. Prohibition of nonstorm water discharges. In addition to those nonstorm water discharges prohibited under 9 VAC 25-151-70 D 1, this section does not authorize the discharge of:

1. Inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans;
2. Washwaters from material handling and processing areas. This includes areas where containers, equipment, industrial machinery, and any significant materials are exposed to storm water; or
3. Washwaters from drum, tank, or container rinsing and cleaning.

D. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.
 - a. Drainage. The site map developed for the facility shall include access roads, rail cars and tracks; the location of transfer of substances in bulk; and machinery.
 - b. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following: access roads, rail cars and tracks; the location of transfer of substances in bulk; and machinery.
2. Measures and controls.
 - a. Nonstructural controls. Good housekeeping. At a minimum, the permittee shall:

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(1) Schedule regular pickup and disposal of garbage and waste materials, or use other appropriate measures to reduce the potential for the discharge of storm water that has come into contact with garbage or waste materials. This schedule shall be included in the plan. Individuals responsible for waste management and disposal shall be informed of the procedures established under the plan;

(2) Routinely inspect for leaks and the condition of drums, tanks and containers. Ensure that spill cleanup procedures are understood by employees;

(3) Keep an up-to-date inventory of all materials present at the facility. While preparing the inventory, all containers should be clearly labeled. Hazardous containers that requires special handling, storage, use and disposal shall be clearly marked; and

(4) Maintain clean ground surfaces.

b. Inspections.

(1) A wet weather inspection (during a rainfall event) shall be conducted in the second (April to June) and third (July to September) quarters of each year. A dry weather inspection (no precipitation) shall be conducted in the first (January to March) and fourth (October to December) quarters. Such inspections shall be documented and this documentation shall be retained as part of the pollution prevention plan. Changes based on the results of the quarterly inspections shall be made in a timely manner. When a seasonal dry period is sustained for more than three months, a dry weather inspection will satisfy the wet weather inspection requirement.

(2) All areas exposed to precipitation at the facilities shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented or whether additional control measures are needed. Structural storm water management measures (diking, berming, curbing, sediment and erosion control measures, stabilization controls, etc.) required under this section shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

c. Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

d. Structural practices. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity

shall be considered when determining reasonable and appropriate structural measures. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained.

e. Practices for material handling and storage areas. Permittees shall ensure the implementation of practices that conform with the following:

(1) In areas where liquid or powdered materials are stored, facilities shall provide either diking, curbing, berms, or other appropriate measures to reduce the potential of discharge of liquid or powdered materials in storm water;

(2) In all other outside storage areas including storage of used containers, machinery, scrap and construction materials, and pallets, facilities shall prevent or minimize storm water runoff to the storage area by using curbing, culverting, gutters, sewers or other forms of drainage control;

(3) In all storage areas, roofs, covers or other forms of appropriate protection shall be used to prevent storage areas from exposure to storm water and wind. For the purpose of this paragraph, tanks would be considered to be appropriate protection;

(4) In areas where liquid or powdered materials are transferred in bulk from truck or rail cars, permittees shall provide appropriate measures to minimize contact of material with precipitation. Permittees shall consider providing for hose connection points at storage containers to be inside containment areas, and drip pans to be used in areas that are not in a containment area, where spillage may occur (e.g., hose reels, connection points with rail cars or trucks) or equivalent measures;

(5) In areas of transfer of contained or packaged materials and loading/unloading areas, permittee shall consider providing appropriate protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks or an equivalent;

(6) Drainage from areas covered by 9 VAC 25-151-110 D 2 e should be restrained by valves or other positive means to prevent the discharge of a spill or leak. Containment units may be emptied by pumps or ejectors; however, these shall be manually activated;

(7) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-or-closed design; and

(8) If facility drainage is not engineered as above, the final discharge point of all in-facility sewers should be equipped to prevent or divert the discharge, in the event of an uncontrolled spill of

materials, and return the spilled material to the facility.

f. *Sediment and erosion control.* The plan shall describe permanent stabilization practices and shall ensure that disturbed portions of the site are stabilized. Stabilization practices may include: permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

E. *Numeric effluent limitations.*

1. In addition to the numeric effluent limitations described in 9 VAC 25-151-70 B, the following effluent limitations shall be met by existing and new discharges with phosphate fertilizer manufacturing runoff. The provisions of this paragraph are applicable to storm water discharges from the phosphate subcategory of the fertilizer manufacturing point source category (40 CFR 418.10 (1998)). The term contaminated storm water runoff shall mean precipitation runoff, that during manufacturing or processing, comes into contact with any raw materials, intermediate product, finished product, by-products or waste product. The concentration of pollutants in storm water discharges shall not exceed the effluent limitations in Table 110-1.

Table 110-1.
Numeric Effluent Limitations.

Effluent Characteristics	Effluent Limitations (mg/L)	
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P)	105	35
Fluoride	75	25

2. *Compliance monitoring requirements.* In addition to the monitoring required in 9 VAC 25-151-110 F, permittees with contaminated storm water runoff from phosphate fertilizer manufacturing facilities must monitor their contaminated storm water discharges for the presence of phosphorus and fluoride at least annually (one time per year).

F. *Monitoring and reporting requirements.* Analytical monitoring requirements. Agricultural chemical manufacturing facilities; industrial inorganic chemical facilities; soaps, detergents, cosmetics, and perfume manufacturing facilities; and plastics, synthetics, and resin manufacturing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Tables 110-2, 110-3, 110-4, and 110-5 below.

Table 110-2.
Agricultural Chemicals Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Nitrate plus Nitrite Nitrogen	0.68 mg/L
Total Kjeldahl Nitrogen	1.5 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L
Phosphorus	2 mg/L

Table 110-3.
Industrial Inorganic Chemicals Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Kjeldahl Nitrogen	1.5 mg/L
Nitrate plus Nitrite Nitrogen	0.68 mg/L

Table 110-4.
Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L
Nitrate plus Nitrite Nitrogen	0.68 mg/L
Total Recoverable Zinc	120 mg/L

Table 110-5.
Plastics, Synthetics, and Resins Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-120. Asphalt paving and roofing materials and lubricant manufacturers.

A. *Discharges covered under this section.* This section of the permit describes requirements for all existing point source discharges of storm water associated with industrial activity to surface waters from: facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) Codes 2951 and 2952; portable asphalt plant facilities (also commonly identified by SIC Code 2951); and facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC Code 2992.

B. *Limitations on coverage.* The following storm water discharges associated with industrial activity are not authorized by this section of the permit:

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1. Storm water discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC Code 2911;
2. Storm water discharges from oil recycling facilities; and
3. Storm water discharges associated with fats and oils rendering.

C. *Special conditions. Prohibition of nonstorm water discharges. There are no additional prohibitions beyond those listed in 9 VAC 25-151-70 D 1.*

D. *Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.*

1. *Measures and controls. Inspections. Material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance, cleaning, and fueling areas, material handling vehicles, equipment and processing areas shall be inspected.*
2. *Comprehensive site compliance evaluation. Areas contributing to a storm water discharge associated with industrial activity including; material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance, cleaning, and fueling areas, material handling vehicles, equipment and processing areas, and areas where aggregate is stockpiled outdoors shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system.*

E. *Numeric effluent limitations.*

1. *In addition to the numeric effluent limitations listed in 9 VAC 25-151-70 B, discharges from areas where production of asphalt paving and roofing emulsions occurs may not exceed the limitations in Table 120-1.*

Table 120-1.
Numeric Effluent Limitations.

Effluent Characteristics	Effluent Limitations (mg/L)	
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed
Total Suspended Solids (TSS)	23	15
Oil and Grease	15	10
pH	9.0 su	6.0 su minimum

2. *Compliance monitoring requirements. Permittees with facilities that produce asphalt paving or roofing emulsions shall monitor their storm water discharges associated with these activities for the presence of TSS, oil and grease, and for pH at least annually (one time per year).*

F. *Monitoring and reporting requirements. Analytical monitoring requirements. Asphalt paving and roofing materials manufacturing facilities are required to monitor their storm water discharges for the pollutant of concern listed in Table 120-2.*

Table 120-2.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L

9 VAC 25-151-130. Glass, clay, cement, concrete, and gypsum product manufacturing facilities.

A. *Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay product including tile and brick; manufacturing pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass (SIC Code 3211); glass containers (SIC Code 3221); pressed and blown glass, not elsewhere classified (SIC Code 3229); glass products made of purchased glass (SIC Code 3231), where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water; hydraulic cement (SIC Code 3241); brick and structural clay tile (SIC Code 3251); ceramic wall and floor tile (SIC Code 3253); clay refractories (SIC Code 3255); structural clay products not elsewhere classified (SIC Code 3259); vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC Code 3261); vitreous china table and kitchen articles (SIC Code 3262); fine earthen ware table and kitchen articles (SIC Code 3263); porcelain electrical supplies (SIC Code 3264); pattern products (SIC Code 3269); concrete block and brick (SIC Code 3271); concrete products, except block and brick (SIC Code 3272); ready-mix concrete (SIC Code 3273); lime (SIC Code 3274); gypsum products (SIC Code 3275); cut stone and stone products (SIC Code 3281); abrasive products (SIC Code 3291); asbestos products (SIC Code 3292); minerals and earths, ground or otherwise treated (SIC Code 3295); mineral wool (SIC Code 3296); nonclay refractories (SIC Code 3297); and nonmetallic mineral products not elsewhere classified (SIC Code 3299).*

B. *Special conditions. Prohibition of nonstorm water discharges. The discharge of pavement washwaters are only authorized where the permittee has minimized the presence of spilled materials in accordance with 9 VAC 25-151-130 C 2 a.*

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. Facilities shall also identify, on the site map, the location of any: bag house or other dust control device; recycle/sedimentation pond, clarifier or other device used for the treatment of process wastewater and the areas that drain to the treatment device.

2. Measures and controls.

a. Good housekeeping.

(1) Facilities shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust and other significant materials in storm water from paved portions of the site that are exposed to storm water. Measures used to minimize the presence of these materials may include regular sweeping, or other equivalent measures. The plan shall indicate the frequency of sweeping or other measures. The frequency shall be determined based upon consideration of the amount of industrial activity occurring in the area and frequency of precipitation, but shall not be less than once per week when cement, aggregate, kiln dust or fly ash are being handled or otherwise processed in the area.

(2) Facilities shall prevent the exposure of fine granular solids such as cement, fly ash, and kiln dust to storm water. Where practicable, these materials shall be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

b. Inspections. The inspection shall take place while the facility is in operation and shall at a minimum include all of the following areas that are exposed to storm water at the site: material handling areas, aboveground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas.

c. Employee training. Training should address topics such as spill response, good housekeeping, truck wash out procedures, equipment wash down procedures and material management practices.

d. Nonstorm water discharges. Facilities engaged in production of ready-mix concrete, concrete block, brick or other products shall include in the certification a description of measures that ensure that process wastewater that results from washing of trucks, mixers, transport buckets, forms or other equipment are discharged in accordance with a separate VPDES or are recycled. Facilities with wash water recycle ponds shall include an estimate of the amount of rainfall (in inches) required to cause the recycle pond to overflow in a 24-hour period.

D. Numeric effluent limitations.

1. In addition to the numeric effluent limitations described by 9 VAC 25-151-70 B, the following limitations shall be met by existing and new facilities.

Cement manufacturing facility, material storage runoff. Any discharge composed of runoff that derives from the storage of materials including raw materials, intermediate products, finished products, and waste materials that are used in or derived from the manufacture of cement shall not exceed the limitations in Table 130-1. Runoff from the storage piles shall not be diluted with other storm water runoff or flows to meet these limitations. Any untreated overflow from facilities designed, constructed and operated to treat the volume of material storage pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the TSS or pH limitations. Facilities subject to these numeric effluent limitations must be in compliance with these limits upon commencement of coverage and for the entire term of this permit.

Table 130-1.
Numeric Effluent Limitations.

Effluent Characteristics	Effluent Limitation
Total Suspended Solids (TSS)	50 mg/L Daily Maximum
pH	Within the range 6.0 - 9.0 su

2. Compliance monitoring requirements. Permittees with cement manufacturing facilities must monitor runoff from material storage for the presence of TSS and pH at least annually (one time per year).

E. Monitoring and reporting requirements. Analytical monitoring requirements.

1. Clay product manufacturers include: brick and structural clay tile manufacturers (SIC Code 3251); ceramic wall and floor tile manufacturers (SIC Code 3253); clay refractories (SIC Code 3255); manufacturers of structural clay products, not elsewhere classified (SIC Code 3259); manufacturers of vitreous china table and kitchen articles (SIC Code 3232); manufacturers of vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC Code 3261); manufacturers of fine earthen ware table and kitchen articles (SIC Code 3263); manufacturers of porcelain electrical supplies (SIC Code 3264); pottery products (SIC Code 3269); and nonclay refractories (SIC Code 3297). Permittees with these industrial activities must monitor for the pollutant listed in Table 130-2.

2. Concrete and gypsum product manufacturers include: concrete block and brick manufacturers (SIC Code 3271), concrete products manufacturers (SIC Code 3272), ready mixed concrete manufacturers (SIC Code 3273), lime (SIC Code 3274), gypsum product manufacturers (SIC Code 3275), and manufacturers of mineral and earth products (SIC Code 3295).

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Permittees with these industrial activities must monitor for the pollutants listed in Table 130-3.

Table 130-2.
Monitoring Requirements for Clay Product Manufacturers.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L

Table 130-3.
Monitoring Requirements for Concrete and Gypsum Product Manufacturers.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS)	100 mg/L
pH	6.0 - 9.0 su
Total Recoverable Iron	1 mg/L

9 VAC 25-151-140. Primary metals facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the primary metal industry, which includes the following types of facilities.

- Steel works, blast furnaces, and rolling and finishing mills, including: steel wire drawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC Code 331).
- Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC Code 332).
- Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC Code 333).
- Secondary smelting and refining of nonferrous metals (SIC Code 334).
- Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC Code 335).
- Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC Code 336).
- Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC Code 339).

Activities covered include, but are not limited to, storm water discharges associated with coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding,

drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore.

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements beyond those described in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

- Description of potential pollutant sources. Drainage. A site map indicating locations used for the treatment, storage or disposal of wastes such as spent solvents or baths, sand, slag or dross, liquid storage tanks or drums, processing areas including pollution control equipment such as baghouses, and storage areas of raw materials such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. The map shall also indicate areas of the facility where accumulation of significant amounts of particulate matter from operations such as furnace or oven emissions or losses from coal/coke handling operations, etc., is likely, and could result in a discharge of pollutants to surface waters.

2. Measures and controls.

a. Good housekeeping. The pollution prevention plan should consider implementation of the following measures, or equivalent measures, where applicable.

(1) Establish a cleaning or maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, particularly areas of material loading/unloading, material storage and handling, and processing.

(2) Pave areas of vehicle traffic or material storage where vegetative or other stabilization methods are not practical. Institute sweeping programs in these areas as well.

(3) For unstabilized areas of the facility where sweeping is not practical, storm water management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures, that effectively trap or remove sediment should be considered.

b. Source controls. The permittee shall consider preventive measures to minimize the potential exposure of all significant materials to precipitation and storm water runoff. The permittee should consider the implementation of the following measures, or equivalent measures, to reduce the exposure of all materials to storm water.

(1) Relocating all materials, including raw materials, intermediate products, material handling equipment, obsolete equipment, and wastes currently stored outside to inside locations.

(2) Establishment of a schedule for removal of wastes and obsolete equipment to minimize the volume of these materials stored onsite that may be exposed to storm water.

(3) Substitution of less hazardous materials, or materials less likely to contaminate storm water, or substitution of recyclable materials for nonrecyclables wherever possible.

(4) Constructing permanent or semipermanent covers, or other similar forms of protection over stockpiled materials, material handling and processing equipment. Options include roofs, tarps, and other covers. This may also include the use of containment bins or covered dumpsters for raw materials, waste materials and nonrecyclable waste materials.

(5) Dikes, berms, curbs, trenches, or other equivalent measures to divert runoff from material storage, processing, or waste disposal areas.

c. Preventive maintenance.

(1) A schedule for inspection and maintenance of all particulate emissions control equipment should be established to ensure proper operation. Detection of any leaks or defects that could lead to excessive emissions shall be repaired as soon as practicable. Where significant settling or deposition from process emissions are observed during proper operation of existing equipment, the permittee shall consider ways to reduce these emissions including but not limited to: upgrading or replacing existing equipment; collecting runoff from areas of deposition for treatment or recycling; or changes in materials or processes to reduce the generation of particulate matter.

(2) Structural best management practices (BMPs) will be visually inspected for signs of washout, excessive sedimentation, deterioration, damage, or overflowing, and shall be repaired or maintained as soon as practicable.

d. Inspections. Inspections shall address, at a minimum, the following areas where applicable:

(1) Air pollution control equipment such as baghouses, electrostatic precipitators, scrubbers, and cyclones, should be inspected on a routine basis for any signs of disrepair such as leaks, corrosion, or improper operation that could limit their efficiency and lead to excessive emissions. The permittee should consider monitoring air flow at inlets and outlets, or equivalent measures, to check for leaks or blockage in ducts. Visual inspections shall be made for corrosion, leaks, or signs of particulate deposition or visible emissions that could indicate leaks;

(2) All process or material handling equipment such as conveyors, cranes, and vehicles should be inspected for leaks, drips, etc., or for the potential loss of materials; and

(3) Material storage areas such as piles, bins or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks or drums, should be examined for signs of material losses due to wind or storm water runoff.

e. Sediment and erosion control. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those that control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures which the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures.

f. Management of runoff. Permittees shall consider implementation of the following storm water management practices or other equivalent measures to address pollutants of concern:

(1) Vegetative buffer strips, filter fabric fence, sediment filtering boom, or other equivalent measures, that effectively trap or remove sediment prior to discharge through an inlet or catch basin;

(2) Media filtration such as catch basin filters and sand filters;

(3) Oil/water separators or the equivalent; and

(4) Structural BMPs such as settling basins, sediment traps, retention or detention ponds, recycling ponds or other equivalent measures.

D. Numeric effluent limitations. There are no additional effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Primary metals facilities are required to monitor their storm water discharges for the pollutants of concern listed in Tables 140-1, 140-2, 140-3, and 140-4.

Table 140-1.

Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC Code 331) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 µg/L

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Total Recoverable Zinc	120 mg/L
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Table 140-2.
Iron and Steel Foundries (SIC Code 332) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Suspended Solids	100 mg/L
Total Recoverable Copper	18 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L

Table 140-3.
Rolling, Drawing, and Extruding of Nonferrous Metals (SIC Code 335) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Copper	18 mg/L
Total Recoverable Zinc	120 mg/L

Table 140-4.
Nonferrous Foundries (SIC Code 336) Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Copper	18 mg/L
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-150. Metal mining (ore mining and dressing) facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from active and inactive metal mining and ore dressing facilities (Standard Industrial Classification (SIC) Major Group 10) if the storm water has come into contact with, or is contaminated by, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation. SIC Major Group 10 includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals (ores) and also includes all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. For the purposes of this section, the term "metal mining" includes all ore mining and/or dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. All storm water discharges from inactive metal mining facilities and storm water discharges from the following areas of active, and

temporarily inactive, metal mining facilities are the only discharges covered by this permit: waste rock/overburden piles outside the active mining area; topsoil piles; offsite haul/access roads if outside of the active mining area; haul/access roads constructed of waste rock/overburden if outside of the active mining area; onsite haul/access roads not constructed of waste rock/overburden spent ore except if mine water is used for dust control; runoff from tailings dams/dikes when not constructed of waste rock/tailings and no process fluids are present; runoff from tailings dams/dikes when constructed of waste rock/tailings and no process fluids are present if outside the active mining area; concentration building if no contact with material piles; mill site if no contact with material piles; office/administrative building and housing if mixed with storm water from industrial area; chemical storage area; docking facility except if excessive contact with waste product; explosive storage; fuel storage; vehicle/equipment maintenance area/building; parking areas (if necessary); power plant; truck wash areas except when excessive contact with waste product; unreclaimed, disturbed areas outside of active mining area; reclaimed areas released from reclamation bonds prior to December 17, 1990; and partially/inadequately reclaimed areas or areas not released from reclamation bond. Note: Discharges from overburden/waste rock and overburden/waste rock-related areas are subject to 40 CFR Part 440 (1998) if the source of the drainage flows is within the "active mining area" and the resulting storm water flows drain to a point source. For such sources outside the active mining area, coverage under this permit would be available if the discharge is composed entirely of storm water and not subject to 40 CFR Part 440 (1998).

B. Limitations on coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:

1. Discharges from active metal mining facilities that are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source Point Source Category (40 CFR Part 440 (1998)). Coverage under this permit does not include adit drainage or contaminated springs or seeps at active facilities, temporarily inactive facilities, or inactive facilities; and
2. Storm water discharges associated with an industrial activity from inactive mining operations occurring on federal lands where an owner cannot be identified.

C. Special definitions. The following definitions are only for this section of the general permit:

"Active metal mining facility" means a place where work or other related activity to the extraction, removal, or recovery of metal ore is being conducted. With respect to surface mines, an "active metal mining facility" does not include any area of land on or in which grading has been completed to return the earth to a desired contour and reclamation work has begun.

"Inactive metal mining facility" means a site or portion of a site where metal mining and/or milling activities occurred in

the past but is not an active metal mining facility, as defined in this permit and that portion of the facility does not have an active mining permit issued by the applicable (federal or state) governmental agency.

"Temporarily inactive metal mining facility" means a site or portion of a site where metal mining and/or milling activities occurred in the past, but currently are not being actively undertaken, and the facility has an active mining permit issued by the applicable (federal or state) government agency that authorizes mining at the site.

D. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of mining activities. A description of the mining and associated activities taking place at the site that affect or may affect storm water runoff intended to be covered by this permit. The description shall report the total acreage within the mine site, an estimate of the number of acres of disturbed land and an estimate of the total amount of land proposed to be disturbed throughout the life of the mine. A general description of the location of the mining site relative to major transportation routes and communities shall also be provided.

2. Description of potential pollutant sources.

a. Drainage. A site topographic map that indicates: storage areas for chemicals and explosives; areas used for storage of overburden, materials, soils or wastes; location of mine drainage (where water leaves mine) or any other process water; tailings piles/ponds, both proposed and existing; heap leach pads; points of discharge from the property for mine drainage or any other process water; springs, streams, wetlands and other surface waters; and boundary of tributary areas that are subject to effluent limitations guidelines. Factors to consider include the mineralogy of the ore and waste rock (e.g., acid forming).

b. Inventory of exposed materials. A summary of any existing ore or waste rock/overburden characterization data, including results of testing for acid rock generation potential. If the ore or waste rock/overburden characterization data are updated due to a change in the ore type being mined, the storm water pollution prevention plan shall be updated with the new data.

3. Measures and controls.

a. Inspections. Provisions for qualified personnel to inspect designated equipment and mine areas at least on a quarterly basis for active sites. For temporarily inactive sites, the inspections should be quarterly; however, inspections are not required when adverse weather conditions (e.g., snow) make the site inaccessible. All material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion

control systems and sediment control devices shall also be inspected to determine if they are working properly. The use of a checklist developed by the facility is encouraged.

b. Sediment and erosion control. The measures to consider include diversion of flow away from areas susceptible to erosion (measures such as interceptor dikes and swales, diversion dikes, curbs and berms); pipe slope drains; subsurface drains; and drainage/storm water conveyance systems (channels or gutters; open top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector; and culverts), stabilization methods to prevent or minimize erosion (such as temporary or permanent seeding; vegetative buffer strips; protection of trees; topsoiling; soil conditioning; contouring; mulching; geotextiles (matting, netting, or blankets); riprap; gabions; and retaining walls), and structural methods for controlling sediment (such as check dams; rock outlet protection; level spreaders; gradient terraces; straw bale barriers; silt fences; gravel or stone filter berms; brush barriers; sediment traps; grass swales; pipe slope drains; earth dikes; other controls such as entrance stabilization, waterway crossings or wind breaks; or other equivalent measures).

c. Capping. Where capping of a contaminant source is necessary, the source being capped and materials and procedures used to cap the contaminant source must be identified. In some cases, the elimination of a pollution source through capping contaminant sources may be the most effective control measure for discharges from inactive ore mining and dressing facilities.

d. Treatment. A description of how storm water will be treated prior to discharging to surface waters if treatment of a storm water discharge is necessary. Storm water treatments include the following: chemical/physical treatment; oil/water separators; and artificial wetlands.

e. Storm water diversion. For inactive metal mining facilities, a description of how and where storm water will be diverted away from potential pollutant sources to prevent storm water contamination. Storm water diversions may include the following: interceptor dikes and swales; diversion dikes curbs and berms; pipe slope drains; subsurface drains; drainage/storm water conveyance systems (channels or gutters, open top box culverts and waterbars, rolling dips and road sloping, roadway surface water deflector, and culverts) or equivalent measures.

E. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

F. Monitoring and reporting requirements. Analytical monitoring requirements. Active copper ore mining and

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dressings facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 150 below.

Table 150.
Monitoring Requirements for Active Copper Mining Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS)	100 mg/L

9 VAC 25-151-160. Coal mines and coal mining-related facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from coal mining-related areas (SIC Major Group 12) if they are not subject to effluent limitations guidelines under 40 CFR Part 434 (1998). Storm water discharges from the following portions of coal mines and coal mining related facilities may be eligible for this permit: haul roads (nonpublic roads on which coal or coal refuse is conveyed), access roads (nonpublic roads providing light vehicular traffic within the facility property and to public roadways), railroad spurs, sidings, and internal haulage lines (rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas), conveyor belts, chutes, and aerial tramway haulage areas (areas under and around coal or refuse conveyor areas, including transfer stations), equipment storage and maintenance yards, coal handling buildings and structures, coal tipples, coal loading facilities and inactive coal mines and related areas (abandoned and other inactive mines, refuse disposal sites and other mining-related areas on private lands). Storm water discharges from inactive mining activities occurring on federal lands where an owner cannot be identified are not eligible for coverage under this permit.

B. Special conditions. Prohibition of nonstorm water discharges. In addition to the broad prohibition of nonstorm water discharges of 9 VAC 25-151-70 D 1, point source discharges of pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not occur as storm water discharges in response to precipitation events are also excluded from coverage under this permit. In addition, floor drains from maintenance buildings and other similar drains in mining and preparation plant areas are prohibited.

C. Storm water pollution prevention plan requirements. Most of the active coal mining-related areas described in 9 VAC 25-151-160 A are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to the Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation to implement SMCRA. All SMCRA requirements regarding control of erosion, siltation and other pollutants resulting from storm water runoff, including road dust resulting from erosion, shall be primary requirements of the pollution prevention plan and

shall be included in the contents of the plan directly, or by reference. Where determined to be appropriate for protection of water quality, additional sedimentation and erosion controls may be warranted. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. A site map, such as a drainage map required for SMCRA permit applications, that indicate drainage areas and storm water outfalls. These shall include but not be limited to the following:

(1) Drainage direction and discharge points from all applicable mining-related areas described in 9 VAC 25-151-160 A, including culvert and sump discharges from roads and rail beds and also from equipment and maintenance areas subject to storm runoff of fuel, lubricants and other potentially harmful liquids;

(2) Locations exposed to precipitation that contain acidic spoil, refuse or unreclaimed disturbed areas; and

(3) Locations where liquid storage tanks containing potential pollutants, such as caustics, hydraulic fluids and lubricants, are exposed to precipitation.

b. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil. Specific potential pollutants shall be identified, where known.

2. Measures and controls.

a. Good housekeeping. Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner. These would be practices that would minimize the generation of pollutants at the source or before it would be necessary to employ sediment ponds or other control measures at the discharge outlets. Where applicable, such measures or other equivalent measures would include the following: sweepers and covered storage to minimize dust generation and storm runoff; conservation of vegetation where possible to minimize erosion; watering of haul roads to minimize dust generation; collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance; or other equivalent measures.

b. Preventive maintenance. Where applicable, such measures would include the following: removal and proper disposal of settled solids in catch basins to

allow sufficient retention capacity; periodic replacement of siltation control measures subject to deterioration such as straw bales; inspections of storage tanks and pressure lines for fuels, lubricants, hydraulic fluid or slurry to prevent leaks due to deterioration or faulty connections; or other equivalent measures.

c. *Inspections.* In addition to or as part of the comprehensive site evaluation, qualified facility personnel shall be identified to inspect designated areas of the facility at appropriate intervals specified in the plan. The following shall be included in the plan.

(1) *Active mining-related areas and those inactive areas under SMCRA bond authority.* The plan shall require quarterly inspections by the facility personnel for areas of the facility covered by pollution prevention plan requirements. This inspection interval corresponds with the quarterly inspections for the entire facility required to be provided by SMCRA authority inspectors for all mining-related areas under SMCRA authority, including sediment and erosion control measures. Inspections by the facility representative may be done at the same time as the mandatory inspections performed by SMCRA inspectors. Records of inspections shall be maintained.

(2) *Inactive mining-related areas not under SMCRA bond.* The plan shall require annual inspections by the facility representative.

(3) *Inspection records.* The plan shall require that inspection records of the facility representative and those of the SMCRA authority inspector shall be maintained. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections.

d. *Sediment and erosion control.* The following sediment and erosion control measures or other equivalent measures, should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff.

(1) *Stabilization measures.* Interim and permanent stabilization measures to minimize erosion and lessen amount of structural sediment control measures needed, including: mature vegetation preservation; temporary seeding; permanent seeding and planting; temporary mulching, matting, and netting; sod stabilization; vegetative buffer strips; temporary chemical mulch, soil binders, and soil palliatives; nonacidic road surfacing material; and protective trees.

(2) *Structural measures.* Structural measures to lessen erosion and reduce sediment discharges, including: silt fences; earth dikes; straw dikes; gradient terraces; drainage swales; sediment traps; pipe slope drains; porous rock check dams;

sedimentation ponds; riprap channel protection; capping of contaminated sources; and physical/chemical treatment of storm water.

(3) *Management of flow.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (other than those as sediment and erosion control measures listed above) used to manage storm water runoff in a manner that reduces pollutants in storm water runoff from the site. The plan shall provide that the measures, which the permittee determines to be reasonable and appropriate, shall be implemented and maintained. Appropriate measures may include: discharge diversions; drainage/storm water conveyances; runoff dispersion; sediment control and collection; vegetation/soil stabilization; capping of contaminated sources; treatment; or other equivalent measures.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Coal mining facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 160.

Table 160.
Monitoring Requirements for Coal Mining Facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Suspended Solids	100 mg/L

F. *Visual examination of storm water quality.* Coal mining-related facilities shall perform and document a visual examination of a representative storm water discharge at the following frequencies: quarterly for active areas under SMCRA bond located in areas with average annual precipitation over 20 inches; semi-annually for inactive areas under SMCRA bond, and active areas under SMCRA bond located in areas with average annual precipitation of 20 inches or less; visual examinations are not required at inactive areas not under SMCRA bond. Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water runoff or snow melt: Quarterly: January through March; April through June; July through September; and October through December. Semi-annually: January through June and July through December. Examinations shall be made of samples collected within the first 60 minutes (or as soon thereafter as practical, but not to exceed two hours) of when the runoff or snowmelt begins discharging.

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9 VAC 25-151-170. Oil and gas extraction facilities.

A. Discharges covered under this section. This permit covers all existing point source discharges of storm water associated with industrial activity to surface waters from oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which are required to be permitted under 40 CFR 122.26(c)(1)(iii) (1998). These include "... oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden raw material, intermediate products, finished products, by-products or waste products located on the site of such operations." Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oilfield service, supply and repair industries. This section also covers petroleum refineries listed under SIC Code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR Part 419 (1998) and 40 CFR Part 435 (1998) respectively are not included. Note that areas eligible for coverage at petroleum refineries will be very limited because the term "contaminated runoff," as defined in 40 CFR 419.11 (1998), includes "... runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property." Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not commingled with "contaminated runoff," include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, by-product, waste material, chemical, and material storage areas; loading and unloading areas; transmission pipelines, and, processing areas. Storm water discharges associated with industrial activity from inactive oil and gas operations occurring on federal lands where an owner cannot be identified are not covered by this permit.

B. Special conditions. There are no additional requirements beyond those listed in 9 VAC 25-151-70 D.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. The site map will indicate all areas subject to the effluent guidelines requirement of "No Discharge" in accordance with 40 CFR 435.32 (1998) and the existing structural controls to achieve compliance with the "No Discharge" requirement.

b. Risk identification and summary of potential pollutant sources.

(1) The plan shall include a narrative description of the potential pollutant sources from the following

activities: loading and unloading operations; outdoor storage activities; chemical, cement, mud or gel mixing activities; outdoor manufacturing or processing activities; drilling or mining activities; significant dust or particulate generating processes; and onsite waste disposal practices, equipment cleaning and rehabilitation activities. List any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

(2) In its description of potential pollutant sources, the plan must include information about the reportable quantities release which triggered the permit application requirements. Such information must include: the nature of the release (e.g., spill of oil from a drum storage area); the amount of oil or hazardous substance released; amount of substance recovered; date of the release; cause of the release (e.g., poor handling techniques as well as lack of containment in area); area affected by release, including land and waters; procedure to cleanup release; actions or procedures implemented to prevent or better respond to a release; and remaining potential contamination of storm water from release. The analysis shall take into account human health risks, the control of drinking water intakes, and the designated uses of the receiving stream.

2. Measures and controls.

a. Inspections. Equipment and vehicles which store, mix or transport hazardous materials will be inspected routinely, but not less than quarterly. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

b. Sediment and erosion control. Unless covered by another VPDES permit, the additional erosion control requirement for well drillings oil, sand, and shale mining areas are as follows:

(1) Site description. Each plan shall provide a description of the following:

(a) A description of the nature of the exploration activity;

(b) Estimates of the total area of the site and the area of the site that is expected to be disturbed due to the exploration activity;

(c) An estimate of the runoff coefficient of the site;

(d) A site map indicating drainage patterns and approximate slopes, the location of major control structures identified in the plan, and surface waters; and

(e) *The name of the receiving water(s) and the ultimate receiving water(s) of the runoff.*

(2) *Controls. The pollution prevention plan shall include a description of controls appropriate for the activity and implement such controls. The description of controls shall address the following minimum components:*

(a) *A description of vegetative practices designed to preserve existing vegetation where attainable and revegetate open areas as soon as practicable after grade drilling. Such practices may include: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other equivalent measures. The permittee shall initiate appropriate vegetative practices on all disturbed areas within 14 calendar days of the last activity at that area.*

(b) *A description of structural practices that, to the degree attainable, divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other equivalent measures.*

(3) *Offsite vehicle tracking of sediments shall be minimized.*

(4) *Procedures in a plan shall provide that all erosion controls on the site are inspected at least once every seven calendar days. Weekly inspections are necessary to ensure erosion controls continue to effectively reduce the amount of sediment carried offsite.*

c. *Reportable quantity (RQ) release. The permittee must describe the measures taken to clean up RQ releases or related spills of materials, as well as measures proposed to avoid future releases of RQs. Such measures may include, among others: improved handling or storage techniques; containment around handling areas of liquid materials; and use of improved spill cleanup materials and techniques.*

d. *Vehicle and equipment storage areas. The storage of vehicles and equipment awaiting or having completed maintenance must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The plan may consider the use of drip pans under vehicles and equipment, indoor storage of the vehicles and equipment, installation of berming and diking of this area, or other equivalent measures.*

e. *Vehicle and equipment cleaning and maintenance areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment cleaning. The plan may consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to a sanitary sewer, and/or collecting the storm water runoff from the cleaning area and providing treatment or recycling. The discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be authorized under a separate VPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.*

The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment maintenance and rehabilitation. The plan may consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor where the practice would result in the exposure of pollutants to storm water, using dry cleanup methods, collecting the storm water runoff from the maintenance area and providing treatment or recycling, or other equivalent measures.

f. *Materials and chemical storage areas. Storage units of all chemicals and materials (e.g., fuels, oils, used filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids, detergents drilling mud components, acids, organic additives) must be maintained in good condition so as to prevent contamination of storm water. Hazardous materials must be plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan may consider indoor storage of the materials and/or installation of berming and diking at the area.*

g. *Chemical mixing areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from chemical mixing areas. The plan may consider covering the mixing area, using spill and overflow protection, minimizing runoff of storm water to the mixing area, using dry cleanup methods, and/or collecting the storm water runoff and providing treatment or recycling. The plan may consider installation of berming and diking of the area.*

D. *Numeric effluent limitations. There are no additional requirements beyond those listed in 9 VAC 25-151-70 B.*

E. *Monitoring and reporting requirements. There are no additional requirements beyond those listed in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).*

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9 VAC 25-151-180. Mineral mining and processing facilities.

A. Discharges covered under this section. This permit covers all existing point source discharges of storm water associated with industrial activity to surface waters from active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14). Storm water discharges associated with industrial activity which are subject to an existing effluent limitation guideline (40 CFR Part 436 (1998)) are not authorized by this permit. Storm water discharges associated with industrial activity from inactive mineral mining activities occurring on federal lands where an owner cannot be identified are not eligible for coverage under this permit. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with industrial activity from construction activities, provided that the storm water discharge from the construction activity is in compliance with the terms of a different VPDES general permit or individual permit authorizing such discharges.

B. Special conditions. There are no additional requirements beyond those in 9 VAC 25-151-70 D.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include at a minimum, the following items.

1. Measures and controls.

a. Preventive maintenance. The maintenance program requires periodic removal of debris from discharge diversions and conveyance systems. These activities should be conducted in the spring, after snowmelt, and during the fall season. Permittees using ponds to control their effluents frequently use impoundments or sedimentation ponds as their BAT/BCT. Maintenance schedules for these ponds must be provided in the pollution prevention plan.

b. Inspections. Owners of active facilities are required to conduct quarterly visual inspections of all BMPs. Temporarily and permanently inactive operations are required to perform annual inspections. The inspections shall include: i) an assessment of the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures; ii) visual inspections of vegetative BMPs, serrated slopes, and benched slopes to determine if soil erosion has occurred; and iii) visual inspections of material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

c. Recordkeeping and internal reporting procedures. Ineffective BMPs must be recorded and the date of their corrective action noted.

d. Sediment and erosion control. Permittees must indicate the location and design for proposed BMPs to

be implemented prior to land disturbance activities. For sites already disturbed but without BMPs, the permittee must indicate the location and design of BMPs that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks. Reclamation activities must continue until final closure notice has been issued.

e. Management of runoff. In the plan, the permittee must describe the storm water pollutant source area or activity (i.e., loading and unloading operations, raw material storage piles, etc.) to be controlled by each storm water management practice.

2. Comprehensive site compliance evaluation. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites, due to remote location and inaccessibility, site evaluations must be conducted at least once every three years.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Permittees with dimension and crushed stone, and nonmetallic minerals (except fuels), and sand and gravel mining activities are required to monitor their storm water discharges for the pollutants of concern listed in Table 180.

Table 180.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Sand and Gravel Mining Dimension and Crushed Stone and Nonmetallic Minerals (Except Fuels)	
Total Suspended Solids (TSS)	100 mg/L

9 VAC 25-151-190. Hazardous waste treatment, storage, or disposal facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA.

B. Special conditions. Prohibition of nonstorm water discharges. There are no additional requirements under this section other than those stated in 9 VAC 25-151-70 D 1.

C. Storm water pollution prevention plan requirements. There are no additional requirements under this section other than those stated in 9 VAC 25-151-80 D.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Permittees with hazardous waste treatment, storage, or disposal facilities (TSDFs) are required to monitor their storm water discharges for the pollutants of concern listed in Table 190.

Table 190.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L
Total Suspended Solids (TSS)	100 mg/L
Total Organic Carbon (TOC)	110 mg/L
Total Recoverable Arsenic	50 mg/L
Total Recoverable Cadmium	3.9 mg/L
Total Cyanide	22 mg/L
Total Recoverable Lead	120 mg/L
Total Recoverable Mercury	2.4 mg/L
Total Recoverable Selenium	20 mg/L
Total Recoverable Silver	4.1 mg/L

9 VAC 25-151-200. Landfills and land application sites.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activity from waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with state/federal criteria established under RCRA Subtitle D. Landfills, land application sites, and open dumps that have storm water discharges from other types of industrial activities such as vehicle maintenance, truck washing, and/or recycling may be subject to additional requirements specified elsewhere in this permit. Storm water discharges associated with industrial activities from inactive landfills, land application sites, and open dumps occurring on federal lands where an owner cannot be identified are ineligible for coverage under this permit.

B. *Special conditions.* Prohibition of nonstorm water discharges. In addition to the broad nonstorm water prohibition in 9 VAC 25-151-70 D 1, the discharge of leachate and vehicle and equipment wash waters to surface waters or a municipal separate storm sewer system is not authorized by this permit. Permittees with such discharges must obtain coverage under a separate VPDES permit (other than this permit).

C. *Storm water pollution prevention plan requirements.* In addition to the requirements in 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources.*

a. *Drainage.* A site map indicating locations of active and closed landfill cells or trenches, locations of active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and locations of any leachate collection and handling systems.

b. *Risk identification and summary of potential pollutant sources.* Include a narrative description of potential pollutant sources associated with any of the following, outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill, land application, or open dumping areas; uncontrolled leachate flows; failure or leaks from leachate collection and treatment systems; haul roads; and vehicle tracking of sediments.

2. *Measures and controls.*

a. *Preventive maintenance.* Where applicable, permittees addressed by this section shall also: (i) maintain containers used for outdoor chemical and significant materials storage to prevent leaking or rupture; (ii) maintain all elements of leachate collection and treatment systems to prevent commingling of leachate with storm water; and (iii) maintain the integrity and effectiveness of any intermediate or final cover, including making repairs to the cover as necessary to minimize the effects of settlement, sinking, and erosion.

b. *Inspections.*

(1) For operating landfills, open dumps, and land application sites, qualified personnel shall inspect areas of landfills and open dumps that have not yet been finally stabilized, active land application areas, areas used for storage of materials/wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Erosion and sediment control measures shall be observed to ensure they are operating correctly.

(2) For inactive landfills, open dumps, and land application sites, qualified personnel shall inspect: landfill or open dump stabilization and structural erosion control measures and leachate collection and treatment systems, and all closed land application areas.

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c. *Recordkeeping and internal reporting procedures.* Landfill and open dump owners shall provide for a tracking system for the types of wastes disposed of in each cell or trench of a landfill or open dump. Land application site owners shall track the types and quantities of wastes applied in specific areas.

d. *Sediment and erosion control.* Landfill and open dump owners shall provide for temporary stabilization of materials stockpiled for daily, intermediate, and final cover. Stabilization practices to consider include, but are not limited to, temporary seeding, mulching, and placing geotextiles on the inactive portions of the stockpiles. Landfill and open dump owners shall provide for temporary stabilization of inactive areas of the landfill or open dump which have an intermediate cover but no final cover. Landfill and open dump owners shall provide for temporary stabilization of any landfill or open dumping areas which have received a final cover until vegetation has established itself. Land application site owners shall also stabilize areas where waste application has been completed until vegetation has been established.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Landfill/land application/open dump sites are required to monitor their storm water discharges for the pollutants of concern listed in Table 200.

Table 200.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS) ⁱ	100 mg/L
Total Recoverable Iron ⁱⁱ	1 mg/L

ⁱ Applicable to all landfill, open dump, and land application sites.

ⁱⁱ Applicable to all facilities except MSWLF areas closed in accordance with Virginia Solid Waste Management Regulation, 9 VAC 20-80-10 et seq. requirements.

9 VAC 25-151-210. Automobile salvage yards.

A. *Discharges covered under this section.* The requirements of this section apply to point source discharges of storm water associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (Standard Industrial Classification (SIC) Code 5015).

B. *Special conditions.* Prohibition of nonstorm water discharges. There are no additional requirements under this section other than those stated in 9 VAC 25-151-70 D 1.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items:

1. Description of potential pollutant sources.

a. *Drainage.* The map must include an estimation (in acres) of the total area used for industrial activity including, but not limited to, dismantling, storage, and maintenance of used motor vehicles and motor vehicle parts. The map must also indicate the location of the following activities where such activities are exposed to precipitation: vehicle storage areas; dismantling areas; parts storage areas, including engine blocks, tires, hub caps, batteries, hoods, and mufflers; fueling stations; vehicle and equipment maintenance areas; cleaning areas (parts, vehicles, and/or equipment); loading and unloading areas; locations used for the treatment, storage, and disposal of wastes; and liquid storage tanks and drums for fuel and other fluids.

b. *Summary of potential pollutant sources.* In conducting the assessment, the permittee must consider the potential for the following activities to contribute pollutants: vehicle storage areas; dismantling areas; parts storage areas, including engine blocks, tires, hub caps, batteries, and hoods; fueling stations; vehicle and equipment maintenance areas; cleaning areas (parts and vehicles and/or equipment); loading/unloading areas; locations used for the treatment, storage, and disposal of wastes; and liquid storage tanks and drums for fuel and other fluids.

2. *Measures and controls.* The pollution prevention plan must discuss the reasons each selected control or practice is appropriate for the facility and how each will address the potential sources of storm water pollution. The plan also must include a schedule specifying the time or times during which each control or practice will be implemented. In addition, the plan should discuss ways in which the controls and practices relate to one another and, when taken as a whole, produce an integrated and consistent approach for preventing or controlling potential storm water contamination problems.

a. *Preventive maintenance.* The maintenance program shall include periodic removal of debris from discharge diversions, conveyance systems, and impoundments/ponds. These activities should be conducted in the spring, after snow melt, and during the fall season. Maintenance schedules for sedimentation/impoundments must be provided in the pollution prevention plan.

b. *Spill and leak prevention and response procedures.* After clean up from a spill, absorbants must be promptly placed in containers for proper disposal. All vehicles that are intended to be dismantled must be properly drained of all fluids prior to being dismantled or crushed, or other equivalent means must be taken to prevent leaks or spills of fluids including motor oil, transmission fluid, fuel and antifreeze.

c. *Inspections.* Upon arrival at the site, or as soon as feasible thereafter, vehicles must be inspected for

leaks. Any equipment containing oily parts, hydraulic fluids, or any other types of fluids shall be inspected at least quarterly (four times per year) for signs of leaks. Any outdoor storage of fluids including, but not limited to, brake fluid, transmission fluid, radiator water, and antifreeze, must be inspected at least quarterly for leaks. All outdoor liquid storage containers (e.g., tanks, drums) must be inspected at least quarterly for leaks.

Qualified facility personnel are required to conduct quarterly visual inspections of BMPs. The inspections shall include: (i) an assessment of the integrity of storm water flow diversion and source minimization systems and (ii) visual inspections of dismantling areas, vehicle and equipment maintenance areas, vehicle, equipment, and parts cleaning and storage areas, and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water.

d. Employee training. Employee training must, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, and solvents; spill prevention and response; fueling procedures; good housekeeping practices; and used battery management.

e. Management of runoff. The plan must consider management practices, such as berms or drainage ditches on the property line, that may be used to prevent runoff from neighboring properties. Berms must be considered for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage. The installation of detention ponds must also be considered. The permittee shall consider the installation of a filtering device to receive runoff from industrial areas. The installation of oil/water separators must also be considered.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Automobile salvage yards are required to monitor their storm water discharges for the pollutants of concern listed in Table 210.

Table 210.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids	100 mg/L
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Lead	120 mg/L

9 VAC 25-151-220. Scrap recycling and waste recycling facilities.

A. Discharges covered under this section. The requirements listed under this section are applicable to storm water discharges from the following activities: facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC Code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC Code 5093) are also covered under this section. Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from nonindustrial and residential sources (also identified as SIC Code 5093) (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

B. Special conditions. Prohibition of nonstorm water discharges. There are no special conditions under this section other than those in 9 VAC 25-151-70 D.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the following general requirements for the storm water pollution prevention plan are applicable to activities which reclaim and recycle either recyclable nonliquid and liquid waste materials. In addition to the general requirements, 9 VAC 25-151-220 C 2 a identifies special requirements for scrap recycling and waste recycling facilities (nonsource-separated facilities) that handle nonliquid wastes. Paragraph 9 VAC 25-151-220 C 2 b identifies special requirements for waste recycling facilities that handle only liquid wastes. Paragraph 9 VAC 25-151-220 C 2 c identifies special requirements for recycling facilities, including MRFs, that receive only source-separated recyclable materials primarily from nonindustrial and residential sources. The plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating locations where significant materials are exposed to precipitation including scrap and waste material storage and outdoor scrap and waste processing equipment. Scrap recycling facilities that handle turnings that have been previously exposed to cutting fluids will delineate these containment areas as required in 9 VAC 25-151-220 C 2 a (3).

2. Measures and controls.

a. Scrap and waste recycling facilities (nonsource-separated, nonliquid recyclable wastes). The following special conditions have been established for the pollution prevention plan for those scrap and waste recycling facilities that receive, process and provide wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass,

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cardboard, and paper). This section of the permit is intended to distinguish waste recycling facilities that receive both nonrecyclable and recyclable materials from those recycling facilities that only accept recyclable materials primarily from nonindustrial and residential sources. Under the description of measures and controls in the storm water pollution prevention plan, the plan will address all areas that have a reasonable potential to contribute pollutants to storm water discharges and will be maintained in a clean and orderly manner. At a minimum, the plan will address the following activities and areas within the plan.

(1) Inbound recyclable and waste material control program. The plan shall include a recyclable and waste material inspection program to minimize the likelihood of receiving materials that may be significant pollutant sources to storm water discharges. At a minimum, the plan shall address the following:

(a) Provision of information/education flyers, brochures and pamphlets to encourage suppliers of scrap and recyclable waste materials to drain residual fluids, whenever applicable, prior to its arrival at the facility. This includes vehicles and equipment engines, radiators, and transmissions, oil-filled transformers, and individual containers or drums;

(b) Activities which accept scrap and materials that may contain residual fluids (e.g., automotive engines containing used oil, transmission fluids, etc.) shall describe procedures to minimize the potential for these fluids from coming in contact with either precipitation or runoff. The description shall also identify measures or procedures to properly store, handle and dispose of these residual fluids;

(c) Procedures pertaining to the acceptance of scrap lead-acid batteries. Additional requirements for the handling, storage and disposal or recycling of batteries shall be in conformance with conditions for a scrap lead-acid battery program;

(d) A description of training requirements for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and

(e) Liquid wastes, including used oil, shall be stored in materially compatible and nonleaking containers and disposed or recycled in accordance with all requirements under the Resource Recovery and Conservation Act (RCRA), and other state or local requirements.

(2) Scrap and waste material stockpiles/storage (outdoors). The plan shall address areas where significant materials are exposed to either storm water runoff or precipitation. The plan must

describe those measures and controls used to minimize contact of storm water runoff with stockpiled materials, processed materials and nonrecyclable wastes. The plan should include measures to minimize the extent of storm water contamination from these areas. The permittee may consider the use of permanent or semipermanent covers, or other similar forms of protection over stockpiled materials where the permittee determines that such measures are reasonable and appropriate. The permittee may consider the use of sediment traps, vegetated swales and strips, to facilitate settling or filtering out of pollutants. The permittee shall consider within the plan the use of the following BMPs (either individually or in combination) or their equivalent to minimize contact with storm water runoff:

(a) Promoting the diversion of runoff away from these areas through such practices as dikes, berms, containment trenches, culverts and/or surface grading;

(b) Media filtration such as catch basin filters and sand filters;

(c) Silt fencing; and

(d) Oil/water separators, sumps and dry adsorbents in stockpile areas that are potential sources of residual fluids (e.g., automotive engine storage areas).

(3) Stockpiling of turnings previously exposed to cutting fluids (outdoors). The plan shall address all areas where stockpiling of industrial turnings previously exposed to cutting fluids occurs. The plan shall implement those measures necessary to minimize contact of surface runoff with residual cutting fluids. The permittee shall consider implementation of either of the following two alternatives or a combination of both or equivalent measures:

(a) Alternative 1: Storage of all turnings previously exposed to cutting fluids under some form of permanent or semi-permanent cover. Discharges of residual fluids from these areas to the storm sewer system in the absence of a storm event is prohibited. Discharges to the storm sewer system as a consequence of a storm event is permitted provided the discharge is first directed through an oil/water separator or its equivalent. Procedures to collect, handle, and dispose or recycle residual fluids that may be present shall be identified in the plan; or

(b) Alternative 2: Establish dedicated containment areas for all turnings that have been exposed to cutting fluids where runoff from these areas is directed to a storm sewer system, providing the following: (i) containment areas constructed of

either concrete, asphalt or other equivalent type of impermeable material; (ii) a perimeter around containment areas to prevent runoff from moving across these areas. This would include the use of shallow berms, curbing, or constructing an elevated pad or other equivalent measure; (iii) a suitable drainage collection system to collect all runoff generated from within containment areas. At a minimum, the drainage system shall include a plate-type oil/water separator or its equivalent. The oil/water separator or its equivalent shall be installed according to the manufacturer's recommended specifications, whenever available, and these specifications will be kept with the plan; (iv) a schedule to maintain the oil/water separator (or its equivalent) to prevent the accumulation of appreciable amounts of fluids. In the absence of a storm event, no discharge from containment areas to the storm sewer system are prohibited unless covered by a separate VPDES permit; and (v) identified procedures for the proper disposal or recycling of collected residual fluids.

(4) Scrap and waste material stockpiles/storage (covered or indoor storage). The plan shall address measures and controls to minimize residual liquids and accumulated particulate matter, originating from scrap and recyclable waste materials stored indoors or under cover, from coming in contact with surface runoff. The permittee shall consider including in the plan the following or equivalent measures:

(a) Good housekeeping measures, including the use of dry absorbent or wet vacuum clean up methods, to collect, handle, store and dispose or recycle residual liquids originating from recyclable containers (e.g., beverage containers, paint cans, and household cleaning products containers);

(b) Prohibiting the practice of allowing washwater from tipping floors or other processing areas from discharging to any portion of a storm sewer system; and

(c) Disconnecting or sealing off all existing floor drains connected to any portion of the storm sewer system.

(5) Scrap and recyclable waste processing areas. The plan shall address areas where scrap and waste processing equipment are sited. This includes measures and controls to minimize surface runoff from coming in contact with scrap processing equipment. In the case of processing equipment that generate visible amounts of particulate residue (e.g., shredding facilities) the plan shall describe good housekeeping and preventive maintenance measures to minimize contact of runoff with residual fluids and accumulated particulate matter. At a minimum, the permittee shall consider including in the plan the following or other equivalent measures:

(a) A schedule of periodic inspections of equipment for leaks, spills, malfunctioning, worn or corroded parts or equipment;

(b) Preventive maintenance program to repair and/or maintain processing equipment;

(c) Measures to minimize shredder fluff from coming in contact with surface runoff;

(d) Use of dry-absorbents or other cleanup practices to collect and to dispose or recycle spilled or leaking fluids;

(e) Installation of low-level alarms or other equivalent protection devices on unattended hydraulic reservoirs over 150 gallons in capacity. Alternatively, provide secondary containment with sufficient volume to contain the entire volume of the reservoir.

The permittee shall consider employing the following additional BMPs or equivalent measures: diversion structures such as dikes, berms, culverts, containment trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment; oil/water separators, sumps or the equivalent in processing areas that are potential sources of residual fluids and grease; permanent or semipermanent covers, or other similar measures; retention and detention basins or ponds, sediment traps or vegetated swales and strips, to facilitate settling or filtering out of pollutants in runoff from processing areas; or media filtration such as catch basin filters and sand filters.

(6) Scrap lead-acid battery program. The plan shall address measures and controls for the proper handling, storage and disposition of scrap lead-acid batteries. (Note: This permit does apply to the reclaiming of scrap lead-acid batteries, i.e., breaking up battery casings to recover lead.) The permittee shall consider including in the plan the following or equivalent measures:

(a) Segregating all scrap lead-acid batteries from other scrap materials;

(b) A description of procedures and/or measures for the handling, storage and proper disposal of cracked or broken batteries;

(c) A description of measures to collect and dispose of leaking battery fluid (lead-acid);

(d) A description of measures to minimize and, whenever possible, eliminate exposure of scrap lead-acid batteries to precipitation or runoff; and

(e) A description of employee training for the management of scrap batteries.

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(7) *Erosion and sediment control.* The plan shall identify all areas associated with industrial activity that have a high potential for soil erosion and suspended solids loadings, i.e., areas that tend to accumulate significant particulate matter. Appropriate source control, stabilization measures, nonstructural, structural controls or an equivalent shall be provided in these areas. The plan shall also contain a narrative discussion of the reason(s) for selected erosion and sediment controls. At a minimum, the permittee shall consider in the plan, either individually or in combination, the following erosion and sediment control measures:

(a) *Filtering or diversion practices, such as filter fabric fence, sediment filter boom, earthen or gravel berms, curbing or other equivalent measure;*

(b) *Catch basin filters, filter fabric fence, or equivalent measures, placed in or around inlets or catch basins that receive runoff from scrap and waste storage areas, and processing equipment; or*

(c) *Sediment traps, vegetative buffer strips, or equivalent, to remove sediment prior to discharge through an inlet or catch basin.*

(8) *Structural controls for sediment and erosion control.* In instances where significant erosion and suspended solids loadings continue after installation of one or more BMPs, the permittee shall consider providing in the plan for a detention or retention basin or other equivalent structural control. All structural controls shall be designed using good engineering practice. All structural controls and outlets that are likely to receive discharges containing oil and grease must include appropriate measures to minimize the discharge of oil and grease through the outlet. This may include the use of an absorbent boom or other equivalent measures.

Where space limitations (e.g., obstructions caused by permanent structures such as buildings and permanently-sited processing equipment and limitations caused by a restrictive property boundary) prevent the siting of a structural control (i.e., retention basin) such a determination will be noted in the plan. The permittee will identify in the plan what existing practices shall be modified or additional measures shall be undertaken to minimize erosion and suspended sediment loadings in lieu of a structural BMP.

(9) *Spill prevention and response procedures.* To prevent or minimize storm water contamination at loading and unloading areas, and from equipment or container failures, the permittee shall consider including in the plan the following practices:

(a) *Description of spill prevention and response measures to address areas that are potential sources of leaks or spills of fluids;*

(b) *Leaks and spills should be contained and cleaned up as soon as possible. If malfunctioning equipment is responsible for the spill or leak, repairs should also be conducted as soon as possible;*

(c) *Cleanup procedures should be identified in the plan, including the use of dry absorbent materials or other cleanup methods. Where dry absorbent cleanup methods are used, an adequate supply of dry absorbent material should be maintained onsite. Used absorbent material should be disposed of properly;*

(d) *Drums containing liquids, including oil and lubricants, should be stored indoors; or in a bermed area; or in overpack containers or spill pallets; or in similar containment devices;*

(e) *Overfill prevention devices should be installed on all fuel pumps or tanks;*

(f) *Drip pans or equivalent measures should be placed under any leaking piece of stationary equipment until the leak is repaired. The drip pans should be inspected for leaks and checked for potential overflow and emptied regularly to prevent overflow and all liquids will be disposed of in accordance with all requirements under RCRA; and*

(g) *An alarm and/or pump shut off system should be installed and maintained on all outside equipment with hydraulic reservoirs exceeding 150 gallons (only those reservoirs not directly visible by the operator of the equipment) in order to prevent draining the tank contents in the event of a line break. Alternatively, the equipment may have a secondary containment system capable of containing the contents of the hydraulic reservoir plus adequate freeboard for precipitation. Leaking hydraulic fluids should be disposed of in accordance with all requirements under RCRA.*

(10) *Quarterly inspection program.* A quarterly inspection shall include all designated areas of the facility and equipment identified in the plan. The inspection shall include a means of tracking and conducting follow up actions based on the results of the inspection. The inspections shall be conducted by members of the storm water pollution prevention team. At a minimum, quarterly inspections shall include the following areas: all outdoor scrap processing areas; all material unloading and loading areas (including rail sidings) that are exposed to either precipitation or storm water runoff; areas where structural BMPs have been installed; all erosion and sediment BMPs; outdoor vehicle and

equipment maintenance areas; vehicle and equipment fueling areas; and all areas where waste is generated, received, stored, treated, or disposed and which are exposed to either precipitation or storm water runoff.

The objective of the inspection shall be identify any corroded or leaking containers, corroded or leaking pipes, leaking or improperly closed valves and valve fittings, leaking pumps and/or hose connections, and deterioration in diversionary or containment structures that are exposed to precipitation or storm water runoff. Spills or leaks identified during the visual inspection shall be immediately addressed. Structural BMPs shall be visually inspected for signs of washout, breakage, deterioration, damage, or overflowing and breaks shall be repaired or replaced as expeditiously as possible.

(11) *Employee training.* At a minimum, storm water control training appropriate to their job function shall be provided for truck drivers, scale operators, supervisors, buyers and other operating personnel. The plan shall include a proposed schedule for the training. The employee training program shall address at a minimum: BMPs and other requirements of the plan; proper scrap inspection, handling and storage procedures; procedures to follow in the event of a spill, leak, or break in any structural BMP. A training and education program shall be developed for employees and for suppliers for implementing appropriate activities identified in the storm water pollution prevention plan.

(12) *Supplier notification.* The plan shall include a supplier notification program that will be applicable to major suppliers and shall include: description of scrap materials that will not be accepted at the facility or that are accepted only under certain conditions.

b. *Waste recycling facilities (liquid recyclable wastes).* The following special conditions have been established for the pollution prevention plan for those facilities that reclaim and recycle liquid wastes (e.g., used oil, antifreeze, mineral spirits, and industrial solvents). For these facilities, the storm water pollution prevention plan shall address all areas that have a reasonable potential to contribute pollutants to storm water discharges and will be maintained in a clean and orderly manner. At a minimum, the plan shall address the following activities and areas within the plan.

(1) *Waste material storage (indoors).* The plan shall address measures and controls to minimize/eliminate residual liquids from waste materials stored indoors from coming in contact with surface runoff. The plan may refer to applicable portions of other existing plans such as SPCC plans required under 40 CFR Part 112 (1998). At a

minimum, the permittee shall consider including in the plan the following:

(a) Procedures for material handling (including labeling and marking);

(b) A sufficient supply of dry-absorbent materials or a wet vacuum system to collect spilled or leaked materials;

(c) An appropriate containment structure, such as trenches, curbing, gutters or other equivalent measures; and

(d) A drainage system to handle discharges from diked or bermed areas. The drainage system should include appurtenances, (e.g., pumps or ejectors, manually operated valves). Drainage should be discharged to an appropriate treatment facility, sanitary sewer system, or otherwise disposed of properly. Discharges from these areas shall be covered by a separate VPDES permit or industrial user permit under the pretreatment program.

(2) *Waste material storage (outdoors).* The plan shall address areas where waste materials are exposed to either storm water runoff or precipitation. The plan shall include measures to provide appropriate containment, drainage control and other appropriate diversionary structures. The plan may refer to applicable portions of other existing plans such as SPCC plans required under 40 CFR Part 112 (1998). At a minimum, the plan shall describe those measures and controls used to minimize contact of storm water runoff with stored materials. The permittee shall consider including in the plan the following preventative measures, or an equivalent:

(a) An appropriate containment structure such as dikes, berms, curbing or pits, or other equivalent measures. The containment should be sufficient to store the volume of the largest single tank and should include sufficient freeboard for precipitation;

(b) A sufficient supply of dry-absorbent materials or a wet vacuum system, or other equivalent measure, to collect liquids from minor spills and leaks in contained areas; and

(c) Discharges of precipitation from containment areas containing used oil shall be in accordance with applicable sections of 40 CFR Part 112 (1998).

(3) *Truck and rail car waste transfer areas.* The plan shall describe measures and controls for truck and rail car loading and unloading areas. This includes appropriate containment and diversionary structures to minimize contact with precipitation or storm water runoff. The plan shall also address measures to clean up minor spills and/or leaks

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originating from the transfer of liquid wastes. This may include the use of dry-clean up methods, roof coverings, runoff controls, or other equivalent measures.

(4) *Erosion and sediment control.* The plan shall identify all areas associated with industrial activity that have a high potential for soil erosion. Appropriate stabilization measures, nonstructural and structural controls shall be provided in these areas. The plan shall contain a narrative consideration of the appropriateness for selected erosion and sediment controls. Where applicable, the plan shall consider the use of the following types of preventive measures: sediment traps; vegetative buffer strips; filter fabric fence; sediment filtering boom; gravel outlet protection; or other equivalent measures that effectively trap or remove sediment prior to discharge through an inlet or catch basin.

(5) *Spill prevention and response procedures.* The plan shall address measures and procedures to address potential spill scenarios that could occur at the facility. This includes all applicable handling and storage procedures, containment and/or diversion equipment, and clean-up procedures. The plan shall specifically address all outdoor and indoor storage areas, waste transfer areas, material receiving areas (loading and unloading), and waste disposal areas.

(6) *Quarterly inspections.* Quarterly visual inspections shall be conducted by a member, or members, of the storm water pollution prevention team. The quarterly inspection shall include all designated areas of the facility and equipment identified in the plan. The inspection shall include a means of tracking and conducting follow up actions based on the results of the inspection. At a minimum, the inspections shall include the following areas: material storage areas; material unloading and loading areas (including rail sidings) that are exposed to either precipitation or storm water runoff; areas where structural BMPs have been installed; all erosion and sediment BMPs; outdoor vehicle and equipment maintenance areas (if applicable); vehicle and equipment fueling areas (if applicable); and all areas where waste is generated, received, stored, treated, or disposed and which are exposed to either precipitation or storm water runoff.

The inspection shall identify the presence of any corroded or leaking containers, corroded or leaking pipes, leaking or improperly closed valves and valve fittings, leaking pumps and/or hose connections, and deterioration in diversionary or containment structures that are exposed to precipitation or storm water runoff. Spills or leaks shall be immediately addressed according to the facility's spill prevention and response procedures.

c. *Recycling facilities (source separated materials).* The following special conditions have been established for the pollution prevention plan for recycling facilities, including MRFs, that receive only source-separated recyclable materials primarily from nonindustrial and residential sources.

(1) *Inbound recyclable material control program.* The plan shall include a recyclable material inspection program to minimize the likelihood of receiving nonrecyclable materials (e.g., hazardous materials) that may be a significant source of pollutants in surface runoff. At a minimum, the permittee shall consider addressing in the plan the following:

(a) A description of information and education measures to educate the appropriate suppliers of recyclable materials on the types of recyclable materials that are acceptable and those that are not acceptable (e.g., household hazardous wastes);

(b) A description of training requirements for drivers responsible for pickup of recyclable materials;

(c) Clearly mark public drop-off containers as to what materials can be accepted;

(d) Rejecting nonrecyclable wastes or household hazardous wastes at the source; and

(e) A description of procedures for the handling and disposal of nonrecyclable materials.

(2) *Outdoor storage.* The plan shall include BMPs to minimize or reduce the exposure of recyclable materials to surface runoff and precipitation. The plan, at a minimum, shall include good housekeeping measures to prevent the accumulation of visible quantities of residual particulate matter and fluids, particularly in high traffic areas. The plan shall consider tarpaulins or their equivalent to be used to cover exposed bales of recyclable waste paper. The permittee shall consider within the plan the use of the following types of BMPs (individually or in combination) or their equivalent, where practicable:

(a) Provide totally-enclosed drop-off containers for public;

(b) Provide a sump and sump pump with each containment pit. Discharge collected fluids to sanitary sewer system. Prevent discharging to the storm sewer system;

(c) Provide dikes and curbs for secondary containment (i.e., around bales of recyclable waste paper);

(d) Divert surface runoff away from outside material storage areas;

(e) Provide covers over containment bins, dumpsters, roll-off boxes; and

(f) Store the equivalent one day's volume of recyclable materials indoors.

(3) *Indoor storage and material processing.* The plan shall address BMPs to minimize the release of pollutants from indoor storage and processing areas to the storm sewer system. The plan shall establish specific measures to ensure that all floor drains do not discharge to the storm sewer system. The following BMPs shall be considered for inclusion in the plan:

(a) Schedule routine good housekeeping measures for all storage and processing areas;

(b) Prohibit a practice of allowing tipping floor washwaters from draining to any portion of the storm sewer system; and

(c) Provide employee training on pollution prevention practices.

(4) *Vehicle and equipment maintenance.* The plan shall also provide for BMPs in those areas where vehicle and equipment maintenance is occurring outdoors. At a minimum, the following BMPs or equivalent measures shall be considered for inclusion in the plan:

(a) Prohibit vehicle and equipment washwater from discharging to the storm sewer system;

(b) Minimize or eliminate outdoor maintenance areas, wherever possible;

(c) Establish spill prevention and clean-up procedures in fueling areas;

(d) Provide employee training on avoiding topping off fuel tanks;

(e) Divert runoff from fueling areas;

(f) Store lubricants and hydraulic fluids indoors; and

(g) Provide employee training on proper, handling, storage of hydraulic fluids and lubricants.

d. *Recordkeeping and internal reporting procedures.* The plan must address spills, monitoring, and BMP inspection and maintenance activities. BMPs which are ineffective must be reported and the date of their corrective action noted. Employees must report incidents of leaking fluids to facility management and these reports must be incorporated into the plan.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Scrap recycling and waste

recycling facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 220.

Table 220.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum	750 mg/L
Total Recoverable Cadmium	3.9 mg/L
Hexavalent Chromium	16 mg/L
Total Recoverable Copper	18 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Lead	120 mg/L
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-230. Steam electric power generating facilities, including coal handling areas.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from steam electric power generating facilities, including coal handling areas. Nonstorm water discharges subject to effluent limitations guidelines are not covered by this permit. Storm water discharges from coal pile runoff subject to numeric limitations are eligible for coverage under this permit, but are subject to the limitations established by 9 VAC 25-151-70 B 3. Storm water discharges from ancillary facilities such as fleet centers, gas turbine stations, and substations that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture co-generation facilities are not covered by this permit; however, dual fuel co-generation facilities are included.

B. *Special conditions.* Prohibition of nonstorm water discharges. Except as provided under 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this general permit.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources.* Drainage. A site map which clearly outlines the locations of the following, as they apply to the facility: processing areas and buildings; treatment ponds; location of short and long term storage of general materials (including but not limited to: supplies, construction materials, plant equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizers, and pesticides); landfills; location of construction sites; and locations of stock pile areas (such as coal piles and limestone piles).

Proposed Regulations

2. Measures and controls.

a. *Good housekeeping.* The following areas must be specifically addressed.

(1) *Fugitive dust emissions.* The plan must describe measures that prevent or minimize fugitive dust emissions from coal handling areas. The permittee shall consider establishing procedures to minimize offsite tracking of coal dust. To prevent offsite tracking, the facility may consider specially designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.

(2) *Delivery vehicles.* The plan must describe measures that prevent or minimize contamination of storm water runoff from delivery vehicles arriving on the plant site. At a minimum the permittee should consider the following:

(a) *Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and*

(b) *Develop procedures to deal with leakage or spillage from vehicles or containers, and ensure that proper protective measures are available for personnel and environment.*

(3) *Fuel oil unloading areas.* The plan must describe measures that prevent or minimize contamination of storm water runoff from fuel oil unloading areas. At a minimum the permittee must consider using the following measures, or an equivalent:

(a) *Use containment curbs in unloading areas;*

(b) *During deliveries station personnel familiar with spill prevention and response procedures must be present to ensure that any leaks or spills are immediately contained and cleaned up; and*

(c) *Use spill and overflow protection (drip pans, drip diapers, and/or other containment devices shall be placed beneath fuel oil connectors to contain any spillage that may occur during deliveries or due to leaks at such connectors).*

(4) *Chemical loading/unloading areas.* The plan must describe measures that prevent or minimize the contamination of storm water runoff from chemical loading/unloading areas. Where practicable, chemical loading/unloading areas should be covered, and chemicals should be stored indoors. At a minimum the permittee must consider using the following measures or an equivalent:

(a) *Use containment curbs at chemical loading/unloading areas to contain spills; and*

(b) *During deliveries station personnel familiar with spill prevention and response procedures must be*

present to ensure that any leaks or spills are immediately contained and cleaned up.

(5) *Miscellaneous loading/unloading areas.* The plan must describe measures that prevent or minimize the contamination of storm water runoff from loading and unloading areas. The plan may consider covering the loading area, minimizing storm water runoff to the loading area by grading, berming, or curbing the area around the loading area to direct storm water away from the area, or locate the loading/unloading equipment and vehicles so that leaks can be contained in existing containment and flow diversion systems.

(6) *Liquid storage tanks.* The plan must describe measures that prevent or minimize contamination of storm water runoff from aboveground liquid storage tanks. At a minimum the permittee must consider employing the following measures or an equivalent:

(a) *Use protective guards around tanks;*

(b) *Use containment curbs;*

(c) *Use spill and overflow protection (drip pans, drip diapers, and/or other containment devices shall be placed beneath chemical connectors to contain any spillage that may occur during deliveries or due to leaks at such connectors); and*

(d) *Use dry cleanup methods.*

(7) *Large bulk fuel storage tanks.* The plan must describe measures that prevent or minimize contamination of storm water runoff from liquid storage tanks. At a minimum the permittee must consider employing the following measures, or an equivalent:

(a) *Comply with applicable state and federal laws, including Spill Prevention Control and Countermeasures (SPCC); and*

(b) *Containment berms.*

(8) *The plan must describe measures to reduce the potential for an oil spill, or a chemical spill, or reference the appropriate section of their SPCC plan. At a minimum the structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected on a weekly basis. All repairs deemed necessary based on the findings of the inspections shall be completed immediately to reduce the incidence of spills and leaks occurring from such faulty equipment.*

(9) *Oil bearing equipment in switchyards.* The plan must describe measures to reduce the potential for storm water contamination from oil bearing equipment in switchyard areas. The permittee may consider level grades and gravel surfaces to retard

flows and limit the spread of spills; collection of storm water runoff in perimeter ditches.

(10) Residue hauling vehicles. All residue hauling vehicles shall be inspected for proper covering over the load, adequate gate sealing and overall integrity of the body or container. Vehicles without load coverings or adequate gate sealing, or with leaking containers or beds must be repaired as soon as practicable.

(11) Ash loading areas. Plant procedures shall be established to reduce and/or control the tracking of ash or residue from ash loading areas for example, where practicable, requirements to clear the ash building floor and immediately adjacent roadways of spillage, debris and excess water.

(12) Areas adjacent to disposal ponds or landfills. The plan must describe measures that prevent or minimize contamination of storm water runoff from areas adjacent to disposal ponds or landfills. The permittee must develop procedures to:

- (a) Reduce ash residue which may be tracked on to access roads traveled by residue trucks or residue handling vehicles; and
- (b) Reduce ash residue on exit roads leading into and out of residue handling areas.

(13) Landfills, scrapyards, surface impoundments, open dumps, general refuse sites. The plan must address landfills, scrapyards, surface impoundments, open dumps and general refuse sites.

(14) Maintenance activities. For vehicle maintenance activities performed on the plant site, the permittee shall use the applicable BMPs outlined in 9 VAC 25-151-240.

(15) Material storage areas. The plan must describe measures that prevent or minimize contamination of storm water from material storage areas (including areas used for temporary storage of miscellaneous products, and construction materials stored in lay down areas). The permittee may consider flat yard grades, runoff collection in graded swales or ditches, erosion protection measures at steep outfall sites (e.g., concrete chutes, riprap, stilling basins), covering lay down areas, storing the materials indoors, covering the material with a temporary covering made of polyethylene, polyurethane, polypropylene, or hypalon. Storm water runoff may be minimized by constructing an enclosure or building a berm around the area.

b. Inspections. Qualified facility personnel shall be identified to inspect the following areas: coal handling areas, loading/unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas

adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

c. Employee training. Training should address topics such as goals of the pollution prevention plan, spill prevention and control, proper handling procedures for hazardous wastes, good housekeeping and material management practices, and storm water sampling techniques. The pollution prevention plan shall identify periodic dates for such training, but in all cases training must be held at least annually.

D. Numeric effluent limitations.

1. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.
2. Compliance monitoring requirements. Permittees with point sources of coal pile runoff associated with steam electric power generation must monitor these storm water discharges for the presence of TSS and for pH at least annually (one time per year).

E. Monitoring and reporting requirements. Analytical monitoring requirements. Steam electric power generating facilities are required to monitor their storm water discharges for the pollutant of concern listed in Table 230.

Table 230.
Monitoring Requirements for Steam Electric Power
Generating Facilities.

Pollutant of Concern	Monitoring Cut-Off Concentration
Total Recoverable Iron	1 mg/L

9 VAC 25-151-240. Motor freight transportation facilities, passenger transportation facilities, petroleum bulk oil stations and terminals, rail transportation facilities, and United States Postal Service transportation facilities.

A. Discharges covered under this section. Storm water discharges from ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) Codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC Codes 4221 through 4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

B. Special conditions. Prohibition of Nonstorm Water Discharges. Except as provided under 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this general permit.

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C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Measures and controls.

a. Good housekeeping. All areas that may contribute pollutants to storm water discharges shall be maintained in a clean, orderly manner. The following areas must be specifically addressed.

(1) Vehicle and equipment storage areas. The storage of vehicles and equipment awaiting maintenance with actual or potential fluid leaks must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The permittee shall consider the use of drip pans under vehicles and equipment, indoor storage of the vehicles and equipment, installation of berming and diking of this area, use of absorbents, roofing or covering storage areas, cleaning pavement surface to remove oil and grease, or other equivalent methods.

(2) Fueling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee shall consider covering the fueling area, using spill and overflow protection and cleanup equipment, minimizing runoff of storm water to the fueling area, using dry cleanup methods, collecting the storm water runoff and providing treatment or recycling, or other equivalent measures.

(3) Material storage areas. Storage units of all materials (e.g., used oil, used oil filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids) must be maintained in good condition, so as to prevent contamination of storm water, and plainly labeled (e.g., "used oil," "spent solvents," etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The permittee shall consider indoor storage of the materials, installation of berming and diking of the area, minimizing runoff of storm water to the areas, using dry cleanup methods, collecting the storm water runoff and providing treatment, or other equivalent methods.

(4) Vehicle and equipment cleaning areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment cleaning. The permittee shall consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to the intended collection system (i.e., not the storm water drainage system unless VPDES permitted), collecting the storm water runoff from the cleaning area and

providing treatment or recycling, or other equivalent measures. The discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be covered under a separate VPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

(5) Vehicle and equipment maintenance areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle and equipment maintenance. The permittee shall consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet clean up practices where the practices would result in the discharge of pollutants to storm water drainage systems, using dry cleanup methods, collecting the storm water runoff from the maintenance area and providing treatment or recycling, minimizing runoff of storm water areas or other equivalent measures.

(6) Locomotive sanding (loading sand for traction) areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from areas used for locomotive sanding. The permittee shall consider covering sanding areas, minimizing storm water runoff, appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water, or other equivalent measures.

b. Inspections. The following areas shall be included in all inspections: storage area for vehicles and equipment awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (both indoors and outdoors), material storage areas, vehicle and equipment cleaning areas, and loading and unloading areas. Follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained. The use of a checklist should be considered by the permittee.

c. Employee training. The pollution prevention plan shall identify how often training will take place; at a minimum, training must be held annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility: summary of the facility's pollution prevention plan requirements; used oil management; spent solvent management; spill prevention, response and control; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

d. Nonstorm water discharges. For facilities that discharge vehicle and equipment washwaters to the sanitary sewer system, the operator of the sanitary

system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan. If an industrial user permit is issued under a pretreatment program, a reference to that permit must be in the plan. In all cases, any permit conditions or pretreatment requirements must be considered in the plan. If the washwaters are handled in another manner (e.g., hauled offsite), the disposal method must be described and all pertinent documentation (e.g., frequency, volume, destination, etc.) must be attached to the plan.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-250. Water transportation facilities that have vehicle maintenance shops and/or equipment cleaning operations.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from water transportation facilities that have vehicle (vessel) maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by Standard Industrial Classification (SIC) Major Group 44).

B. *Special conditions.* Prohibition of nonstorm water discharges. In addition to the general discharge prohibitions in 9 VAC 25-151-70 D 1, this section specifically prohibits nonstorm water discharges of wastewaters such as bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels. The owners of such discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources.* Drainage. A site map indicating the locations of the following activities where such activities are exposed to precipitation: fueling, engine maintenance and repair, vessel maintenance and repair, pressure washing, painting, sanding, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes; liquid storage tanks, liquid storage areas (i.e., paint, solvents, resins), and material storage areas (i.e., blasting media, aluminum, steel, scrap iron).

2. *Measures and controls.*

a. *Good housekeeping.* The following areas must be specifically addressed, when applicable at a facility.

(1) *Pressure washing area.* When pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by another VPDES permit. The pollution prevention plan must describe the measures to collect or contain the discharge from the pressure washing area, detail the method for the removal of the visible solids, describe the method of disposal of the collected solids, and identify where the discharge will be released (i.e., the receiving waterbody, storm sewer system, sanitary sewer system).

(2) *Blasting and painting areas.* The permittee must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The permittee may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where required, a schedule for cleaning storm water conveyances to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Such included items may be the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

(3) *Material storage areas.* All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Aboveground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks and spills. The permittee must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous materials. Where abrasive blasting is performed, the plan must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

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(4) *Engine maintenance and repair areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The permittee may consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

(5) *Material handling areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas (i.e., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The permittee may consider covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area, preferably indoors or under a shed; and minimizing runoff of storm water to material handling areas or other equivalent measures. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

(6) *Drydock activities.* The plan must address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the storm water runoff. The plan must describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock must also be included within the plan. The permittee should consider items such as sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding and having absorbent materials and oil containment booms readily available to contain and cleanup any spills or other equivalent measures.

(7) *General yard area.* The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., must be routinely removed from the general yard area. The permittee may consider such measures as providing covered trash receptacles in each yard, on each pier, and on board each vessel being repaired.

b. *Inspections.* The following areas shall be included in all inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

c. *Employee training.* Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify how often training will take place, but in all cases training must be held at least annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility: used oil management; spent solvent management; proper disposal of spent abrasives; proper disposal of vessel wastewaters, spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The plan must consider posting instructions, easy to read descriptions or graphic depictions of BMPs, spill control/clean-up equipment and emergency phone numbers in the work areas.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Water transportation facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 250.

Table 250.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 $\mu\text{g/L}$
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 $\mu\text{g/L}$

9 VAC 25-151-260. Ship and boat building or repairing yards.

A. *Discharges covered under this section.* The requirements listed under this section apply to storm water discharges from facilities engaged in ship building and repairing and boat building and repairing (Standard Industrial Classification (SIC) Code 373). (According to the U.S. Coast Guard, a vessel 65 feet or greater in length is referred to as a ship and a vessel smaller than 65 feet is a boat.)

B. *Special conditions.* Prohibition of nonstorm water discharges. In addition to the prohibitions listed in 9 VAC 25-151-70 D 1, this section specifically prohibits nonstorm water discharges of wastewaters, such as bilge and ballast water, pressure wash water, sanitary wastes, and cooling water originating from vessels. The owners of such discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating the location of the following activities where such activities are exposed to precipitation: fueling, engine maintenance and repair, vessel maintenance and repair, pressure washing, painting, sanding, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes; liquid storage tanks, liquid storage areas (i.e., paint, solvents, resins), and material storage areas (i.e., blasting media, aluminum, steel, scrap iron).

2. Measures and controls.

a. Good housekeeping. The following areas must be specifically addressed, when applicable at a facility.

(1) Pressure washing area. When pressure washing is used to remove marine growth from vessels, the discharge water must be permitted as a process wastewater by a separate VPDES permit.

(2) Blasting and painting areas. The plan must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The permittee may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where required, a schedule for cleaning storm systems to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Practices may include the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

(3) Material storage areas. All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Aboveground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks and spills. The permittee must consider implementing an inventory control plan to prevent

excessive purchasing, storage, and handling of potentially hazardous materials. Where abrasive blasting is performed, the plan must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

(4) Engine maintenance and repair areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The permittee must consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet clean up practice where the practice would result in the exposure of pollutants to storm water, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

(5) Material handling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas (i.e., fueling, paint & solvent mixing, disposal of process wastewater streams from vessels). The permittee must consider covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area, preferably indoors or under a shed; and minimizing runoff of storm water to material handling areas. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

(6) Drydock activities. The plan must address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the storm water runoff. The plan must describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock must also be included within the plan. The permittee must consider items such as sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding and having absorbent materials and oil containment booms readily available to contain and cleanup any spills.

(7) General yard area. The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., must be routinely removed from the general yard area. The permittee must consider such measures as providing covered trash receptacles in each yard, on each pier, and on board each vessel being repaired.

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b. *Inspections.* The following areas shall be included in all inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

c. *Employee training.* Employee training must, at a minimum, address the following areas when applicable to a facility: used oil management; spent solvent management; proper disposal of spent abrasives; proper disposal of vessel wastewaters, spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The permittee should consider posting easy to read descriptions or graphic depictions of BMPs and emergency phone numbers in the work areas.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-270. Vehicle maintenance areas, equipment cleaning areas, or deicing areas located at air transportation facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) Code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this section, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice. Only those portions of the facility or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.

B. Special conditions.

1. *Prohibition of nonstorm water discharges.* In addition to those discharges prohibited under 9 VAC 25-151-70 D 1, nonstorm water discharges including aircraft, ground vehicle, runway and equipment washwaters, and dry weather discharges of deicing/anti-icing chemicals are not authorized by this permit. Dry weather discharges are those discharges generated by processes other than

those included in the definition of storm water. The definition of storm water includes storm water runoff, snow melt runoff, and surface runoff and drainage. All other discharges constitute nonstorm water discharges. Owners of nonstorm water discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

2. *Releases of reportable quantities of hazardous substances and oil.* Each individual permittee is required to report spills as described at 9 VAC 25-151-70 D 2. If an airport authority is the sole permittee, then the sum total of all spills at the airport must be assessed against the reportable quantity. If the airport authority is a copermitttee with other deicing/anti-icing operators at the airport, such as numerous different airlines, the assessed amount must be the summation of spills by each copermitttee. If separate, distinct individual permittees exist at the airport, then the amount spilled by each separate permittee must be the assessed amount for the reportable quantity determination.

C. *Storm water pollution prevention plan requirements.* Storm water pollution prevention plans developed for areas of the facility occupied by tenants of the airport shall be integrated with the plan for the entire airport. For the purposes of this permit, tenants of the airport facility include airline companies, fixed based operators and other parties which have contracts with the airport authority to conduct business operations on airport property which result in storm water discharges associated with industrial activity as described in 9 VAC 25-151-270 A. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. *Drainage.* A site map indicating the locations of the following activities where such activities are exposed to precipitation: aircraft and runway deicing/anti-icing operations; fueling stations; aircraft, ground vehicle and equipment maintenance and/or cleaning areas; and storage areas for aircraft, ground vehicles and equipment awaiting maintenance. The site map developed for the entire airport shall indicate the location of each tenant of the facility that conducts industrial activities as described in 9 VAC 25-151-270 A, and incorporate information from the tenants site map (including a description of industrial activities, significant materials exposed, and existing management practices).

b. *Risk identification and summary of potential pollutant sources.* A narrative description of the potential pollutant sources from the following activities: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing/anti-icing operations (including apron and centralized aircraft deicing/anti-icing stations, runways, taxiways and ramps); outdoor storage activities;

loading and unloading operations; and onsite waste disposal. Facilities which conduct deicing/anti-icing operations shall maintain a record of the types [including the Material Safety Data Sheets (MSDS)] and monthly quantities of deicing/anti-icing chemicals used. Tenants and fixed-base operators who conduct deicing/anti-icing operations shall provide the above information to the airport authority for inclusion in the storm water pollution prevention plan for the entire facility.

2. Measures and controls.

a. Good housekeeping.

(1) Aircraft, ground vehicle and equipment maintenance areas. Permittees should ensure the maintenance of equipment is conducted in designated areas only and clearly identify these areas on the ground and delineate them on the site map. The plan must describe measures that prevent or minimize the contamination of the storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangars). Management practices or equivalent measures such as performing maintenance activities indoors, maintaining an organized inventory of materials used in the maintenance areas, draining all parts of fluids prior to disposal, preventing the practice of hosing down the apron or hangar floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling should be considered.

(2) Aircraft, ground vehicle and equipment cleaning areas. Permittees should ensure that cleaning of equipment is conducted in designated areas only and clearly identify these areas on the ground and delineate them on the site map. The plan must describe measures that prevent or minimize the contamination of the storm water runoff from all areas used for aircraft, ground vehicle and equipment cleaning. Management practices such as performing cleaning operations indoors, and/or collecting the storm water runoff from the cleaning area and providing treatment or recycling should be considered.

(3) Aircraft, ground vehicle and equipment storage areas. The storage of aircraft, ground vehicles and equipment awaiting maintenance must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize the contamination of the storm water runoff from these areas. Management practices such as indoor storage of aircraft and ground vehicles, the use of drip pans for the collection of fluid leaks, and perimeter drains, dikes or berms surrounding storage areas should be considered.

(4) Material storage areas. Storage units of all materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) must be maintained in good condition, so as to prevent or minimize contamination of storm water, and plainly labeled (e.g., "used oil," "Contaminated Jet A," etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from storage areas. Management practices or equivalent measures such as indoor storage of materials, centralized storage areas for waste materials, and/or installation of berming and diking around storage areas should be considered for implementation.

(5) Airport fuel system and fueling areas. The plan must describe measures that prevent or minimize the discharge of fuels to the storm sewer resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Where the discharge of fuels into the storm sewer cannot be prevented, the plan shall indicate measures that will be employed to prevent or minimize the discharge of the contaminated runoff into receiving surface waters. Management practices or equivalent measures such as implementing spill and overflow practices (e.g., placing sorptive materials beneath aircraft during fueling operations), using dry cleanup methods, and/or collecting the storm water runoff should be considered.

b. Source reduction. Owners who conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations shall evaluate present operating procedures to consider alternative practices to reduce the overall amount of deicing/anti-icing chemicals used and/or lessen the environmental impact of the pollutant source.

(1) With regard to runway deicing operations, owners at a minimum, shall evaluate: present application rates to ensure against excessive over application; metered application of deicing chemical; prewetting dry chemical constituents prior to application; installation of runway ice detection systems; implementing anti-icing operations as a preventive measure against ice buildup; the use of substitute deicing compounds such as potassium acetate in lieu of ethylene glycol, propylene glycol and/or urea.

(2) In considering source reduction management practices for aircraft deicing operations, owners, at a minimum, should evaluate current application rates and practices to ensure against excessive over application, and consider pretreating aircraft with hot water prior to the application of a deicing chemical, thus reducing the overall amount of chemical used per operation.

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Source reduction measures that the owner determines to be reasonable and appropriate shall be implemented and maintained. The plan shall provide a narrative explanation of the options considered and the reasoning for whether or not to implement them.

c. *Management of runoff.* Owners that conduct aircraft and/or runway deicing/anti-icing operations shall also provide a narrative consideration of management practices to control or manage contaminated runoff from areas where deicing/anti-icing operations occur to reduce the amount of pollutants being discharged from the site. Structural controls such as establishing a centralized aircraft deicing facility, and/or collection of contaminated runoff for treatment or recycling should be considered. Collection and treatment alternatives include, but are not limited to, retention basins, detention basins with metered controlled release, Underground Storage Tanks (USTs) and/or disposal to Publicly Owned Treatment Works (POTW) by way of sanitary sewer or hauling tankers. Runoff management controls that the owner determines to be reasonable and appropriate shall be implemented and maintained. The plan should consider the recovery of deicing/anti-icing materials when these materials are applied during nonprecipitation events to prevent these materials from later becoming a source of storm water contamination. The plan shall provide a narrative explanation of the controls selected and the reasons for their selection.

d. *Inspections.* The inspection frequency shall be specified in the plan, but at a minimum be conducted once per month during deicing/anti-icing application periods for areas where deicing/anti-icing operations are being conducted.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.*

1. *Pollutant loading estimates.* During the period beginning on the effective date and lasting through the expiration date of this permit, airports that use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis shall prepare estimates for annual pollutant loadings resulting from discharges of spent deicing/anti-icing chemicals from the entire airport. The "average annual" usage rate of deicing/anti-icing chemicals is determined by averaging the cumulative amount of deicing/anti-icing chemicals used by all owners at the airport facility in the three previous calendar years. The loading estimates shall reflect the amounts of deicing/anti-icing chemicals discharged to separate storm sewer systems or surface waters, prior to and after implementation of the facility's storm water

pollution prevention plan. Such estimates shall be reviewed by an environmental professional, and certified by such professional. By means of the certification, the environmental professional, having examined the facility's deicing/anti-icing procedures, and proposed control measures described in the storm water pollution prevention plan, shall attest that the loading estimates have been accurately prepared. Certified loading estimates are to be retained at the airport facility and attached to the storm water pollution prevention plan.

2. *Analytical monitoring requirements.* Airports that use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis shall sample their storm water discharges for the parameters listed in Table 270. The alternative certification provision of 9 VAC 25-151-70 C 6 is not applicable to discharges covered under this section. Outfalls must be monitored for all parameters listed below.

Table 270.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
Total Kjeldahl Nitrogen (TKN)	1.5 mg/L
pH	6.0 to 9 s.u.

3. *Quarterly visual examination of storm water quality.* The requirement of 9 VAC 25-151-70 C 8 for quarterly visual examination of storm water quality is not applicable to discharges identified in 9 VAC 25-151-270 A.

9 VAC 25-151-280. Treatment works.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges from treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 9 VAC 25-31-730.

B. *Special conditions.* Prohibition of nonstorm water discharges. Prohibited nonstorm water discharges including sanitary and industrial wastewater, and equipment and vehicle washwaters are not authorized by this permit. The owners of such discharges must obtain coverage under a separate VPDES permit if discharged to surface waters or through a municipal separate storm sewer system.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. *Description of potential pollutant sources. Summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities associated with treatment works: access roads/rail lines; loading and unloading operations; outdoor storage activities; material handling sites; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., acid, bases, and solvents, etc.) of concern shall be identified.*

2. *Measures and controls.*

a. *Inspections. The following areas shall be included in all inspections: access roads/rail lines, equipment storage and maintenance areas (both indoor and outdoor areas); fueling; material handling areas, residual treatment, storage, and disposal areas; and wastewater treatment areas.*

b. *Employee training. The pollution prevention plan shall identify how often training will take place, but training should be held at least annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and control; fueling procedures; general good housekeeping practices; proper procedures for using fertilizers, herbicides and pesticides.*

c. *Nonstorm water discharges. For facilities that discharge vehicle and equipment washwaters to the sanitary sewer system, the operator of the sanitary system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan. If an industrial user permit is issued under a pretreatment program, a reference to that permit must be in the plan. These provisions do not apply if the discharger and the operator of the treatment works receiving the discharge are the same. In all cases, any permit conditions must be considered in the plan. If vehicle and equipment washwaters are handled in another manner (e.g., hauled offsite), the disposal method must be described and all pertinent documentation (e.g., frequency, volume, destination, etc.) must be attached to the plan.*

D. *Numeric effluent limitations. There are no numeric effluent limitations beyond those in 9 VAC 25-151-70 B.*

E. *Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).*

9 VAC 25-151-290. Food and kindred products facilities.

A. *Discharges covered under this section. This section covers all storm water discharges from food and kindred products processing facilities (commonly identified by Standard Industrial Classification (SIC) Code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21). Sources of storm water include industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residential treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas where raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purposes of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.*

B. *Special conditions. Prohibition of nonstorm water discharges. In addition to the requirement of 9 VAC 25-151-70 D 1, discharges of nonstorm water, including boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing/clean-out operations, to surface waters, or through municipal separate storm sewer systems, are not authorized by this permit. The owners of such discharges must obtain coverage under a separate VPDES wastewater discharge permit.*

C. *Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.*

1. *Description of potential pollutant sources.*

a. *Drainage. A site map indicating the locations of vents and stacks from cooking, drying, and similar operations, dry product vacuum transfer lines; animal holding pens; and spoiled product and broken product container storage areas.*

b. *Summary of potential pollutant sources. In addition to food and kindred products processing-related industrial activities, the plan must also describe application/storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides, and others) used on plant grounds, including a description of pest control application and chemical storage practices.*

2. *Measures and controls. Inspections. At a minimum, the following areas, where the potential for exposure to storm water exists, must be inspected: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from*

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industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Grain mill and fats and oils products facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 290-1 or 290-2.

Table 290-1.
Grain Mill Products Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L
Total Suspended Solids	100 mg/L

Table 290-2.
Fats and Oils Products Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Biochemical Oxygen Demand (BOD ⁵)	30 mg/L
Total Kjeldahl Nitrogen	1.5 mg/L
Nitrate Plus Nitrite Nitrogen	0.68 mg/L
Total Suspended Solids	100 mg/L

9 VAC 25-151-300. Textile mills, apparel, and other fabric product manufacturing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics; miscellaneous textiles, and other apparel products (generally described by SIC Codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC Major Group 31, except 3111).

B. Special conditions. Prohibition of nonstorm water discharges. In addition to the general prohibition of nonstorm waster discharges at 9 VAC 25-151-70 D 1, discharges of wastewater such as wastewater as a result of wet processing, wastewaters resulting from any processes relating to the production process, reused or recycled water,

and waters used in cooling towers are prohibited under this permit. Owners of such discharges to surface waters, must obtain coverage under a separate VPDES permit.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing, bonding carbonizing, carding, cut and sew operations, desizing, drawing, dyeing flocking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

2. Measures and controls.

a. Good housekeeping.

(1) Material storage areas. All stored and containerized materials (fuels, petroleum products, solvents, dyes, etc.) must be stored in a protected area, away from drains and clearly labeled. The plan must describe measures that prevent or minimize contamination of storm water runoff from such storage areas. The plan should specify which materials are stored indoors and must provide a description of the containment area or enclosure for those materials which are stored outdoors. Aboveground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the appropriated containment measures in place to prevent leaks and spills. The permittee may consider an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous substances. In the case of storage of empty chemical drums and containers, permittees should employ practices which ensure that barrels are clean and residuals are not subject to contact with storm water, such practices may include triple-rinsing containers. The discharge waters from such washings must be collected and disposed of properly.

(2) Material handling area. The plan must describe measures that prevent or minimize contamination of the storm water runoff from materials handling operations and areas. The permittee may consider the use of spill and overflow protection; covering fueling areas; covering and enclosing areas where the transfer of materials may occur. Where applicable, the plan must address the replacement or repair of leaking connections, valves, transfer lines and pipes that may carry chemicals, dyes, or wastewater.

(3) *Fueling areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee may consider covering the fueling area, using spill and overflow protection, minimizing runoff of storm water to the fueling area, using dry cleanup methods, and/or collecting the storm water runoff and providing treatment or recycling.

(4) *Aboveground storage tank areas.* The plan must describe measures that prevent or minimize contamination of the storm water runoff from aboveground storage tank areas. The permittee must consider storage tanks and their associated piping and valves. The permittee may consider: regular cleanup of these areas; preparation of a spill prevention control and countermeasure program; spill and overflow protection; minimizing runoff of storm water from adjacent areas; restricting access to the area; insertion of filters in adjacent catch basins; absorbent booms in unbermed fueling areas; use of dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

b. *Inspections.* Inspections shall include, but not be limited to, the following areas: all containment and storage areas, transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, all structural and nonstructural management practices.

c. *Employee training.* Employee training must, at a minimum address the following areas when applicable to a facility: use of reused/recycled waters; solvents management; proper disposal of dyes; proper disposal of petroleum products and spent lubricants; spill prevention and control; fueling procedures; and general good housekeeping practices. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. Copies of BMPs and any specific management plans, including emergency phone numbers, shall be posted in the work areas.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-310. Wood and metal furniture and fixture manufacturing facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activities from facilities involved in the manufacturing of: wood kitchen

cabinets (generally described by SIC Code 2434); household furniture (generally described by SIC Code 251); office furniture (generally described by SIC Code 252); public buildings and related furniture (generally described by SIC Code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC Code 254); and miscellaneous furniture and fixtures (generally described by SIC Code 259).

B. *Special conditions.* Prohibition of nonstorm water discharges. This section does not cover any discharge subject to process wastewater effluent limitation guidelines, including storm water that combines with process wastewater.

C. *Storm water pollution prevention plan requirements.* In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

Inspections. Inspections shall be conducted of the following: the integrity of storm water discharge diversions, conveyance systems, sediment control and collection systems, and containment structures; vegetative BMPs to determine if soil erosion has occurred; and material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated storm water. Information must be maintained onsite and include the inspection date and time and the name of personnel conducting the visual inspection. The pollution prevention plan must be updated based on the results of each inspection.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-320. Printing and publishing facilities.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the following types of facilities: newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711 through 2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, book binding and related work, and typesetting (SIC Codes 2761 through 2791); and plate making and related services (SIC Code 2796).

B. *Special conditions.* There are no additional special conditions beyond those found in 9 VAC 25-151-70 D.

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C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Good housekeeping.

a. Material storage areas. All stored and containerized materials (skids, pallets, solvents, bulk inks, and hazardous waste, empty drums, portable/mobile containers of plant debris, wood crates, steel racks, fuel oil, etc.) should be stored in a protected area, away from drains and properly labeled. The plan shall describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The plan should specify which materials are stored indoors and shall provide a description of the containment area or enclosure for those materials which are stored outdoors. The permittee may consider an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous substances. The permittee may consider indoor storage of the materials and/or installation of berming and diking of the area.

b. Material handling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from materials handling operations and areas (i.e., blanket wash, mixing solvents, loading/unloading materials). The permittee may consider the use of spill and overflow protection; covering fuel areas; covering and enclosing areas where the transfer of materials may occur. Where applicable, the plan must address the replacement or repair of leaking connections, valves, transfer lines and pipes that may carry chemicals, or wastewater.

c. Fueling areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee may consider covering the fueling area, using spill and overflow protection, minimizing runoff of storm water to the fueling area, using dry cleanup methods, and/or collecting the storm water runoff and providing treatment or recycling.

d. Aboveground storage tank areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from aboveground storage tanks and their associated piping and valves. The permittee may consider: regular cleanup of these areas; preparation of a spill prevention control and countermeasure program; spill and overflow protection; minimizing runoff of storm water from adjacent facilities and properties; restricting access to the area; insertion of filters in adjacent catch basins; absorbent booms in unbermed fueling areas; use of dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

2. Inspections. Inspections shall include, but are not limited to the following areas: all containment and material storage areas, fueling areas, loading and unloading areas, equipment cleaning areas.

3. Employee training. Employee training must, at a minimum, address the following areas when applicable to a facility: spent solvent management; spill prevention and control; used oil management; fueling procedures; and general good housekeeping practices.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-330. Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries.

A. Discharges covered under this section. The requirements listed under this section shall apply to all storm water discharges associated with industrial activity from rubber and miscellaneous plastic products manufacturing facilities (SIC Major Group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC Major Group 39, except 391).

B. Special conditions. Prohibition of nonstorm water discharges. Other than as provided in 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this section.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Measures and controls. Facilities subject to EPCRA § 313 should note the special requirements of 9 VAC 25-151-80 E 2. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

2. Special requirements for all rubber products manufacturers. All rubber products manufacturing facilities shall include specific measures and controls to minimize the discharge of zinc in their storm water discharges. The following possible sources of zinc shall be reviewed and the accompanying BMPs shall be included as appropriate in the storm water pollution prevention plan.

a. Inadequate housekeeping. All permittees shall review the handling and storage of zinc bags at their facilities and consider the following BMPs for the pollution prevention plan: employee training regarding the handling and storage of zinc bags, indoor storage of zinc bags, thorough cleanup of zinc spills without washing the zinc into the storm drain, and the use of

2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

b. Zinc in dumpsters. The following BMPs or equivalent measures shall be considered to reduce discharges of zinc from dumpsters: providing a cover for the dumpster; move the dumpster to an indoors location; or provide a lining for the dumpster.

c. Malfunctioning dust collectors or baghouses. Permittees shall review dust collectors and baghouses as possible sources in zinc in storm water runoff. Improperly operating dust collectors or baghouses shall be replaced or repaired as appropriate. The pollution prevention plan shall also provide for regular maintenance of these facilities.

d. Grinding operations. Permittees shall review dust generation from rubber grinding operations at their facility and, as appropriate, install a dust collection system.

e. Zinc stearate coating operations. Permittees shall include in the pollution prevention plan appropriate measures to prevent and/or clean up drips or spills of zinc stearate slurry which may be released to the storm drain. Alternate compounds to zinc stearate shall also be considered.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Rubber product manufacturing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 330.

Table 330.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-340. Leather tanning and finishing facilities.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges from the following activities: leather tanning, currying and finishing (commonly identified by Standard Industrial Classification (SIC) Code 3111). Discharges from facilities that make fertilizer solely from leather scraps and leather dust are also covered under this section.

B. Special conditions. There are no special conditions for this section beyond those in 9 VAC 25-151-70 D.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources.

a. Drainage. A site map indicating the locations of processing and storage areas for activities associated with beamhouse, tanyard, retan-wet finishing and dry finishing operations, and haul roads, access roads and rail spurs.

b. Risk identification and summary of potential pollutant sources. A narrative description of potential pollutant sources including but not limited to outdoor storage activities, including but not limited to: temporary or permanent storage of fresh and brine cured hides, chemical drums, bags, containers and aboveground tanks, leather dust, scraps, trimmings and shavings, spent solvents, extraneous hide substances and hair, and empty chemical containers and bags; floor sweepings and washings; and refuse and waste piles and sludge.

2. Measures and controls.

a. Good housekeeping.

(1) Storage areas for raw, semiprocessed, or finished tannery by-products. Pallets and/or bales of raw, semiprocessed or finished tannery by-products (e.g., splits, trimmings, shavings, etc.) should be stored indoors or protected by polyethylene wrapping, tarpaulins, roofed storage area or other suitable means. Materials should be placed on an impermeable surface, the area should be enclosed or bermed or other equivalent measures should be employed to prevent runoff and runoff of storm water.

(2) Material storage areas. Label storage units of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials). Maintain such containers and units in good condition. Describe measures that prevent or minimize contact with storm water. The facility must consider indoor storage, installation of berming and diking around the area, and/or other equivalent measures to prevent runoff and runoff of storm water.

(3) Buffing/shaving areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff with leather dust from buffing/shaving areas. The permittee may consider dust collection enclosures, preventive inspection/maintenance programs or other appropriate preventive measures.

(4) Receiving, unloading, and storage areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from receiving, unloading, and storage areas. Exposed receiving, unloading and storage areas for hides and chemical supplies should be protected by a suitable cover, diversion of drainage to the process sewer, grade berming or curbing area to

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prevent runoff of storm water or other appropriate preventive measures. Materials must be plainly labeled and maintained in good condition.

(5) Outdoor storage of contaminated equipment. The plan must describe measures that minimize contact of storm water with contaminated equipment. Equipment should be protected by suitable cover, diversion of drainage to the process sewer, thorough cleaning prior to storage or other appropriate preventive measures.

(6) Waste management. The plan must describe measures that prevent contamination of the storm water runoff from waste storage areas. The permittee may consider inspection/maintenance programs or other equivalent measures for leaking containers or spills, covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, and minimizing storm water runoff by enclosing the area or building berms around the area.

b. Inspections. The following areas shall be included in all inspections: leather processing areas, storage areas for chemicals, including but not limited to aboveground tanks, fueling areas, vehicle and equipment maintenance areas, material storage areas, loading and unloading areas, waste management areas and other potential sources of pollution for evidence of actual or potential discharges of contaminated storm water. Qualified personnel are required to conduct quarterly inspections of all Best Management Practices (BMPs). The inspections shall include an assessment of the effectiveness and need for maintenance of storm water roofing and covers, dikes and curbs, discharge diversions, sediment control and collection systems and all other BMPs.

c. Employee training. Employee training must, at a minimum, address the following areas when applicable to a facility: general good housekeeping practices, spill prevention and control, waste management, inspections, preventive maintenance, detection of nonstorm water discharges and other areas.

d. Recordkeeping and internal reporting procedures. The plan must address spills, monitoring, and BMP inspection and maintenance activities. BMPs which were ineffective must be reported and the date of their corrective action recorded. Employees must report incidents of leaking fluids to facility management and these reports must be incorporated into the plan.

e. Management of runoff. The plan shall consider management practices, such as berms for uncovered storage areas, uncovered loading and unloading areas, aboveground liquid storage and waste management areas. The installation of detention ponds must also be considered.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. Analytical monitoring requirements. Leather tanning and finishing facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table 340.

Table 340.
Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Kjeldahl Nitrogen	1.5 mg/L

9 VAC 25-151-350. Fabricated metal products industry.

A. Discharges covered under this section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC Major Group 34, and jewelry, silverware, and plated ware (SIC Code 391).

B. Special conditions. Prohibition of nonstorm water discharges. This permit does not authorize the discharge of process wastewater. Certain nonstorm discharges identified in 9 VAC 25-151-70 D 1 are authorized under this permit.

C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations for paints, chemicals and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cob, chemicals, scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, brazing, etc.; significant dust or particulate generating processes; and onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingots pieces, refuse and waste piles.

2. Measures and controls.

a. Good housekeeping. Permittees should address the following areas in the manner described.

(1) Raw steel handling storage. Include measures controlling or recovering scrap metals, fines, and iron dust, including measures for containing materials within storage handling areas.

(2) Paints and painting equipment. Consider control measures to prevent or minimize exposure of paint and painting equipment from exposure to storm water.

b. *Spill prevention and response procedures.* The following areas should be addressed in the manner described.

(1) *Metal fabricating areas.* Include measures for maintaining clean, dry, orderly conditions in these areas. Use of dry clean-up techniques should be considered in the plan.

(2) *Storage areas for raw metal.* Include measures to keep these areas free of conditions that could cause spills or leakage of materials. Storage areas should be maintained for easy access in case spill clean up is necessary. Stored materials should be able to be identified correctly and quickly.

(3) *Receiving, unloading, and storage areas.* Include measures to prevent spills and leaks; plan for quick remedial clean up and instruct employees on clean-up techniques and procedures.

(4) *Storage of equipment.* Include measures for preparing equipment for storage and the proper method to store equipment including protecting with covers, storing indoors. The plan should include clean-up measures for equipment that will be stored outdoors to remove potential pollutants.

(5) *Metal working fluid storage areas.* The plan should include measures that identify controls particularly for storage of metal working fluids.

(6) *Cleaners and rinse water.* The plan should include measures to control and cleanup spills of solvents and other liquid cleaners; control sand buildup and disbursement from sand-blasting operations, prevent exposure of recyclable wastes; and employ substitute cleaners when possible.

(7) *Lubricating oil and hydraulic fluid operations.* Consider using devices or monitoring equipment to detect and control leaks and overflows, including the installation of perimeter controls such as dikes, curbs, grass filter strips, or other equivalent measures.

(8) *Chemical storage areas.* Identify proper storage that prevents storm water contamination and prevents accidental spillage. The plan should include a program to inspect containers, and identify proper disposal and spill controls.

c. *Inspections.* Metal fabricators shall at a minimum include the following areas for inspection: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, fueling and maintenance areas, and waste management areas.

d. *Sediment and erosion control.* Metal fabricators must include in their plan measures to minimize erosion related to the high volume of traffic from heavy equipment for delivery to and from the facility and for

equipment operating at the facility on a daily basis such as forklifts, cranes, etc.

D. *Numeric effluent limitations.* There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. *Monitoring and reporting requirements.* Analytical monitoring requirements. Metal fabricating facilities are required to monitor their storm water discharges for the pollutants of concern listed in Tables 350-1 and 350-2. The monitoring requirements are subdivided into two classifications to determine pollutants of concern: (1) fabricated metal products except coating and (2) fabricated metal coating and engraving.

Table 350-1.
Monitoring Requirements for Fabricated Metal Products Except Coating.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Aluminum	750 mg/L
Total Recoverable Iron	1 mg/L
Total Recoverable Zinc	120 mg/L

Table 350-2.
Monitoring Requirements for Fabricated Metal Coating and Engraving.

Pollutants of Concern	Monitoring Cut-Off Concentration
Total Recoverable Zinc	120 mg/L

9 VAC 25-151-360. Facilities that manufacture transportation equipment, industrial, or commercial machinery.

A. *Discharges covered under this section.* The requirements listed under this section shall apply to storm water discharges associated with transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC Code 357, and SIC Major Group 37, except SIC Code 373). Sources of storm water associated with industrial activity include: industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

B. *Special conditions.* Prohibition of nonstorm water discharges. There are no additional requirements other than those in 9 VAC 25-151-70 D 1.

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C. Storm water pollution prevention plan requirements. In addition to the requirements of 9 VAC 25-151-80 D, the plan shall include, at a minimum, the following items.

1. Description of potential pollutant sources. Drainage. A site map indicating the locations of vents and stacks from metal processing and similar operations.

2. Measures and controls.

a. Inspections. At a minimum, the following areas, where the potential for exposure to storm water exists, must be inspected: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; and vents and stacks from industrial activities.

b. Employee training. Training should address topics such as spill response, good housekeeping, material management practices, unloading/loading practices, outdoor storage areas, waste management practices, proper handling procedures of hazardous waste, and improper connections to the storm sewer. At a minimum, this training should be provided annually.

c. Nonstorm water discharges. For facilities that discharge wastewater, other than solely domestic wastewater, to the sanitary sewer system, the permittee must notify the operator of the sanitary sewer and associated treatment works of its discharge. In such cases, a copy of a notification letter must be attached to the plan. Any specific permit conditions must be considered in the plan.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-370. Facilities that manufacture electronic and electrical equipment and components, photographic and optical goods.

A. Discharges covered under this section. The requirements listed under this section shall apply to all storm water discharges associated with industrial activity from facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC Major Group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC Major Group 38) and computer and office equipment (SIC Code 357).

B. Special conditions. Prohibition of nonstorm water discharges. Other than as provided in 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this permit.

C. Storm water pollution prevention plan requirements. The plan shall include, at a minimum, the requirements of 9 VAC 25-151-80 D.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-380. Nonclassified facilities.

A. Discharges covered under this section. The requirements of this section shall apply to all storm water discharges associated with industrial activity from facilities that: meet the definition of storm water associated with industrial activity as defined in 9 VAC 25-151-10, cannot be classified in another industrial sector of this permit (9 VAC 25-151-90 through 9 VAC 25-151-370), and are not excluded from permit coverage elsewhere in this permit; or the director has designated as needing a storm water permit under 9 VAC 25-31-120 A.

B. Special conditions. Prohibition of nonstorm water discharges. Other than as provided in 9 VAC 25-151-70 D 1, nonstorm water discharges are not authorized by this permit.

C. Storm water pollution prevention plan requirements. The plan shall include, at a minimum, the requirements of 9 VAC 25-151-80 D.

D. Numeric effluent limitations. There are no additional numeric effluent limitations beyond those described in 9 VAC 25-151-70 B.

E. Monitoring and reporting requirements. There are no additional monitoring requirements beyond those described in 9 VAC 25-151-70 C 8 (Quarterly visual examination of storm water quality).

9 VAC 25-151-390. Evaluation of chapter and petitions for reconsideration or revision.

A. Within three years after the effective date of this chapter, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter; (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner; (iii) an assessment of the effectiveness of this chapter; (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements; and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (a) continue this chapter without amendment, (b) repeal this chapter, or (c) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.

DOCUMENT INCORPORATED BY REFERENCE

Standard Industrialization Classification (SIC) Manual, 1987, Office of Management and Budget.

NOTICE: The forms used in administering 9 VAC 25-151-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 7/93).

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
PERMIT APPLICATION FEE

N: 10301

INSTRUCTIONS

Applicants for individual Virginia Pollutant Discharge Elimination System (VPDES), Virginia Pollution Abatement (VPA), Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Ground Water Withdrawal (GWW) Permits are required to pay permit application fees except farming operations engaged in production for market. Fees are also required for registration for coverage under General Permits except for the general permits for sewage treatment systems with discharges of 1,000 gallons per day (GPD) or less and for Corrective Action Plans for leaking underground storage tanks. Except for VWP permits, fees must be paid when applications for permit issuance, reissuance or modification are submitted. Applicants for VWP permits will be notified by the DEQ of the fee due. Applications will be considered incomplete if the proper fee is not paid and will not be processed until the fee is received.

The permit fee schedule can be found on the back of this form. Fees for permit issuance or reissuance and for permit modification are included. Once you have determined the fee for the type of application you are submitting, complete this form. The white and yellow copies of the form and your check or money order payable to "Commonwealth of Virginia--DEQ" should be mailed to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, VA 23240. The pink copy of the form and a copy of your check or money order should accompany the permit application. The gold copy is for your records. Please direct any questions regarding this form or fee payment to the DEQ Office to which you are submitting your application.

APPLICANT NAME: _____ SSN/FIN: _____

ADDRESS: _____ DAYTIME PHONE: (____) _____ Area Code _____

FACILITY/ACTIVITY NAME: _____

LOCATION: _____

TYPE OF PERMIT APPLIED FOR (from Fee Schedule): _____

TYPE OF ACTION: _____ New Issuance _____ Reissuance _____ Modification

AMOUNT OF FEE SUBMITTED (from Fee Schedule): _____

EXISTING PERMIT NUMBER (if applicable): _____

DEQ OFFICE TO WHICH APPLICATION SUBMITTED (check one)

Abingdon/SWRO Bridgewater/VRO Clintonsville/KO Prince William/NRO

Richmond/PRO Richmond/Headquarters Roanoke/WCRO Virginia Beach/TRO

FOR DEQ USE ONLY

Date: _____

DC #: _____

White and Yellow Copies - DEQ Accounting Office
Pink Copy - DEQ Regional or Permit Program Office
Gold Copy - Applicant

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TYPE OF PERMIT	ISSUANCE/ REISSUANCE	MODIFICATION
VPDES Industrial Major	\$8,000	\$4,000
VPDES Municipal Major	\$7,100	\$3,550
VPDES Municipal Storm Water	\$7,100	\$3,550
VPDES Industrial Minor, No Standard Limits	\$3,400	\$1,700
VPDES Industrial Minor, Standard Limits	\$2,200	\$1,100
VPDES Industrial Storm Water	\$2,400	\$1,200
VPDES Municipal Minor, 100,000 GPD or More	\$2,500	\$1,250
VPDES Municipal Minor, More than 10,000 GPD but Less than 100,000 GPD	\$2,000	\$1,000
VPDES Municipal Minor, More than 1,000 GPD but 10,000 GPD or Less	\$1,800	\$ 900
VPDES Municipal Minor, 1,000 GPD or Less	\$1,400	\$ 700
VPA Industrial Wastewater Operation	\$3,500	\$1,750
VPA Industrial Sludge Operation	\$2,500	\$1,250
VPA Municipal Wastewater Operation	\$4,500	\$2,250
VPA Municipal Sludge Operation	\$2,500	\$1,250
GWWS Initial Permit for an Existing Withdrawal	\$ 400	\$ 200
GWWS Permit for a New or Expanded Withdrawal	\$2,000	\$1,000
SWW Certificate for an Existing Withdrawal	\$2,000	\$1,000
SWW Permit for a New or Expanded Withdrawal	\$3,000	\$1,500

TYPE OF PERMIT	ISSUANCE/ REISSUANCE	MODIFICATION
VWP Category I Project	\$3,000	\$1,500
VWP Category II Project	\$2,100	\$1,050
VWP Category III Project	\$ 800	\$ 400
VWP Waiver	\$ 300	\$ 150

VA.R. Doc. No. R98-106; Filed July 28, 1998, 11:00 a.m.

Title of Regulation: 9 VAC 25-160-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities (REPEALING).

Statutory Authority: 62.1-44.15(10) of the Code of Virginia.

Public Hearing Date: September 24, 1998 - 10 a.m.
Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board proposes to repeal this general permit regulation for light manufacturing facility storm water discharges. The general permit expires on June 30, 1999, and dischargers that were previously authorized by it can apply for coverage under the board's proposed industrial storm water general permit, 9 VAC 25-151-10 et seq. Owners covered under the expiring general permits who wish to continue to discharge under a general permit must register for coverage under the new general permit.

VA.R. Doc. No. R98-107; Filed July 28, 1998, 10:57 a.m.

Title of Regulation: 9 VAC 25-170-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities (REPEALING).

Statutory Authority: 62.1-44.15(10) of the Code of Virginia.

Public Hearing Date: September 24, 1998 - 10 a.m.
Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board proposes to repeal this general permit regulation. The general permit expires on June 30, 1999, and dischargers that were previously authorized by it can apply for coverage under the board's proposed industrial storm water general permit, 9 VAC 25-151-10 et seq. Owners covered under the expiring general permits who wish to continue to discharge under a general permit must register for coverage under the new general permit.

VA.R. Doc. No. R98-108; Filed July 28, 1998, 10:56 a.m.

* * * * *

Title of Regulation: 9 VAC 25-180-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites Activities (amending 9 VAC 25-180-10, 9 VAC 25-180-20, 9 VAC 25-180-30, 9 VAC 25-180-40, 9 VAC 25-180-50, 9 VAC 25-180-60 and 9 VAC 25-180-70; adding 9 VAC 25-180-80).

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Public Hearing Date: September 24, 1998 - 10 a.m.

Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board proposes to adopt a general permit regulation that will authorize the discharge of storm water runoff from construction sites. The board currently has a general permit for construction runoff that expires on June 30, 1999. This regulatory action is proposed in order to reissue the general permit for an additional five years. Owners covered under the expiring general permits, who wish to continue to discharge under a general permit, must register for coverage under the new general permit. Under the proposed amendments, coverage under the new general permit will not be allowed where regulations require the issuance of an individual permit. The general permit will not be issued to facilities proposing to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges. Discharges will be allowed either directly to surface waters or to surface waters through a separate storm sewer system. The proposed amendments also establish minimum information requirements for all requests for coverage under the general permit.

This proposed general VPDES permit will regulate storm water contamination from construction activities that affect five acres or more. Storm water contamination will be controlled through the implementation of a storm water pollution prevention plan. Erosion and sediment control plans developed to meet local ordinances can be used to satisfy the pollution prevention plan requirements of the general permit where they contain the necessary elements. Pollution prevention plans must include a site description, site-specific erosion and sediment and storm water management controls, maintenance and inspections. The general permit only covers runoff discharges from the site during construction. Once soil disturbing activities at the site are finished, the site is to be stabilized and general permit coverage ceases.

CHAPTER 180.

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR STORM WATER DISCHARGES FROM CONSTRUCTION SITES ACTIVITIES.

9 VAC 25-180-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and ~~9 VAC 25-30-10~~ 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Commencement of construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Control measure" means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

~~"Department" means the Virginia Department of Environmental Quality.~~

~~"Director" means the Director of the Virginia Department of Environmental Quality or his designee.~~

~~"Final stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. one of the following situations has occurred:~~

1. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover equal to at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required).
2. For individual lots in residential construction, final stabilization can occur by either:
 - a. The homebuilder completing final stabilization as specified in subdivision 1 of this definition; or
 - b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot prior to occupation of the home by the

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homeowner, and informing the homeowner of the need for, and benefits of, final stabilization.

3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria specified in subdivision 1 or 2 of this definition.

~~"Industrial activity" means the following categories of facilities, which are considered to be engaging in "industrial activity":~~

~~1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (§§ 400-471) (except facilities with toxic pollutant effluent standards which are exempted under subdivision 11 of this definition);~~

~~2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);~~

~~3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Part 434.11(l) (1992) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner or operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, bonification, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);~~

~~4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.);~~

~~5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.);~~

~~6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 (OMB SIC Manual, 1987);~~

~~7. Steam electric power generating facilities, including coal handling sites;~~

~~8. Transportation facilities classified as SIC 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subdivisions 1 through 7 or 9 through 11 of this definition are associated with industrial activity;~~

~~9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved publicly owned treatment works (POTW) pretreatment program under the permit regulation. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act (33 USC 1251 et seq.);~~

~~10. Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;~~

~~11. Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987), and which are not otherwise included within subdivisions 2 through 10.~~

~~"Industrial activity" means construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.~~

~~"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage~~

systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a POTW.

"Operator" means, in the context of storm water associated with construction activity, any person associated with a construction project that meets either of the following two criteria: (i) the person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions).

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

"Permittee" means any owner operator whose construction site is covered under this general permit.

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

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

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under the permit regulation. For the categories of industries identified in subdivisions 1 through 10 of the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant

yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subdivision 11 of the "industrial activity" definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation); construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, fueling); or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

9 VAC 25-180-20. Purpose.

This general permit regulation governs storm water discharges from construction activities. For the purposes of this chapter, these discharges are defined as storm water discharges associated with industrial activity subdivision 10, construction activity, as industrial activity is defined in 9 VAC 25-180-10. Construction activities include, but are not limited to, clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale. Storm water discharges associated with other types of industrial activity subdivisions 1 through 9 and 11, as previously defined, shall not have coverage under this general permit. This general permit covers only discharges comprised solely of storm water from construction activities which result in the disturbance of five or more total acres of land area on a site provided that the discharge is through a point source to a surface water of the state or through a municipal or nonmunicipal separate storm sewer system to surface waters of the state. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization are not authorized by this permit.

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9 VAC 25-180-30. Delegation of authority.

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

9 VAC 25-180-40. Effective date of the permit.

This general permit will become effective on June 30, 1994 1999. This general permit will expire five years from June 30, 1994 1999. ~~Any covered owner is authorized to discharge under this general permit upon compliance with all the provisions of 9 VAC 25-180-50 and the receipt of this general permit. All construction sites covered under emergency regulation (9 VAC 25-180-10 et seq.) VPDES General Permit For Storm Water Discharges from Construction Sites, shall submit a complete registration statement in accordance with 9 VAC 25-180-60 and are authorized to discharge under this general permit upon expiration of the emergency regulation on June 29, 1994, and receipt of this general permit.~~

9 VAC 25-180-50. Authorization to discharge.

A. Any owner operator governed by this general permit is authorized by this to discharge to surface waters of the Commonwealth of Virginia provided that the owner operator files and receives acceptance, by the director, of the registration statement of 9 VAC 25-180-60 and any fees required by *Fees for Permits and Certificates* (9 VAC 25-20-10 et seq.), complies with the requirements of 9 VAC 25-180-70, and provided that:

1. The owner operator shall not have been required to obtain an individual permit as may be required in the permit regulation (9 VAC 25-30-10). ~~Currently permitted discharges may be authorized under this general permit after an existing permit expires provided that the existing permit did not establish numeric limitations for such discharges, according to 9 VAC 25-31-170 B;~~
2. The owner operator shall not be authorized by this general permit to discharge to state waters where specifically named in other board regulation regulations or policies which prohibit such discharges.;
3. The owner operator shall obtain the notification from the governing body of the county, city or town required by § 62.1-44.15:3 of the Code of Virginia. If the governing body fails to respond within 45 days following receipt of a written request by certified mail (return receipt requested), the owner may submit the return receipt (green card) to verify submittal of the request. *approval of an erosion and sediment control plan from the locality in which the construction activity is to occur or from another appropriate plan-approving authority authorized under the Erosion and Sediment Control Regulations, 4 VAC 50-30-10 et seq.;*
4. The director may deny coverage under this general permit to any owner whose storm water discharge to state water may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat. In such cases, an individual permit shall be

~~required. Storm water discharges which the director determines cause, may reasonably be expected to cause, or contribute to a violation of water quality standards are not covered by this permit; and~~

~~5. Storm water discharges from construction sites that are mixed with a storm water discharge from an industrial activity other than construction may be authorized by this permit where:~~

- (i) the industrial activity other than construction is located on the same site as the construction activity; and
- (ii) storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different VPDES general permit or individual permit authorizing such discharges. The owner shall obtain coverage under this VPDES general permit for the construction activity discharge and a VPDES general or individual permit for the industrial activity discharge.

~~The owner shall comply with the terms and requirements of each permit obtained that authorizes any component of the discharge. 5. The storm water discharge authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.~~

B. This permit may also be used to authorize storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located onsite or offsite provided that:

1. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
3. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

C. Support activities located offsite are not required to be covered under this general permit. Discharges of storm water from off-site support activities may be authorized under another VPDES permit. Where storm water discharges from off-site support activities are not authorized under this general permit, the land area of the off-site support activity

need not be included in determining the total land disturbance acreage of the industrial activity seeking general permit coverage.

D. Receipt of this general permit does not relieve any owner operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-180-60. Registration statement; notice of termination.

A. ~~The owner shall file a complete VPDES general permit registration statement for storm water discharges from construction activities. Any owner proposing a new discharge shall file the registration statement at least 14 days prior to the date planned for commencing the construction activity. Any owner of an existing construction activity covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the director of this intention at least 180 days prior to the expiration date of the individual VPDES permit and shall submit a complete registration statement 30 days prior to the expiration date of the individual VPDES permit. Any owner of an existing construction activity not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement within 30 days of the effective date of the general permit.~~

~~In addition to submitting the registration statement to the department, facilities which are operating under approved state or local sediment and erosion plans, grading plans, or storm water management plans shall submit signed copies of the registration statement to the state or local agency approving such plans in accordance with the deadlines above (or sooner where required by state or local rules).~~

A. *Deadlines for submitting registration statement.*

1. *Except as provided in subdivision 3 or 4 of this subsection, parties defined as operators must submit a registration statement in accordance with the requirements of this section at least two days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).*

2. *For storm water discharges from construction projects where the operator changes after a registration statement has been submitted, the new operator must submit a registration statement at least two days before assuming operational control over site specifications or commencing work onsite.*

3. *Operators of ongoing construction projects as of the effective date of this permit which were authorized to discharge under the previous construction storm water general permit issued in 1994 must:*

a. *Submit a registration statement within 90 days of the effective date of this permit. If the permittee is eligible to submit a notice of termination (e.g., construction is finished and final stabilization has been*

achieved) before the 90th day, a new registration statement is not required to be submitted;

b. *For the first 90 days from the effective date of this permit, comply with the terms and conditions of the 1994 construction storm water general permit they were previously authorized under; and*

c. *Update their storm water pollution prevention plan to comply with the requirements of this general permit within 90 days after the date of coverage under this permit.*

4. *Operators of ongoing construction projects as of the effective date of this permit which did not receive authorization to discharge for these projects under the 1994 construction storm water general permit but which propose to be covered by this general permit must:*

a. *Submit a registration statement; and*

b. *Prepare and comply with a storm water pollution prevention plan in accordance with the requirements of this general permit within 90 days after the date of coverage under this general permit.*

B. *Registration statement.* The owner operator shall submit a registration statement form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

1. Construction Site Owner

Name:

Mailing Address:

City: State: Zip Code:

Phone:

2. Location of Construction Site

Name:

Address:

City: State: Zip Code:

If street address unavailable:

Latitude... Longitude...

1. *Name, mailing address and telephone number of the construction activity operator.*

2. *Name and location of the construction activity and all off-site support activities to be covered under the permit. If a street address is unavailable, provide latitude and longitude.*

3. *Status (of the activity): federal, state, public, or private).*

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4. ~~Is~~ Statement indicating if storm water ~~run-off~~ runoff is discharged to a municipal separate storm sewer system (MS4)? Yes/No.

If yes, operator name of the MS4.

5. Receiving Name of the water body of ~~direct~~ receiving the discharge or municipal separate storm sewer system (e.g. Clear Creek or unnamed tributary to Clear Creek) from the construction activity or MS4.

6. ~~Other existing VPDES permit numbers.~~

7. 6. Project start date.

8. 7. Estimated project completion date area to be disturbed by construction activity (acres).

9. 8. Total land area of site development, if area to be disturbed by the construction activity is part of a larger common plan of development or sale (acres).

10. ~~Estimated area to be disturbed (acres).~~

11. ~~Has~~ 9. Statement indicating if a storm water pollution prevention plan has been prepared in accordance with the requirements of the VPDES General Permit for Storm Water Discharges from Construction Sites? Yes/No. If no, explain Activities.

12. ~~Brief description of construction activity.~~

13. ~~The owner must attach to this registration statement the notification (Local Government Ordinance Form) from the governing body of the county, city or town as required by § 62.1-44.15:3 of the Code of Virginia.~~

10. Statement indicating if an erosion and sediment control plan for the construction activity has been approved by an appropriate state or local plan-approving authority.

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

Print name:

Title:

Signature: Date:

For Department of Environmental Quality use only:

Accepted/Not accepted by: Date:

Basin: Stream Class: Section

Special standards

12. A signature on the registration statement in accordance with 9 VAC 25-31-110.

B- C. Notice of termination. When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated or where the owner operator of the construction site has changed, the owner operator of the facility shall submit a notice of termination within 30 days after final stabilization has been achieved or when he is no longer the owner operator. The owner operator shall submit a notice of termination form provided by the department which shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT NOTICE OF TERMINATION FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

1. VPDES storm water General Permit number:

2. Check here if you are no longer the owner of the site:

3. Check here if the construction site has undergone final stabilization and the storm water discharges from the construction site have been terminated:

4. Construction site owner.

Name:

Mailing address:

City: State: Zip Code:

Phone:

5. Location of construction site.

Name:

Address:

City: State: Zip Code:

If street address unavailable:

Latitude... Longitude...

1. Name, mailing address and telephone number of the construction activity operator.

2. Name and location of the construction activity. If a street address is unavailable, provide latitude and longitude.

3. The VPDES storm water general permit number.

4. A statement indicating which of these circumstances applies:

a. The operator of the site has changed; or

b. The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated.

6- 5. ~~The following certification: "I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time and that all storm water discharges associated with industrial activity from the identified facility construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the owner operator of the construction site activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with this general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner operator from liability for any violations of this permit under the Clean Water Act."~~

Print name:

Title:

Signature: Date:

For Department of Environmental Quality use only:

Accepted/Not accepted by: Date:

6. A signature on the notice of termination in accordance with 9 VAC 25-31-110.

9 VAC 25-180-70. General permit.

Any ~~owner operator~~ whose registration statement is accepted by the director ~~or his designee~~ will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES Permit Regulation, 9 VAC 25-31-10 et seq.

General Permit no.: ~~VAR4xxxx~~ VAR4

Effective Date:

Expiration Date:

GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION SITES ACTIVITIES AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW.

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to that, ~~owner operators~~ of construction ~~sites activities~~ (those sites or common plans of development or sale that will result in the disturbance of five or more acres total land area) with storm water discharges associated with industrial activity from these construction ~~sites activities~~ are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those ~~where specifically named in board regulation or policies which prohibit such discharges.~~

The authorized discharge shall be in accordance with this cover page, Part I ~~Effluent Limitations and Monitoring Requirements Discharge Authorization and Special Conditions~~, Part II ~~Monitoring and Reporting~~, Part III ~~Storm Water Pollution Prevention Plan~~ and Part IV ~~Management Requirements, III - Conditions Applicable To All VPDES Permits~~ as set forth ~~here herein~~.

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS.

A. ~~Storm water from construction sites.~~

~~1. During the period beginning with the date of coverage under this permit and lasting until the permit's expiration date, the permittee is authorized to discharge from point sources, storm water from construction sites.~~

~~Such discharges shall be limited and monitored by the permittee as specified below:~~

NO LIMITATIONS OR MONITORING REQUIRED

~~2. There shall be no discharge of floating solids or visible foam in other than trace amounts.~~

A. Coverage under this permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water associated with industrial activity.

2. This permit also authorizes storm water discharges from off-site support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:

a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;

b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

c. Appropriate controls and pollution prevention measures for the discharges from the support activity areas are identified in the storm water pollution prevention plan for the construction activity.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. Limitation on coverage.

1. Postconstruction discharges. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity

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site, has undergone final stabilization. Industrial postconstruction storm water discharges may need to be covered by a separate VPDES permit.

2. Discharges mixed with nonstorm water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition of nonstorm water discharges) and are in compliance with Part II D 5 (nonstorm water discharges).

3. Discharges covered by another permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III X.

C. *Commingled discharges.* Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. *Prohibition of nonstorm water discharges.*

1. Except as provided in Parts I A 2, I C and I D 2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II D 5 (nonstorm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources, including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning concentrate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. *Releases of hazardous substances or oil in excess of reportable quantities.* The discharge of hazardous substances or oil in the storm water discharges from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) or 40 CFR Part 302 (1998) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of Part III G as soon as he or she has knowledge of the discharge. In addition, the storm water pollution prevention plan required under Part II of this permit must be reviewed to identify

measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

F. *Spills.* This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. *Notice of termination.*

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a notice of termination that is signed in accordance with Part III K.

2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted. Coverage under the permit will be deemed terminated two days after the operator submits the notice of termination to the department.

PART II: MONITORING AND REPORTING.

A. ~~Sampling and analysis methods.~~

~~1. Samples and measurements taken if requested by the director shall be representative of the volume and nature of the monitored activity.~~

~~2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136).~~

~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~

~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements, in accordance with approved EPA and state protocols.~~

B. ~~Recording of results.~~ For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

~~1. The date, exact place and time of sampling or measurements;~~

~~2. The persons who performed the sampling or measurements;~~

~~3. The dates analyses were performed;~~

~~4. The persons who performed each analysis;~~

~~5. The analytical techniques or methods used; and~~

~~6. The results of such analyses and measurements.~~

~~7. The date and duration (in hours) of the storm events sampled;~~

~~8. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled run-off; and~~

~~9. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.~~

~~C. Records retention. All records and information resulting from the monitoring and inspection activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be made a part of the pollution prevention plan and shall be retained on-site or at the corporate office for three years from the date of the sample, measurement, report or application or until at least one year after coverage under this permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.~~

~~The permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of commencement of construction to the date of final stabilization.~~

~~D. Additional monitoring by permittee. If the permittee monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required by this permit. Such increased frequency shall also be reported.~~

~~E. Water quality monitoring. The director may require the permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutants on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the permit regulation.~~

~~The permittee shall obtain and report such information if requested by the director. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the director.~~

~~F. Reporting requirements.~~

~~1. The permittee shall submit any monitoring data collected during the term of the permit to the department upon reregistration for coverage under the general permit.~~

~~2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department as quickly as~~

~~possible upon discovery, at least the following information:~~

~~a. A description and cause of noncompliance;~~

~~b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and~~

~~c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~Whenever such noncompliance may adversely affect surface waters of the state or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on surface waters of the state has been reported.~~

~~3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter surface waters of the state. The permittee shall provide information specified in Part II F 2-a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided to the department within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

~~Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (vi) flooding or other acts of nature.~~

~~If the department's regional office cannot be reached, a 24-hour telephone service is maintained in Richmond (804) 527-5200 to which the report required above is to be made.~~

~~G. Signatory requirements. Any registration statement, report, certification, or Notice of Termination required by this permit shall be signed as follows:~~

~~1. Registration statement/notice of termination.~~

~~a. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures~~

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~~exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or an executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)~~

~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~

~~2. Reports. All reports required this permit and other information requested by the director shall be signed by:~~

~~a. One of the persons described in subdivision 1 a, b, or c of this subsection; or~~

~~b. A duly authorized representative of that person. A person is a duly authorized representative only if:~~

~~(1)The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection and submitted to the director; and~~

~~(2)The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of facility manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)~~

~~(3)If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the director prior to or together with any separate information, registration statement or notice of termination to be signed by an authorized representative.~~

~~3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."~~

~~H. Prohibition on non-storm water discharges. All discharges covered by this permit shall be composed entirely~~

~~of storm water except as provided in subdivisions 1 and 2 of this subsection.~~

~~1. Except as provided in subdivision 2 of this subsection, discharges of material other than storm water must be in compliance with a VPDES permit (other than this permit) issued for the discharge.~~

~~2. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part III D 5: discharges from fire fighting activities; fire hydrant flushing; waters used to wash vehicles or control dust in accordance with Part III D 2 c (2); potable water sources including waterline flushing; irrigation drainage; lawn watering, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents.~~

~~I. Releases in excess of reportable quantities:~~

~~1. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances or oil in the storm water discharge(s) from a construction site shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the site. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.~~

~~2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.~~

~~PART III //~~

~~STORM WATER POLLUTION PREVENTION PLANS.~~

~~A storm water pollution prevention plan shall be developed for the construction *activity* or site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance~~

with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, it shall have been approved by the locality in which the construction activity is to occur or by another appropriate plan-approving authority authorized under the Erosion and Sediment Control Regulations (4 VAC 50-30-10 et seq.). All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

A. Deadlines for plan preparation and compliance.

1. For construction activities that have begun on or before the effective date of this permit, the *storm water pollution prevention* plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the effective date of coverage under this permit.
2. For construction activities that have begun after the effective date of this permit, the plan shall be prepared prior to submittal of the registration statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.
3. For ongoing construction activity involving a change of ~~ownership of property covered by this general permit operator~~, the new ~~owner~~ operator shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and plan review.

1. The plan shall be signed in accordance with Part ~~II-G III K~~, and be retained *with a copy of this permit* on-site at the facility which generates the storm water discharge in accordance with Part ~~II-C (retention of records) III B~~ of this permit.
2. The permittee shall make plans available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system to the ~~operator of the municipal operator~~ of the system from the date of project initiation to the date of final stabilization. *Permittees with day-to-day*

operation control over plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the plan that is required to be kept onsite must be made available to the department for review at the time of an on-site inspection.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within seven days of such notification the permittee shall make the required changes and shall submit to the department a written certification that the requested changes have been made. *The director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.*

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the surface waters of the state and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 1 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. The plan shall be amended in accordance with Part III E to identify any new contractor that will implement a measure of the plan.

D. Contents of plan. The storm water pollution prevention plan shall include the following items:

1. Site description. Each plan shall provide a description of pollutant sources and other information as indicated:
 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, *utilities and infrastructure installation*);
 - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities; *including off-site borrow and fill areas covered by the plan.*
 - d. An estimate of the ~~run-off~~ runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
 - e. A description of existing vegetation at the site;

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f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.

g. The name of the receiving waters and the ultimate receiving waters, and areal extent of wetland acreage at the site.

h. A site map indicating:

(1) Drainage patterns and approximate slopes and contours anticipated after major grading activities;

(2) Areas of soil disturbance *and areas of the site which will not be disturbed*;

(3) The location of major structural and nonstructural controls identified in the plan;

(4) The location of areas where stabilization practices are expected to occur including the types of vegetative cover;

(5) Surface waters (including wetlands);

(6) Locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;

(7) Existing and planned paved areas and buildings;

(8) Locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed; ~~and~~

(9) *Locations of off-site material, waste, borrow or equipment storage areas covered by the plan; and*

~~(9)~~ (10) Locations of other potential pollution sources as described in Part II D 1 f ~~above~~.

i. *The location and description on any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit.*

Two site maps may be developed, one indicating preconstruction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented *to control pollutants in storm water discharges* at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary

perimeter controls will be removed after final stabilization.) The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1) *Short- and long-term goals and criteria.*

(a) *The construction-phase erosion and sediment controls shall be designed to retain sediment on site to the maximum extent practicable.*

(b) *All control measures must be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.*

(c) *If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in the street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).*

(d) *Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.*

(e) *Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).*

(f) *Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this permit are considered a part of the project and shall be addressed in the plan.*

~~(4)~~ (2) Stabilization practices. *The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.*

A record of the dates when major grading activities ~~will~~ occur, when construction activities temporarily

or permanently cease on a portion of the site, and when stabilization measures will be initiated shall be *maintained and* included in the plan.

Except as provided in Part III D 2 a (4 2) (a) and (b), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the 14th seventh day after construction activity temporary or permanently cease is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity will resume on a portion of the site within 21 days from when activities ceased (e.g., the total time period that construction activity is temporarily ceased is less than 21 days), then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of the site.

(2) (3) Structural practices. *The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit run-off runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section § 404 of the CWA.*

(a) For common drainage locations that serve an area with 40 three or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a

temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, smaller sediment basins or sediment traps, or both, should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve three or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(b) For drainage locations serving less than 40 three acres, smaller sediment basins or sediment traps or both should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all sideslope and downslope boundaries, and for those side slope boundaries deemed appropriate as dictated by individual site conditions, of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

b. Storm water management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed *must be included in the storm water pollution prevention plan.* Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section § 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees

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are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site. *Postconstruction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves need authorization under a separate VPDES permit.*

(1) Such practices may include, *but are not limited to:* storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of ~~run-off~~ runoff onsite; *storm water wetlands; sand filters; bioretention systems; water quality structures;* and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. Other controls.

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the state, except as authorized by a ~~Section~~ CWA § 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable state or local waste disposal, sanitary sewer or septic system regulations.

(4) *The plan shall include a description of construction and waste materials expected to be stored onsite with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and for spill prevention and response.*

(5) The plan shall include a description of pollutant sources from areas other than the permitted construction activity (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) that contribute to the permitted discharge.

d. ~~Approved state or local plans. An erosion and sediment control plan that is approved by state or local officials may be used to satisfy the requirements of this permit for the development of a pollution prevention plan if all the requirements of the pollution prevention plan are met by the erosion and sediment control plan. Any erosion and sediment control plans or storm water management plans approved by state or local officials shall be retained with the storm water pollution prevention plan prepared in accordance with this permit. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by state or local officials that are applicable to protecting surface water resources are, upon submittal of a registration statement to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, nonenforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.~~

(1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials.

(2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials for which the permittee receives written notice.

3. Maintenance. *The storm water pollution prevention plan must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II D 4 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated*

storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections. Qualified facility personnel shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every ~~seven~~ 14 calendar days and within 24 48 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally *or temporarily* stabilized *or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or frozen ground exists)* such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. *Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable.* Locations where vehicles enter or exit the site shall be inspected for evidence of ~~off-site~~ off-site sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part III D 1 of this permit and pollution prevention measures identified in the plan in accordance with Part III D 2 of this permit shall be revised as appropriate, but in no case later than seven calendar days following the inspection. ~~Such modifications shall provide for timely implementation of any changes to the plan within seven calendar days following the inspection.~~ *If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.*

c. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part III D 4 b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part II-C III B of this permit. *Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a*

particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part II-G III K of this permit.

5. ~~Non-storm~~ Nonstorm water discharges. Except for flows from fire fighting activities, sources of ~~non-storm~~ nonstorm water listed in Part II-H-2 I D 2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water components of the discharge.

E. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractors or subcontractors that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part III E 2 of this permit in accordance with Part II-G III K of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part III E 1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part II-G III K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

F. Notice of Termination.

~~1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee shall submit a notice of termination that is signed in accordance with Part II-G.~~

~~2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted and approved by the director. Coverage under the permit will be deemed terminated seven days after the date the notice of termination is signed.~~

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PART IV.

MANAGEMENT REQUIREMENTS.

A. Treatment works operation and quality control.

1. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.

c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.

B. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitations or conditions.

C. Duty to halt, reduce activity or to mitigate.

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

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Structural stability. The structural stability of any of the units or parts of the facilities here permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

E. Bypassing. Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited unless:

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the director may approve an anticipated bypass if:

a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage

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

b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision 1 of this subsection and in light of the information reasonably available to the permittee at the time of the bypass.

F. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or other appropriate requirements of the State Water Control Law not related to the activities authorized by this storm water general permit or under authority preserved by Section 510 of the Clean Water Act.

G. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

H. Severability. The provisions of this permit are severable.

I. Duty to reregister. If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 120 days before the expiration date of this permit.

J. Right of entry. The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management

~~activities, or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;~~

~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~

~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~

~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and~~

~~5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.~~

~~For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained here shall make an inspection time unreasonable during an emergency.~~

~~K. Transferability of Permits. This permit may be transferred to a new owner by a permittee if:~~

~~1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;~~

~~2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~

~~3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit. Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~

~~L. Public access to information. Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.~~

~~Claims of confidentiality for the following information will be denied:~~

~~1. The name and address of any permit applicant or permittee; and~~

~~2. Registration statements, permits, and effluent data.~~

~~Information required by the registration statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.~~

~~M. Permit modification. The permit may be modified when any of the following developments occur:~~

~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~

~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in~~

~~accordance with provisions of Section 307(a) of the Clean Water Act; or~~

~~3. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable water quality standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;~~

~~N. Permit termination.~~

~~After public notice and opportunity for a hearing, the general permit may be terminated for cause.~~

~~O. Permit modifications, revocations and reissuances, and termination.~~

~~This general permit may be modified, revoked and reissued, or terminated pursuant to the permit regulation and in accordance with Part IV M, IV N and IV P of this permit.~~

~~P. When an individual permit may be required. The director may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

~~1. The discharges are significant contributors of pollution.~~

~~2. Conditions at the operating facility change altering the constituents or characteristics or both of the discharge such that the discharge no longer qualifies for a general permit.~~

~~3. The discharge violates the terms or conditions of this permit.~~

~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.~~

~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.~~

~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

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~~This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for hearing.~~

~~Q. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to a permittee already covered by an individual permit, such owner may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.~~

~~R. Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.~~

~~S. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~T. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

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

PART III.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

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

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The

board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

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

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

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

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

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

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

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

3. The permittee shall report all instances of noncompliance not reported under Part III I 1 or 2 in writing at the time the next monitoring reports are

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submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leaving a recorded message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act which are applicable to such source; or

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

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

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

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

K. Signatory requirements.

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

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary,

treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

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

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

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

c. The written authorization is submitted to the department.

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

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry

of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

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

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

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

Q. *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related

appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

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

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

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

U. Bypass.

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

2. Notice.

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

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

3. Prohibition of bypass.

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

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

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate

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back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

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

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

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

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

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part III I; and

d. The permittee complied with any remedial measures required under Part III S.

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

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise

authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

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

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

a. The current permittee notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;

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

c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

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

9 VAC 25-180-80. Evaluation of chapter and petitions for reconsideration or revision.

A. Within three years after the effective date of this chapter, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter; (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less

intrusive manner; (iii) an assessment of the effectiveness of this chapter; (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements; and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter, or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.

NOTICE: The forms used in administering 9 VAC 25-180-10 et seq., Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Department of Environmental Quality Water Division Permit Application Fee (*eff. 7/93*).

~~Local Government Ordinance Form, Form SW-001 (*eff. 7/93*).~~

~~Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement for Storm Water Discharges from Construction Sites, Permit Number VAR4, SWGP-94-004-REG (*eff. 4/94*).~~

~~Virginia Pollutant Discharge Elimination System (VPDES) General Permit Notice of Termination for Storm Water Discharges from Construction Sites, Permit Number VAR4, SWGP-94-004-NOT (*eff. 4/94*).~~

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DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
PERMIT APPLICATION FEE

No. 10302

INSTRUCTIONS

Applicants for individual Virginia Pollutant Discharge Elimination System (VPDES), Virginia Pollution Abatement (VPA), Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Ground Water Withdrawal (GWW) Permits are required to pay permit application fees except farming operations engaged in production for market. Fees are also required for registration for coverage under General Permits except for the general permits for sewage treatment systems with discharges of 1,000 gallons per day (GPD) or less and for Corrective Action Plans for leaking underground storage tanks. Except for VWP permits, fees must be paid when applications for permit issuance, reissuance or modification are submitted. Applicants for VWP permits will be notified by the DEQ of the fee due. Applications will be considered incomplete if the proper fee is not paid and will not be processed until the fee is received.

The permit fee schedule can be found on the back of this form. Fees for permit issuance or reissuance and for permit modification are included. Once you have determined the fee for the type of application you are submitting, complete this form. The white and yellow copies of the form and your check or money order payable to "Commonwealth of Virginia-DEQ" should be mailed to the Department of Environmental Quality, Receipts Control, P.O. Box 101150, Richmond, VA 23240. The pink copy of the form and a copy of your check or money order should accompany the permit application. The gold copy is for your records. Please direct any questions regarding this form or fee payment to the DEQ Office to which you are submitting your application.

APPLICANT NAME: _____ SSN/FIN: _____

ADDRESS: _____ DAYTIME PHONE: (____) _____ Area Code _____

FACILITY/ACTIVITY NAME: _____

LOCATION: _____

TYPE OF PERMIT APPLIED FOR (from Fee Schedule): _____

TYPE OF ACTION: _____ New Issuance _____ Reissuance _____ Modification

AMOUNT OF FEE SUBMITTED (from Fee Schedule): _____

EXISTING PERMIT NUMBER (if applicable): _____

DEQ OFFICE TO WHICH APPLICATION SUBMITTED (check one)

- Abingdon/SWRO
- Richmond/PRO
- Bridgewater/VRO
- Richmond/Headquarters
- Kilmarnock/KO
- Roanoke/WCRO
- Prince William/NRO
- Virginia Beach/TRO

FOR DEQ USE ONLY
Date: _____
DC #: _____

White and Yellow Copies - DEQ Accounting Office
Pink Copy - DEQ Regional or Permit Program Office
Gold Copy - Applicant

FEE SCHEDULE--APPLICATIONS FOR INDIVIDUAL PERMITS EXCEPT FOR VIRGINIA WATER PROTECTION PERMITS (DUE WITH SUBMISSION OF APPLICATION)

TYPE OF PERMIT	ISSUANCE/ REISSUANCE	MODIFICATION
VPDES Industrial Major	\$8,000	\$4,000
VPDES Municipal Major	\$7,100	\$3,550
VPDES Municipal Storm Water	\$7,100	\$3,550
VPDES Industrial Minor, No Standard Limits	\$3,400	\$1,700
VPDES Industrial Minor, Standard Limits	\$2,200	\$1,100
VPDES Industrial Storm Water	\$2,400	\$1,200
VPDES Municipal Minor, 100,000 GPD or More	\$2,500	\$1,250
VPDES Municipal Minor, More than 10,000 GPD but Less than 100,000 GPD	\$2,000	\$1,000
VPDES Municipal Minor, More than 1,000 GPD but 10,000 GPD or Less	\$1,800	\$ 900
VPDES Municipal Minor, 1,000 GPD or Less	\$1,400	\$ 700
VPA Industrial Wastewater Operation	\$3,500	\$1,750
VPA Industrial Sludge Operation	\$2,500	\$1,250
VPA Municipal Wastewater Operation	\$4,500	\$2,250
VPA Municipal Sludge Operation	\$2,500	\$1,250
GWV Initial Permit for an Existing Withdrawal	\$ 400	\$ 200
GWV Permit for a New or Expanded Withdrawal	\$2,000	\$1,000
SWW Certificate for an Existing Withdrawal	\$2,000	\$1,000
SWW Permit for a New or Expanded Withdrawal	\$3,000	\$1,500

FEE SCHEDULE--APPLICATIONS FOR INDIVIDUAL VIRGINIA WATER PROTECTION PERMITS (APPLICANT WILL BE NOTIFIED OF FEE DUE BY DEQ)

TYPE OF PERMIT	ISSUANCE/ REISSUANCE	MODIFICATION
VWP Category I Project	\$3,000	\$1,500
VWP Category II Project	\$2,100	\$1,050
VWP Category III Project	\$ 800	\$ 400
VWP Waiver	\$ 300	\$ 150

FEE SCHEDULE--REGISTRATION FOR GENERAL PERMIT COVERAGE

The maximum fee for registration for general permit coverage is \$200. The specific amount of the fee depends on the amount of time the general permit will remain in effect. Please contact the DEQ Office to which registration materials are to be submitted for assistance in determining the amount of the fee due.

TITLE 12. HEALTH

**STATE MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES BOARD**

Title of Regulation: 12 VAC 35-210-10 et seq.
**Certification of the Qualifications of Providers of
Behavior Consultation Services.**

Statutory Authority: §§ 37.1-10 and 37.1-182.2 of the Code
of Virginia.

Public Hearing Date: N/A -- Public comments may be
submitted until October 26, 1998.

(See Calendar of Events section
for additional information)

Basis: The proposed regulation is promulgated pursuant to
§ 37.1-10 of the Code of Virginia, which gives the Virginia
Mental Health, Mental Retardation and Substance Abuse
Services Board the authority to make, adopt, and promulgate
such rules and regulations as may be necessary to carry out
the provisions of laws of the Commonwealth administered by
the commissioner or the department.

Section 37.1-182.2 of the Code of Virginia grants the
department the authority, subject to regulations promulgated
by the State Mental Health, Mental Retardation and
Substance Abuse Services Board, to certify the qualification
of individuals who provide therapeutic consultation in
behavior analysis for Medicaid reimbursement under the
Mental Retardation Home and Community-Based Waiver.

Purpose: The proposed regulation establishes minimum
qualifications that will help ensure that behavior consultants
possess the knowledge, skills, and abilities necessary to
offer consultative activities to improve the lives of disabled
persons and their families. The regulation also will increase
the number of available providers of behavior consultation,
which will give families, schools, and other caregivers
greater access to this valuable resource.

Substance: The proposed regulation will serve the following
functions:

1. To establish the minimum knowledge, skills, and
abilities that an individual must possess, through
education or experience, to perform the functions of a
behavior consultant;
2. To establish a mechanism that will allow the
department to assess the qualifications of all individuals
who seek to provide behavior consultation for Medicaid
reimbursement; and
3. To establish a mechanism to revoke the
department's approval and certification of providers who
fail to maintain the standards set forth under this
regulation.

Issues: The major advantage of the proposed regulation to
the public, particularly families of persons with mental
retardation, is that it will increase the number of qualified
providers who are eligible for Medicaid reimbursement for

the provision of behavior consultation services. Increasing
the availability of behavior consultation services will give
families, schools, and other care givers greater access to
this valuable resource, which can improve the lives of
persons with disabilities and their families.

The advantage of the proposed regulation to providers is that
it will not restrict the practice of behavior consultation to any
one professional group. Any provider, irrespective of his
professional affiliation or licensure status, who demonstrates
the knowledge, skills and abilities to provide behavior
consultation services may be eligible for Medicaid
reimbursement.

The disadvantage of the proposed regulation is that it is
limited to certifying to DMAS the qualification of providers of
behavior consultation services seeking Medicaid
reimbursement. The regulation does not establish a
professional certification mechanism, which would certify the
competencies of all providers of behavior consultation
services, irrespective of payor.

Department of Planning and Budget's Economic Impact
Analysis: The Department of Planning and Budget (DPB)
has analyzed the economic impact of this proposed
regulation in accordance with § 9-6.14:7.1 G of the
Administrative Process Act and Executive Order Number 13
(94). Section 9-6.14:7.1 G requires that such economic
impact analyses include, but need not be limited to, the
projected number of businesses or other entities to whom the
regulation would apply, the identity of any localities and
types of businesses or other entities particularly affected, the
projected number of persons and employment positions to
be affected, the projected costs to affected businesses or
entities to implement or comply with the regulation, and the
impact on the use and value of private property. The
analysis presented below represents DPB's best estimate of
these economic impacts.

Summary of the proposed regulation. The proposed
regulation defines the specific knowledge, skills, and abilities
that entry-level mental retardation behavior consultants must
have to qualify for Medicaid reimbursement for mental
retardation waiver services. Specifically, the proposal
includes the following:

1. Certification requirements,
2. Application, revocation, and reinstatement
procedures,
3. Requirements that providers allow inspection of
records to ensure regulatory compliance, and
4. Notification that all certified behavior consultants
are subject to the department's human rights
regulations.

Estimated economic impact. Families caring for children
with disabilities require a variety of types of support to help
them cope with the special problems that their children
present. One of the most critical problems is teaching their
children positive behaviors and dealing with problem
behaviors. The presence or absence of problem behaviors is

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cited as the most significant difference between children whose families choose to keep them at home and those who are institutionalized.

Behavior consultants are a group of professionals with specialized skills in the areas of behavior analysis, behavior intervention programs, strategies to reduce problem behaviors, and in the training of others (e.g., families, day care staff, teachers) to implement such strategies. These skills require an in-depth understanding of human development, the causes and characteristics of mental retardation, and the personal, family, and social dynamics of disabilities. The goal of behavior consultation is to enable families and other caregivers to teach and promote positive behaviors and reduce serious problem behaviors that may jeopardize the living situation of a person with a mental disability.

The functions of a behavior consultant are not within the exclusive domain of any one professional group. Currently, licensed clinical psychologists are the only individuals who have, as a part of their licensure requirements, the demonstrated educational preparation and competence to perform behavior consultation. But there are few licensed clinical psychologists relative to other human service professionals, especially in rural areas, and the reimbursement paid by Medicaid for behavior consultation services is not enough to attract such highly skilled professionals into the provider pool.

On the other hand, many other individuals, such as social workers and professional counselors, especially those employed in the field of mental retardation, may have the appropriate training and experience to perform behavior consultation. The problem is that these competencies are not recognized by their professional organizations, or the individual may not even be eligible for licensure in their respective field (e.g., psychologists must have a Ph.D. as a minimum requirement for licensure).

Given the nature of behavior consultation, the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) has determined that the knowledge, training, and skills of a licensed clinical psychologist are not required. The proposed regulation establishes a mechanism to review and certify to the Department of Medical Assistance Services (DMAS) the qualifications of those individuals who, irrespective of their professional affiliation or licensure status, have the knowledge, skills, and abilities to provide behavior consultation.

This proposal will increase the number of providers of behavior consultation services who are eligible to receive Medicaid reimbursement without compromising the quality of services provided. This increase will be beneficial for both individuals with mental retardation and their families by providing training and technical assistance to enable people with mental retardation to remain with their families and help those families stay together.

Since there are not expected to be any costs associated with this proposal (i.e., regulatory compliance costs or loss of quality of services provided), this regulation is most likely to

result in a net economic benefit for persons with mental disabilities, their families, and their communities.

Businesses and entities affected. There are currently approximately 2,100 licensed clinical psychologists in Virginia. The proposed regulation will affect those individuals and all future applicants who desire to provide behavior consultation services.

Localities particularly affected. The proposed regulation is not expected to disproportionately affect any particular localities.

Projected impact on employment. Although the proposed regulation is expected to increase the number of individuals certified to provide behavior consultation services, it is not likely to cause a significant increase in overall employment in the human service fields.

Effects on the use and value of private property. The proposed regulation is not expected to have any significant effect on the use and value of private property.

Summary of analysis. The proposed regulation establishes a mechanism to review and certify to DMAS the qualifications of those individuals who, irrespective of their professional affiliation or licensure status, have the knowledge, skills, and abilities to provide behavior consultation. By increasing the number of providers of behavior consultation services who are eligible to receive Medicaid reimbursement without compromising the quality of services provided, this proposal will result in a net economic gain.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulation concerning Certification of the Qualifications of Providers of Behavior Consultation Services.

Summary:

The regulation defines the specific knowledge, skills, and abilities that mental retardation behavior consultants must have at entry level for Medicaid reimbursement for mental retardation waiver services. The regulation further defines who is subject to certification, the application procedure, the conditions under which a certification can be revoked and subsequently reinstated, provider agreement to inspection of records to ensure compliance with this regulation, and notification that all certified behavior consultants are subject to the department's human rights regulation.

CHAPTER 210.

CERTIFICATION OF THE QUALIFICATIONS OF PROVIDERS OF BEHAVIOR CONSULTATION SERVICES.

12 VAC 35-210-10. Definitions.

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

“Behavior consultation” means consultative activities in the areas of behavior analysis, positive intervention programs, and support strategies to teach alternative behaviors, which will help reduce serious challenging behavior patterns. Consultative activities include performing functional assessments of problem behaviors, designing behavior and support strategies, and providing training and technical assistance to enable family members and other care givers to teach alternative behaviors.

“Behavior consultation provider” means an individual who meets the qualifications set forth in 12 VAC 35-210-30 and whose qualifications have been certified to DMAS by the department.

“Behavior Consultation Review Team” means a team established by the department to assess the applications and supporting materials of applicants seeking certification to DMAS of their qualifications to provide behavior consultation. The Behavior Consultation Review Team includes department staff and individuals who the department has certified to DMAS as having the knowledge, skills, and abilities to provide behavior consultation.

“Board” means the State Mental Health, Mental Retardation and Substance Abuse Services Board.

“Commissioner” means the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.

“DMAS” means the Department of Medical Assistance Services.

“DMAS participation agreement” means an agreement between a provider and DMAS that allows the provider to bill DMAS for Medicaid-reimbursed services under the Mental Retardation Home and Community-Based Waiver Program.

“Department” means the Department of Mental Health, Mental Retardation and Substance Abuse Services.

“Medicaid waiver” means the Mental Retardation Home and Community-Based Waiver, which waives certain provisions of the Social Security Act and enables the provision of mental retardation services under §§ 1915(c), 1902(a)(10)B, and 1902(a)(10)(c)(iii) of the Social Security Act.

“Mental retardation” means substantial subaverage general intellectual functioning, which originates during the developmental period and is associated with impairment in adaptive behavior.

“Provider” means an individual who provides behavior consultation services to persons with mental retardation enrolled in the Medicaid waiver program.

12 VAC 35-210-20. Providers subject to certification.

No provider shall be eligible for reimbursement for behavior consultation services under the Medicaid waiver without the department’s approval and certification of the individual’s qualifications to DMAS.

12 VAC 35-210-30. Provider qualifications.

A. An individual seeking certification of qualifications in behavior consultation to DMAS must possess the applicable training and experience, which indicates that the individual possesses the knowledge, skills, and abilities established by the department to provide behavior consultation services under the Medicaid waiver.

B. The application and supporting materials must document that the individual meets the following minimum education and experience requirements:

1. A bachelor’s degree in a human services field including, but not limited to: psychology, sociology, social work, special education, or rehabilitation counseling;
2. At least one year of documented work experience in mental retardation services performing functional analysis of behavior, developing positive behavior support strategies, developing written behavior support plans, or training care givers in implementation of behavior support interventions; and
3. Completion of a minimum of 40 clock hours of formal training in the techniques of behavior analysis, behavior intervention, and positive behavioral support.

C. The application and supporting materials must document the following knowledge, skills, and abilities:

1. Knowledge of:
 - a. Human development, including physical, psychological, and social domains;
 - b. Causes and characteristics of mental retardation and developmental disabilities;
 - c. Personal, family, and social dynamics of disability;
 - d. Person-centered planning and service delivery;
 - e. Functional analysis of behavior, including observation, documentation, functional assessment, and interpretation of behavior;
 - f. Behavior intervention and positive behavior supports technology;
 - g. Relevant human rights regulations, policies, and procedures; and
 - h. Nontypical communication strategies used by individuals with disabilities.

2. Skills in:

- a. Performing functional assessments of problem behaviors;
- b. Collecting, analyzing, and interpreting behavioral data and teaching these skills to others;
- c. Designing written behavior plans and support strategies that are practical and effective;
- d. Demonstrating and teaching others to implement specific behavior intervention techniques and support strategies;

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- e. Identifying and recommending environmental and program adjustments to promote positive behaviors; and
 - f. Designing, implementing, and teaching others to implement crisis stabilization activities.
3. Abilities to:
- a. Communicate effectively, verbally and in writing;
 - b. Work independently, performing duties without supervision;
 - c. Develop and maintain effective interpersonal relationships; and
 - d. Demonstrate positive regard and respect for consumers and their families (e.g., treating consumers as individuals).

12 VAC 35-210-40. Application.

A. Each individual who desires to provide behavior consultation under the Medicaid waiver must request the department's approval and certification to DMAS of the individual's qualifications. This requires submission of:

- 1. A completed application and supporting documentation.
- 2. A current resume.
- 3. Two professional references, one of which must be completed by an individual who supervised the applicant in the performance of functional analysis of behavior, developing positive behavior support strategies, developing written behavior support plans, or training care givers to implement behavior support interventions.

These materials should be submitted to:

Commissioner
Department of Mental Health, Mental Retardation and
Substance Abuse Services
P.O. Box 1797
Richmond, Virginia 23218

B. Each applicant's application and supporting documentation will be assessed independently by two members of the Behavior Consultation Review Team to determine if the applicant meets the requirements set forth in 12 VAC 35-210-30. The applicant will be notified in writing of the determination of the Behavior Consultation Review Team within 30 working days after submission of the completed application and all required supporting materials by the applicant.

C. If the applicant is approved, the department will submit a letter of certification to DMAS that the applicant has received approval to provide behavior consultation under the Medicaid waiver.

D. If the applicant is not approved, the applicant may appeal the determination of the Behavior Consultation Review Team by submitting a written request for reconsideration of the application to the commissioner. The written request must be submitted within 30 days of the date

of the notification letter. The commissioner will render a final decision within 30 days after receipt of the request for reconsideration.

12 VAC 35-210-50. Issuance of certification and recertification.

The department will issue notification of approval to individuals who have fulfilled conditions listed in 12 VAC 35-210-30 and will certify in writing to DMAS that these individuals presented documented evidence of their qualifications to provide behavior consultation for reimbursement under the Medicaid waiver. This approval and certification will extend for the duration of the term for the corresponding DMAS participation agreement.

Individuals seeking recertification of their qualifications to DMAS must demonstrate that they have maintained their knowledge, skills and abilities, as established in this chapter, through the active provision of behavior consultation and relevant professional development activities. Providers will be notified of specific procedures for reapproval and recertification of qualifications to DMAS.

12 VAC 35-210-60. Certification revoked.

The approval and certification of qualifications to DMAS may be revoked if a provider of behavior consultation services submitted false or misrepresentative information regarding qualifications. If approval and the certification of qualifications to DMAS are revoked or refused as provided in this section, a new application for approval and certification to DMAS may be considered by the commissioner when the conditions upon which such action was based have been corrected and satisfactory evidence of this fact has been furnished to the commissioner.

12 VAC 35-210-70. Inspections.

Each applicant or approved provider agrees, as a condition of application or certification of qualifications to DMAS, to permit properly designated representatives of the department or DMAS to examine records, including employee personnel records, to verify information contained in the application.

12 VAC 35-210-80. Human rights.

All providers of behavior consultation under the Medicaid waiver are subject to the department's applicable human rights regulations.

<p>NOTICE: The forms used in administering 12 VAC 35-210-10 et seq., Certification of the Qualifications of Providers of Behavior Consultation Services, are listed below and are published following the listing.</p>

FORMS

Application for Certification of Qualifications in Behavior Consultation (eff. 8/98).

Professional Reference (eff. 8/98).

**APPLICATION FOR CERTIFICATION OF QUALIFICATIONS
IN BEHAVIOR CONSULTATION**

PLEASE TYPE OR PRINT

I. GENERAL INFORMATION		
Name (Last, First, MI)	Social Security Number	Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)	Home Telephone Number	
Business Name & Address	Business Telephone Number	

II. EDUCATION				
Educational Institution	Dates Attended	Major and/or Concentration	Degree Received	Date Degree Received
	From: To:			
	From: To:			

III. OTHER FORMAL TRAINING IN TECHNIQUES OF BEHAVIOR ANALYSIS, BEHAVIOR INTERVENTION, AND POSITIVE BEHAVIORAL SUPPORT			
Course/Title & Content	Instructor	Date(s)	Number of clock hours

Applicants must submit official transcripts from listed degree granting institution. Documentation verifying completion of other formal training must include copy of the course/training outline and certificate or other documentation of attendance.

**Behavior Consultation Application
Page 2**

III. WORK EXPERIENCE

For each of the following, describe relevant work experience, including duties performed, places and dates of employment (attach additional sheet(s), if necessary):

- A. Experience working with individuals who have mental retardation/developmental disabilities.
- B. Experience performing behavior assessment and functional analysis of behavior.
- C. Experience with data collection, analysis, and interpretation.
- D. Experience providing training and consultation
- E. Experience in program design and implementation

I hereby apply for certification of my qualifications to provide behavior consultation services. I declare that all information contained in this application and supporting materials is true and correct.

Signature _____ Date _____

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Department of Mental Health, Mental Retardation and Substance Abuse Services

PROFESSIONAL REFERENCE

_____ has applied to become a provider of Behavior Consultation services under the MR Community Waiver. Based on your professional experience with this individual, please check the following to indicate your assessment of his/her skills in the listed areas.

1. Performing functional analysis of behavior. _____ Acceptable _____ Unacceptable _____ Unknown
2. Developing positive behavior support strategies. _____ Acceptable _____ Unacceptable _____ Unknown
3. Developing written behavior support plans. _____ Acceptable _____ Unacceptable _____ Unknown
4. Training care givers to implement behavior support interventions. _____ Acceptable _____ Unacceptable _____ Unknown

In what capacity do you know the applicant? _____

Other comments regarding the applicant's knowledge, skills, and abilities to provide behavior consultation services: _____

Name: _____
 Title: _____
 Address: _____
 Telephone: _____

MR Waiver Behavior Consultation Provider? Yes _____ No _____

Signature _____ Date _____

8/98

VA.R. Doc. No. R98-39; Filed July 29, 1998, 11:24 a.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Division of Public Utility Accounting

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

The PUA Mailing List that is referenced as Exhibit A in the following order is not being published. However, this list is available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or it may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 20 VAC 5-201-10 et seq. Rules Governing Applications Filed Pursuant to Chapter 4 of Title 56 of the Code of Virginia (Affiliates Act).

Statutory Authority: §§ 12.1-13, 12.1-28 and 56-87 of the Code of Virginia.

AT RICHMOND, JULY 21, 1998

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUA980020

Ex Parte: In the matter of adopting rules governing the filing of applications for approval pursuant to Chapter 4 of Title 56 of the Code of Virginia

ORDER PRESCRIBING NOTICE AND INVITING COMMENTS

In order to carry out the provisions of Chapter 4 of Title 56 of the Code of Virginia ("Affiliates Act"), the Commission, pursuant to §§ 12.1-28 and 56-87 of the Code of Virginia ("Code"), is considering adopting Rules Governing

Applications Filed Pursuant to Chapter 4 of Title 56 of the Code of Virginia ("Rules"). The draft Rules are attached hereto as Attachment A.

The Commission, pursuant to its statutory authority under § 12.1-28 of the Code, will require that notice be given of the proposed rulemaking and that interested persons with objections be provided with an opportunity to present evidence and be heard. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUA980020.

(2) On or before August 20, 1998, the Division of Public Utility Accounting shall complete publication of the following notice to be published as a classified advertisement in major newspapers of general circulation throughout the Commonwealth:

NOTICE OF PROPOSED RULES GOVERNING
AFFILIATES ACT APPLICATIONS
CASE NO. PUA980020

The State Corporation Commission is considering adopting rules governing applications filed pursuant to Chapter 4 of Title 56 of the Code of Virginia ("Affiliates Act"). The proposed rules are attached to the Commission Order Prescribing Notice and Inviting Comments in the above referenced proceeding.

The Commission's Order together with the proposed rules may be reviewed by the public at the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, Monday through Friday, 8:15 a.m. to 5:00 p.m. Copies may be requested by writing the Division of Public Utility Accounting at P.O. Box 1197, Richmond, Virginia 23218, or by calling (804) 371-9950.

Interested persons shall submit an original and five (5) copies of written comments or any requests for hearing concerning the proposed procedural rules on or before September 21, 1998. All comments and requests shall be filed with William J. Bridge, Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUA980020. Interested persons may contact the Division of Public Utility Accounting at (804) 371-9950 to obtain more information about the proposed procedural rules.

If no requests for hearing on the proposed rules are received, the Commission may act upon them, together with any filed comments, without a hearing. Interested persons are advised that, after considering any comments filed herein and after any other proceeding as

the Commission may direct, the Commission may adopt, reject, or alter the proposed rules in whole or in part.

VIRGINIA STATE CORPORATION COMMISSION

(3) On or before July 31, 1998, a copy of this Order and Attachment shall be made available for public inspection in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5:00 p.m., Monday through Friday. Interested persons may also request a copy by writing the Division of Public Utility Accounting, P.O. Box 1197, Richmond, Virginia 23218, or by calling (804) 371-9950.

(4) On or before September 21, 1998, any interested person shall file an original and five (5) copies of written comments and/or any request for hearing concerning the draft rules set out in Attachment A to this Order. All written comments and/or any request for hearing shall be filed with William J. Bridge, Clerk, State Corporation Commission, P.O. Box 2116, Richmond, Virginia 23218, and shall refer to Case No. PUA980020.

(5) If no request for hearing is received by September 21, 1998, the Commission may consider the rules, together with any filed comments, without convening a hearing.

(6) This Order and Attachment A shall be sent forthwith to the Registrar of Regulations for appropriate publication in the Virginia Register.

(7) On or before September 1, 1998, the Division of Public Utility Accounting shall file with the Clerk of the Commission proof of publication of the notice prescribed herein.

AN ATTESTED COPY of this Order including Attachment A shall be sent by the Clerk of the Commission to: the PUA Mailing List attached hereto as Exhibit A, and the Commission's Divisions of Public Utility Accounting, Communications, and Energy Regulation.

CHAPTER 201.

RULES GOVERNING APPLICATIONS FILED PURSUANT
TO CHAPTER 4 OF TITLE 56 OF THE CODE OF VIRGINIA
(AFFILIATES ACT).

20 VAC 5-201-10. Purpose of chapter and general rules.

A. *This chapter is promulgated with four goals in mind:*

1. *To allow for more efficient review of affiliate applications;*
2. *To provide a basis for consistent treatment of transactions between a utility and its affiliate;*
3. *To preclude subsidization of nonregulated business by utility ratepayers; and*
4. *To ensure that transactions are, and continue to be, in the public interest.*

B. *This chapter shall be followed when filing applications under the Affiliates Act (§ 56-76 et seq. of the Code of*

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Virginia). Failure to respond to each item will result in an incomplete application. Incomplete applications will not be processed, and the staff will notify the utility regarding specific deficiencies. In the event an applicant believes that an item does not apply, the applicant must reference that item and explain why such item does not apply.

In addition to information required by this chapter, additional information believed to demonstrate that the proposed arrangement is in the public interest should be provided with the application and explained in sufficient detail to support the applicant's position.

C. Applications must be filed with the Document Control Center with an original and four copies. Additional copies shall be provided if requested. The mailing address for the Document Control Center is as follows:

Document Control Center
Tyler Building-B1
P. O. Box 2118
Richmond, VA 23216

D. 1. Applications requiring approval under the Affiliates Act include any contract or arrangement providing for the furnishing of management, supervisory, engineering, accounting, legal, financial, construction, or similar services; and contracts or arrangements for the purchase, sale, lease, or exchange of any property, right, or thing; or for the purchase or sale of treasury bonds or treasury capital stock made or entered into with any affiliate. In determining whether an entity is an affiliate, definitions provided in Chapter 4 (§ 56-76 et seq.) of Title 56 of the Code of Virginia should be used. All public utilities subject to commission regulation as to rates and service under the provisions of Chapter 10 (§ 56-232 et seq.) of Title 56 of the Code of Virginia are subject to Chapter 4.

2. The application must contain verified signatures of individuals representing all parties to the application.

3. No filing fees are required.

4. Utilities may request, pursuant to § 56-77 B of the Code of Virginia, exemption from the filing and prior approval requirements of Chapter 4. Such exemptions are not automatic but may be obtained only by filing an application for an exemption. The following are the types of contracts or arrangements that may be considered for exemption from filing requirements:

a. Contracts or arrangements that do not have any impact on the utility company's Virginia jurisdictional business;

b. Contracts or arrangements that do have an impact on the utility company's Virginia jurisdictional business but for which total annual billings on a total contract basis are no more than 1.0% of total operating and maintenance expense up to a maximum exemption of \$250,000; and

c. Contracts or arrangements involving utilities whose rates are no longer set based on traditional rate base or cost basis regulation.

5. It is the responsibility of each utility company to file for approval of such contracts or arrangements regardless of the amount involved. Contracts and arrangements must be approved prior to the utility entering into them (unless the commission has granted an exemption). If approval is sought after entering into the contracts or arrangements, a detailed explanation as to why this occurred must be included in the application. Any such contract or arrangement may be voided by the commission. The explanation must include the following: the length of time the contract or arrangement has been in effect and the dollar amount that has transferred between the utility and the affiliate as a result of the contract or arrangement.

6. It is the responsibility of each utility to conform to the appropriate Uniform System of Accounts and adhere to established accounting principles.

7. This chapter places responsibility on the utility to identify, value, allocate, and account for transfers among affiliates.

8. This chapter does not amend or alter accounting procedures used by utilities to allocate costs among jurisdictions or among customer classes. Also, this chapter does not amend the bases for making allocations of revenues and costs to below-the-line accounts.

9. This chapter is not intended to dictate or restrict the discretion of management in making prudent business decisions.

10. This chapter is not intended to, and does not, limit the oversight authority of the commission.

11. The commission may perform independent audits of the books and records of the utility and/or its affiliates in connection with any affiliate approval granted by the commission (if deemed necessary) to verify adherence to these rules and/or approved contracts and arrangements.

12. Implementation and compliance with this chapter must be done in a way that minimizes costs.

13. This chapter applies to all applicants regardless of the applicant's form of corporate organization. Different forms of corporate organization only affect the frequency or likelihood that a particular contract or arrangement type may occur.

14. The commission may waive any and all rules for good cause.

20 VAC 5-201-20. Pricing rules.

A. When goods or services are to be provided to an affiliate, the following guidelines shall be followed:

1. Goods and services provided by the regulated utility to an unregulated or regulated affiliate pursuant to a regulated tariff shall be provided at the tariffed rate;
2. Goods and services provided by the regulated utility to an unregulated affiliate shall be provided at the higher of fully distributed cost (to include a return component) or the market value, or market price, for such goods and services;
3. Goods and services provided between regulated utilities shall be provided at fully distributed cost;
4. Goods and services provided by an unregulated affiliate to the regulated utility shall be provided at the lower of cost (which may include a return component) or the fair market value, or the market price, for such goods and services; and
5. The determination of fair market value should be an ongoing process using such methods as competitive bids, appraisals, catalog listings, sales to third parties, and replacement cost of assets. If appraisals are used in determining fair market value, such value shall be determined by averaging two or more independent appraisals.

B. When goods or services are to be provided to an affiliate and costs of providing such services are charged or allocated to the recipient, the following guidelines shall be followed:

1. Costs must be directly charged or assigned where possible;
2. Direct costs include labor costs and expenses that can be identified through a work order or similar system as being applicable to services performed for a single company or group of companies. Costs incidental to or related to a directly charged item shall be classified as direct costs;
3. Indirect costs include those costs of a general overhead nature such as general services, housekeeping costs, and other support costs that cannot be separately identified to a single company or group of companies and, therefore, shall be allocated;
4. Costs that cannot be directly charged or assigned shall be allocated. Allocations shall be made based on a direct cost factor such as labor and other costs when costs can be identified with a particular activity;
5. Cost allocations that cannot be associated with a particular activity and therefore cannot be allocated based on some direct cost factor shall be allocated based on a formula. Allocations made based on a general allocator (formula approach) shall be used only as a last resort and shall be limited to 5.0% of total charges relative to the provision of goods and services pursuant to a particular arrangement or agreement; and
6. If allocations or cost assignments are to be made based on estimates, indicate whether and, if so, when

adjustments are to be made to true-up the estimates. If adjustments are not to be made, explain why not.

C. Additional pricing rules follow:

1. Explain in detail any proposed pricing that would deviate from the above rules.
2. Section 56-233.1 of the Code of Virginia requires that every public utility shall use competitive bidding, to the extent possible, in its purchasing practices. Indicate whether competitive bidding was used in the proposed arrangement and provide the names of vendors contacted, prices quoted, and copies of bid requests. The above-referenced information may be provided as confidential information. If competitive bidding was not used, explain why not.
3. If a return component is used in determining costs, include an explanation as to how such component is determined and state the current component.
4. The selection of the appropriate method to determine fair market value is at the discretion of the utility. The utility shall retain documentation supporting its choice of market valuation and specific data supporting the computation.
5. The burden of proof shall be with the utility to show that transfers of goods or services with affiliates have been valued at either the higher or lower of cost or fair market value as appropriate.
6. Transfers of individual items of tangible personal property with a net book value of less than \$10,000 may, at the option of the utility, be valued at cost. The purpose of this exception is to provide an alternative to the market determination for smaller items.

20 VAC 5-201-30. Filing requirements for prior approval under the Affiliates Act; include items in subsections A through E.

A. Requirements for description of contract or arrangement.

1. Describe in detail the affiliate relationship among the parties involved.
2. Describe specific services, rights, or things to be provided.
3. Describe the conditions and term of the agreement, contract, or arrangement, including rights of parties to cancel and renewability. If the agreement requires the utility company to become involved in a long-term captive relationship, explain why this is necessary.
4. Provide a copy of any formal agreement. If there is no formal agreement, provide a statement to that effect with a complete description of the contract or arrangement.

B. Requirements for description of goods or services provided to the utility.

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1. Describe the utility's need for the goods or services.
2. Describe the utility's current and prior arrangements for obtaining the goods or services, where applicable.
3. Discuss whether the goods or services can be provided by the utility internally. If so, quantify the costs of doing so and compare such costs to costs of obtaining such goods or services from the affiliate. If not, explain why such goods or services cannot be provided internally.
4. Discuss other alternative sources for obtaining the goods or services available to the utility. Provide specific details, quantifying the costs of obtaining such goods or services from the alternative sources and comparing those costs to the costs of obtaining the goods or services from the affiliate.
5. Explain how the costs of obtaining goods or services from the affiliate are to be determined. If costs to the utility are to be based on the affiliate's cost of providing the goods or services, provide those cost components. If the cost components are to include a return on investment component, state what that is and show how it is determined.
6. If costs to the utility are to be based on market rates, explain in detail how such market rates are to be determined. Provide the dollar amount and percentage of the affiliate's revenues that are derived from providing such goods or services to nonaffiliated entities. Provide supporting calculations.
7. If the utility is to be charged or allocated costs from the affiliate, explain how such charges or allocations are to be made, providing specific allocations methodologies. If allocation formulas are to be used, provide such formulas.
8. If services are not proposed to be priced at the lower of cost, plus a reasonable return, or the market price, explain why this will not be done.

C. Requirements for description of goods or services provided by the utility.

1. Describe the affiliate's need for the goods or services.
2. Describe the affiliate's current and prior arrangements for obtaining the goods or services, where applicable.
3. Discuss other alternative sources for obtaining the goods or services available to the affiliate. Describe specific details and quantify the costs of obtaining such goods or services from the alternative sources. Compare to obtaining the goods or services from the utility.
4. Explain how the costs of providing goods or services to the affiliate are to be determined. If costs to the affiliate are to be based on the utility's costs of providing the goods or services, provide the cost components. If

the cost components include a return on investment component, state what it is and show how it is determined.

5. If the utility's charges to the affiliate are based on market rates, explain in detail how such market rates are to be determined and state the percentage of revenues that are derived from providing such goods or services to nonaffiliated entities.
6. If the utility will be charging or allocating costs to the affiliate, explain how such charges or allocations are to be made, providing specific allocations methodologies. If allocation formulas will be used, provide such formulas.
7. If goods or services are not to be priced at the higher of fully distributed cost or market price, explain why this will not be done.
8. If services will be provided by the utility to an affiliate, provide details on the amount of employee time that will be spent providing affiliate services; the number of employees that will be involved; and an explanation as to how such time will be tracked. Discuss whether the utility will need to hire additional employees or purchase additional equipment and facilities to provide the proposed services.
9. If the utility is proposing to provide services to a subsidiary of the utility in order to allow the subsidiary to provide certain services to utility customers, provide information demonstrating that the services to be provided by the subsidiary are "related to or incidental to" the utility company's purpose of providing public utility service to its customers.

D. Requirements for description of leasing arrangements with affiliates.

1. Provide a summary of the leasing arrangement to include:
 - a. The names of the lessor and the lessee;
 - b. A complete description of the asset or assets to be leased;
 - c. Complete details of the lease arrangement to include the term, renewal options, rights and obligations during the term of the lease as to insurance, taxes, maintenance, repair, and failure or destruction of the asset; and
 - d. A copy of the lease agreement.
2. Type of lease: capital or operating. "Capital lease" means a lease of property used in utility or nonutility operations that meets any of the criteria of SFAS No. 13 (Statement of Financial Accounting Standards No. 13, Accounting for Leases, November 1976) for a capital lease.

"Operating lease" means a lease of property used in utility or nonutility operations that does not meet any of the capital lease criteria contained in SFAS No. 13.

3. Show how the lease rate was determined with supporting detail.

4. If the utility will be leasing from an affiliate, the utility must justify leasing as opposed to buying. It shall also justify leasing from an affiliate, as opposed to leasing from a third party. A copy of the lease/buy analysis shall be provided to support the utility's request, including all assumptions used in the analysis. If buying was not considered an option, explain why.

5. If the utility is leasing to an affiliate, other than a regulated affiliate, the utility shall show that it is recovering the higher of net book cost or the market price for the asset or assets leased. Supporting documentation shall be provided for the determination of cost and market price. All assumptions used should be explained in detail. A copy of any analysis used for final lease rate determination shall be provided.

6. If the utility is leasing to a regulated affiliate, the utility shall show that it is recovering at least net book cost. Supporting documentation and all assumptions used shall be provided. A copy of any analysis used in determining net book cost should be provided.

E. Filing requirements for accounting and other issues to be provided or addressed by the utility.

1. Describe the accounting system (to include the chart of accounts used) in place to track costs accurately relative to contracts and arrangements with affiliates.

2. Describe any specific safeguards in place to ensure that no unregulated affiliate will be subsidized by the regulated company as a result of the proposed contract or arrangement.

3. Discuss whether the proposed arrangement will expose the utility to greater risk. If so, show that the arrangement is in the public interest in spite of the increased risk exposure.

4. Discuss any anticipated cost savings for the utility as a result of the arrangement. Describe such anticipated savings and quantify to the extent possible. Provide support for anticipated savings. Include any anticipated impacts on operating efficiencies or quality of service and explain and quantify to the extent possible with supporting detail.

5. Discuss in specific terms any other anticipated positive impacts on public interest not yet addressed.

6. If approval is required in other jurisdictions, provide the status of the review process in those jurisdictions and provide copies of any orders issued.

7. Descriptions of goods or services to be provided or received pursuant to affiliate contracts or arrangements must be specific. Categories such as "other" and "incidental" without description of the types of services in those categories are unacceptable and cannot be recommended for commission approval.

8. If the proposed contract or arrangement is for the utility to provide services to an affiliate to support the affiliate providing services to other entities, the affiliate shall have a separate accounting system established prior to obtaining commission approval. If this has not been established, indicate when this will take place. A copy of the accounting procedures established for the affiliate showing how costs will be tracked must be provided to the Division of Public Utility Accounting.

9. If the contract or arrangement involves investment by the utility company in an affiliate and the provision of services to the affiliate to enable the affiliate to operate, describe in specific detail how the utility's customers (customers or members in the case of electric cooperatives) will be protected against any losses incurred by the affiliate.

10. For contracts or arrangements in which services are offered to an affiliate operating in a competitive environment, describe in specific detail what steps are being taken to ensure that the affiliate is not being favored over competitors.

11. Describe in detail how the proposed services provided by the utility company will be accounted for in its financial records.

12. Describe the proposed ratemaking treatment for the operational effects for services provided to an affiliate by the utility.

20 VAC 5-201-40. Requirements for filing for an exemption pursuant to § 56-77 B of the Code of Virginia; include items in subsections A through D.

A. Include the following information for contracts or arrangements that do not affect the utility company's Virginia jurisdictional business:

1. Describe in detail the types of contracts or arrangements for which an exemption is requested and provide the names of affiliates involved.

2. Provide the number of such contracts or arrangements and the total dollar amount of each contract or arrangement currently in existence.

3. Describe in detail how the commission can be assured that such contracts or arrangements will not, in fact, affect the company's Virginia jurisdictional business.

4. Describe in specific terms how the requested exemption will be in the public interest.

B. Include the following information for contracts or arrangements that do affect the utility company's Virginia jurisdictional business but for which total annual billings on a total contract basis are of no more than 1.0% of total operating and maintenance expense up to a maximum exemption of \$250,000:

Proposed Regulations

1. Describe the types of contracts or arrangements for which an exemption is requested and provide the names of the affiliates involved.

2. Provide the number of contracts or arrangements and the dollar amount for each contract or arrangement currently in effect for the requested exemption.

3. Explain in detail how the requested exemption would be in the public interest.

4. Describe the steps taken, or that will be taken, to ensure that contracts or arrangements that will require prior commission approval will be filed in a timely manner. Describe the steps taken, or that will be taken, to ensure that contracts or arrangements for which an exemption has been granted will not go beyond the threshold amount granted for such annual billings. Applicants must obtain approval for contracts or arrangements that are expected to exceed the threshold amount.

C. Include the following information for contracts or arrangements involving utilities whose rates are no longer set based on traditional rate base or cost basis regulation:

1. Explain in detail the exemption requested and the reasons for the request.

2. Provide a description of the types of contracts or arrangements for which the exemption is being requested and the dollar amount of each contract or arrangement.

3. Explain in detail how the requested exemption would serve the public interest.

D. Include the following accounting and other issues (to be provided or addressed by the utility):

1. Describe the accounting system, including the chart of accounts used, in place to track costs accurately relative to contracts and arrangements with affiliates.

2. Describe any specific safeguards in place, or that will be put in place, to ensure that the public interest will continue to be protected.

3. Discuss in specific terms any other anticipated positive impacts on public interest not yet addressed.

4. For contracts or arrangements in which services are offered to an affiliate operating in a competitive environment, describe in specific detail what steps are being taken to ensure that the affiliate is not being favored over the competitors.

5. Describe the proposed ratemaking treatment for revenues received by the utility for services provided to an affiliate.

20 VAC 5-201-50. Reporting requirements; applicable to all filings.

A. Every utility shall file, on or before the first of May in the year following that in which it filed its application and in every

succeeding year, an Annual Report of Affiliated Transactions with the Division of Public Utility Accounting of the commission.

B. Such report for utilities shall include (see 20 VAC 5-201-60 for suggested format example):

1. Names of regulated or nonregulated affiliates;

2. Summary of services provided by or to the utility to or by a regulated or nonregulated affiliate (Schedules 1 and 2, modified as necessary by utilities);

3. Summary of transaction charges provided by the utility to a regulated or nonregulated affiliate; identification by affiliate and by utility department or functional group; identification of valuation bases used to account for transactions (i.e., cost, tariff, higher of cost or market) and comparable market value where appropriate (Schedule 3, modified as necessary by utilities);

4. Summary of transaction charges provided to the utility by a regulated or nonregulated affiliate; identification by affiliate; identification of valuation bases used to account for transactions (i.e., cost, tariff, lower of cost or market) and comparable market value where appropriate (Schedule 4, modified as necessary by utilities);

5. Component costs of each category of transactions where services are by or to the utility or to or by a regulated or nonregulated affiliate (Schedules 5 and 6, modified as necessary by utilities);

6. Description of any changes relative to price, services offered, and cost allocation bases in any affiliate contract or arrangement during the year (Schedule 7, modified as necessary by utilities);

7. Allocation bases or factors for allocating costs (Schedules 8 and 9, modified as necessary by utilities); and

8. Explanations of any variances by utility department or functional group greater than or equal to 10% of the prior year's amounts (Schedule 10, modified as necessary by utilities).

C. Every utility that is a registered public utility holding company under the federal Public Utility Holding Company Act of 1935 (15 USC §§ 79 et seq.), or that is receiving services from such registered holding company, shall file a copy of the annual report (Form U5S), filed with the Securities and Exchange Commission, with the Division of Public Utility Accounting.

D. Every utility receiving services from a service company under the federal Public Utility Holding Company Act of 1935 shall file a copy of the service company's annual report (Form U-13-60), filed with the Securities and Exchange Commission, with the Division of Public Utility Accounting.

E. For appropriate cause shown, the Director of Public Utility Accounting may grant an extension for the filing of such annual reports.

12 VAC 5-201-60. Annual Report of Affiliated Transactions.

Schedules included in this section may be modified as necessary for reporting and filing by utilities. The Division of Public Utility Accounting shall be permitted to modify the data requirements of the schedules in this section as it deems necessary and provide utilities copies of the revised schedules.

(NAME OF UTILITY)

ANNUAL REPORT OF AFFILIATED TRANSACTIONS
FOR THE TWELVE MONTHS ENDED DECEMBER 31, XXXX

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SCHEDULE 1

(NAME OF UTILITY)
SUMMARY OF SERVICES PROVIDED TO (NAME(S) OF AFFILIATE(S))
(YEAR)

(PROVIDE A BRIEF NARRATIVE DESCRIPTION, BY DEPARTMENT OR FUNCTIONAL GROUP, OF SERVICES PROVIDED DURING THE YEAR. PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE FOR WHICH SERVICES WERE PROVIDED.)

(EXAMPLES)

- 1) CONTROLLER
 - TAXES & PLANT ACCOUNTING - narrative description
 - CORPORATE ACCOUNTING - narrative description
- 2) AUDITING - narrative description
- 3) CUSTOMER ACCOUNTING/SERVICES - narrative description
- 4) HUMAN RESOURCES - narrative description
- 5) INFORMATION SYSTEM SERVICES - narrative description
- 6) REGULATION - narrative description
- 7) MARKETING & ADVERTISING SERVICES - narrative description
- 8) ADMINISTRATIVE SERVICES - narrative description
 - SECURITY - narrative description

Proposed Regulations

SCHEDULE 2

(NAME OF UTILITY)

SUMMARY OF SERVICES PROVIDED BY (NAME(S) OF AFFILIATE(S))

(YEAR)

(PROVIDE A BRIEF NARRATIVE DESCRIPTION, BY DEPARTMENT OR FUNCTIONAL GROUP, OF SERVICES RECEIVED DURING THE YEAR. PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE FROM WHICH SERVICES WERE RECEIVED.)

(EXAMPLES)

- 1) EXECUTIVE GROUP - narrative description
- 2) CONTROLLER GROUP - narrative description
- 3) CHIEF FINANCIAL OFFICER GROUP - narrative description
- 4) CORPORATE SECRETARY GROUP - narrative description
- 5) HUMAN RESOURCE SERVICES - narrative description
- 6) INFORMATION SYSTEMS SERVICES - narrative description
- 7) MARKETING & ADVERTISING SERVICES - narrative description
- 8) TAX SERVICES - narrative description

SCHEDULE 3

(NAME OF UTILITY)

SUMMARY OF TRANSACTION CHARGES PROVIDED TO (NAME(S) OF AFFILIATE(S))

(YEAR)

(PROVIDE TOTAL DOLLAR AMOUNT OF TRANSACTION CHARGES BY DEPARTMENT OR FUNCTIONAL GROUP. PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE.)

Line No.	Department or Functional Group	Valuation Bases ⁽¹⁾	Comparable Market Value ⁽²⁾	Total Amount
(EXAMPLES)				
1	CONTROLLER			
2	AUDITING			
3	CUSTOMER ACCOUNTING/SERVICES			
4	HUMAN RESOURCES			
5	INFORMATION SYSTEM SERVICES			
6	REGULATION			
7	MARKETING & ADVERTISING SERVICES			
8	ADMINISTRATIVE SERVICES			
	Total			

FOOTNOTES:

⁽¹⁾ C (COST); T (TARIFF); M (MARKET)

⁽²⁾ PROVIDE A COMPARABLE MARKET VALUE FOR SERVICES VALUED AT COST.

SCHEDULE 4

(NAME OF UTILITY)

SUMMARY OF TRANSACTION CHARGES PROVIDED BY (NAME(S) OF AFFILIATE(S))

(YEAR)

Proposed Regulations

(PROVIDE TOTAL DOLLAR AMOUNT OF TRANSACTION CHARGES BY DEPARTMENT OR FUNCTIONAL GROUP. PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE.)

Line No.	Department or Functional Group	Valuation Bases (¹)	Comparable Market Value (²)	Total Amount
(EXAMPLES)				
1	EXECUTIVE GROUP			
2	CONTROLLER GROUP			
3	CHIEF FINANCIAL OFFICER GROUP			
4	CORPORATE SECRETARY GROUP			
5	HUMAN RESOURCE SERVICES			
6	INFORMATION SYSTEMS SERVICES			
7	MARKETING & ADVERTISING SERVICES			
8	TAX SERVICES			
	Total			

FOOTNOTES:

(¹) C (COST); T (TARIFF); M (MARKET)

(²) PROVIDE A COMPARABLE MARKET VALUE FOR SERVICES VALUED AT COST.

SCHEDULE 5

(NAME OF UTILITY)
SUMMARY OF TRANSACTION COMPONENT COSTS FOR SERVICES PROVIDED TO (NAME(S) OF AFFILIATE(S))
(YEAR)

(PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE FOR WHICH SERVICES WERE PROVIDED.)

Line No.	Description of Component Costs	Allocation Bases (^A)	Total Amount
(EXAMPLES)			
1	CONTROLLER:		
2	Direct Labor		
3	Indirect Labor		
4	Fringe Benefits Applicable to Labor		
5	Transportation Costs		
6	Materials and Supplies		
7	Equipment/Facilities Charges		
8	Overhead		
9	Miscellaneous Expenses		
10	Profit Component		
11	Interest		
12	Services Allocated (Labor and Expenses):		
13	Information Systems		
14	Payroll		
15	Human Resources		
16	Controller Group		
17	Executive Group		
18	Accounts Payable Customer Accounting		
19	Other		
20	Total Accounting, Financial and Statistical Services		
21	Auditing Services breakdown of component costs		

Proposed Regulations

*Budget Services
breakdown of component costs
Grand Total*

Footnote:

^(A) See Schedule 8.

SCHEDULE 6

(NAME OF UTILITY)
SUMMARY OF TRANSACTION COMPONENT COSTS FOR SERVICES PROVIDED BY (NAME(S) OF AFFILIATE(S))
(YEAR)

(PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE FROM WHICH SERVICES WERE RECEIVED.)

Line No.	Description of Component Costs	Allocation Bases ^(A)	Total Amount
<i>(EXAMPLES)</i>			
1	<i>CONTROLLER GROUP:</i>		
2	<i>Direct Labor</i>		
3	<i>Indirect Labor</i>		
4	<i>Fringe Benefits Applicable to Labor</i>		
5	<i>Transportation Costs</i>		
6	<i>Materials and Supplies</i>		
7	<i>Equipment/Facilities Charges</i>		
8	<i>Overhead</i>		
9	<i>Miscellaneous Expenses</i>		
10	<i>Profit Component</i>		
11	<i>Interest</i>		
12	<i>Services Allocated (Labor and Expenses):</i>		
13	<i>Information Systems</i>		
14	<i>Payroll</i>		
15	<i>Human Resources</i>		
16	<i>Controller Group</i>		
17	<i>Executive Group</i>		
18	<i>Accounts Payable Customer Accounting</i>		
19	<i>Other</i>		
20	<i>Charge backs from other affiliates</i>		_____
21	<i>Total Accounting, Financial and Statistical Services</i>		_____
22	<i>Auditing Services</i>		_____
	<i>breakdown of component costs</i>		_____
	<i>Budget Services</i>		_____
	<i>breakdown of component costs</i>		_____
	<i>Grand Total</i>		=====

Footnote:

^(A) See Schedule 9.

SCHEDULE 7

(NAME OF UTILITY)
ALLOCATION CONTRACT/ARRANGEMENT CHANGES
(YEAR)

(PROVIDE A BRIEF DESCRIPTION OF ANY CHANGES RELATIVE TO PRICING, COSTING, SERVICES OFFERED, AND COST ALLOCATION BASES OCCURRING DURING THE YEAR. PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE.)

Proposed Regulations

Description

(Name of Affiliate)

SCHEDULE 8

(NAME OF UTILITY)
ALLOCATION BASES/FACTORS FOR SERVICES PROVIDED TO AFFILIATES
(YEAR)

(PROVIDE A BRIEF NARRATIVE DESCRIPTION OF ALLOCATION METHODOLOGY (DIRECT CHARGE, INDIRECT CHARGE, ALLOCATION BASES) USED IN DETERMINING FULLY DISTRIBUTED COSTS FOR SERVICES PROVIDED TO OTHER AFFILIATES.)

ALLOCATION
BASES/
FACTORS

Description

(EXAMPLES)

- 1) DIRECT LABOR - narrative description
- 2) INFORMATION SYSTEMS - narrative description
- 3) PAYROLL - narrative description
- 4) HUMAN RESOURCES - narrative description
- 5) OFFICERS - narrative description
- 6) CUSTOMER ACCOUNTING - narrative description
- 7) FRINGE BENEFITS APPLICABLE TO LABOR - narrative description
- 8) TRANSPORTATION COSTS - narrative description
- 9) RENT - narrative description
- 10) AMOUNTS RELATED TO THIRD-PARTY BILLINGS - narrative description

SCHEDULE 9

(NAME OF UTILITY)
ALLOCATION BASES/FACTORS FOR SERVICES PROVIDED BY AFFILIATES
(YEAR)

(PROVIDE A BRIEF NARRATIVE DESCRIPTION OF ALLOCATION METHODOLOGY (DIRECT CHARGE, INDIRECT CHARGE, ALLOCATION BASES) USED IN DETERMINING FULLY DISTRIBUTED COSTS FOR SERVICES PROVIDED BY OTHER AFFILIATES.)

ALLOCATION
BASES/ FACTORS

Description

(EXAMPLES)

(NAME OF AFFILIATE)

- 1) DIRECT LABOR - narrative description
- 2) INFORMATION SYSTEMS - narrative description
- 3) PAYROLL - narrative description
- 4) HUMAN RESOURCES - narrative description
- 5) EXECUTIVE GROUP - narrative description
- 6) CONTROLLER GROUP - narrative description
- 7) FRINGE BENEFITS APPLICABLE TO LABOR - narrative description

Proposed Regulations

- 8) *TRANSPORTATION COSTS - narrative description*
- 9) *RENT - narrative description*
- 10) *TAX SERVICES - narrative description*

SCHEDULE 10

(NAME OF UTILITY)
VARIANCE EXPLANATIONS
(YEAR)

(PROVIDE EXPLANATIONS OF ANY VARIANCES BY DEPARTMENT OR FUNCTIONAL GROUP GREATER THAN OR EQUAL TO 10% OF THE PRIOR YEAR AMOUNTS. PREPARE A SEPARATE SUMMARY FOR EACH AFFILIATE.)

<i>Description</i>	<i>Amount</i>
<i>(EXAMPLES)</i>	
<i>(NAME OF AFFILIATE)</i>	
1) <i>CONTROLLER - narrative description</i>	
2) <i>AUDITING SERVICES - narrative description</i>	
3) <i>INFORMATION SYSTEM SERVICES - narrative description</i>	
4) <i>MARKETING & ADVERTISING SERVICES - narrative description</i>	
5) <i>ADMINISTRATIVE SERVICES - narrative description</i>	
6) <i>EXECUTIVE GROUP - narrative description</i>	
7) <i>CORPORATE SECRETARY GROUP - narrative description</i>	
8) <i>TAX SERVICES - narrative description</i>	

DOCUMENT INCORPORATED BY REFERENCE

Statement of Financial Accounting Standards (SFAS) No. 13, Accounting for Leases, Financial Accounting Standards Board, November 1976.

VA.R. Doc. No. R98-301; Filed July 22, 1998, 10:24 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-40-10 et seq. **Rules of the Neighborhood Assistance Act (REPEALING).**

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: Section 63.1- 323 of the Code of Virginia authorizes the State Board of Social Services to promulgate regulations relating to the administration of the Neighborhood Assistance Program.

Purpose: The Rules of the Neighborhood Assistance Act were approved in a legislative hearing shortly after the

creation of the program in 1981. They were finalized in May of 1982. The regulations have not been updated since. The rules are cumbersome and outdated and require that projects submit a burdensome amount of information. In addition, substantive changes to the language during the 1997 Session of the General Assembly make it imperative that the old regulations be repealed and new ones promulgated that accurately reflect the law and the program as it has developed. The regulations are intended to provide the nonprofit organizations and businesses who make contributions to those organizations with clear, simple procedures to follow as participants in the program. The regulations as they exist are confusing and provide time consuming and complex methods for resolving issues. For example, the process for appealing the rejection of a project application in the existing regulations requires the Secretary of Health and Human Resources to correspond with projects and hold hearings. This requirement represents an inefficient use of government resources and prolongs the process for both the applicant and the agency. The regulations also call for a "council" which will review

applications and make recommendations to the agency. This procedure may have worked at the beginning of the program when there were very few projects, but now the agency receives several hundred each year. The "council" has become an ad hoc task force which meets occasionally with agency staff and also reviews and comments on legislation impacting the program. It will review and comment on the repeal of the existing regulations and the proposed new regulations. Due to the large number of applications, requiring a council to review applications would be burdensome for the council and would create inefficiencies in program operation. Changes to the law in 1997 have made the determination of eligibility for participation in the program much clearer and eliminated the need for a hearing or involvement in the program at the level of the Secretary of Health and Human Resources or the review of each application by a council. New regulations are needed which will provide the public and the agency operating the program with clear and simple directions, and which will be consistent with the law as it now stands thus ensuring the public welfare.

Substance: This proposed regulation is for the repeal of the Rules of the Neighborhood Assistance Act. New regulations are being submitted in a separate package.

Issues: Regulations for this program are required by § 63.1-323 of the Neighborhood Assistance Act (§ 63.1-320 et seq. of the Code of Virginia). Regulations are necessary to provide uniform and fair treatment of all organizations who wish to participate in the program as projects or as donors. The existing regulations create processes which are no longer necessary. It is also in conflict with changes to the Act made in 1997. These changes make the determination of eligibility much less subjective. These regulations were written for a program that was developing 17 years ago. The needs of the participating organizations, and the need for more efficient operation of the program, resulted in the development over time of a different program than initially anticipated. The number of changes which would be required to make this regulation reflect current law and program operation makes the repeal of this regulation and promulgation of a new one the most practical, clear and efficient path. There are no known disadvantages to repealing these regulations.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. This proposal requests the repeal of the existing regulations for the Neighborhood Assistance Tax Credit Program, which have not been updated since their implementation in 1982. Substantial changes to the governing legislation during the 1997 General Assembly Session make it necessary that the old regulations be repealed and new ones promulgated that accurately reflect the law and the program as it has developed.

Estimated economic impact. Please refer to the economic impact analysis for 22 VAC 40-41-10 et seq. for the estimated economic impact of the repeal of this regulation and the proposed replacement.

Businesses and entities affected. Please refer to the economic impact analysis for 22 VAC 40-41-10 et seq. for the businesses and entities affected by the repeal of this regulation and the proposed replacement.

Localities particularly affected. No localities will be disproportionately affected by this regulation.

Projected impact on employment. This regulation is not expected to have impact on employment in Virginia.

Effects on the use and value of private property. This regulation is not expected to have any effects on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department concurs with DPB's analysis.

Summary:

This proposal is to repeal the existing regulations for the Neighborhood Assistance Tax Credit Program. The regulations were created in 1981 when the program was first implemented and have not been updated since. The rules are cumbersome and outdated and require projects to submit a burdensome amount of information. In addition, substantive changes to the statutory language made during the 1997 Session of the General Assembly make it imperative that the old regulations be repealed and new ones promulgated that accurately reflect the law and the program as it has developed. New regulations are being proposed concurrently with the repeal of this regulation.

VA.R. Doc. No. R97-704; Filed July 28, 1998, 2:31 p.m.

* * * * *

Title of Regulation: **22 VAC 40-41-10 et seq. Neighborhood Assistance Tax Credit Program.**

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Proposed Regulations

Basis: Section 63.1-323 of the Code of Virginia authorizes the State Board of Social Services to promulgate regulations relating to the administration of the Neighborhood Assistance Program.

Purpose: The Rules of the Neighborhood Assistance Act were approved in a legislative hearing shortly after the creation of the program in 1981. They were finalized in 1982. The regulations have not been updated since. The rules are cumbersome and outdated and require that projects submit a burdensome amount of information. In addition, substantive changes to the language during the 1997 legislative session make it imperative that the old regulations be repealed and new ones promulgated that accurately reflect the law and the program as it has developed. A proposal to repeal the existing regulations is being submitted as a separate package. The regulations for this program are intended to provide the nonprofit organizations and businesses who make contributions to those organizations with clear, simple procedures to follow as participants in the program. The regulations that are being repealed are confusing and require time consuming and complex methods for resolving issues. For example, the process for appealing the rejection of a project application in the existing regulations requires the Secretary of Health and Human Resources to correspond with projects and hold hearings. This requirement represents an inefficient use of government resources and would prolong the process for both the applicant and the agency. The old regulations also called for a "council" to, among other things, review applications and make recommendations to the agency. This procedure may have worked at the beginning of the program when there were very few projects. Now the agency receives several hundred each year. The "council" has become an ad hoc task force which meets occasionally with agency staff to provide input, and also reviews and comments on legislation impacting the program. The task force will review and comment on the repeal of the existing regulations and the proposed new regulations. Due to the large number of applications, requiring a council to review applications would be burdensome for that group and would create tremendous inefficiencies in program operations. Changes to the law in 1997 have made the determination of eligibility for participation in the program much clearer and eliminated the need for a hearing or involvement in the program at the level of the Secretary's Office or the review of each application by a council. New regulations are needed which will provide the public, and the agency operating the program, clear and simple directions, and which will be consistent with the law as it now stands. The proposed regulations reflect the changes to the law and are responsive to the needs of the participants in the program. The proposed regulations provide a clear guide to the administering agency which will result in more efficient program operation thus ensuring public welfare.

Substance: The proposed regulations reflect the changes made to the law during the 1997 legislative session. The most significant changes include: narrowing the range of organizations who can qualify to participate to those whose "primary" function is providing services to the impoverished,

insuring that a minimum of 10% of the available tax credits go to organizations who did not receive credits the year before, and narrowing the type of services that can be donated to "professional services." The new law lowered the value of the tax credit to 45% of the donation. The proposed regulations are worded to allow for legislative changes in the rate and in the minimum tax credit allowed, without having to make regulatory changes. In addition, the proposed regulations eliminate an elaborate appeal process that had never been implemented. Existing regulations provided for a hearing by the Secretary of Health and Human Resources for organizations who were denied in their application to become projects. The proposed regulations provide much clearer criteria for approval and assign responsibility for final decisions on approvals to the Commissioner of Social Services as provided in law.

Issues: Regulations for this program are required by § 63.1-323 of the Neighborhood Assistance Act. Regulations are necessary to provide uniform and fair treatment of all organizations who wish to participate in the program as projects or as donors. The current regulation is outdated, burdensome, and no longer reflects current program operation and the changes made by the 1997 General Assembly. This proposal replaces those regulations. A proposal to repeal the existing regulations is in an accompanying regulatory package. The existing regulations were written for a program that was developing 17 years ago. The needs of the participating organizations, and the need for more efficient operation of the program, resulted in the development, over time, of a different program that initially anticipated. The 1997 General Assembly reviewed the program and made extensive changes to the statute. The number of changes which would be required to make the existing regulation reflect current law and program operation makes the repeal of the original regulation and promulgation of a new one the most practical, clear and efficient path. The proposed regulation provides clear explanations of program eligibility requirements, tax credit allocations, and valuation of donations. It will result in more efficient program operation. There are no known disadvantages to the promulgation of these regulations.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. This proposed regulation replaces the Rules of the Neighborhood

Assistance Act (22 VAC 40-40) which is currently being repealed. This replacement regulation is intended to reflect changes in the development of the Neighborhood Assistance Tax Credit Program and in its governing legislation. The 1997 legislative changes include:

1. Narrowing the eligibility of participating organizations to those whose "primary" function is providing services to the impoverished,
2. Limiting the type of services that may be donated as "professional services,"
3. Ensuring that a minimum of 10% of the available tax credits be allocated for new programs (i.e., organizations that did not receive credits the previous year), if requested, and
4. Lowering the value of the tax credit from 50 to 45% of the donation.

The proposed regulation details the application procedures and criteria for approval or termination of Neighborhood Assistance Projects, assigns responsibility for final decisions on approvals to the Commissioner of Social Services, replaces the former appeal process, provides the method used for allocation of available tax credits and for determining the date and value of donations, and words the regulation to refer to the Code of Virginia for the rate and minimum tax credit allowed.

Estimated economic impact. The purpose of the Neighborhood Assistance Tax Credit Program is to encourage business firms to donate to neighborhood organizations for the benefit of impoverished people. The statutory change lowering the amount of the tax credit decreases the incentive for firms to contribute. An empirical estimate of the response by firms to the change in the tax credit would be difficult, but the Department of Social Services (DSS) reports that representatives of neighborhood organizations do not expect this change to dramatically reduce the supply of donations. Since the total level of funding remains unchanged, lowering the tax credit allows the available money to be more widely distributed among projects while still providing sufficient compensation for donors. This increases the cost effectiveness of the tax credit program.

The proposed regulation requires that a minimum of 10% of available tax credits be allocated for new programs. This requirement is not expected to have any economic impact since, according to DSS staff, an average of 33% has been allocated to new programs in past years.

The proposal revises outdated existing regulations and requirements for projects to submit a burdensome amount of information. While the decrease in paperwork and clearer regulatory language is expected to be beneficial, some aspects of the proposed regulation impose new compliance costs for projects. Specifically, the proposal narrows the eligibility of participating organizations and adds a requirement that applicants submit a recent audit and a copy of their federal form 990. This will increase compliance costs for organizations that currently do not receive audits or

federal funding but DSS feels that the audit requirement is a necessary enforcement tool to ensure proper operation of the program.

An estimate of the monetary value of these costs and benefits is not available at this time. Given our expectation that the tax rate decrease will improve the cost effectiveness of the program, it is reasonable to expect that the benefits to participating organizations and contributing businesses resulting from the new, less burdensome process and clear regulations will outweigh any increased compliance costs.

Businesses and entities affected. This regulation will affect any business that chooses to contribute to qualifying Neighborhood Assistance Projects. The revised application procedures, approval criteria, and appeal process will affect the 229 current and all potential Neighborhood Assistance Projects.

Localities particularly affected. No localities will be disproportionately affected by this regulation.

Projected impact on employment. This regulation is not expected to have impact on employment in Virginia.

Effects on the use and value of private property. This regulation is not expected to have any effects on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department concurs with the Department of Planning and Budget's analysis.

Summary:

The proposed regulations will replace existing regulations which have not been updated since they were adopted in 1982.

These regulations detail the procedures for becoming a Neighborhood Assistance project including the criteria for approval, termination of project status, and appeal process. They also provide the method used for allocation of available tax credits and for determining the value of donations and the date the donation was made.

CHAPTER 41.

NEIGHBORHOOD ASSISTANCE TAX CREDIT PROGRAM.

22 VAC 40-41-10. Definitions.

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

"Audit" means any audit required under the federal Office of Management and Budget's Circular A-133, or, if a neighborhood organization is not required to file an audit under Circular A-133, a detailed financial statement prepared by a certified public accountant.

"Business firm" means any corporation, partnership, electing small business (Subchapter S) corporation, limited liability company, or sole proprietorship authorized to do business in this Commonwealth subject to tax imposed by

Proposed Regulations

Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia.

"Community services" means any type of counseling and advice, emergency assistance, medical care, provision of basic necessities, or services designed to minimize the effects of poverty, furnished primarily to impoverished people.

"Education" means any type of scholastic instruction or scholarship assistance to an individual who is impoverished.

"Housing assistance" means furnishing financial assistance, labor, material, or technical advice to aid the physical improvement of the homes of impoverished people.

"Impoverished people" means people in Virginia with incomes at or below 150% of the poverty guidelines as defined by the United States Office of Management and Budget as published in the Federal Register (62 FR 10856), and as updated and republished annually in the Federal Register.

"Job training" means any type of instruction to an individual who is impoverished that enables him to acquire vocational skills so that he can become employable or able to seek a higher grade of employment.

"Neighborhood assistance" means providing community services, education, housing assistance, or job training.

"Neighborhood organization" means any local, regional or statewide organization whose primary function is providing neighborhood assistance for impoverished people, and holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of §§ 501 (c) (3) and 501 (c) (4) of the Internal Revenue Code of 1986, as amended from time to time, or any organization defined as a community action agency in the Economic Opportunity Act of 1964 (42 USC § 2701 et seq.), or any housing authority as defined in § 36-3 of the Code of Virginia.

"Professional services" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and shall include, but shall not be limited to, the personal services rendered by medical doctors, dentists, architects, professional engineers, certified public accountants and attorneys-at-law.

22 VAC 40-41-20. Purpose; procedure for becoming neighborhood assistance project; termination of project status; appeal procedure.

A. The purpose of the Neighborhood Assistance Program is to encourage business firms to make donations to neighborhood organizations for the benefit of impoverished people.

B. Neighborhood organizations wishing to become an approved neighborhood assistance project must submit a

proposal to the Commissioner of Social Services or his designee. This proposal must be on the form prescribed by the commissioner or his designee and at a minimum contain:

1. A description of their eligibility as a neighborhood organization, the program to be conducted, the impoverished people to be assisted, the estimated amount that will be donated to the program, and plans for implementing the program.
2. Proof of the neighborhood organization's current exemption from income taxation under the provisions of §§ 501(c)(3) or 501(c)(4) of the Internal Revenue Code, or the organization's eligibility as a community action agency as defined in the Economic Opportunity Act of 1964 (42 USC § 2701 et seq.), or housing authority as defined in § 36-3 of the Code of Virginia.
3. A copy of the neighborhood organization's most recent audit, a copy of the organization's most current federal form 990, and a copy of the annual report filed with the Department of Agriculture and Consumer Services' Division of Consumer Affairs.
4. A statement of objective and measurable outcomes that are expected to occur and the method the organization will use to evaluate the program's effectiveness.

C. The application period for neighborhood organizations to become approved neighborhood assistance projects will start no later than March 1 of each year. All applications must be received by the Department of Social services no later than the first working day of May.

D. Those organizations submitting all required information and reports, meeting the eligibility criteria of a neighborhood organization, and whose proposals are consistent with the Economic Opportunity Act, will be determined an eligible project for the Neighborhood Assistance Program. The approval period will run from July 1 through June 30 of the following year.

E. The commissioner or his designee may terminate a project's eligibility based on a finding of program abuse involving illegal activities, or fraudulent reporting on contributions.

F. Any neighborhood organization that disagrees with the disposition of their applications, or their termination as a eligible project, may appeal to the commissioner for a reconsideration. Such requests must be made within 30 days of the denial or termination. The commissioner will act on the request and render a final decision within 30 day of the request for reconsideration.

22 VAC 40-41-30. Allocation of tax credits.

A. The available tax credits will be allocated among all approved projects as follows:

1. Any amounts legislatively set aside for special purposes will be allocated for these purposes.

2. At least 10% of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10% of the available amount of tax credits, the unallocated portion of such 10% shall be allocated to other eligible neighborhood organizations.

3. Projects that had received a tax credit allocation within the last four years will be given an allocation based on the average amount of tax credits actually used in prior years. This amount may be reduced by a percentage or be capped in order to stay within the total available funding.

4. The remaining allocation will be distributed among projects which have not received an allocation within the last four years. This process may include a determination of the reasonableness of requests, caps, and percentage reductions in order to stay within the total available funding.

5. The steps provided in subdivisions 3 and 4 may be used for any amount legislatively designated for specific types of projects. Alternate procedures may be developed to ensure equitable distribution of available tax credits.

B. During the program year, neighborhood organizations may request additional allocations of tax credits. Requests will be evaluated on reasonableness and funds will be reallocated on a first come basis as they become available. Requests for increases to an organizations allocation received more than two weeks after the end of the program year will not be processed.

C. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of Social Services or his designee.

22 VAC 40-41-40. Value of donations.

A. The approved neighborhood organization is responsible for maintaining documentation acceptable to the Department of Social Services and establishing the date and value of all donations.

B. The value of donations of cash, including stocks, bonds, or other negotiable items, merchandise, and real-estate is the value determined for federal tax purposes using IRS regulations (26 CFR 1 et seq., and as amended).

C. The value assigned for donated rent/lease of property must be reasonable and cannot exceed the prevailing square footage rental charge for comparable property.

D. The value of professional services is determined as follows:

1. When an employer donates professional services provided by employees, the value of the donation shall

be equal to the salary that such employee was actually paid for the period of time that such employee rendered professional services to the approved program. Operating overhead and benefit costs are not included in determining the contribution.

2. When a sole proprietor or partner in a partnership renders professional services to a program, the value of the professional services shall not exceed the lesser of the reasonable cost for similar services from other providers, or the maximum amount set forth in § 63.1-325 of the Code of Virginia.

3. When a physician or dentist licensed pursuant to Title 54.1 of the Code of Virginia provides health care services, the value of such services shall not exceed the lesser of the reasonable cost for similar services from other providers or the maximum amount set forth in § 63.1-325 of the Code of Virginia.

22 VAC 40-41-50. Donations by businesses, physicians, and dentists.

A. As provided by § 63.1-324 of the Code of Virginia, a business firm shall be eligible for a tax credit based on the value of the money, property, and professional services donated by the business firm during its taxable year to an approved neighborhood organization.

B. No tax credit shall be granted to any business firm for donations to a neighborhood organization providing job training or education for individuals employed by the business firm.

C. Physicians and dentists licensed pursuant to Title 54.1 of the Code of Virginia who provide health care services without charge at a clinic which is an approved neighborhood organization, and is organized in whole or in part for the delivery of health care services without charge, shall be eligible for a tax credit pursuant based on the time spent in providing health care services at such clinic.

D. All donations must be made without any conditions or expectation of monetary benefit from the project. Discounting of property or professional services is not an allowable donation for the Neighborhood Assistance Program.

E. Granting of tax credits shall conform to the minimum and maximum amounts prescribed in § 63.1-324 of the Code of Virginia.

F. Credits granted to a partnership, electing small business (Subchapter S) corporation, or limited liability company shall be allocated to their individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. The business firm and Neighborhood Assistance Program project shall complete a certification on a form prescribed by the Department of Social Services and submit it to the commissioner or his designee. The certification shall identify the date, type and value of the donation and the business firm making the donation.

Proposed Regulations

H. All certifications must be submitted to the commissioner or his designee within four years of the date of donation.

I. Upon receipt and approval of the certification, the commissioner or his designee shall issue a tax credit certificate to the business.

22 VAC 40-41-60. Determining date of donation.

A. The date of donation for cash, including stocks, bonds, or other negotiable items, merchandise, and real-estate is the date used for federal tax purposes according to IRS regulations.

B. The date of donation for professional services is the date the service is completed.

C. The date of donation for donated rent/lease is the effective date of the lease.

NOTICE: The forms used in administering 22 VAC 40-41-10 et seq., Neighborhood Assistance Tax Credit Program, are listed below and are published following the listing.

FORMS

Contribution Notification Form A (CNF-A) (eff. 7/98).

Contribution Notification Form B (CNF-B) (eff. 7/98).

Contribution Notification Form C (CNF-C) (eff. 7/98).

Neighborhood Assistance Program Application, July 1998-June 1999.

Commonwealth of Virginia
Department of Social Services

NEIGHBORHOOD ASSISTANCE PROGRAM

CONTRIBUTION NOTIFICATION FORM A (CNF-A)
Required for all contributions of cash, merchandise, real estate or rent/lease made after June 30, 1998
(SEE BACK FOR INSTRUCTIONS BEFORE COMPLETION) 23 JUN 98

PART I. TO BE COMPLETED BY DONOR (TYPE or PRINT ONLY)

1. Name of Donating Business _____
 2. (Mr./Mrs./Ms./Dr.) _____ Contact Person _____
 3. Business Address _____
 City, State, Zip Code _____
 Telephone No. (____) _____
 4. Fed. I.D.# _____
 5. Business code _____ (See instructions)

6. Type of business: Corp. _____ Sub S _____ Partner _____
 LLP _____ L LC _____ PLC _____ PC _____
 Sole Prop _____ (File Schedule C or F)

7. Type of donation: Check _____ Stock _____
 Merchandise _____ Real Estate _____ Rent/Lease _____

8. Date of donation: _____ / _____ / _____
(Actual date of donation / Beginning to ending date)

9. Value of donation \$ _____

Note: The value is determined in accordance with IRS standards. See instructions for exceptions.

Determining the effect of making a donation for tax credits on a donor's tax liability is the sole responsibility of the donor. Before making a donation or when tax related questions occur, donors are encouraged to seek advice from their tax accountant or other tax advisor.

PART II. CERTIFICATION BY DONOR

I certify that the value of the donation was determined in accordance with IRS standards or the exceptions listed in the instructions. I also certify that the above information is accurate and describes a donation made to the Neighborhood Assistance Project. I understand that if I falsify information, I may be subject to penalties prescribed by the Virginia Departments of Taxation and Social Services.

Date _____ Signature of Business Designee _____

PART III. TO BE COMPLETED BY PROJECT (TYPE or PRINT ONLY)

I certify that the above business has made the donation indicated above to this project and I have documentation supporting the value of the donation. I understand that if I falsify information, I may be subject to penalties prescribed by the Virginia Departments of Taxation and Social Services.

1. (Project Name as listed on Approval Certificate) _____ 2. Project I.D.# _____ (See Project Approval Certificate)
 3. Project Address: _____ Phone # (____) _____
 4. Neighborhood Assistance Project Approval Year: 97/01/99 - 06/30/99

Date _____ Signature of Neighborhood Assistance Project Designee _____
 Revised 7/98

INSTRUCTIONS FOR CONTRIBUTION NOTIFICATION FORM A (CNF-A)

Used for all contributions of cash, merchandise, real estate or rent/lease made after June 30, 1998

General:

- Determining the effect of making a donation for tax credits on a donor's tax liability is the sole responsibility of the donor. Before making a donation, or when tax related questions occur, donors are encouraged to seek advice from their tax accountant or other tax advisor.
- Donations must be made with no strings attached.
- Discounting (partial contributions) is not allowable for NAP donations.

Specific Instructions:

PART I

- Items 1-3: Exact name of business firm which made the donation, name of contact person at the business, mailing address and phone number of business.
- Item 4: Federal ID # of business (Use Social Security # only when Sole Proprietor is not required to have a Federal ID #).
- Item 5: Enter one code from the following list which best describes the business:

1-Insurance	2-Bank	3-Law Firm	4-Physician/Dentist	5-Construction	6-Grocery Store	7-Utility
8-Accountant	9-Clinicians	10-Furniture Sales	11-Hardware Store	12-Designer/Artist	13-Rental Property	14-Cooking/Fabric
15-Machinery/Equipment	16-Architect	17-Farmer	18-Car Dealer	19-Truck Hauler	20-Pharmacy	21-Other

Item 6: Check one describing the organization of the business

Item 7: Check one type of donation. (Each type requires a separate CNF.)

Item 8: Enter the actual date or dates (beginning and ending) over which donation was given. These dates must be within the program year.

Item 9: Enter value of donation. For checks, merchandise and real estate the value of the donation is determined using IRS Standards. The amount listed should normally be the same as used for federal tax purposes. (See IRS Publication 561 for additional information on determining value of donations.)

Exceptions to IRS standards:

For Rent/Lease: The value to be used for donated rent/lease must be agreed to by the donor and the NAP project prior to the lease being signed. The value assigned for donated rent or lease of property can not exceed the prevailing square footage rental charge for comparable property. The NAP project is responsible for maintaining documentation verifying reasonable costs for comparable property.

Sign and date the certification and return the CNF to the NAP project.

PART II

NOTE: Incomplete and/or illegible CNF's will be returned to the NAP project.

(REVISED 7/98)

Commonwealth of Virginia
Department of Social Services

NEIGHBORHOOD ASSISTANCE PROGRAM CONTRIBUTION NOTIFICATION FORM B (CNF-B)

For Use by Physician/Dentist Providing Certain Health Care Services
(SEE BACK FOR INSTRUCTIONS BEFORE COMPLETING)

INSTRUCTIONS FOR CONTRIBUTION NOTIFICATION FORM B (CNF-B)

For Use by Physician/Dentist Providing Certain Health Care Services

General:

- Determining the effect of making a donation for tax credits on a donor's tax liability is the sole responsibility of the donor. Before making a donation, or when tax related questions occur, donors are encouraged to seek advice from their tax accountant or other tax advisor.
- Donations must be made with no strings attached.
- Discounting (partial contributions) is not allowable for NAP donations.

Specific Instructions:

PART I

Items 1-3: Name of physician/dentist who made the donation, name of contact person for the physician/dentist, and business mailing address and phone number of physician/dentist.

Item 4: Federal ID # or Social Security number of Physician/Dentist.

Item 5: Check one indicating physician or dentist.

Item 6: Name of free health care clinic where services were donated.

Item 7: Enter the actual date or dates over which the health care services were donated. Date(s) of donation must be during project approval year.

Item 8: Enter the value of donation.

As provided in §93.1-325 C. of the Code of Virginia. The value of such donated services rendered by the physician or dentist shall not exceed the lesser of the reasonable cost for similar services from other providers or \$125 per hour. The value to be used for donated health care services must be agreed to by the donor and the NAP project prior to the services being donated and documentation of the contribution must be retained.

PART II

Sign and date the certification and return the CNF to the NAP project.
NOTE: Incomplete and/or illegible CNF's will be returned to the NAP project.

(REVISED 7/99)

PART I. TO BE COMPLETED BY DONATING PHYSICIAN/DENTIST (TYPE OR PRINT ONLY)

1. Name of Donating Physician/Dentist _____
2. (Dr./Mr./Mrs./Ms./) _____
3. Contact Person _____
Address _____
City, State, Zip Code _____
Telephone No. (_____) _____
4. Fed. I.D.#/Social Security # _____

5. Check one: _____ Physician _____ Dentist
6. Name of free health care clinic: _____
7. Date(s) of donated health care services: _____
from: ____/____/____ to: ____/____/____
(Actual date of donation / Beginning to ending date)
8. Value of donated services: \$ _____

Note: The value of donated services cannot exceed the lesser of the reasonable cost for similar services from other providers or \$125 per hour.

Determining the effect of making a donation for tax credits on a donor's tax liability is the sole responsibility of the donor. Before making a donation or when tax related questions occur, donors are encouraged to seek advice from their tax accountant or other tax advisor.

PART II. CERTIFICATION BY PHYSICIAN/DENTIST

I certify that the value of the donated service(s) was determined by the standards stated in the instructions and does not exceed the statutory maximum. I understand that if I falsify information, I may be subject to penalties prescribed by the Virginia Departments of Taxation and Social Services.

Date _____ Signature of Physician/Dentist Designee _____

PART III. TO BE COMPLETED BY PROJECT (TYPE OR PRINT ONLY)

I certify that the above physician/dentist has made this donation of providing health care services to this approved free health care clinic and the listed value of the donation does not exceed the statutory limits. I understand that if I falsify information, I may be subject to penalties prescribed by the Virginia Departments of Taxation and Social Services.

1. _____ (Project Name as listed on Approval Certificate)
2. Project I.D.# _____ (See Project Approval Certificate)
3. Project Address _____ Phone # (_____) _____
4. Neighborhood Assistance Project Approval Year: 07/01/98 - 06/30/99

Date _____ Signature of Neighborhood Assistance Project Designee _____
(REVISED 7/99)

INSTRUCTIONS FOR CONTRIBUTION NOTIFICATION FORM C (CNF-C)

Used for all contributions of Professional Services made after June 30, 1998

General:

1. Determining the effect of making a donation for tax credits on a donor's tax liability is the sole responsibility of the donor. Before making a donation, or when tax related questions occur, donors are encouraged to seek advice from their tax accountant or other tax advisor.

2. Donations must be made with no strings attached.

3. Discounting (partial contributions) is not allowable for NAP donations.

Specific Instructions:

PART I

Items 1-3: Exact name of business firm which made the donation, name of contact person at the business, mailing address and phone number of business.

Item 4: Federal ID # of business (Use Social Security # only when Sole Proprietor is not required to have a Federal ID #).

Item 5: Enter one code from the following list which best describes the business:

1-Insurance	2-Bank	3-Law Firm	4-Physician/Dentist	5-Construction	6-Grocery Store	7-Utility
8-Accountant	9-Clinicians	10-Furniture Sales	11-Hardware Store	12-Designer/Artist	13-Rental Property	14-Clothing/Fabric
15-Machinery/Equipment	16-Architect	17-Farmer	18-Car Dealer	19-Truck Hauler	20-Pharmacy	21-Other

Item 6: Check one describing the organization of the business

Item 7: Enter the actual date or dates over which donation was given.

Item 8: Enter type of donated professional service.

Item 9: Enter value of donation using the following methods:

For professional services rendered by the proprietor or a partner, the value shall not exceed the lesser of the reasonable cost for similar services from other providers or \$125 per hour.

For a salaried employee of a business firm, the value shall be equal to the salary that the employee was actually paid for the period of time the employee rendered professional services to the approved program.

PART II Sign and date the certification and return the CNF to the NAP project.

NOTE: Incomplete and/or illegible CNF's will be returned to the NAP project.

(REVISED 7/98)

Commonwealth of Virginia
Department of Social Services

**NEIGHBORHOOD ASSISTANCE PROGRAM
CONTRIBUTION NOTIFICATION FORM C (CNF-C)**

Required for all contributions of Professional Services made after June 30, 1998
(SEE BACK FOR INSTRUCTIONS BEFORE COMPLETING)

PART I. TO BE COMPLETED BY DONOR (TYPE OR PRINT ONLY)

1. Name of Donating Business _____

2. (Mr./Mrs./Ms./Dr.) _____ Contact Person _____

3. Business Address _____
City, State, Zip Code _____

4. Telephone No. (____) _____

5. Fed. I.D.# _____

6. Business code _____ (See instructions)

6. Type of business: Corp. _____ Sub S _____ Partner _____
LLP _____ LLC _____ PLC _____ PC _____
Sole Prop _____ (File Schedule C or F)

7. Date of donation: ____/____/____ to ____/____/____
(Actual date of donation, beginning to ending date)

8. Type of Professional Service _____

9. Value of donation \$ _____

Note: For professional services donated by the proprietor or a partner, the value shall not exceed the lesser of the reasonable cost for similar services from other providers or \$125 per hour. For services donated by a salaried employee of the business, the value is the salary that such employee was actually paid while rendering the service.

Determining the effect of making a donation for tax credits on a donor's tax liability is the sole responsibility of the donor. Before making a donation or when tax related questions occur, donors are encouraged to seek advice from their tax accountant or other tax advisor.

PART II. CERTIFICATION BY DONOR

I certify that the above information is accurate and describes a donation of professional services made to the Neighborhood Assistance Project listed below. I also certify that the listed value of the donation does not exceed statutory limits. I understand that if I falsify information, I may be subject to penalties prescribed by the Virginia Departments of Taxation and Social Services.

Date _____ Signature of Business Designee _____

PART III. TO BE COMPLETED BY PROJECT (TYPE OR PRINT ONLY)

I certify that the above business has made the donation indicated above to this project, that I have documentation on the actual time donated, and the listed value of the donation does not exceed statutory limits. I understand that if I falsify information, I may be subject to penalties prescribed by the Virginia Departments of Taxation and Social Services.

1. _____ 2. Project I.D.# _____ (See Project Approval Certificate)

3. Project Address: _____ Phone # (____) _____

4. Neighborhood Assistance Project Approval Year: 07/01/98 - 08/30/98

Date _____ Signature of Neighborhood Assistance Project Designee _____

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Neighborhood Assistance Program

July 1998 - June 1999

APPLICATION

February 24, 1998

Neighborhood Assistance Program Applicants:

Thank you for the interest you've shown in the Neighborhood Assistance Program. An application package for the 1998-99 program year is enclosed. The package includes an application form and attachments with instructions. Please review the enclosed material before preparing your application.

Each organization desiring to be a NAP project must complete and return a completed application package to:

The Department of Social Services
Office of Community Services
730 E. Broad Street
Richmond, VA 23219-1849

Directions for completing the application and attachments are included in your package. (**Incomplete applications will not be processed**).

The completed package **must be received** in the Office of Community Services at 730 East Broad Street, **no later than May 1, 1998 - 5:00 pm** (faxed copies are not acceptable). Please allow sufficient time when mailing your application. **Applications received after 5:00 pm on May 1, 1998 will not be eligible for participation in the NAP program.**

If you have any questions or need additional information, please call the Office of Community Services at (804) 692-1895.

*****MAIL COMPLETED APPLICATION TO*****

VIRGINIA DEPARTMENT OF SOCIAL SERVICES
OFFICE OF COMMUNITY SERVICES
730 East Broad Street
8th Floor
Richmond, VA 23219-1849

**MUST BE RECEIVED
IN THE OFFICE OF COMMUNITY SERVICES
NO LATER THAN
May 1, 1998 - 5:00 P.M.**

(PLEASE ALLOW SUFFICIENT TIME WHEN MAILING YOUR APPLICATION)
(APPLICATIONS RECEIVED AFTER 5:00 P.M. ON MAY 1, 1998 WILL NOT BE CONSIDERED)

ATTACHMENT A

Certification of Income Levels Served

(Name of Organization)

Total number of people assisted by or using services provided by your organization last year: _____

Total funds spent assisting or providing services for these people last year: _____

Of this total: _____

Number of people at or below 125% of poverty last year: _____

Total funds spent on this group last year: _____

Number of people at or below 150% of poverty last year: _____

Total funds spent on this group last year: _____

Number of people at or below 175% of poverty last year: _____

Total funds spent on this group last year: _____

Number of people at or below 200% of poverty last year: _____

Total funds spent on this group last year: _____

Time period used: _____

I certify that the above information is true and accurately reflects the activities of our organization.

Signed: _____ Date: _____

VIRGINIA DEPARTMENT OF SOCIAL SERVICES
NEIGHBORHOOD ASSISTANCE PROGRAM APPLICATION
1998-1999
APPLICATION
(Please type)

Project Name _____

Complete Mailing Address _____

(_____) (_____) _____ Fax _____ Federal I.D. # _____

Name of CEO/Executive Director and title _____ NAP Contact and title _____

County/City of Main Office _____ Planning District # _____ Code for Type of Project _____

Was this Project an approved NAP Project During:

1994-95 Yes ___ No ___, 1995-96 Yes ___ No ___, 1996-97 Yes ___ No ___, 1997-98 Yes ___ No ___

Name of Project in prior years if different: _____

Amount of NAP Tax Credits Requested for July 1, 1998-June 30, 1999 \$ _____

II. CERTIFICATION

I certify that the above information and the following documents are true and apply to my organization/business and indicate an intent to become a NAP "Project":

- Attachments A, A(1), B, C, and D
- A copy of the 501(C)(3) or 501(C)(4) status documentation
- A copy of the most recent annual audit
- A copy of the federal form 990
- A copy of the annual report filed with the Department of Agriculture and Consumer Services' Division of Consumer Affairs.

I also understand that NAP participation obligates my organization/business to:

- Work with the Donors to assure a timely and accurate completion and submission of the Contribution Notification Forms (CNFs).
- Maintain and make available to DSS upon request, records pertaining to NAP transactions, for a period of 5 years.
- Abide by NAP laws and guidelines.

Authorized Signature _____ Date _____

Proposed Regulations

ATTACHMENT A(1) - INCOME LEVELS SERVED

Please attach a short summary describing how your organization will meet the requirement of providing assistance for impoverished people. Also, give your basis for the information entered on the "Certification of Income Levels Served" form. Describe any income tests and/or procedures that are used to gather this data. Please note, the requested information refers to the **total** operation of your organization, **not** just one or more projects/programs conducted by the organization.

POVERTY GUIDELINES 1997

Federal Register March 10, 1997, Vol. 62, No. 46, page 1087

FAMILY SIZE	100%	125%	150%
1	\$7,890	\$9,863	\$11,835
2	\$10,610	\$13,263	\$15,915
3	\$13,330	\$16,663	\$19,995
4	\$16,050	\$20,063	\$24,075
5	\$18,770	\$23,463	\$28,155
6	\$21,490	\$26,863	\$32,235
7	\$24,210	\$30,263	\$36,315
8	\$26,930	\$33,663	\$40,395
EACH ADDITIONAL	\$2,720	\$3,400	\$4,080

*Revised 1998 Poverty Guidelines will be mailed upon request when available.

ATTACHMENT B - LOCALITIES SERVED

Please check all localities in which your NAP Project will actively provide services. If you provide statewide services check here: Statewide Services _____

COUNTIES	Isle of Wight	Wise
Accomack	_____	_____
Albemarle	_____	_____
Alleghany	_____	_____
Amelia	_____	_____
Amherst	_____	_____
Appomattox	_____	_____
Arlington	_____	_____
Augusta	_____	_____
Bath	_____	_____
Bedford	_____	_____
Bland	_____	_____
Botetourt	_____	_____
Brunswick	_____	_____
Buchanan	_____	_____
Buckingham	_____	_____
Campbell	_____	_____
Caroline	_____	_____
Carroll	_____	_____
Charles City	_____	_____
Charlotte	_____	_____
Chesterfield	_____	_____
Clarke	_____	_____
Craig	_____	_____
Culpeper	_____	_____
Cumberland	_____	_____
Dickenson	_____	_____
Dinwiddie	_____	_____
Essex	_____	_____
Fairfax	_____	_____
Fauquier	_____	_____
Floyd	_____	_____
Fluvanna	_____	_____
Franklin	_____	_____
Frederick	_____	_____
Giles	_____	_____
Gloucester	_____	_____
Goocland	_____	_____
Grayson	_____	_____
Greene	_____	_____
Greensville	_____	_____
Halifax	_____	_____
Hanover	_____	_____
Henrico	_____	_____
Henry	_____	_____
Highland	_____	_____
James City	_____	_____
King & Queen	_____	_____
King George	_____	_____
King William	_____	_____
Lancaster	_____	_____
Lee	_____	_____
Loudoun	_____	_____
Louisia	_____	_____
Lunenburg	_____	_____
Madison	_____	_____
Mathews	_____	_____
Mecklenburg	_____	_____
Middlesex	_____	_____
Montgomery	_____	_____
Nelson	_____	_____
New Kent	_____	_____
Northampton	_____	_____
Northumberland	_____	_____
Nottoway	_____	_____
Orange	_____	_____
Page	_____	_____
Patrick	_____	_____
Pittsylvania	_____	_____
Powhatan	_____	_____
Prince Edward	_____	_____
Prince George	_____	_____
Prince William	_____	_____
Pulaski	_____	_____
Rappahannock	_____	_____
Richmond	_____	_____
Roanoke	_____	_____
Rockbridge	_____	_____
Rockingham	_____	_____
Russell	_____	_____
Scott	_____	_____
Shenandoah	_____	_____
Smyth	_____	_____
Southampton	_____	_____
Spotsylvania	_____	_____
Stafford	_____	_____
Surry	_____	_____
Sussex	_____	_____
Tazewell	_____	_____
Warren	_____	_____
Washington	_____	_____
Westmoreland	_____	_____
Alexandria	_____	_____
Bedford	_____	_____
Bristol	_____	_____
Buena Vista	_____	_____
Charlottesville	_____	_____
Chesapeake	_____	_____
Clifton Forge	_____	_____
Colonial Heights	_____	_____
Covington	_____	_____
Danville	_____	_____
Emporia	_____	_____
Fairfax	_____	_____
Falls Church	_____	_____
Franklin	_____	_____
Fredericksburg	_____	_____
Galax	_____	_____
Hampton	_____	_____
Harrisonburg	_____	_____
Hopewell	_____	_____
Lexington	_____	_____
Lynchburg	_____	_____
Manassas	_____	_____
Manassas Park	_____	_____
Martinsville	_____	_____
Newport News	_____	_____
Norfolk	_____	_____
Norton	_____	_____
Petersburg	_____	_____
Poquoson	_____	_____
Portsmouth	_____	_____
Radford	_____	_____
Richmond	_____	_____
Roanoke	_____	_____
Salem	_____	_____
South Boston	_____	_____
Staunton	_____	_____
Suffolk	_____	_____
Virginia Beach	_____	_____
Waynesboro	_____	_____
Williamsburg	_____	_____
Winchester	_____	_____

ATTACHMENT C

Describe your organization and how NAP credits will be used. Limit your response to one page and return the original. Please refer to the instruction sheet when completing this form!

1998-99

CODES FOR TYPE OF PROJECT

- 1 - Youth / Domestic Violence Shelter
- 2 - Homeless Shelter
- 3 - Housing
- 4 - Youth Activities / Youth Center
- 5 - Home / Center For The Disabled
- 6 - Comprehensive Emergency Services
- 7 - Senior Citizens Services
- 8 - Legal Services
- 9 - Health Care Services
- 10 - Teen Pregnancy / Family Planning / Counseling
- 11 - Education / Scholarship
- 12 - Substance Abuse Counseling
- 13 - Food Banks
- 14 - Job Training / Employment Services
- 15 - Literacy Programs
- 16 - Child Care Programs
- 17 - Water / Waste Water Program
- 18 - Transportation Service
- 19 - Ex-Offender Services
- 20 - AIDS Program Related Services
- 21 - Other

A- Purpose of organization:

B- Number of years in operation & how long as a NAP participant:

C- Assistance/benefits provided for impoverished:

D- Percentage of impoverished customers:

E- Proposed use of NAP contributions:

INSTRUCTIONS

ATTACHMENT D

Provide a statement of your organization's goal/objective. List several of the more important measurable outcomes that are expected to occur during this year and discuss the method your organization will use to evaluate the program's effectiveness. Include how you will determine whether or not your program has been successful and how will you determine this.

Note: An evaluation report showing your outcomes may be required in future applications.

1. PLEASE COMPLETE AND RETURN THE ORIGINAL APPLICATION AND REQUESTED ATTACHMENTS to:

The Department of Social Services
Office of Community Services
730 E. Broad Street
Richmond, VA 23219-1849

The completed package must be received in the Office of Community Services on or before 5:00 pm - May 1, 1998.

2. Use the enclosed "Planning District Commission Boundaries" map to determine your planning district number.
3. Use "Codes For Type of Project" attachment to identify your project type. Please use only one code.
4. **ATTACHMENT A** - The requested information refers to the total operation of your organization, not just one or more programs conducted by your organization. All reference to poverty levels refer to the federal poverty level as shown on the enclosed chart. If estimates are used, please label the figures as estimates and explain how the estimates were determined. The time period "last year" is intended to be a full year and can be the last calendar year, program year, or audit year. Please include the time period you used at the bottom of this sheet and an explanation if any other time period, other than a full 12 months, was used.
5. **ATTACHMENT A(1)** - Attach a short summary describing how your organization meets the requirement of providing assistance for impoverished people. Discuss your basis for the data entered on attachment A and describe any income tests and/or procedures used to gather the information. Also, discuss how the information on attachment A does or does not relate to program expenditures in your audit report.
6. **ATTACHMENT B** - Check all localities in which your nap project will actively provide a service.

7. **ATTACHMENT C** - Describe your organization and how nap credits will be used. (Do not exceed one page). Use the following as a guideline:

Describe your organization

- A - List the primary purpose of your organization. (If this is different from the description shown in your audit report, please explain.)
- B - Include the number of years your organization has been in operation and the years you were previously a NAP participant.
- C - Discuss benefits/assistance your organization provides to impoverished people.
- D - Show the percent of customers/clients served by your organization, during previous year who are impoverished. This should agree with the information you provide on Attachment A.
- E - Describe how you propose to use NAP contributions, if approved.

8. **Attachment D** - Provide a state of objective for your organization. List measurable outcomes that are expected to occur during the program year and discuss the method you will use to evaluate the program's effectiveness.

9. **ATTACH A COPY OF YOUR 501(C) (3) OR 501(C) (4) STATUS DOCUMENTATION.**

10. **ATTACH A COPY OF YOUR MOST RECENT ANNUAL AUDIT REPORT.** ("Audit" means any audit required under the federal Office of Management and Budget's Circular A-133, or, if your organization is not required to file and audit under Circular A-133, a detailed financial statement prepared by a certified public accountant.)

11. **ATTACH A COPY OF YOUR FEDERAL FORM 990.**

12. **ATTACH A COPY OF THE ANNUAL REPORT FILED WITH THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF CONSUMER AFFAIRS.**

13. Use Application Package Check list to ensure you are returning a complete package. (APPLICATIONS RECEIVED AFTER 5:00 PM ON May 1, 1998 WILL NOT BE ELIGIBLE FOR PARTICIPATION IN THE NAP PROGRAM. POSTMARK DATES ARE NOT APPLICABLE.)

Note: In the event of new legislation, we may need to request additional information.

APPLICATION PACKAGE CHECK LIST

- Completed, signed and dated application. (Send original)
- Attachment A - Certification of income levels served. (Send original)
- Attachment A(1) - Summary and basis for information on attachment A. (Send original)
- Attachment B - Localities the Project serves. (Send original)
- Attachment C - Description of your organization and how the tax credits will be used. (Send original)
- Attachment D - Statement of objective, measurable outcomes, and method used to evaluate effectiveness. (Send original)
- Attach one copy of your 501(c)(3) or 501(c)(4) document.
- Attach one copy of your audit report.
- Attach one copy of your federal form 990.
- Attach one copy of the annual report filed with the Department of Agriculture and Consumer Services' Division of Consumer Affairs.

PLEASE USE THE CHECK LIST TO ENSURE YOU ARE RETURNING A COMPLETE APPLICATION PACKAGE. (Please allow sufficient time when mailing your application because APPLICATIONS RECEIVED AFTER 5:00 PM ON May 1, 1998 WILL NOT BE ELIGIBLE FOR PARTICIPATION IN THE NAP PROGRAM.)

Proposed Regulations

Title of Regulation: 22 VAC 40-140-10 et seq. **Minimum Standards for Independent Foster Homes (REPEALING).**

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 16, 1998
(See Calendar of Events section for additional information)

Basis: The Department of Social Services proposes to repeal the current regulation titled Minimum Standards for Licensed Independent Foster Homes, 22 VAC 40-140-10 et seq. The statutory authority for repealing this regulation is found in § 63.1-202 of the Code of Virginia.

Purpose: The current regulation has not been revised since March 1949. The Department of Social Services has not previously identified a need to revise this regulation since there were no independent foster homes in the Commonwealth for several years. There are now two licensed homes. The department recognizes that independent foster homes may meet the needs of families. Independent foster homes can serve their localities by providing temporary care to children in their homes. Therefore, the department intends to repeal the current regulation and adopt a new regulation titled Minimum Standards for Licensed Independent Foster Homes, 22 VAC 40-141-10 et seq. The 1949 regulation does not adequately protect the health, safety and welfare of children in out-of-family placement and does not address the rights of families to visit with their children or participate in planning to return their children home.

Substance: The Department of Social Services filed a Notice of Intended Regulatory Action on May 30, 1994, to repeal the 1949 standards and promulgate new standards that will offer more protection and provide for the safety and well-being of children placed in these homes.

Issues: **Advantages:** In order to provide protection, assurance of children's welfare and safety, and assurance that essential services are provided to children, new standards of care are necessary. There are no disadvantages to the public in repealing this regulation. The advantage to the Commonwealth of repealing the current regulation and promulgating the new regulation is the assurance of the broadest range of options for its vulnerable population of children to receive proper care and services.

Estimated impact: There are currently two licensed independent foster homes in Virginia which will be impacted by the repeal of the current regulation and promulgation of the proposed regulation. The department expects some increase in independent foster homes because of the increased need for resources for youth and families. However, we do not have enough information to project the actual percentage increase. Some licensed family day care providers have expressed interest in providing short-term foster care to children enrolled in day care. This will allow a continuity of care for these children while their parents are

temporarily unable to provide for them. Community services board have also expressed an interest in utilizing independent foster homes for the families in their community.

The repeal of the current regulation will have no significant impact on the Department of Social Services.

Identity of any locality affected: No particular locality will be affected more than another. The independent foster homes may be located in any area of the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. This regulation would be repealed and replaced with the proposed regulation Minimum Standards for Licensed Independent Foster Homes, 22 VAC 40-141-10 et seq. These regulations specify minimum licensing requirements for independent foster homes.

Estimated economic impact. The proposed repeal of this regulation would have no independent economic consequences because its general provisions would remain in effect through 22 VAC 40-141-10 et seq., the regulation with which it would be replaced.

Businesses and entities particularly affected. The proposed repeal of this regulation would affect the two currently licensed independent foster homes in Virginia, all future applicants, the children residing in such homes, and their parents and legal guardians.

Localities particularly affected. No localities are particularly affected by the proposed repeal of this regulation.

Projected impact on employment. The proposed repeal of this regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed repeal of this regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. The proposed repeal of this regulation is not anticipated to have any independent economic consequences because its general provisions would remain in effect through 22 VAC 40-141-10 et seq., the regulation with which it would be replaced.

Agency Response to the Department of Planning and Budget's Economic Impact Analysis. The Department of Social Services agrees with the economic impact analysis completed by the Department of Planning and Budget.

Summary:

The board proposes to repeal the current Minimum Standards for Independent Foster Homes (22 VAC 40-140-10 et seq.) and promulgate a new regulation titled Minimum Standards for Licensed Independent Foster Homes (22 VAC 40-141-10 et seq.). These regulations specify minimum licensing requirements for independent foster homes.

VA.R. Doc. No. R94-964; Filed July 29, 1998, 8:53 a.m.

Title of Regulation: **22 VAC 40-141-10 et seq. Minimum Standards for Licensed Independent Foster Homes.**

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 16, 1998.

(See Calendar of Events section for additional information)

Basis: The statutory authority for promulgating this regulation is found in § 63.1-202 of the Code of Virginia. This statute requires the State Board of Social Services to promulgate regulations for the activities, services and facilities of persons or agencies required to be licensed. These regulations shall be designed to ensure that they are conducive to the welfare of the children under the custody or control of such persons or agencies. The statute requires that the regulations include matters relating to the sex, age, and number of children to be cared for, the buildings and premises to be used, and reasonable standards for the activities and services provided to the children. The department recommends the repeal of the current regulation (22 VAC 40-140-10 et seq.).

Purpose: The current regulation has not been revised since March 1949. The Department of Social Services has not previously identified a need to revise this regulation since there were no independent foster homes in the Commonwealth for several years. There are now two licensed homes. The department now recognizes that independent foster homes may meet the needs of families. Independent foster homes can serve their localities by providing temporary care to children in their homes.

Since the children privately placed in these homes will not have a public or private agency case manager to monitor the care and services they receive, it is critical that the standards governing the licensing of these homes provide the necessary protection for children in care. The proposed regulation provides additional protection and includes minimum standards for services to be provided to children in care, visitation with families, and plans to reunite children

with their families. The 1949 regulation does not adequately protect the health, safety and welfare of children in out-of-family placement and does not address the rights of families to visit with their children or participate in planning to return their children home.

Substance: An independent foster home is defined by § 63.1-195 of the Code of Virginia. The definition states that individuals must be licensed to care for others' children unless the children are related to the provider by birth or adoption or are children of personal friends. This licensure does not apply to placements of children made through local departments of social services or licensed private child placing agencies. Foster homes accepting children placed by public and private agencies must receive approval by those agencies.

The Department of Social Services filed a Notice of Intended Regulatory Action on May 30, 1994, to repeal the 1949 standards and promulgate new standards that will offer more protection and provide for the safety and well-being of children placed in these homes.

Issues: Advantages: Parents who need to make temporary living arrangements for their children could have a private resource available to them without involving a public or private agency. In order to provide protection, assurance of children's welfare and safety, and assurance that essential services are provided to children, standards of care are necessary. There are no disadvantages to the public of implementing this regulation. The advantage to the Commonwealth is the assurance of the broadest range of options for its vulnerable population of children to receive proper care and services.

Estimated impact: There are currently two licensed independent foster homes in Virginia. One home serves children with disabilities, primarily infants with HIV infection or AIDS. The department expects some increase in independent foster homes because of the increased need for resources for youth and families. However, we do not have enough information to project the actual percentage increase. Some licensed family day care providers have expressed interest in providing short-term foster care to children enrolled in day care. This will allow a continuity of care for these children while their parents are temporarily unable to provide for them. The proposed regulation will have no significant impact on the Department of Social Services.

Identity of any locality affected: No particular locality will be affected more than another. The independent foster homes may be located in any area of the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and

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

Summary of proposed regulation. The proposed regulation would replace the current Minimum Standards for Licensed Independent Foster Homes which is being repealed. These regulations specify minimum licensing requirements for independent foster homes. The current regulation was last revised in 1949. Independent foster homes have legal authority to accept children placed directly by their parents or legal guardians. Such homes operate independently of local social services departments and private child-placing agencies.

The primary amendments contained in the proposed regulation are as follows:

1. Prospective licensees would be required to undergo a background check that would include reference checks, employment history, and a search of SDD's central registry to determine whether the applicant had a founded abuse or neglect record;
2. Applicants for licensure would be required to meet certain educational and training requirements such as a current certification in first aid and cardiopulmonary resuscitation, and a bachelors degree in a field related to family services or a high school degree with at least one year of child care experience;
3. Applicants for licensure would be required to take a tuberculosis test;
4. The maximum number of children allowed in a home would be set at eight;
5. The required adult caregiver to child ratio would be changed from one to three for children less than two years old and one to six for children greater than two years old, to one to four for preschool children or children with special needs and no required ratio for school age children;
6. Providers would be required to meet certain safety requirements such as having transportation available at all times in event of emergency, posting an emergency evacuation plan and rehearsing that plan monthly, having first aid kits available, and maintaining operable smoke detectors in all sleeping areas; and
7. Providers would be required to meet certain reporting and record keeping requirements such as reporting all illnesses, injuries and accidents to a child's parents and the licensing representative within 24 hours and maintaining daily records of all prescription and nonprescription drugs administered to a child.

Estimated economic impact. The proposed regulation is likely to have two major economic effects: (i) increase the quality and consistency of independent foster home services

provided in Virginia; and (ii) increase the regulatory compliance associated with providing those services.

Service quality. Because independent foster homes operate independently of local social services departments, children placed in such homes do not have a public agency case manager to monitor their care. In the absence of such direct government involvement, licensing requirements help ensure that children residing in independent foster homes receive a level of care that meets minimum standards for health and safety. Most of the proposed new requirements reflect changes in generally accepted practices that have occurred since the regulation was last revised in 1949. Updating the current regulation to reflect these changes will improve the quality and consistency of the independent foster home services provided in Virginia.

Increased regulatory compliance costs. Many of the new requirements would cause an increase in regulatory compliance costs. For instance, the proposed new safety requirements (e.g., having transportation available at all times in event of emergency, posting an emergency evacuation plan and rehearsing that plan monthly, having first aid kits available, and maintaining operable smoke detectors in all sleeping areas) and the proposed new record keeping requirements (e.g., reporting all illnesses, injuries and accidents to a child's parents and the licensing representative with 24 hours and maintaining daily records of all prescription and nonprescription drugs administered to a child) will certainly necessitate expenditures on equipment and expenditures of time and effort that would not be required under the current regulation. In the main, however, these proposed changes reflect current generally accepted practices. Moreover, because many homes probably already are in compliance with some of the new safety and physical requirements, the real increase in compliance costs generated by the proposed new standards is likely to be relatively small.

Businesses and entities particularly affected. The proposed regulation particularly affects the two currently licensed independent foster homes in Virginia, all future applicants, the children residing in such homes, and their parents and legal guardians.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Affects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. DPB anticipates that the proposed regulation will have two primary economic effects: (i) it will increase the quality and consistency of independent foster home services provided in Virginia by ensuring that such homes meet currently accepted standards for health and safety; and (ii) it will increase the regulatory compliance associated costs with providing independent foster home

services by increasing the stringency of the standards imposed by the regulation.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services agrees with the economic impact analysis completed by the Department of Planning and Budget.

Summary:

The proposed regulation establishes minimum standards for licensed independent foster homes that function independently of both local departments of social services and licensed private child-placing agencies. This license allows independent foster parents to accept children placed directly by their parents or legal guardians. Independent foster homes have the legal authority to accept children directly from parents or legal guardians with no oversight or services provided by a local department of social services. This regulation will replace the standards that were promulgated in 1949.

The proposed regulation includes minimum standards for services to be provided to children in care, visitation with families, and plans to reunite children with their families. The proposed standards provide protection to children by requiring the following areas which are not addressed in the current regulation:

- 1. A search of the Department of Social Services' Child Abuse and Neglect Information System's central registry on the provider, assistant, and adult household members and prohibit approval of the home if an individual has a founded abuse or neglect record;*
- 2. Reference checks and employment history prior to approval;*
- 3. Evaluation of the provider's educational qualifications, experience and ability to provide the necessary care for and services to the child;*
- 4. Emergency plans in cases of fire, police or medical emergencies;*
- 5. Adult supervision of children and capacity of the home;*
- 6. Medical information, disease prevention, first aid supplies, medication oversight, medical authorization, and reporting all major injuries and illnesses to the child's parent or guardian;*
- 7. Positive discipline techniques and prohibition of physical punishment;*
- 8. Opportunities for recreation;*
- 9. Transportation safety, home safety, comfort, privacy, and adequate sleeping arrangements; and*
- 10. Services to be provided to the children in care, visitation for children and their families, and discharge planning.*

Additionally, § 63.1-204 requires entrustment agreements to be filed with the court for approval within 30 days of placement if it appears that the child cannot be returned to his parents or prior custodians within 90 days of placement. This requirement will prevent children from staying in foster homes for unnecessary lengths of time.

CHAPTER 141.

MINIMUM STANDARDS FOR LICENSED INDEPENDENT FOSTER HOMES.

PART I.
DEFINITIONS AND AUTHORITY.

22 VAC 40-141-10. Definitions.

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

"Assistant" means an individual 18 years of age or older who is selected by the independent foster parent to assist the provider in the care and supervision of the children in the home.

"Child" means any individual less than 18 years of age.

"Child Protective Service Central Registry" means the name index of individuals involved in child abuse and neglect investigations with a founded disposition and maintained by the Virginia Department of Social Services.

"Child with special needs" means a child with diagnosed physical, mental, or emotional disabilities such as, but not limited to, cerebral palsy, sensory impairment, learning disabilities, behavior disorders, chronic illnesses, a deficit in social functioning, mental retardation or emotional disturbance and who may require special monitoring or specialized programs, interventions or facilities.

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

"Cooling device" means a mechanical device used to cool a room, such as an electric fan or air conditioner.

"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.

"Good character and reputation" means findings have been established and knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships which are characterized by honesty, fairness, truthfulness and dependability and (ii) has a history or pattern of behavior that demonstrates that the individual is suitable and able to care for, supervise, and

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protect children. Relatives by blood or marriage, and persons who are not knowledgeable of the individual such as recent acquaintances shall not be considered objective references.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision 13 of § 16.1-278.8 of the Code of Virginia.

"Infant" means any child from birth up to 16 months of age.

"Major injuries, illnesses and accidents" means injuries, illnesses or accidents which require emergency medical care or treatment.

"Parent" means the legal parent or parents or legal guardians of the child.

"Provider" means independent foster parents who give 24-hour substitute family care, room and board, and services for up to eight children who reside in the provider's home as members of the household. A provider may be a husband and wife.

"Time-out" means a discipline technique in which a child is moved for a brief time away from the stimulation and reinforcement of ongoing activities and other children to allow the child to regain composure when losing self-control.

22 VAC 40-141-20. Legal authority.

The licensed independent foster parent is permitted by law to accept children for care who are entrusted to the provider by the parents or legal guardians. This temporary entrustment transfers custody of the child from the parents or legal guardians to the independent foster parents. The entrustment must be approved by the juvenile and domestic relations court if the child is to remain in placement more than 90 days. Individuals are exempt from licensure if they only provide care to children who are born to or adopted by the individual or children of relatives or personal friends. Subdivision 4 of § 16.1-278.2 of the Code of Virginia referenced in the definition of an independent foster home refers to the placement decisions for children by local boards of social services or a public agency designated by the community policy and management team. Subdivision 6 of § 16.1-278.4 of the Code of Virginia refers to the court transfer of legal custody from the parent to another individual or agency. Subdivision 13 of § 16.1-278.8 of the Code of Virginia refers to the court's disposition of delinquent juveniles. Individuals receiving children under these provisions are not subject to licensure.

Section 63.1-202 of the Code of Virginia establishes the authority of the State Board of Social Services to promulgate

regulations for the activities, services and facilities to be employed by persons and agencies required to be licensed by § 63.1-196 of the Code of Virginia. Regulations shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies. Section 63.1-215 of the Code of Virginia states that it shall be a misdemeanor to operate or engage in the activities of a child welfare agency without first obtaining a license.

PART II.

GENERAL REQUIREMENTS FOR PROVIDERS.

22 VAC 40-141-30. General requirements.

A. Children placed in independent foster homes by their parents or legal guardian shall not remain in care longer than 90 days without the approval of the local juvenile and domestic relations court.

If it appears that a child cannot be returned to the child's parents in less than 90 days, the provider shall petition the local juvenile and domestic relations court within 30 days of placement to request an assessment of the care and custody of the child.

B. Providers shall be at least 21 years of age.

C. Providers shall have either a bachelor's degree in a field related to family services, child care and development, social work or education or a high school diploma or a G.E.D. and at least one year of experience providing care to children in the age range to be placed in the home.

Providers who accept children with special needs shall have experience or training directly relevant to the developmental levels and special needs of the children in care.

Exception: Licensed and registered family day care home providers and family day care homes approved by licensed family day care systems shall be exempt from the requirements of this subsection when providing foster care to the children enrolled in the day care home.

22 VAC 40-141-40. Child abuse or neglect record.

A. The applicant for licensure, the provider, assistant and adult household members who come in contact with children shall receive and provide to the licensing representative the results of a search of Virginia's child protective service's central registry and shall not have a founded child abuse or neglect record.

B. The provider shall not permit a known sex offender to reside in the home or to have contact with the children in care.

22 VAC 40-141-50. References and employment history.

A. The provider shall provide three references with the initial application from unrelated persons who have knowledge of the provider's character and reputation and ability, skill and experience in the provision of services to children.

B. The provider shall submit information on the provider's employment history.

22 VAC 40-141-60. Assessment of knowledge, skills and abilities.

A. The provider and assistant shall be knowledgeable about and physically and mentally capable of providing the necessary care for children.

B. The provider and assistant shall be able to sustain positive and constructive relationships with children in care; shall relate to children with respect, courtesy, patience and affection; and shall demonstrate an understanding and respect for the families of children in care.

C. The provider and assistant shall be capable of handling emergencies with dependability and good judgment.

D. The provider and assistant shall be able to communicate and follow instructions to assure care, safety and protection for children.

E. The provider shall have the financial income to meet the basic needs of the provider's own family as well as to meet the needs of each child in placement if the parents are unable to pay for the child's care.

F. The provider shall have knowledge, skills and abilities in parenting skills and behavior management of children in the age or special needs group of the children to be placed with the provider.

G. The provider and assistant shall respect the confidentiality of the child and his family in accordance with § 63.1-209 of the Code of Virginia.

H. The provider and assistant shall be responsible, of good character and reputation and shall display behavior that demonstrates stability and maturity.

I. The provider shall demonstrate marital stability, if married.

J. The provider shall complete the required Home Study Assessment form provided by the department and submit the completed form with the initial application for licensure.

22 VAC 40-141-70. Training.

A. When such training is available, the provider shall complete an initial foster parent orientation and training session within the first six months of initial licensure. On an annual basis, the provider shall also attend at least 20 hours of related training.

B. The provider and assistant shall receive and maintain current certificates in first aid and cardiopulmonary resuscitation from an approved source such as the American Red Cross or the National Safety Council or an equivalent resource approved by the department.

22 VAC 40-141-80. Medical requirements for provider, assistant and household members.

A. Within 90 days prior to the initial application, the applicant for licensure as an independent foster home provider, each assistant and each permanent member of the household shall obtain a tuberculin skin test indicating the absence of tuberculosis in a communicable form.

1. The statement shall include the type of test used, the date of the test, and the test results.

2. The statement shall be signed and dated by a physician, the physician's designee, or an official of a local health department.

B. If an individual is not able to receive a tuberculin test for health reasons, this shall be documented by a physician. The physician's statement shall also include the date when the test can be safely administered. The individual shall obtain the tuberculin test no later than 30 days after the date indicated by the physician.

C. An individual who had a positive reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis shall obtain chest x-rays on an annual basis for the following two years.

The statement shall document the date of the x-rays and be signed by a licensed physician, the physician's designee, or an official of a local health department.

D. Any individual who, upon examination or as a result of tests, shows indication of communicable tuberculosis or a physical condition that may jeopardize the safety of children in care shall be removed from contact with children and, where indicated, from food served to children. Contact may resume when a licensed physician certifies that the risk to children has been eliminated or substantially reduced.

PART III.
SERVICES AND SUPERVISION.

22 VAC 40-141-90. Supervision of children in care.

A. The provider is responsible at all times for the safety and supervision of children placed in the home.

B. A responsible adult shall always be available to substitute in case of an emergency.

C. Children shall be supervised in a manner which ensures that the caregiver is aware of what the children are doing at all times and can promptly assist or redirect activities when necessary.

D. In deciding how closely to supervise children, providers shall consider:

1. The ages of the children;
2. Individual differences and abilities of the children;
3. The layout of the house and play area, including neighborhood circumstances or hazards; and
4. Risk activities children are engaged in.

Proposed Regulations

E. Children under the age of six and children with special needs shall be within sight or sound supervision at all times.

F. Providers shall not bathe with a child unless recommended by a physician.

G. Providers shall ensure the safety of children at all times during diapering.

22 VAC 40-141-100. Capacity.

A. The provider shall not exceed the maximum capacity stipulated on the license.

B. The maximum number of children in an independent foster home shall be eight with the following conditions:

1. The adult caretaker to child ratio shall be one to four for (i) preschool children during the regular waking hours and (ii) children with special needs during the regular waking hours as indicated by a licensed physician or licensed clinical psychologist;

2. The provider's children under age 13 count in determining the maximum number of children. If an assistant provides care to her children in the independent foster home, these children under age 13 shall also be counted.

3. The capacity of a home shall also be based on the physical accommodations of the home, the abilities and experience of the provider, the needs of the children already in the home and children to be placed, and the number of assistants.

4. An adult household member shall not be considered an adult caretaker unless the individual actively participates in the care and supervision of the children.

22 VAC 40-141-110. Essentials for each child.

A. The diet for children shall be well-balanced and appropriate to the daily nutritional needs of each child. Special diets shall be provided as prescribed by a physician for individual children.

B. Clothing, towels, wash cloths, toothbrushes, combs and hair brushes, and other personal needs shall be provided for each child on an individual basis. Clothing shall be kept clean, in good repair, and appropriate for the age and size of each child.

22 VAC 40-141-120. Transportation of children.

A. The provider shall have transportation available at all times in case of an emergency. Any individual who transports children shall have a valid driver's license and vehicle liability insurance.

B. Providers and any individual who transport children shall assure that all passengers use safety belts and child restraint devices in accordance with Virginia law.

C. The provider and assistant transporting children shall not have driving violations on file with the Department of Motor Vehicles related to driving under the influence of

alcohol or drugs, reckless driving, or any offense which places other occupants of the vehicle at risk within the five years prior to the application. A copy of the provider's and the assistant's driving record shall be provided to the licensing representative.

22 VAC 40-141-130. Medical care of children.

A. The provider shall have the name, address and telephone number of each child's physician easily accessible.

B. The provider shall have first aid supplies easily accessible to adults in the home, but not accessible to children.

C. First aid supplies shall include scissors, tweezers, sterile nonstick gauze pads, adhesive bandages in assorted sizes, a sealed package of alcohol wipes or antiseptic cleansers, thermometer, chemical cold pack if an ice pack is not available, first aid instruction manual or cards, insect bite or sting preparation, one triangular bandage, current syrup of ipecac to be used only when instructed by the regional poison control center or child's physician, flexible roller or stretch gauze, disposable nonporous gloves, and eye dressing or pad.

D. The provider shall receive medical history information, including immunizations received, for each child at the time of placement.

E. At the time of placement the provider shall receive documentation of a physical examination of the child completed within 90 days before placement or the child shall receive a physical examination within 30 days after placement. The current form required by the Virginia Department of Health or any other form which provides the same information to report immunizations received and the results of the physical examination shall be used.

Exception: If a child's parent objects to the child receiving immunizations or a physical examination on religious grounds, the parent must submit a signed statement noting the objection on religious grounds and certifying to the best of the parent's knowledge, the status of the child's health.

F. The provider shall ensure that the child receives necessary medical care and follow-up.

G. The provider shall give prescription drugs to children in care only in accordance with an order signed by a licensed physician or authentic prescription label and shall keep all prescription and nonprescription medications locked and stored as instructed by the physician or pharmacist.

1. The provider shall keep in the child's record daily documentation of all prescription and nonprescription medication administered to a child in care.

2. Out-of-date and unused medications shall be properly discarded or returned to the child's parent or guardian.

H. The provider shall report all major illnesses, injuries and accidents to the child's parent and to the licensing representative within 24 hours.

I. The provider shall receive authorization for emergency medical care for each child.

22 VAC 40-141-140. Disease prevention.

A. Children's hands shall be washed with soap and water before eating meals or snacks, after toileting, and after any contact with body fluids.

B. The provider and assistant shall wash their hands with soap or a germicidal cleansing agent after diapering a child, helping a child with toileting, personal toileting, any contact with body fluids, and before handling food, feeding or helping a child with feeding.

C. When a child's clothing or diaper becomes wet or soiled, it shall be changed immediately. When a child's diaper is changed, the soiled area shall be thoroughly cleaned with a disposable wipe.

D. The provider shall keep surfaces for preparing and eating food sanitary. Surfaces used for changing diapers shall be used for that purpose alone. Diapering surfaces shall be washed with soap and water or a germicidal agent after each use.

22 VAC 40-141-150. Discipline of children.

A. Discipline shall be constructive in nature and emphasize positive approaches to managing the child's behavior. The provider shall explain the rules of conduct and the behavior management approach to each child who is old enough to understand.

B. There shall be no physical punishment, rough play or severe disciplinary action administered to the body such as, but not limited to, spanking, roughly handling a child, shaking a child, 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, or using exercise as punishment.

C. Physical restraint shall not be used on children in care unless the provider has received training from a source approved by the department in crisis intervention and physical restraint techniques.

D. The provider shall not make threats; make belittling remarks about any child, the child's family, the child's race, religion, or cultural background; use profanity; or make other statements that are frightening or humiliating to the child.

E. When separation or time-out is used as a discipline technique, it shall be brief and appropriate to the child's developmental level and circumstances. The child who is separated from others shall be in a safe, lighted, and well-ventilated place, shall not be confined or locked in a room or compartment and shall be within hearing and vision of the provider or assistant at all times.

Children shall not be placed in time-out for periods of time exceeding one minute for each year of age. Time-out shall not be used for children under two years of age.

F. The provider shall not subject children to cruel, severe, humiliating, or unusual actions.

G. The provider shall not delegate discipline or permit punishment of a child by another child or by an adult not known to the child.

H. The provider shall not deny a child contact or visits with his family as a method of discipline.

22 VAC 40-141-160. Activities for children.

The provider shall provide daily indoor and outdoor recreational and other activities appropriate to the needs, interests, and abilities of the children in care. Each child shall also be permitted to have individual free time as appropriate to the child's age and ability.

22 VAC 40-141-170. Abuse and neglect reporting responsibilities of providers.

The provider shall immediately report any suspected abuse and neglect of any child in care to child protective services and to the licensing representative. The provider shall comply with § 63.1-248.3 of the Code of Virginia.

22 VAC 40-141-180. Services to children.

A. The provider shall arrange for necessary services based on the needs of the child, and as recommended by a licensed physician or other professional working with the child, where applicable. These services shall include, but are not limited to:

1. Professional evaluation and counseling;
2. Education and tutoring; and
3. Transportation to necessary appointments and services.

B. Visits between the child and the child's family shall be encouraged and shall not be denied unless ordered by the juvenile and domestic relations court having jurisdiction. If visits cannot take place, the reason shall be documented in the child's record.

C. The provider shall prepare and plan with the child's family and the child for the child to be reunited with the child's family within 90 days of placement.

D. The provider shall enroll each school-age child in school within five days after placement when school is in session.

E. The provider shall promote the child's education by giving the child educational guidance and counseling in the child's selection of courses, establishing contact with the child's school, and working with the child's school to promote academic achievement and to resolve any problems brought to the provider's attention by the school.

Proposed Regulations

PART IV.

STANDARDS FOR THE HOME OF THE PROVIDER.

22 VAC 40-141-190. Physical accommodations in the independent foster home.

A. The home shall be clean and have sufficient space and furnishings for each child receiving care in the home to include:

1. Space to meet the needs of the foster family in addition to that required for the foster children, including bedrooms which are not used as passageways and which have doors for privacy;
2. Space for each child to keep clothing and other personal belongings;
3. Indoor bathing and toilet facilities in good working order with a door for privacy;
4. A separate, comfortable bed for each child and sufficient bedding to ensure cleanliness and comfort. A crib shall be provided for infants. Exception: Two siblings of the same sex may occupy a double bed; and
5. Sleeping space on the first floor for children unable to use stairs unassisted, except children who can easily be carried.

B. All rooms used by children shall be heated to at least 68°F in winter, dry and well-ventilated. A child-safe cooling device shall be used when the temperature inside the room exceeds 80°F.

C. All doors and windows used for ventilation shall be screened.

D. Rooms used by children shall be well-lighted for activities and the comfort of children.

E. The home shall have a working telephone. The telephone number shall be provided to the licensing representative, to parents and legal guardians of children placed in the home, and to children when they are away from the home.

F. No more than four children shall occupy one bedroom.

1. Children of the opposite sex over the age of two shall not share a bedroom.
2. Children shall not share a bed or bedroom with the provider or other adult.

G. There shall be at least three feet between each bed and sufficient space for each child to move about safely.

H. There shall be provision for isolation of sick children.

22 VAC 40-141-200. Home safety.

A. The provider shall have a plan for seeking assistance from police, firefighters, and medical professionals in an emergency. The telephone numbers for each shall be posted next to each telephone.

B. The home and grounds shall be in good physical repair and free of litter, debris, peeling or chipped paint, hazardous materials, infestations of rodents and insects and shall present no hazard to the health and safety of the children receiving care.

C. The home shall be free of fire hazards. The provider shall receive a fire inspection of the home by appropriate authorities if the licensing representative sees possible fire hazards. The provider shall comply with the recommendations of the fire authority to eliminate any fire hazards.

D. The provider shall have a written, posted emergency evacuation plan in case of fire and rehearse the plan at least monthly. Within the first 48 hours of a child's placement in the home, the provider shall review the plan with each child who is old enough to understand

E. All sleeping areas shall have operable smoke detectors.

F. The home shall have at least one operable fire extinguisher kept near the kitchen area and near an exit. The extinguisher shall be kept out of reach of children, but within easy reach of an adult.

G. If the provider possesses firearms, ammunition, and other weapons, the provider shall keep the firearms unloaded and locked as well as the ammunition and other weapons locked. Ammunition shall be locked in a separate location.

H. The provider shall keep cleaning supplies and other toxic substances stored away from food, locked and out of the reach of children.

I. When infants or children who are not developmentally ready to climb or descend stairs are in the home, the provider shall have protective barriers installed securely at each opening to stairways.

PART V.

RECORD KEEPING.

22 VAC 40-141-210. Record requirements.

A. The provider shall maintain a separate record with written information on each child in care. Records shall be kept for at least one year from the date of discharge. Information in the child's record shall include:

1. The entrustment agreement between the provider and parent. The entrustment agreement shall be signed on or before the date the child is placed in the home and shall include:

- a. Identifying information on the child including the name, date of birth, sex, and date of placement;
- b. The fees for foster care and other expenses and payment arrangements;
- c. The child's social security number, Medicaid or other insurance carrier and number, and other information necessary to secure services for the child, including permission to receive medical care;

d. Arrangements for visits by parents and other family members; and

e. Signatures of the parent and the independent foster parent. A copy of the agreement shall be given to the parent.

2. Name, address and telephone numbers of parents and public or private agencies involved with the child, including the name of the assigned agency worker where appropriate;

3. The reason the child is placed in the independent foster home;

4. Name and telephone number of persons to be called in an emergency when the responsible person cannot be reached;

5. Names of persons who are authorized to call or visit the child;

6. Medical information pertinent to the health care of the child, including a list of all prescription and nonprescription medication the child receives;

7. Correspondence and other documentation related to the child, including school records;

8. Reports of major injuries, illnesses and serious incidents, such as runaways, destruction of property, assaults on others and suicide threats or attempts;

9. The copy of the petition filed with the juvenile and domestic relations court if the child cannot return home within 90 days of placement;

10. Services provided each week to the child by the provider and by other resources; and

11. Reasons the child is discharged and the date of discharge from the home.

B. Within 30 days after discharge, the provider shall prepare a brief summary of the child's behavioral, educational, and medical progress while in the home. A copy of this report shall be given to the parents or legal guardians within 45 days of discharge.

NOTICE: The forms used in administering 22 VAC 40-141-10 et seq., Minimum Standards for Licensed Independent Foster Homes, are listed below and are published following the listing.

FORMS

Initial Application for State License to Operate an Independent Foster Home for Children, 8/98.

Application for Renewal of State License to Operate an Independent Foster Home for Children, 8/98.

Home Study Assessment for Independent Foster Homes, 8/98.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES**

**INITIAL APPLICATION FOR STATE LICENSE TO OPERATE AN INDEPENDENT
FOSTER HOME FOR CHILDREN**

Application is hereby made for a license to accept children in my home for full-time care, pursuant to the provisions of Section 63.1-197, Code of Virginia, and the rules and regulations of the Board of Social Services as provided for by law. We submit the following information for your initial consideration, and we understand that a visit from a representative of the Virginia Department of Social Services is necessary prior to action on this application.

Members of Household	Last Name	First Name	Middle Initial	Date of Birth	Relationship to head of household.
Husband					XXXXXXXXXXXXXXXXXXXX
Wife (Maiden Name)					XXXXXXXXXXXXXXXXXXXX
Own children living in home					XXXXXXXXXXXXXXXXXXXX
					XXXXXXXXXXXXXXXXXXXX
					XXXXXXXXXXXXXXXXXXXX
					XXXXXXXXXXXXXXXXXXXX
Other persons living in household, including any children now being cared for					

State preference as to number of children, age and sex: _____

Description of activities and services to be provided: _____

If children have been placed in your home before, state whether by another agency or private arrangements: _____

Present employment of each member of family who is working: _____

8/98

Initial Application for State License To Operate An Independent Foster Home For Children

Do you own your home? _____ How many rooms are in your home? _____ How many bedrooms? _____

Do you have a private or public water supply? _____ Do you have a septic tank? _____

Name of nearest school and distance from home: _____

Address of School: _____

Family Physician: _____ Address: _____

(Directions for reaching our home from central point of nearest town:)

Give the names and addresses of three citizens as references (Give names of persons who are personally acquainted with you and your homelife, who are not related to you):

SIGNED: _____

Husband's Signature: _____

Wife's Signature: _____

Address: _____

Phone Number: _____

Date: _____

County in which you live: _____

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
APPLICATION FOR RENEWAL OF STATE LICENSE TO OPERATE
AN INDEPENDENT FOSTER HOME FOR CHILDREN

Page 3

Initial Application for State License To Operate An Independent Foster Home For Children

IFH INITIAL APPLICATION

Required Attachments:

- Financial Statement Attached
- Results of Tuberculin Skin Tests for Each Member of Household
- Home Study Assessment
- Criminal History Records
- Sworn Disclosure Statements
- Child Protective Services Registry Check

Application is hereby made for a renewal of a license to accept children in my home for full-time care.

Name: _____

Address: _____

Preference as to number of children, age and sex: _____

Members of Household	Last Name	First Name	Middle Initial	Date of Birth	Relationship to head of household. If child was placed with you by agency, Name of Agency
Husband					xxxxxxxxxxxxxxxxxxxxx
Wife (Maiden Name)					xxxxxxxxxxxxxxxxxxxxx
Own children living in home					xxxxxxxxxxxxxxxxxxxxx
					xxxxxxxxxxxxxxxxxxxxx
					xxxxxxxxxxxxxxxxxxxxx
					xxxxxxxxxxxxxxxxxxxxx
Other persons living in household, including any children now being cared for					
Name(s) of Assistants					

8/98

Present employment of each member of family who is working: _____

Please note below, any pertinent change in your home or your situation since your last application. (Use additional paper)

Your present telephone number: () _____ Is this phone in your home? _____

SIGNED: _____
 Applicant's Signature: _____
 Applicant's Signature: _____
 Date: _____

Required Attachments: _____ Attached
 Financial Statement
 List of Related Training Attended

HOME STUDY ASSESSMENT FOR INDEPENDENT FOSTER HOMES

Please complete the following items as completely as possible. Use additional paper if needed. Submit this document along with the Initial Application for Licensure as an Independent Foster Home to the Division of Licensing Programs. If the applicant is a husband and wife, each individual is to complete this study.

1. Name, Address and Telephone Number of Applicant: _____ Date: _____

2. Describe your reasons for wishing to become an independent foster home.

3. Describe your experience with children, your own and those not related to you. Include any previous experience as a foster parent.

4. Describe your abilities and experience in the following areas.
Providing care to and meeting the physical needs of children.

Relating to children with respect, courtesy, patience and affection.

Understanding children from varied backgrounds different from your own.

Understanding and respecting the families of children to be placed with you.

Assuring the safety and supervision of children.

Handling emergencies.

5. Describe your current and past employment, giving the name of the company or individual. Describe your financial resources which demonstrate your ability to meet the needs of your family.

Proposed Regulations

6. Describe the discipline techniques and parenting skills you use and will use with the children in your care.
7. Have you ever had a FOUNDED child abuse or neglect complaint made against you? If so, please explain the circumstances and the local department of social services investigating the complaint.
8. Have you ever been convicted of a crime? If so, please explain the circumstances and where the offense took place.
9. Do you have any current physical or mental health problems which may negatively impact the full time care of children in your home? If so, please explain.
10. Describe your character and reputation.
11. Describe the length and stability of your marriage. How do you resolve differences?
12. Describe your current relationships with extended family members to include a discussion of conflicts which may negatively impact children in your care.

17. Describe the general pattern of your family life such as activities and daily routines.

18. Please add any additional information you would like to be considered as part of your application for licensure as an independent foster parent.

Signature: _____

13. Describe any training you have attended related to providing care and services to children.

14. How will you provide supervision to the children in your care?

15. Describe the services you will provide to the children in your care and any services you will utilize in the community.

16. What do you believe are valid reasons a child should not be returned to his family?

VA.R. Doc. No. R994-965; Filed July 29, 1998

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

REGISTRAR'S NOTICE: The Department of Conservation and Recreation has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Department of Conservation and Recreation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4 VAC 5-20-10 et seq. **Standards for Classification of Real Estate as Devoted to Open Space Use Under the Virginia Land Use Assessment Law (amending 4 VAC 5-20-20).**

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: September 18, 1998.

Summary:

4 VAC 5-20-20 defines the specific standards for determining whether real estate will qualify for special assessment based on open space use. This amendment brings the section into conformance with the language of Chapter 516 of the 1998 Virginia Acts of Assembly (HB 1419) by including wetlands and riparian buffers as defined in § 58.1-3666 of the Code of Virginia.

Agency Contact: Copies of the regulation may be obtained from Leon E. App, Conservation and Development Programs Supervisor, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-4570.

4 VAC 5-20-20. Specific standards.

The specific standards for determining whether real estate will qualify for special assessment based on open-space use are as follows. The term "land" includes water, submerged land, wetlands, marshes, and similar properties.

A. Park or recreation uses. Lands that are provided or preserved for:

1. Any public, semi-public or privately-owned park, playground or similar recreational area, for public or community use, except any use operated with intent for profit.

Examples: Parks, play areas, athletic fields, botanical gardens, fishing or skating ponds-; golf clubs, country clubs, swimming clubs, beach clubs, yacht clubs, scout camps-; fairgrounds.

2. Golf courses operated for profit as a public service and having the park-like characteristics normally associated with a country club.

3. Buildings shall not cover more than 10% of the site.

4. Commercial recreational or amusement places, such as driving ranges, miniature golf courses, pony rides, trap shoots, marinas, motor speedways, drag strips, amusement parks and the like, shall not qualify.

B. Conservation of land or other natural resources. Lands that are provided or preserved for forest preserves, bird or wildlife sanctuaries, watershed preserves, nature preserves, arboretums, marshes, swamps and similar natural areas.

C. Floodways. Lands that are provided or preserved for:

1. The passage or containment of waters, including the floodplains or valleys and side slopes of streams that are or may be subject to periodic or occasional overflow, such as floodplains identified by engineering surveys by the U.S. Corps of Engineers or others, or by soil surveys or topographic maps. Floodways also include adjacent lands that should be reserved as additional channels for future floods due to increased runoffs.

2. Coastal lowlands, such as bays, estuaries or ocean shores, subject to inundation by storms or high tides.

3. Tidal and nontidal wetlands, such as swamps, bogs and marshes.

D. Wetlands as defined in § 58.1-3666 of the Code of Virginia.

E. Riparian buffers as defined in § 58.1-3666 of the Code of Virginia.

~~F.~~ F. Historic or scenic areas. Lands that are provided or preserved for historic or scenic purposes are:

1. On the Virginia Landmarks Register or the National Register of Historic Places or contributing properties in an historic district listed in the Virginia Landmarks Register or the National Register of Historic Places. Information concerning properties on these registers maintained by the Department of Historic Resources can be obtained from the Department of Conservation and Recreation.

2. Properties protected by scenic or open-space easements.

3. Places designated or recommended as "Scenic" by the Department of Conservation and Recreation, the Department of Transportation, the General Assembly or other state agency subject in each case to a specific area description provided by the designating agency.

E. G. Assisting in the shaping of the character, direction and timing of community development, or for the public interest. Lands that are officially planned or approved by the local governing body to be left in a relatively natural and undeveloped state and that are provided or preserved for the purpose of shaping the locality into neighborhoods and communities, identifying their boundaries, insulating incompatible uses from one another, directing growth, controlling the rate or timing of growth or otherwise serving the public interest as determined by the local governing body. Examples:

- Greenbelts, parkways and trailways,
- Stream valleys,
- Forests and farmlands,
- Hilltops or hillsides,
- Mountaintops and mountainsides,
- Scenic vistas.

VA.R. Doc. No. R98-304; Filed July 29, 1998, 11:32 a.m.

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: 4 VAC 15-260-10 et seq. **Game:** Waterfowl and Waterfowl Blinds (amending 4 VAC 15-260-140).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: September 1, 1998.

Summary:

The amendment allows any nontoxic shot approved by the U.S. Fish and Wildlife Service for use in waterfowl hunting to be approved by the Director of the Department of Game and Inland Fisheries for such use in Virginia.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-260-140. Nontoxic shot required for waterfowl hunting.

It shall be unlawful to take or attempt to take ducks, geese (including, brant), swans or coots while possessing shotshells loaded with shot other than steel, bismuth-tin or, tungsten-iron or other nontoxic shot approved for such use by the director [of the department], if such shot is permissible under federal migratory waterfowl regulations.

VA.R. Doc. No. R98-231; Filed July 29, 1998, 11:26 a.m.

Title of Regulation: 4 VAC 15-260-10 et seq. **Game:** Waterfowl and Waterfowl Blinds (adding 4 VAC 15-260-170).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: September 16, 1998.

Summary:

The amendment adds a section to allow hunting within the Dutch Gap Conservation Area by permit only, and to prohibit the construction of permanent blinds on the shores of and adjacent to the Dutch Gap Conservation Area.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-260-170. Waterfowl hunting on Dutch Gap Conservation Area in Chesterfield and Henrico counties.

A. As used in this section, "affected area" means all of that portion of the James River known as the Dutch Gap Cutoff and waters adjacent to and within the Dutch Gap Conservation Area and Henricus Park, from the Dutch Gap Boat Landing downstream to the northeast tip of Farrar's Island in Henricus Park, including the old channel of the James River adjoining the Dutch Gap Conservation Area on Farrar's Island.

B. The hunting of waterfowl in the affected area is prohibited except as authorized by, and subject to the terms and conditions specified in, a department-issued permit.

C. No stationary waterfowl blinds shall be licensed in the affected area.

D. The prohibitions in subsections B and C of this section shall not apply to, and shall not alter in any respect, the privileges prescribed in §§ 29.1-344 and 29.1-347 of the Code of Virginia for riparian owners, their lessees, and permittees.

VA.R. Doc. No. R98-231; Filed July 29, 1998, 11:25 a.m.



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TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

REGISTRAR'S NOTICE: The Criminal Justice Services Board has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Criminal Justice Services Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 6 VAC 20-170-10 et seq. Regulations Pertaining to Private Security Services (amending 6 VAC 20-170-10, 6 VAC 20-170-80, 6 VAC 20-170-90, 6 VAC 20-170-270, 6 VAC 20-170-350, 6 VAC 20-170-470, 6 VAC 20-170-475, 6 VAC 20-170-520, 6 VAC 20-170-530, 6 VAC 20-170-540, 6 VAC 20-170-550, 6 VAC 20-170-615, 6 VAC 20-170-617, 6 VAC 20-170-1000; adding 6 VAC 20-170-626, 6 VAC 20-170-627, 6 VAC 20-170-1110).

Statutory Authority: § 9-182 of the Code of Virginia.

Effective Date: September 16, 1998.

Summary:

These final regulations amend existing regulations relating to private security services. The purpose of the amendment of these regulations is to conform to changes in Virginia statutory law where no agency discretion is involved.

Agency Contact: Copies of the regulation may be obtained from Leon D. Baker, Jr., Department of Criminal Justice Services, 805 East Broad Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-1198.

6 VAC 20-170-10. Definitions.

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

"Alarm respondent" means a natural person who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Any person engaged in the business of providing or who undertakes to provide" means any person who solicits business within the Commonwealth of Virginia through advertising, business cards, submission of bids, contracting, public notice for private security services, directly or indirectly, or by any other means.

"Armed" means a private security registrant who carries or has immediate access to a firearm in the performance of his duties.

"Armed security officer" means a security officer, as defined below, who carries or has immediate access to a firearm or other deadly weapon in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another, money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Business advertising material" means telephone directories, stationery, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means a natural person who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; used to prevent or detect intrusion; or used primarily to summon aid for other emergencies.

"Certification" means a method of regulation whereby qualified individuals who are eligible to be employed by a private security services business or a private security training school have met the minimum requirements set forth in this chapter indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, compliance agents, unarmed security officers, electronic security employees, or electronic security technician's assistants.

"Certified school director" means the chief administrative officer of a certified training school.

"Certified training school" means a training school which provides instruction in at least the minimum training mandated and is certified by the department for the specific purpose of training private security services business personnel.

"Class" means a minimum of 50 minutes of instruction on a particular subject.

"Combat load" means tactical loading of shotgun while maintaining coverage of threat area.

"Compliance agent" means a natural person who is an owner of, or employed by, a licensed private security services business. The compliance agent shall assure the compliance of the private security services business with all applicable requirements as provided in § 9-183.3 of the Code of Virginia.

"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious service.

"Department" means the Department of Criminal Justice Services or any successor agency.

"*Director*" means the chief administrative officer of the department.

"*Electronic security business*" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; or (ii) respond to or cause a response to electronic security equipment for an end user ; or (iii) have access to confidential information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"*Electronic security employee*" means a natural person who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent or , status, password, contact list, or location of an end user's electronic security equipment.

"*Electronic security equipment*" means electronic or mechanical alarm signaling devices including burglar alarms or holdup alarms or cameras used to detect intrusion, concealment or theft.

"*Electronic security sales representative*" means a natural person who sells electronic security equipment on behalf of an electronic security business to the end user.

"*Electronic security technician*" means a natural person who installs, services, maintains or repairs electronic security equipment.

"*Electronic security technician's assistant*" means a natural person who works as a laborer under the supervision of the electronic security technician in the course of his normal duties, but who may not make connections to any electronic security equipment.

"*End user*" means any person who purchases or leases electronic security equipment for use in that person's home or business.

"*Firearms ~~certification~~ training verification*" means the verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.

"*Firm*" means a business entity, regardless of method of organization, applying for a private security services business license or for the renewal or reinstatement of same.

~~"*Guard dog handler*" means any person employed by a private security services business to handle dogs in the performance of duty in protection of property or persons.~~

"*Incident*" means an event which exceeds the normal extent of one's duties.

"*In-service training requirement*" means the compulsory in-service training standards adopted by the Criminal Justice Services Board for private security services business personnel.

"*License number*" means the official number issued to a private security services business licensed by the department.

"*Licensed firm*" means a business entity, regardless of method of organization, which holds a valid private security services business license issued by the department.

"*Licensee*" means a licensed private security services business.

"*On duty*" means that time during which private security services business personnel receive or are entitled to receive compensation for employment for which a registration or certification is required.

"*Performance of his duties*" means on duty in the context of this chapter.

"*Person*" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

"*Personal protection specialist*" means any natural person who engages in the business duties of providing close protection from bodily harm to another any person.

"*Principal*" means any sole proprietor, individual listed as an officer or director with the Virginia State Corporation Commission, member of the association, or partner of a licensed firm or applicant for licensure.

"*Private investigator*" means any natural person who engages in the business of, or accepts employment to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition, or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

"*Private security services business*" means any person engaged in the business of providing, or who undertakes to provide, (i) armored car personnel, security officers, personal protection specialists, private investigators, couriers, ~~or guard dog security canine handlers to another person under contract, express or implied;~~ or (ii), alarm respondents, central station dispatchers, electronic security employees, electronic security sales representatives or electronic security technicians and their assistants to another person under contract, express or implied.

"*Private security services business personnel*" means each employee of a private security services business who is employed as an unarmed security officer, armed security officer/courier, armored car personnel, ~~guard dog security canine handler,~~ private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security employee, electronic security sales representative, electronic security technician or electronic security technician's assistant.

~~"*Registrant*" means any individual who has met the requirements for registration in any of the categories listed under "registration category."~~

"*Private security services instructor*" means any natural person certified by the department to provide mandated instructions in private security subjects for a certified private security services training school.

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"Private security services registrant" means any qualified natural person who has met the requirements under Article 2.1 (§ 9-183.1 et seq.) of Chapter 27 of Title 9 of the Code of Virginia to perform the duties of alarm respondent, armored car personnel, central station dispatcher, courier, electronic security sales representative, electronic security technician, personal protection specialist, private investigator, security canine handler, or armed security officer.

"Private security services training school" means any person certified by the department to provide instruction in private security subjects for the training of private security services business personnel in accordance with Article 2.1 (§ 9-183.1 et seq.) of Chapter 27 of Title 9 of the Code of Virginia.

"Registration" means a method of regulation which identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.

"Registration category" means any one of the following categories: (i) armed security officer/courier, (ii) ~~guard dog~~ security canine handler, (iii) armored car personnel, (iv) private investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher, (viii) electronic security sales representative, or (ix) electronic security technician.

"Security canine" means a dog that has attended, completed, and has been certified as a security canine by a certified security canine handler instructor in accordance with approved department procedures and certification guidelines. "Security canine" shall not include detector dogs.

"Security canine handler" means any natural person who utilizes his security canine in the performance of private security duties.

"Security canine team" means the security canine handler and his security canine performing private security duties.

"Security officer" means any natural person employed by a private security service business to (i) safeguard and protect persons and property or ~~to~~ (ii) prevent theft, loss, or concealment of any tangible or intangible personal property on the premises contracted to protect.

"Session" means a group of classes comprising the total hours of mandated training in any of the following categories: unarmed security officer, armed security officer/courier, personal protection specialist, armored car personnel, ~~guard dog~~ security canine handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, electronic security technician's assistant or compliance agent.

"Supervisor" means any natural person who directly or indirectly supervises registered or certified private security services business personnel.

"This chapter" means 6 VAC 20-170-10 et seq., Regulations Relating to Private Security Services.

"Training certification" means verification of the successful completion of any training requirement established in this chapter.

"Training requirement" means any initial or retraining standard established in this chapter.

"Unarmed security officer" means a security officer who does not carry or have immediate access to a firearm or ~~other deadly weapon~~ in the performance of his duties.

"Uniform" means any clothing with a badge, patch or lettering which clearly identifies persons to any observer as private security services business personnel, not law-enforcement officers.

6 VAC 20-170-80. Compliance agent required; certification requirements; duties and responsibilities; restriction; retention and replacement.

A. Each firm applying for a license as a private security services business shall designate at least one individual as compliance agent who is not designated as compliance agent for any other licensee. To become a compliance agent, an individual shall file a properly completed application furnished by the department and conform to the following requirements and procedures:

1. Be a minimum of 18 years of age;
2. Have (i) three years of managerial or supervisory experience in a private security services business, ~~or in~~ a federal, state, or local law-enforcement agency, or in a related field ; or (ii) five years experience in a private security services business, with a federal, state or local law-enforcement agency, or in a related field;
3. Successfully complete the applicable compliance agent training requirements pursuant to Part VI (6 VAC 20-170-360 et seq.) of this chapter and achieve a passing score on the compliance agent examination;
4. Be designated by a licensed private security services business as its compliance agent;
5. Be in good standing in every jurisdiction where licensed or registered in private security services; and
6. Submit his fingerprints on two completed fingerprint cards, as provided by the department, and the applicable nonrefundable application fee.

B. The compliance agent shall at all times comply with the following:

1. Ensure that the licensed firm is in full compliance with the Code of Virginia and this chapter;
2. Ensure that VSP Form-167 has been submitted to the Virginia State Police for processing before the individual may begin work, and maintain a copy in the firm's files for each unarmed security officer as required by § 9-183.3 of the Code of Virginia;
3. Ensure the maintenance of documentary evidence that each unarmed security officer or electronic security technician's assistant has complied with, or been

exempted from, the compulsory minimum training standards as required by § 9-183.3 of the Code of Virginia;

4. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer or electronic security technician's assistant in excess of 90 days prior to the completion of the applicable compulsory minimum training standards;

5. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer for which the VSP Form-167 reveals a felony or misdemeanor conviction involving moral turpitude, sexual offense, drug offense, physical injury, or property damage without written approval from the department;

6. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer in excess of 120 days without the individual being issued a certification as an unarmed security officer from the department;

7. Maintain training, employment, and payroll records which document the licensee's compliance with the Code of Virginia and this chapter;

8. Ensure that an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth is submitted to the department within 30 days after the licensee moves to a location outside Virginia; and

9. On a form provided by the department, submit a report of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This form shall be submitted by the licensed firm within 10 days of the incident.

C. No individual shall be certified by the department as a compliance agent for more than one licensee at any given time.

D.1. Each licensee shall maintain at least one individual as a compliance agent who has met the requirements of this section and has been certified by the department.

2. Each licensee shall notify the department in writing within 10 calendar days of the termination of employment of a certified compliance agent.

3. Within 90 days of termination of the employment of a licensee's sole remaining compliance agent, the licensee shall submit the name of a new compliance agent who has met the requirements of this section.

6 VAC 20-170-90. Criminal history records search.

Upon application for a private security services business license, each compliance agent, *supervisor* and principal of the applicant firm shall submit to the department their fingerprints on one completed set of two fingerprint cards provided by the department, and the applicable nonrefundable fee for each set. The department shall submit those fingerprints to the Virginia State Police for the purpose

of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual or individuals have a record of conviction.

6 VAC 20-170-270. Duties and responsibilities of registrant.

The registrant must at all times comply with the following:

1. Carry a valid registration at all times while on duty. Individuals requiring registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician may be employed for not more than 90 days while completing the compulsory minimum training standards, provided the individual has submitted his fingerprints on forms provided by the department. An application for registration must be received by the department within 10 calendar days of the completion of the required training.

2. Perform those duties authorized by his registration only while employed by a licensed private security services business and only for the clients of the licensee. This shall not be construed to prohibit an individual who is registered as an armed security officer from being employed by a nonlicensee as provided for in § 9-183.2 of the Code of Virginia.

3. Carry or have immediate access to firearms while on duty only while possessing a valid firearms ~~certification~~ *training verification*.

4. Carry a firearm concealed while on duty only with the expressed authorization of the licensed private security services business employing the registrant and only in compliance with § 18.2-308 of the Code of Virginia.

5. Transport, carry and utilize firearms while on duty only in a manner which does not endanger the public health, safety and welfare.

6. Report to employer any incident in which the registrant has discharged a firearm while on duty, excluding any training exercise.

7. If authorized to make arrests, make arrests in full compliance with the law and using only the minimum force necessary to effect an arrest.

8. Engage in no conduct which through word, deed or appearance suggests that a registrant is a law-enforcement officer or other government official.

9. Display one's registration while on duty in response to the request of a law-enforcement officer, department personnel or client.

10. Never perform any unlawful or negligent act resulting in a loss, injury or death to any person.

11. Private security personnel are not required to wear a uniform while on duty; however, if wearing the military style or law-enforcement style uniform of a private security licensee while on duty, that uniform must have:

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- a. At least one insignia clearly identifying the name of the licensed firm employing the individual and, except armored car personnel, a name plate or tape bearing, as a minimum, the individual's last name and first and middle initials attached on the outermost garment, except rainwear worn only to protect from inclement weather; and
 - b. No patch or other writing (i) containing the word "police" or any other words suggesting a law-enforcement officer; (ii) containing the word "officer" unless used in conjunction with the words "security"; or (iii) resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words which accurately represent that distinction.
12. Utilize a vehicle with flashing lights in the conduct of a private security services business only as provided in § 46.2-1025 of the Code of Virginia.
 13. Never use or display the state seal of Virginia as a part of any logo, stationery, business card, badge, patch, insignia or other form of identification or advertisement.
 14. Never display the uniform, badge or other insignia while not on duty.
 15. Never provide information obtained by any licensed firm and its employees to any person other than the client who secured the services of the licensee without the client's prior written consent. Provision of information in response to official requests from law-enforcement agencies, or from the department, shall not constitute a violation of this chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter.
 16. Inform the department and compliance agent of employer in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug offense, physical injury or property damage.
 17. Inform the department and compliance agent of employer in writing within 30 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.
 18. Acting as a registrant only in such a manner as to not endanger the public health, safety and welfare.
 19. Engage in no unethical, fraudulent, or dishonest conduct.

20. Never represent as one's own a registration issued to another individual, or represent oneself as certified compliance agent of a licensee, training school, school director or instructor unless so certified by the department.

21. Never falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

6 VAC 20-170-350. Firearms ~~certification~~ training verification, expiration, renewal.

A. Firearms ~~certification~~ training verification is required for all registrants who carry or have immediate access to a firearm while on duty.

B. An individual who has successfully completed the handgun training requirements may submit a properly completed application for registration with handgun ~~certification~~ training verification.

1. Handgun ~~certification~~ training verification will be documented on the registration and shall expire on the expiration date of the registration.

2. The department may grant a handgun ~~certification~~ training verification:

- a. Upon receipt of a properly completed application; and
- b. Satisfactory completion of the applicable handgun training requirements.

C. An individual who has successfully met the handgun training requirements, and has successfully completed the shotgun training requirement, may submit a properly completed application for registration with shotgun ~~certification~~ training verification.

1. Shotgun ~~certification~~ training verification will be documented on the registration and shall expire on the expiration date of the registration.

2. The department may grant a shotgun ~~certification~~ training verification:

- a. Upon receipt of a properly completed application; and
- b. Satisfactory completion of the applicable shotgun training requirements.

D. All handgun and shotgun ~~certifications~~ training verifications shall be issued for a period not to exceed 12 months and shall become null and void on the expiration date of the registration. "Firearms endorsements" issued prior to July 1, 1993, shall become null and void on the expiration date of the endorsement.

E. The department may renew handgun and shotgun ~~certifications~~ training verifications for a period not to exceed 12 months from the expiration date of the registration:

1. Upon receipt of a properly completed registration renewal application;
2. Satisfactory completion of all entry level training, firearms retraining and applicable in-service training requirements for all registration categories; and
3. The applicable nonrefundable renewal fee is received by the department. (The applicable fee for registration renewal includes firearms ~~certifications~~ *training verifications* if all requirements have been met.)

F. The department may deny renewal of a firearms ~~certification~~ *training verification* for the same reason as it may deny initial firearms ~~certification~~ *training certification* or discipline a registrant.

6 VAC 20-170-470. Entry level training.

Each person employed by a private security services business or applying to the department for registration as an armed security officer/courier, personal protection specialist, armored car personnel, ~~guard dog~~ *security canine* handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, or electronic security technician as defined by §9-183.1 of the Code of Virginia, or applying to the department for training certification as an unarmed security officer or certification as an electronic security technician's assistant as required by § 9-183.3 of the Code of Virginia, or for certification as a compliance agent as required by § 9-183.3 of the Code of Virginia, who has not met the compulsory minimum training standards prior to July 13, 1994, must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with 6 VAC 20-170-475.

6 VAC 20-170-475. In-service training.

A. Each person registered with the department as an armed security officer/courier, personal protection specialist, armored car personnel, ~~guard dog~~ *security canine* handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, or applying to the department for certification as an unarmed security officer or electronic security technician's assistant, or certified by the department to act as a compliance agent, shall complete the compulsory in-service training standard once during each 24-month period of registration or certification as determined by the department.

B. Compliance agent.

1. Individuals who completed entry level training after July 1, 1993, must complete in-service training within each 24-month period following the initial entry level training date.
2. Individuals who were certified as compliance agents prior to July 1, 1993, must complete compliance agent in-service training within each 24-month period following the original in-service training date.

3. In-service training must be completed within 12 months prior to the established training due date.

4. Individuals who fail to complete in-service training prior to the established training due date may complete in-service training within 90 days after the established training due date if a completed in-service training enrollment application and a \$25 delinquent training fee is received by the department.

C. Instructor.

1. All private security instructors initially certified prior to December 31, 1994, must complete instructor in-service training prior to his certification expiration in the year 1997 and thereafter within each 36-month period of certification.

2. All private security instructors initially certified after January 1, 1995, but before December 31, 1996, must complete instructor in-service training prior to his certification expiration in the year 2000 and thereafter within each 36-month period of certification.

3. All private security instructors initially certified on or after January 1, 1997, must complete instructor in-service training within each 36-month period following certification.

6 VAC 20-170-520. Compulsory minimum entry level training by category.

Total hours do not include time for examinations, practical exercises and range qualification. Refer to 6 VAC 20-170-540 for the minimum training requirements for each category.

Unarmed security officer - 16 hours

Armed security officer/courier - 24 hours

Armored car personnel - 20 hours

~~Guard dog~~ *Security canine* handler - 28 hours

Private investigator - 60 hours

Personal protection specialist - 68 hours

Alarm respondent - 16 hours

Central station dispatcher - 8 hours

Electronic security sales representative - 8 hours

Electronic security technician - 14 hours

Electronic security technician's assistant - 4 hours

Compliance agent - 6 hours

6 VAC 20-170-530. Compulsory minimum in-service training by category.

Total hours do not include time for examinations. Refer to 6 VAC 20-170-550 for the minimum in-service training requirements for each category.

Unarmed security officer - 4 hours

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Armed security officer/courier - 4 hours
Armored car personnel - 4 hours
~~Guard-dog~~ Security canine handler - 8 hours
Private investigator - 8 hours
Personal protection specialist - 16 hours
Alarm respondent - 4 hours
Central station dispatcher - 4 hours
Electronic security sales representative - 4 hours
Electronic security technician - 4 hours
Electronic security technician's assistant - 2 hours
Compliance agent - 4 hours
Instructor - 8 hours

6 VAC 20-170-540. Minimum entry level training requirements.

A. Core subjects. The entry level curriculum for unarmed security officer, armed security officer/courier, ~~guard-dog~~ security canine handler, and alarm respondent sets forth the following areas identified as:

Administration and security orientation/regulations - 2 hours
Legal authority and arrest authority and procedures - 6 hours
Emergency and defensive procedures - 8 hours
Written examination
Total hours (excluding exam) - 16 hours

B. Armed security officer/courier.

1. Core subjects - 16 hours
2. Entry level handgun training (refer to Article 2 (6 VAC 20-170-615 et seq.) of this part) - 8 hours
3. Entry level shotgun training, if applicable (refer to Article 2 (6 VAC 20-170-615 et seq.) of this part) - 1 hour

Total hours (excluding examination, shotgun classroom instruction and range qualification) - 24 hours

C. Armored car personnel.

1. Armored car orientation/ regulations - 3 hours
2. Armored car procedures - 9 hours
3. Written examination
4. Entry-level firearms training (refer to Article 2 (6 VAC 20-170-615 et seq.) of this part) - 8 hours
Total hours (excluding examinations and range qualification) - 20 hours

D. ~~Guard-dog~~ Security canine handler.

1. Prerequisites for ~~guard-dog~~ security canine handler entry level (official documentation required):

- a. Successful completion of the core subjects curriculum (subsection A of this section) - 16 hours
- b. Successful completion of basic obedience training

2. Following successful completion of the above prerequisites, each ~~guard-dog~~ security canine handler must also comply with the following requirements:

- a. Demonstration of proficiency. The student must demonstrate his proficiency in the handling of a security canine to satisfy the minimum standards - 2 hours

Evaluation by a certified ~~private~~ security ~~guard-dog~~ security canine handler instructor and basic obedience retraining

- b. ~~Guard-dog~~ Security canine handler orientation/legal authority - 4 hours
- c. Canine patrol techniques - 6 hours
- d. Written examination

Total hours (excluding examinations) - 28 hours

E. Private investigator.

1. Investigator orientation/regulations - 8 hours
2. Collecting and reporting information - 6 hours
3. General investigative techniques - 20 hours
4. Interviewing techniques - 8 hours
5. Criminal law, procedure and rules of evidence - 8 hours
6. Civil law, procedure and rules of evidence - 10 hours
7. Three practical field exercises
8. Written comprehensive examination
Total hours in classroom (excluding written examination and practical exercises) - 60 hours

F. Personal protection specialist.

1. Personal protection orientation - 4 hours
2. Assessment of threat and protectee vulnerability - 8 hours
3. Legal authority and issues - 16 hours
4. Protective detail operations - 28 hours
5. Emergency procedures - 12 hours

- a. CPR - 8 hours
- b. Emergency first aid
- c. Defensive preparedness
- d. Emergency relocation

6. Performance evaluation - Five practical exercises

7. Written examination

Total hours (excluding written examination and performance evaluation) - 68 hours

G. Alarm respondent.

Core subjects (refer to subsection A of this section) - 16 hours

H. Electronic security subjects. The entry level electronic security subjects curriculum for central station dispatcher, electronic security sales representative, electronic security technician and electronic security technician's assistant sets forth the following areas identified as:

1. Orientation

2. Code of Virginia

3. Regulations Relating to Private Security Services

4. Introduction to electronic security

5. Written examination

Total hours (excluding examination) - 4 hours

I. Central station dispatcher.

1. Electronic security subjects (refer to subsection H of this section) - 4 hours

2. Central station dispatcher subjects - 4 hours

a. Duties and responsibilities

b. Communications skills

c. Emergency procedures

d. False alarm prevention

3. Written examination

Total hours (excluding examination) - 8 hours

J. Electronic security sales representative.

1. Electronic security subjects (refer to subsection H of this section) - 4 hours

2. Electronic security sales representative subjects - 4 hours

a. Duties and responsibilities

b. System design/components

c. False alarm prevention

3. Written examination

Total hours (excluding examination) - 8 hours

K. Electronic security technician.

1. Electronic security subjects (refer to subsection H of this section) - 4 hours

2. Electronic security technician subjects - 10 hours

a. Duties and responsibilities

b. Electronics

c. Control panels

d. Protection devices and application

e. Test equipment

f. Power and grounding

g. National electrical code

h. Job safety

i. False alarm prevention

3. Written examination

Total hours (excluding examination) - 14 hours

L. Compliance agent.

1. Industry overview and responsibilities: regulations review, business practices, ethical standards, records requirements and other related issues - 6 hours

2. Written examination

Total hours (excluding written examination) - 6 hours

6 VAC 20-170-550. Compulsory minimum in-service training requirements.

A. Core subjects. Unarmed security officer/armed security officer/courier/ alarm respondent.

Legal authority - 2 hours

Job related training - 2 hours

Total hours - 4 hours

B. Armored car personnel.

Legal authority - 2 hours

Armored car procedures - 2 hours

Total hours - 4 hours

C. ~~Guard dog~~ Security canine handler.

Basic obedience evaluation and retraining - 2 hours

Legal authority - 2 hours

Job related training - 2 hours

Canine patrol techniques - 2 hours

Total hours - 8 hours

D. Private investigator.

Legal authority/civil and criminal law issues - 4 hours

Investigative procedures - 4 hours

Total hours - 8 hours

E. Personal protection specialist

Legal authority and issues - 2 hours

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Protective detail operations - 10 hours

Emergency procedures - 3 hours

Total hours - 16 hours

F. Central station dispatcher

Job related training/false alarm prevention

Total hours - 4 hours

G. Electronic security sales representative

Job related training/false alarm prevention

Total hours - 4 hours

H. Electronic security technician

Job related training/false alarm prevention

Total hours - 4 hours

I. Electronic security technician's assistant

Job related training

Total hours - 2 hours

J. Compliance agent.

Industry overview and responsibilities, regulations review, business practices, ethical standards, records requirements, and other related issues

Total hours - 4 hours

K. Instructor.

Regulations review, legal issues, ethical standards records requirements and other related topics - 2 hours

Techniques of instruction delivery including practical exercises - 6 hours

Total hours - 8 hours

6 VAC 20-170-615. Entry level firearms training requirements.

A. Firearms ~~certification~~ *training verification* is required for all private security services business personnel who carry or have immediate access to a firearm while on duty. Each person who carries or has immediate access to firearms while on duty shall qualify with each type and caliber of firearm to which he has access.

B. Handgun training.

1. The entry level handgun classroom training will emphasize but not be limited to:

- a. The proper care of the weapon;
- b. Civil liability of the use of firearms;
- c. Criminal liability of the use of firearms;
- d. Weapons retention;
- e. Deadly force;
- f. Justifiable deadly force;

g. Range safety;

h. Practical firearms handling; and

i. Principles of marksmanship.

Total hours (excluding written examination) - 8 hours

2. Written examination required.

3. No minimum hours are required for range qualification. The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed private security services business personnel.

a. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.

b. Ammunition - 60 rounds - factory loaded semi-wadcutter or duty ammunition may be used for practice or range qualification or both.

c. Target - Silhouette (M-9, Transitional Target 2, full-size B21, B21x or B-27) - Alternate targets may be utilized with prior approval by the department.

d. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.

e. A certified firearms instructor must be on the range during all phases of firearms training. There shall be one firearms instructor per four shooters on the line.

f. Directional draw holsters only.

g. Scoring.

(1) M-9, Transitional Target 2, B21, B21x, B27 target - (use indicated K-value) 8, 9, 10 X rings - value 5 points, 7 ring - value 4 points, other hits on silhouette - value 3 points: divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g., $225/300 = .75 = 75\%$.

(2) Q targets - any fired round striking the bottle area to include its marked border - value 5 points - any fired round striking outside the bottle area - value 3 points.

h. Course: Virginia Private Security Course of Fire for Handguns.

(Strong/weak hand refers to the primary hand used in firing the weapon. The opposite hand may be used for support.)

Target -- Silhouette (B21, B21X, B27), 60 rounds

Double action, except for single action semi-automatic weapons.

Minimum qualifying score - 75%

Phase 1 -- 3 yards, point shoulder position, 18 rounds:

Load 6 rounds and holster loaded weapon.

On command, draw and fire 2 rounds (3 seconds) repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 6 rounds with strong hand.

Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

Phase 2 -- 7 yards, point shoulder position, 24 rounds:

Load 6 rounds and holster loaded weapon.

On command, draw and fire 1 round (2 seconds), repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 2 rounds (3 seconds), repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

Phase 3 -- 15 yards, 70 seconds, 18 rounds:

Load 6 rounds and holster loaded weapon.

On command, assume kneeling position, draw and fire 6 rounds with strong hand.

Assume standing position, unload, reload and fire 6 rounds from weak hand barricade position.

Unload, reload and fire 6 rounds from strong hand barricade position (70 seconds).

(Kneeling position may be fired using barricade position.)

C. Shotgun training.

1. The entry level shotgun classroom instruction will emphasize but not be limited to:

- a. Safe and proper use and handling of shotgun;
- b. Nomenclature; and
- c. Positions and combat loading techniques.

Total hours - 1 hour

2. No minimum hours required for range firing. The purpose of the range firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

3. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.

4. Scoring - 70% of available pellets must be within silhouette.

5. Course: Virginia Private Security Course of Fire for Shotguns.

	Distance	Position	No. Rounds	Target	Time
Combat load & fire	15 Yds.	Standing/Shoulder	3	B-27 Silhouette	20 sec.
Combat load & fire	25 Yds.	Kneeling/Shoulder	2	B-27 Silhouette	15 sec.

6. A certified firearms instructor must be on the range during all phases of firearms range training. There shall be one certified firearms instructor per four shooters on the line.

D. Personal protection specialist advanced handgun training. In order to be eligible for the personal protection specialist advanced handgun course of fire, each personal protection specialist student must have completed entry level handgun training and qualified on the Virginia private security course of fire for handgun by shooting a minimum score of 85%.

1. The entry level personal protection specialist advanced handgun classroom training will emphasize but not be limited to:

- a. Weapon selection and nomenclature;
- b. Safety and functioning;
- c. Fundamentals of marksmanship review; and
- d. Decision making for the personal protection specialist.

Total hours (excluding written examination) - 24 hours

2. Written examination required.

3. No minimum hours required for range qualification. The purpose of this course of fire is to assess and improve the tactical, protection-related shooting skills for personal protection specialist candidates seeking certification to be armed. This course entails five increasingly challenging stages of advanced firearms exercises with a 92% score required for qualification.

The advanced handgun course of fire is comprised of the following exercises:

- a. Shoot/don't shoot judgment;
- b. Turn and fire drills;
- c. Failure to stop drills;
- d. Multiple target drills; and
- e. Judgmental shooting.

4. For all range practicals (stage two through stage four), the student will fire at a man-size silhouette target with the following requirements:

- a. 4" diameter circle in head;

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- b. 8" diameter circle in chest/body area;
 - c. Center points of circles - 13½ inches apart;
 - d. All rounds fired must hit within these circles; and
 - e. Minimum 92% qualification score = 25 rounds total requiring 23 hits.
5. Scoring:
- a. 25 points (1 round is good for 1 point).
 - b. 92% of shots must be "in circle" hits for a passing grade (2 misses allowed on total course).
 - c. Shots not taken during stage five, when a "no-shoot" situation is presented scores a point, just as an accurate shot in a hostile situation.
 - d. 92% is 23 of 25 possible.
6. A certified personal protection specialist firearms instructor must be on the range during all phases of personal protection specialist advanced handgun training. There shall be one certified personal protection specialist firearms instructor per four students.
7. Virginia private security course of fire for personal protection specialist.

a. Stage One: Shoot/don't shoot drill. Stage one of the personal protection specialist advanced handgun course of fire is conducted in a classroom using a 16 mm film or video cassette tape of firearms combat scenarios to assess the student's decision making capability given job-related shoot/don't shoot incidents.

After the interaction of the scenario, the students must explain all their commands and actions.

Dry-fire response from a weapon rendered safe should be incorporated into the scenario interaction.

b. Stage Two: Turn-and-fire drill. Stage two of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of turn-and-fire drills from varying distances (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the target. Upon the command "fire," the students must quickly turn while acquiring a firm grip on the weapon. Once facing the target and in a stable position, they must safely draw and fire two rounds at the designated target circle. After shooting, while facing the target, the student must reholster safely, then turn around to face up-range, ready to continue the exercise. The "fire" commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

c. Stage Three: Failure to stop drill. Stage three of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of failure to stop drills fired from the seven-yard line (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and are safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at normal pace, directly away from the target. Upon the command "fire," given at approximately the seven-yard line, each shooter must safely turn around while acquiring a firm grip on their weapon as performed in the previous drill. Once facing the target, the students will draw and fire two rounds at the 8-inch body circle, and then one immediate round to the 4-inch head circle. The student will then safely reholster. The drill will be repeated three times.

d. Stage Four: Multiple target identification drill. Stage four of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of multiple target identification drills fired from varying distances (straight draw hip holsters only).

Each shooter will line up on a set of three targets. Only two shooters at one time can complete this exercise on a standard 10-12 station range. However, smaller ranges may allow for only 1 shooter at a time.

Each handgun is loaded with 6 rounds of ammunition and safely holstered. The shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the targets. Upon the command "left," "right," or "center," the student must again turn around safely while establishing a firm grip on the weapon. Then, once stable, the student must quickly draw and fire 2 rounds at the designated circle on the "called" target ("L," "R," "C"). Then, the shooter, while still facing the targets, must safely reholster, turn around to face up-range, and continue the exercise. Each two round pair must be fired within 4 seconds of the called command. Direction commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

e. Stage Five: Judgmental shooting. This drill combines the skills developed in the prior four stages. The shooter will be required to safely turn and fire at a "photograph" type target which may be either friendly or hostile. It requires hostile targets to be stopped using deadly force. Necessity (immediate jeopardy) is presumed for this exercise. This stage allows the instructor to evaluate the decision-making capability of the student as well as his shooting accuracy and safety.

Shooter is placed on the 10-yard line facing the instructor with the target to his rear. The target will be

placed at any location along the range target line and should not be seen by the student until he is given the "turn" command during the drill. Each shooter has the opportunity to complete this drill four times. Each decision is worth one point. If he shoots at a hostile target, a hit anywhere on that target will score the point. If a friendly target is presented, it is clearly a no-shoot situation and the student should merely holster safely to score the point. There is a four-second time limit at this stage for any "shoot" situation.

The instructor will allow each shooter two opportunities to complete this drill and place two targets downrange for each. Four points or hits are still necessary at this stage for the total score. If two targets are used, then the time limit is raised to six seconds, regardless of whether two hostile targets are used or one hostile with one friendly.

Article 3.

~~Guard Dog~~ Security Canine Handler Retraining.

6 VAC 20-170-617. ~~Guard dog~~ Security canine handler retraining.

Each ~~guard dog~~ security canine handler registrant shall comply annually with the requirement for basic obedience evaluation and retraining (refer to Article 1 (6 VAC 20-170-470 et seq.) of this part).

~~Guard dog~~ Security canine handler basic obedience evaluation and retraining

Total hours - 2 hours

6 VAC 20-170-626. Surety bond or insurance required.

Each applicant for certification as a private security services training school shall secure a surety bond in the amount of \$25,000, executed by a surety company authorized to do business in Virginia, or a certificate of insurance showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000, issued by an insurance company authorized to do business in Virginia. Documentation of continuous and current coverage of the surety bond or comprehensive general liability insurance must be filed and maintained with the department.

6 VAC 20-170-627. Private security services training school certification number.

All private security services training schools in the Commonwealth shall include their certification number on all business advertising materials.

6 VAC 20-170-1000. Prohibited acts.

It shall be unlawful for a person to engage in any of the following acts. Each of the acts listed below is cause for disciplinary action:

1. Violating or aiding and abetting others in violating the provisions of Article 2.1 (§ 9-183.1 et seq.) of Chapter 27 of Title 9 of the Code of Virginia or this chapter.

2. Having committed any act or omission which resulted in a private security license or registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

3. Having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or a misdemeanor involving moral turpitude, sexual offense, drug offense, physical injury, or property damage, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

4. Failing to inform the department in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug offense, physical injury or property damage.

5. Obtaining a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, a training school, school director, or instructor, through any fraud or misrepresentation.

6. Failing or refusing to produce to the department, during regular business hours, for inspection or copying any document or record in the compliance agent's or the licensed firm's possession which is pertinent to the records required to be kept by the Code of Virginia or by this chapter.

7. Engaging in conduct which through word, deed, or appearance falsely suggests that a private security registrant or employee is a law-enforcement officer or other government official.

8. Failing to inform the department in writing within 30 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.

9. Conducting a private security services business or acting as a registrant or compliance agent in such a manner as to endanger the public health, safety and welfare.

10. Engaging in unethical, fraudulent or dishonest conduct.

11. Falsifying, or aiding and abetting others in falsifying, training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

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12. Representing as one's own a license issued to another private security services business or a registration issued to another individual, or representing oneself as a certified compliance agent of a licensee, training school, school director or instructor.

13. Employing individuals who do not possess a valid registration issued by the department showing the registration categories required to perform one's duties. Individuals requiring registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician may be employed for not more than 90 days while completing the compulsory minimum training standards, provided the individual has submitted his fingerprints on forms provided by the department. An application for registration must be received by the department within 10 calendar days of the completion of the required training.

14. Utilizing a person as an armed security officer who has not successfully completed the compulsory minimum standards for armed security officers or who does not have a valid firearms ~~certification~~ *training verification*.

15. Performing any unlawful or negligent act resulting in loss, injury or death to any person.

16. If wearing while on duty the law-enforcement style or military style uniform of a private security licensee:

a. Which does not have at least one insignia clearly identifying the name of the licensed firm employing the individual and, except armored car personnel, a name plate or tape bearing, as a minimum, the individual's last name and first and middle initials attached on the outermost garment, except rainwear worn only to protect from inclement weather; and

b. Having a patch or other writing containing the word "police" or any other words suggesting a law-enforcement officer, or "officer," unless used in conjunction with the word "security"; or resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words which accurately represent that distinction.

17. Utilizing a vehicle for a private security services business which uses or displays a flashing light not specifically authorized by the Code of Virginia.

18. Using or displaying the state seal of Virginia as a part of any licensed firm's logo, stationery, business card, badge, patch, insignia or other form of identification or advertisement.

19. Displaying of the uniform, badge or other insignia by employees of licensed firms while not on duty.

20. Providing information obtained by any licensed firm and its employees to any person other than the client who secured the services of the licensee without the client's prior written consent. Provision of information in response to official requests from law-enforcement agencies, the courts, or from the department, shall not constitute a violation of this chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter.

21. The failure of a licensee's approved compliance agent to at all times comply with the following:

a. Ensure that the licensed firm is at all times in full compliance with the Code of Virginia and this chapter;

b. Ensure that the documentary evidence concerning unarmed security officers required by § 9-183.3 D of the Code of Virginia is maintained;

c. Ensure that the documentary evidence concerning electronic security technician's assistant required by § 9-183.3 E of the Code of Virginia is maintained.

d. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer or electronic security technician's assistant in excess of 90 days prior to the completion of the compulsory minimum training standards for unarmed security officer or electronic security technician's assistant; and

e. Maintain VSP Forms 167, training, employment and payroll records which document the licensed firm's compliance with the Code of Virginia and this chapter.

f. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer for which the VSP Form-167 reveals a felony or misdemeanor conviction involving moral turpitude, sexual offense, drug offense, physical injury or property damage without written approval from the department.

g. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer in excess of 120 days without the individual being issued a certification as an unarmed security officer from the department.

22. Failure of the certified school director or certified instructor to comply with the following:

a. Conduct training in compliance with the compulsory minimum training standards;

b. Utilize only certified training instructors;

c. Provide only accurate and current instruction and information to students;

d. Maintain and file with the department all records required by the Code of Virginia and this chapter;

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e. Ensure that the certified training school is in compliance with the Code of Virginia and this chapter; or

f. Submit training completion rosters and fees to the department within seven business days of the completion of training.

23. Soliciting private security services business through advertising, business cards, bidding on contracts, or other means without having first obtained a private security services business license.

24. Failing to carry the private security photo identification card at all times while on duty.

25. Failure of an individual to present his private security registration photo identification card while on duty in response to the request of a law-enforcement officer, department personnel or client.

26. *Employing or otherwise utilizing any individual as a supervisor who has not submitted his fingerprints to the department for the purpose of a criminal history records search.*

27. *Providing services as a supervisor without having submitted fingerprints to the department for the purpose of a criminal history records search.*

28. *Failure of a private security services business or private security services training school to maintain current general liability insurance or surety bond coverage as required by this chapter.*

29. *Failure of a private security services business or private security services training school to include its license or certification number on all business advertising materials.*

6 VAC 20-170-1100. Fines, administrative and investigative costs.

A. *The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or this chapter which result in a sanction including fine, probation, suspension, revocation or denial of any license, certification or registration. Such costs shall be in addition to any monetary penalty which may be imposed.*

B. *All monetary penalties imposed as a sanction shall be deposited into the state treasury to the credit of the literary fund.*

VA.R. Doc. No. R98-305; Filed July 28, 1998, 1:40 p.m.



REGISTRAR'S NOTICE: The following regulation was originally published in final form in 13:19 VA.R. 2423-2442 June 9, 1997, to become effective July 9, 1997.

Because more than 25 requests for an additional comment period on the changes were received by the agency, the effective date of the final regulation was suspended pursuant to § 9-6.14:7.1 K of the Code of Virginia, and the board released the regulation for additional public comment on the changes.

A public meeting was held on September 4, 1997, and the public comment period closed on September 8, 1997. Only the changes to the regulation since it was published as a final regulation on June 9, 1997, are shown in brackets.

Title of Regulation: 9 VAC 25-193-10 et seq. **General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants.**

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Effective Date: October 1, 1998.

Summary:

This regulation sets guidelines for the permitting of discharges of storm water and process wastewater from industrial activities associated with the manufacture of ready-mixed concrete. The general permit consists of limitations and monitoring requirements on discharges of process wastewater to surface waters for the following parameters: flow, no limit, report avg and max; pH, 6.0 min, 9.0 max; total suspended solids, 30 mg/l avg, 60 mg/l max; total residual chlorine, nondetectable max; total petroleum hydrocarbons, 15 mg/l max; and temperature, max (based on Water Quality Standards). Monitoring requirements for storm water discharge to surface waters include the following parameters: flow, total petroleum hydrocarbons, chemical oxygen demand, total suspended solids, and pH. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit.

Several changes were made to the regulation after it was first published for public comment on December 9, 1996. A regulatory evaluation and petitions language (9 VAC 25-193-80) was added to the regulation as required by Executive Order 13 (94) and § 9-6.14:4.1 C of the Administrative Process Act. In 9 VAC 25-193-70, the permit boilerplate language (Part III and Part IV) was replaced with a new Part III, and a notification levels special condition was added as required by the VPDES Permit Regulation, 9 VAC 25-31-10 et seq. Additional changes were made to the regulation based on the comments received during the public comment period. The monitoring frequency for flow, pH, total suspended solids, total residual chlorine, and temperature for

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process wastewater and commingled storm water discharges was increased from once per quarter to once per month. The monitoring parameter "oil & grease" was changed to "total petroleum hydrocarbons."

The board adopted the revised general permit regulation at the April 29, 1997, meeting. The final regulation was published in the Virginia Register on June 9, 1997. In response to requests from more than 25 persons for an opportunity to submit oral and written comments to the proposed regulation, the effective date of the regulation was suspended and additional comments were sought. The 1998 General Assembly passed new legislation (House Bill 972) which requires the general permit to include a requirement that all settling basins constructed on or after February 2, 1998, be lined with concrete or any other impermeable materials. The statutory mandate became effective July 1, 1998.

Further changes were made to the draft regulation based on the statutory mandate and the comments received during the second round of the public comment period. The definition of "industrial activities" were revised to specify both permanent and portable plants. The requirement of a storm water pollution prevention plan for the proposed facilities was added to the registration statement. The monitoring frequency for flow, pH, total suspended solids, total residual chlorine, and temperature for process wastewater and commingled storm water discharges, which was changed from quarterly to monthly, was changed to a tiered system. The same change was also made to the noncontact cooling water discharges. A special condition was added to require all settling basins constructed on or after February 2, 1998, be lined with concrete or any other impermeable materials prior to commencing operation.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4054.

CHAPTER 193. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR READY- MIXED CONCRETE PLANTS.

9 VAC 25-193-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in § 62.1-44.2 et seq. of the Code of Virginia (State Water Control Law) [,] and the VPDES Permit Regulation (9 VAC 25-31-10 et seq.) [,] unless the context clearly indicates otherwise, except that for the purposes of this chapter:

~~["Department" means the Virginia Department of Environmental Quality.~~

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

~~"Industrial activity" means facilities or those portions of a facility where the primary purpose is classified as Standard Industrial Classification (SIC) Code 3273 (Office of Management and Budget (OMB) SIC Manual, 1987) [, including both permanent and portable plants].~~

~~["Municipal separate storm sewer" means a conveyance or system of conveyances that discharges to surface waters (including roads with drainage systems, municipal streets, catch basin, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, county, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW).~~

~~"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.~~

~~"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); any chemical the owner is required to report pursuant to the Emergency Planning and Community Right to Know Act (EPCRA) § 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.~~

~~"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.~~

~~"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under the VPDES Permit Regulation (9 VAC 25-31-10 et seq.). For the categories of industries identified in the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the plant; material handling sites; refuse sites; sites used for the application or~~

~~disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage area (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.]~~

9 VAC 25-193-20. Purpose.

This general permit regulation governs the discharge of process waste water and storm water associated with industrial activity from ready-mixed concrete plants classified as Standard Industrial Classification Code 3273, provided that the discharge is through a point source to surface waters.

9 VAC 25-193-30. Delegation of authority.

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

9 VAC 25-193-40. Effective date of the permit.

This general permit will become effective on [~~July 9, 1997~~ October 1, 1998]. This general permit will expire five years from the effective date. This general permit is effective as to any covered owner upon compliance with all the provisions of 9 VAC 25-193-50 and the receipt of this general permit.

9 VAC 25-193-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the board of the registration statement of 9 VAC 25-193-60, files the required permit fee, complies with the effluent limitations and other requirements of 9 VAC 25-193-70, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the VPDES Permit Regulation (9 VAC 25-31-10 et seq.).
2. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges.

B. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

9 VAC 25-193-60. Registration statement.

The owner shall file a complete registration statement which shall serve as a notice of intent to be covered under the general VPDES permit for ready-mixed concrete plants. Any owner proposing a new discharge shall file the registration statement at least 30 days prior to the date planned for commencing construction or operation of the concrete plant. Any owner of an existing concrete plant covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing concrete plant not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file this registration statement. The required registration statement shall contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION
SYSTEM
GENERAL PERMIT REGISTRATION STATEMENT
FOR READY-MIXED CONCRETE PLANTS

1. APPLICANT INFORMATION

A. Name of facility: _____

B. _____ Facility owner: _____

C. Owner's mailing address

a. Street or P.O. Box _____

b. City or town _____ c. State ____

d. Zip code _____

e. Phone number _____

D. Facility location: _____
Street no., route no., or other identifier

E. Is the operator of the facility also the owner?

Yes ___ No ___

If No, complete F. & G.

F. _____ Name of operator: _____

G. Operator's mailing address

a. Street or P.O. Box _____

b. City or town _____ c. State ____

d. Zip code _____

e. Phone number _____

2. FACILITY INFORMATION

A. Primary standard industrial classification

(SIC) code: _____

Secondary SIC codes: _____

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B. Nature of business: (provide a brief description)

C. [Is this a proposed or existing facility?

_____]

Does this facility currently have a VPDES permit?

Yes ___ No ___

If yes, give permit number. _____

Does this facility currently have a No-Discharge Certificate or a VPA permit? Yes ___ No ___

If yes, give permit number. _____

D. Describe any type of wastewater treatment or reuse/recycle system(s); identify any system(s) which operates only in a "no discharge" mode:

[If settling basins are used for treatment and control of process wastewater and commingled storm water, were these basins constructed, or will they be constructed, on or after February 2, 1998? Yes ___ No ___

If Yes, are these basins lined with concrete or any other impermeable materials? Yes ___ No ___]

E. Are there vehicle/equipment maintenance activities on site? Yes ___ No ___

If yes, is there any process wastewater generated from these activities? Yes ___ No ___

F. Will this facility discharge noncontact cooling water from a geothermal unit or other system? Yes ___ No ___

If yes, describe the source of noncontact cooling water.

G. If any chemical additives are used in the geothermal or other system which discharges noncontact cooling water,

a. List the chemical additive to be employed and its purpose;

b. Give the proposed schedule and quantity of chemical usage, and the estimated concentration in the discharge;

c. Describe any wastewater treatment or retention (if any) to be provided during the use of the additives; and

d. Attach a Material Safety Data Sheet (MSDS) and available aquatic toxicity information for each additive proposed for use.

H. Describe any measures employed to reclaim, reuse or dispose of the waste concrete materials.

3. FACILITY DRAWING

Attach a schematic drawing showing the source(s) of water used on the property, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solids.

4. MAP

Attach a topographic map extending to at least one mile beyond property boundary. The map must show the outline of the facility, and the location of each of its existing and proposed intake and discharge points. Include all springs, rivers and other surface water bodies.

5. DISCHARGE INFORMATION

A. List all discharge outfalls by a number that is the same as on the map required in Question 4. Identify the processes which discharge through each outfall. Estimate the flow in gallons per day (gpd). Give the name of the waterbody receiving the discharge.

Outfall No.	Operation	[Max. Maximum Average]	Daily Flow (gpd)	Receiving Stream
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B. Identify the duration and frequency of the discharge for each separate discharge point:

Outfall No.	hour/day	day/week
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[6. STORM WATER POLLUTION PREVENTION PLAN

If your facility is a proposed new one, as identified under Item 2 C, and includes storm water outfalls, as identified under Item 5 A, has a storm water pollution prevention plan been prepared?

Yes ___ No ___]

[6. 7.] CERTIFICATION

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

penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Signature: _____ Date: _____

Name of person signing above: _____
(printed or typed)

Title: _____

REQUIRED ATTACHMENTS [:]

1. MSDS and available aquatic toxicity information for chemical additives (if applicable)
2. Facility drawing
3. Topographic map

For department use only:

Accepted/Not Accepted by: _____

Date: _____

Basin _____ Stream Class _____ Section _____

Special Standards _____

9 VAC 25-193-70. General permit.

Any owner whose registration statement is accepted by the board will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the VPDES Permit Regulation (9 VAC 25-31-10 et seq.).

General Permit No.: VAG11

Effective Date:

Expiration Date:

GENERAL PERMIT FOR READY-MIXED CONCRETE PLANTS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended [,] and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of ready-mixed concrete plants are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Storm Water Management, ~~Part III - Monitoring and Reporting, and Part IV - Management Requirements~~ and Part III - Conditions Applicable to All VPDES Permits, as set forth herein.

**PART I.
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.**

A. Effluent limitations and monitoring requirements.

1. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge process wastewater which may contain input from vehicle/equipment maintenance activities, and may be commingled with noncontact cooling water or storm water associated with industrial activity. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): outfall(s) serial number: _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Average	Maximum	Minimum	Frequency	Sample Type
Flow (MGD)	NL	NL	NA	1/3 Months [1/Month ⁽⁶⁾]	Estimate
Total Suspended Solids (mg/l)	30	60	NA	1/3 Months [1/Month ⁽⁶⁾]	Grab
pH (standard units)	NA	9.0 ⁽¹⁾	6.0 ⁽¹⁾	1/3 Months [1/Month ⁽⁶⁾]	Grab
Oil & Grease⁽²⁾ (mg/l) Total Petroleum Hydrocarbons ⁽²⁾ (mg/l)	NA	15	NA	1/3 Months	Grab
Total Residual Chlorine (mg/l) ⁽³⁾⁽⁴⁾	NA	Non-detectable	NA	1/3 Months [1/Month ⁽⁶⁾]	Grab
Temperature ⁽³⁾ (°C)	NA	⁽⁵⁾	NA	1/3 Months [1/Month ⁽⁶⁾]	Immer- sion Stabili- zation

NL = No limitation, monitoring required

NA = Not applicable

(1) Where the Water Quality Standards (9 VAC 25-260-10 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

(2) ~~Oil & Grease~~ Total Petroleum Hydrocarbons limitation and monitoring are only required where a discharge contains process wastewater generated from the vehicle/equipment maintenance activities. Total Petroleum Hydrocarbons shall be analyzed in accordance with the photometric method specified in the Standard Methods, 18th edition, 5520 F.

(3) Chlorine and temperature limitation and monitoring are only required where a discharge contains noncontact cooling water.

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(4) Chlorine limitation and monitoring are only required where the source water is chlorinated or where chlorine is added. [Chlorine residual shall be measure using an EPA-approved method than can reach a 0.1 mg/l level of detection.]

(5) The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmount waters, 31°C for mountain and upper piedmount waters, 21°C for put and take trout waters, or 20°C for natural trout waters. No maximum temperature limit applies to discharges to estuarine waters.

For estuarine waters, nontidal coastal and piedmount waters, mountain and upper piedmount waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

Natural temperature is defined as that temperature of a body of water (measured as the arithmetic average over one hour) due solely to natural conditions without the influence of any point-source discharge.

[(6) Monitoring frequency shall be 1/month in the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations and the permittee receives authorization from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter for the rest of the permit term. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.]

Part I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Effluent limitations and monitoring requirements.

2. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge noncontact cooling water. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): outfall(s) serial number _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING FREQUENCY	SAMPLE TYPE
	Average	Maximum	Minimum		
Flow (MGD)	NL	NL	NA	1/3 Months [Month ⁽⁴⁾]	Estimate
pH (standard units)	NA	9.0 ⁽¹⁾	6.0 ⁽¹⁾	1/3 Months [Month ⁽⁴⁾]	Grab
Total Residual					

Chlorine (mg/l)⁽²⁾ NA Non- detect- able NA 1/3 Months [Month⁽⁴⁾]

Temperature (°C) NA ⁽³⁾ NA 1/3 Months [Month⁽⁴⁾] Immersion Stabilization

NL = No limitation, monitoring required

NA = Not applicable

(1) Where the Water Quality Standards (9 VAC 25-260-10 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

(2) Chlorine limitation and monitoring are only required where the source water is chlorinated or where chlorine is added. [Chlorine residual shall be measured using an EPA-approved method that can reach a 0.1/mg/l level of detection.]

(3) The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmount waters, 31°C for mountain and upper piedmount waters, 21°C for put and take trout waters, or 20°C for natural trout waters. No maximum temperature limit applies to discharges to estuarine waters.

For estuarine waters, nontidal coastal and piedmount waters, mountain and upper piedmount waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

Natural temperature is defined as that temperature of a body of water (measured as the arithmetic average over one hour) due solely to natural conditions without the influence of any point-source discharge.

[(4) Monitoring frequency shall be 1/month in the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations and the permittee receives authorization from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter for the rest of the permit term. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.]

Part I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING.

A. Effluent limitations and monitoring requirements - storm event monitoring.

3. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the

permittee is authorized to discharge storm water associated with industrial activity which does not combine with other process wastewaters or noncontact cooling water prior to discharge. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): outfall(s) serial number _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Maximum	Minimum	Frequency	Sample Type
Flow (MG)	NL	NA	1/Year	Estimate ⁽¹⁾
Oil and Grease (mg/l) Total Petroleum Hydrocarbons ⁽³⁾ (mg/l)	NL	NA	1/Year	Grab ⁽²⁾
Chemical Oxygen Demand (mg/l)	NL	NA	1/Year	Grab ⁽²⁾
Total Suspended Solids (mg/l)	NL	NA	1/Year	Grab ⁽²⁾
pH (standard units)	NL	NL	1/Year	Grab ⁽²⁾

NL = No limitation, monitoring required

NA = Not applicable

(1) Estimate of the total volume of the discharge during the storm event.

(2) The grab sample shall be taken during the first 30 minutes of the discharge. If during the first 30 minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge.

(3) Total Petroleum Hydrocarbons shall be analyzed in accordance with the photometric method specified in the Standard Methods, 18th edition, 5520 F.

4. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

[5. Reports of annual monitoring shall be submitted to the DEQ regional office no later than the 10th day of the month following the anniversary of the coverage of the general permit.]

B. Special conditions.

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, byproduct or wastes, shall be handled, disposed of, or stored so as to permit a

discharge of such product, materials, industrial wastes, or other wastes to surface waters.

3. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to minimize the potential or actual point source pollution of surface waters. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or ground waters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the maximum extent practicable and disposed of in a manner so as not to allow their entry into the surface or ground waters of the state.

4. There shall be no product mixing unit washout or truck washing activities conducted outside of the designated washdown and washout areas. All washout water shall be collected for recycle or treated prior to discharge.

5. Any waste concrete dumped at the plant site and dredged solids from the settling basins shall be managed within a designated area, and ~~no~~ any wastewaters including storm water generated from these activities shall be ~~contained to prevent a discharge of pollutants to surface waters~~ collected for recycle or treated prior to discharge .

~~6.~~ 6. No sewage discharges to surface waters are permitted under this general permit.

~~6.~~ 7. For geothermal or other system which discharges noncontact cooling water, the use of any chemical additives, except chlorine, without prior approval is prohibited under this general permit. Prior approval shall be obtained from the DEQ Regional Office before any changes are made to the chemical usage in the geothermal or other system. Requests for approval of chemical use shall be made in writing and shall include the following information:

- a. The chemical additive to be employed and its purpose;
- b. The proposed schedule and quantity of chemical usage, and the estimated concentration in the discharge;
- c. The wastewater treatment or retention (if any) to be provided during the use of the additive; and
- d. A Material Safety Data Sheet (MSDS) and available aquatic toxicity information for each additive proposed for use.

~~7.~~ 8. Within six months after the date of coverage under this general permit, the permittee shall develop an Operations and Maintenance (O&M) Manual for the permitted facility. The O&M Manual shall include procedures and practices for the mitigation of pollutant

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discharges and for the protection of state waters from the facility's operations. The manual shall address, at a minimum, operations and maintenance practices for the wastewater treatment process units and chemical and material storage areas, solids management and disposal procedures, temporary and long-term facility closure plans, testing requirements and procedures, recordkeeping and reporting requirements and the duties and roles of responsible officials.

The permittee shall implement the O&M Manual procedures and practices as soon as possible but no later than 12 months after the date of coverage under this general permit. The manual shall be kept on site at the permitted facility and shall be made available to the department upon request.

~~8. 9. If the ready-mixed concrete plant discharges through a municipal separate storm sewer system to surface waters, the permittee shall, within 30 days of coverage under this general permit, notify the owner of the municipal separate storm sewer system of the existence of the discharge and provide the following information: the name of the facility; a contact person and phone number; and the location of the discharge.~~

~~9. [10. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard, limitation or prohibition for a pollutant which is promulgated or approved under § 307 (a) (2) of the Clean Water Act, if the effluent standard, limitation or prohibition so promulgated or approved:~~

~~a. Is more stringent than any effluent limitation on the pollutant already in the permit; or~~

~~b. Controls any pollutant not limited in the permit.]~~

[10. 44.] The permittee shall ensure that all basins and lagoons maintain a minimum freeboard of one foot at all times. Should the one-foot freeboard not be maintained, the permittee shall immediately notify the DEQ Regional Office, describe the problem and corrective measures taken to correct the problem. Within five days of notification, the permittee shall submit a written statement to the regional office of explanation and corrective measures taken.

[11. 42.] For treatment systems which operate only in a "no discharge" mode, there shall be no discharge of pollutants to surface waters from these systems except in the case of a storm event which is greater than a 25 year-24 hour storm event. The operation of these systems shall not contravene the Water Quality Standards (9 VAC 25-260-10 et seq.), as adopted and amended by the board, or any provision of the State Water Control Law.

[~~13.~~ 12.] The permittee shall notify the department as soon as he knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent

basis, of any toxic pollutant which is not limited in this permit if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

[13. All settling basins used for treatment and control of process wastewater and commingled storm water that were constructed on or after February 2, 1998, shall be lined with concrete or any other impermeable materials prior to commencing operation.]

PART II.

STORM WATER MANAGEMENT.

A. Recording of results. For each discharge measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Report the following information, in addition to any applicable reporting requirements of Part III:

1. The date and duration (in hours) of the storm event(s) sampled;

2. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and

3. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

B. Representative discharge. When a facility has two or more exclusively storm water outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge

substantially identical effluent, the permittee may test the effluent of one of such outfalls and include with the Discharge Monitoring Report an explanation that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluent. In addition, for each exclusively storm water outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

C. *Sampling waiver.* When a permittee is unable to collect samples for the storm event monitoring requirements due to adverse climatic conditions, the permittee must submit with the Discharge Monitoring Report a description of why samples could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Permittees are precluded from exercising this waiver more than once for each outfall during the permit term.

D. *Storm water pollution prevention plans.* A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

E. *Deadlines for plan preparation and compliance.*

1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan:
 - a. Shall be prepared within 180 days after the date of coverage under this permit; and
 - b. Shall provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit.
2. The plan for any facility where industrial activity commences on or after the date of coverage under this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of

submission of a registration statement to be covered under this permit.

3. Upon a showing of good cause, the board may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a registration statement in accordance with the registration requirements.

F. *Signature and plan review.*

1. The plan shall be signed in accordance with Part III G K (signatory requirements), and be retained on-site at the facility covered by this permit in accordance with Part III G B (retention of records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.

2. The permittee shall make plans available to the department upon request.

3. The board may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the board, or as otherwise provided by the board, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. *Keeping plans current.* The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II H 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

H. *Contents of plan.* The plan shall include, at a minimum, the following items:

1. *Pollution prevention team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. *Description of potential pollutant sources.* Each plan shall provide a description of potential sources which

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may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing areas; and storage areas.

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or

that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. *Inspections.* In addition to or as part of the comprehensive site compliance evaluation required under Part II H 4 of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. *Employee training.* Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. *Recordkeeping and internal reporting procedures.* A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. *Sediment and erosion control.* The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

h. *Management of runoff.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II H 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. *Comprehensive site compliance evaluation.* Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part II H 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II H 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II H 4 b of this permit shall be made and retained as part of the storm water pollution prevention plan as required in Part III G B. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III G K (signatory requirements) of this permit and retained as required in Part III G B.

5. *Consistency with other plans.* Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under § 311 of the Clean Water Act, Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility or any other plans required by the board's regulations as long as such requirement is incorporated into the storm water pollution prevention plan.

~~Part III. MONITORING AND REPORTING.~~

~~A. Sampling and analysis methods.~~

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

~~2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants promulgated at 40 CFR Part 136 (1995).~~

~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~

~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.~~

~~B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:~~

~~1. The date, exact place and time of sampling or measurements;~~

~~2. The person(s) who performed the sampling or measurements;~~

~~3. The dates analyses were performed;~~

~~4. The person(s) who performed each analysis;~~

~~5. The analytical techniques or methods used;~~

~~6. The results of such analyses and measurements;~~

~~C. Records retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for three years from the date of the sample, measurement or report or until at least one year after coverage under this general permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.~~

~~D. Additional monitoring by permittee. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.~~

~~E. Water quality monitoring. The board may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the~~

~~Virginia State Water Control Law, Clean Water Act or the board's regulations.~~

~~The permittee shall obtain and report such information if requested by the board. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by the board.~~

~~F. Reporting requirements.~~

~~1. The permittee shall submit original monitoring reports of each quarter's performance to the department's regional office not later than the 10th day of April, July, October, and January. Annual sampling report shall be submitted to the department's regional office not later than the 10th day of January.~~

~~2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department with the monitoring report at least the following information:~~

~~a. A description and cause of noncompliance;~~

~~b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and~~

~~c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The board may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.~~

~~3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part III F 2 a-c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

~~Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities, or (vi) flooding or other acts of nature.~~

~~The report shall be made to the regional office at (XXX) XXX-XXXX. For reports outside normal working hours,~~

~~leave a message and this shall fulfill the reporting requirements. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.~~

~~G. Signatory requirements. Any registration statement, report, or certification required by this permit shall be signed as follows:~~

~~1. Registration statement.~~

~~a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).~~

~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~

~~2. Reports. All reports required by permits and other information requested by the board shall be signed by:~~

~~a. One of the persons described in subdivision 1 a, b, or c of this subsection; or~~

~~b. A duly authorized representative of that person. A person is a duly authorized representative only if:~~

~~(1) The authorization is made in writing by a person described in subdivision 1 a, b, or c of this subsection; and~~

~~(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).~~

~~(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, or~~

~~registration statement to be signed by an authorized representative.~~

~~3. Certification. Any person signing a document under subdivision 1 or 2 of this subsection shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."~~

~~H. Releases in excess of reportable quantities.~~

~~1. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 (1992) and 40 CFR Part 302 (1992). The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 117 (1992) or 40 CFR Part 302 (1992) occurs during a 24-hour period, the storm water pollution prevention plan must be modified within 14 calendar days of knowledge of the release. The modification shall provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.~~

~~2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.~~

~~Part IV. MANAGEMENT REQUIREMENTS.~~

~~A. Change in discharge of pollutants.~~

~~1. Any permittee proposing a new discharge shall submit a registration statement at least 30 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. There shall be no construction or operation of said facilities prior to the issuance of a permit.~~

~~2. The permittee shall submit a new registration statement at least 30 days prior to any planned changes, including proposed facility alterations or additions, production increases, or process modifications when:~~

~~a. The planned change to a permitted facility may meet one of the criteria for determining whether a facility is a new source; or~~

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~~b. The planned change could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not limited in the permit and to pollutants which are not subject to the notification level requirements in Part IV A 3; or~~

~~c. The planned change may result in noncompliance with permit requirements.~~

~~3. The permittee shall promptly provide written notice of the following:~~

~~a. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":~~

~~(1) One hundred micrograms per liter (100 ug/l);~~

~~(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony; or~~

~~(3) The level established in accordance with regulation under § 307(a) of the Clean Water Act and accepted by the board;~~

~~b. Any activity has occurred or will occur which would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":~~

~~(1) Five hundred micrograms per liter (500 ug/l);~~

~~(2) One milligram per liter (1 mg/l) for antimony; or~~

~~(3) The level established by the board.~~

~~Such notice shall include information on: (i) the characteristics and quantity of pollutants to be introduced into or from such treatment works; (ii) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works; and (iii) any additional information that may be required by the board.~~

~~B. Treatment works operation and quality control.~~

~~1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department and in conformity with the conceptual design, or the plans, specifications, and/or other supporting data accepted by the board. The acceptance of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility~~

~~deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.~~

~~2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:~~

~~a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters;~~

~~b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit;~~

~~c. Maintenance of treatment facilities shall be carried out in such a manner that the monitoring and limitation requirements are not violated; and~~

~~d. Collected solids shall be stored and disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.~~

~~C. Adverse impact.~~

~~The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.~~

~~D. Duty to halt, reduce activity or to mitigate.~~

~~1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.~~

~~2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.~~

~~E. Structural stability. The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.~~

~~F. Bypassing. Any bypass ("bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited unless:~~

~~1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the board may approve an anticipated bypass if:~~

~~a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.); and~~

~~b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.~~

~~2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in Part IV F 1 above and in light of the information reasonably available to the permittee at the time of the bypass.~~

~~G. Conditions necessary to demonstrate an upset. A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:~~

- ~~1. That an upset occurred and that the cause can be identified;~~
- ~~2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;~~
- ~~3. The permittee submitted a notification of noncompliance as required by Part III F; and~~
- ~~4. The permittee took all reasonable steps to minimize or correct any adverse impact to state waters resulting from noncompliance with the permit.~~

~~H. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under § 307(a) of the Clean Water Act.~~

~~Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established~~

~~pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act.~~

~~I. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.~~

~~J. Severability. The provisions of this permit are severable.~~

~~K. Duty to register. If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 120 days prior to the expiration date of this permit.~~

~~L. Right of entry. The permittee shall allow, or secure necessary authority to allow, authorized state and federal representatives, upon the presentation of credentials:~~

~~1. To enter upon the permittee's premises on which the establishment, treatment works, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;~~

~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~

~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~

~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or byproduct; and~~

~~5. To inspect at reasonable times any collection, treatment, or discharge facilities required under this permit.~~

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

~~M. Transferability of permits. This permit may be transferred to another person by a permittee if:~~

~~1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;~~

~~2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~

~~3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit.~~

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~~Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~

~~N. Public access to information. Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.~~

~~Claims of confidentiality for the following information will be denied:~~

- ~~1. The name and address of any permit applicant or permittee; and~~
- ~~2. Registration statements, permits, and effluent data.~~

~~Information required by the registration statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.~~

~~O. Permit modification. The permit may be modified when any of the following developments occur:~~

- ~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~
- ~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act (USC 33 § 1251 et seq.); or~~
- ~~3. When the level of discharge of a pollutant not limited in the permit exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.~~

~~P. Permit termination. After public notice and opportunity for a hearing, the general permit may be terminated for cause.~~

~~Q. When an individual permit may be required. The board may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

- ~~1. The discharger(s) is a significant contributor of pollution;~~

~~2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a general permit;~~

~~3. The discharge violates the terms or conditions of this permit;~~

~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;~~

~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit; or~~

~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

~~This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.~~

~~R. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to a permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.~~

~~S. Civil and criminal liability. Except as provided in permit conditions on "bypassing" (Part IV F) and "upset" (Part IV G), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.~~

~~T. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~U. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

~~1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or~~

~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

PART III.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

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

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

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

B. Records.

1. Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individuals who performed the sampling or measurements;

c. The dates and times analyses were performed;

d. The individuals who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

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

C. Reporting monitoring results.

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

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

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

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

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

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

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

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the

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department, within five days of discovery of the discharge. The written report shall contain:

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

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

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this subdivision:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

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

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's regional office by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (1) After promulgation of standards of performance under § 306 of Clean Water Act which are applicable to such source; or

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

- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal

practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

K. Signatory requirements.

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

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

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

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

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

individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

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

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

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

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

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private

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property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

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

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

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

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

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

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

U. Bypass.

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

2. Notice.

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

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

3. Prohibition of bypass.

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

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

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

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

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

V. Upset.

1. *An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.*

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

a. *An upset occurred and that the permittee can identify the causes of the upset;*

b. *The permitted facility was at the time being properly operated;*

c. *The permittee submitted notice of the upset as required in Part III I; and*

d. *The permittee complied with any remedial measures required under Part III S.*

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

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

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

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

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

- 1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
- 2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific

date for transfer of permit responsibility, coverage, and liability between them; and

c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

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

9 VAC 25-193-80. Evaluation of chapter and petitions for reconsideration or revision.

A. Within three years after [~~July 9, 1997~~ October 1, 1998], the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter, (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this chapter, (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter, or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.

Documents Incorporated by Reference

- Standard Industrial Classification Manual, 1987, Office of Management and Budget.
- Standard Methods for the Examination of Water and Wastewater, 18th Edition 1992, American Public Health Association

FORMS

The form used in administering 9 VAC 25-193-10 et seq. is listed and printed below.

Department of Environmental Quality Water Division Permit Application Fee

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DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
PERMIT APPLICATION FEE

10303

INSTRUCTIONS

Applicants for individual Virginia Pollutant Discharge Elimination System (VPDES), Virginia Pollution Abatement (VPA), Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Ground Water Withdrawal (GWW) Permits are required to pay permit application fees except farming operations engaged in production for market. Fees are also required for registration for coverage under General Permits except for the general permits for sewage treatment systems with discharges of 1,000 gallons per day (GPD) or less and for Corrective Action Plans for leaking underground storage tanks. Except for VWP permits, fees must be paid when applications for permit issuance, reissuance or modification are submitted. Applicants for VWP permits will be notified by the DEQ of the fee due. Applications will be considered incomplete if the proper fee is not paid and will not be processed until the fee is received.

The permit fee schedule can be found on the back of this form. Fees for permit issuance or reissuance and for permit modification are included. Once you have determined the fee for the type of application you are submitting, complete this form. The white and yellow copies of the form and your check or money order payable to "Commonwealth of Virginia-DEQ" should be mailed to the Department of Environmental Quality, Receipts Control, P.O. Box 101150, Richmond, VA 23240. The pink copy of the form and a copy of your check or money order should accompany the permit application. The gold copy is for your records. Please direct any questions regarding this form or fee payment to the DEQ Office to which you are submitting your application.

APPLICANT NAME: _____ SSN/FIN: _____
ADDRESS: _____ DAYTIME PHONE: (____) _____ Area Code _____

FACILITY/ACTIVITY NAME: _____
LOCATION: _____

TYPE OF PERMIT APPLIED FOR (from Fee Schedule): _____
TYPE OF ACTION: _____ New Issuance _____ Reissuance _____ Modification

AMOUNT OF FEE SUBMITTED (from Fee Schedule): _____

EXISTING PERMIT NUMBER (if applicable): _____

DEQ OFFICE TO WHICH APPLICATION SUBMITTED (check one)
 Abingdon/SWR0 Bridgewater/VRO Kilmarnock/KO Prince William/NRO
 Richmond/PRO Richmond/Headquarters Roanoke/NCRO Virginia Beach/TRO

FOR DEQ USE ONLY
Date: _____
DC #: _____

White and Yellow Copies - DEQ Accounting Office
Pink Copy - DEQ Regional or Permit Program Office
Gold Copy - Applicant

FEE SCHEDULE--APPLICATIONS FOR INDIVIDUAL PERMITS EXCEPT FOR VIRGINIA WATER PROTECTION PERMITS (DUE WITH SUBMISSION OF APPLICATION)

TYPE OF PERMIT	ISSUANCE/ REISSUANCE	MODIFICATION
VPDES Industrial Major	\$9,000	\$4,000
VPDES Municipal Major	\$7,100	\$3,550
VPDES Municipal Storm Water	\$7,100	\$3,550
VPDES Industrial Minor, No Standard Limits	\$3,400	\$1,700
VPDES Industrial Minor, Standard Limits	\$2,200	\$1,100
VPDES Industrial Storm Water	\$2,400	\$1,200
VPDES Municipal Minor, 100,000 GPD or More	\$2,500	\$1,250
VPDES Municipal Minor, More than 10,000 GPD but Less than 100,000 GPD	\$2,000	\$1,000
VPDES Municipal Minor, More than 1,000 GPD but 10,000 GPD or Less	\$1,800	\$ 900
VPDES Municipal Minor, 1,000 GPD or Less	\$1,400	\$ 700
VPA Industrial Wastewater Operation	\$3,500	\$1,750
VPA Industrial Sludge Operation	\$2,500	\$1,250
VPA Municipal Wastewater Operation	\$4,500	\$2,250
VPA Municipal Sludge Operation	\$2,500	\$1,250
GWW Initial Permit for an Existing Withdrawal	\$ 400	\$ 200
GWW Permit for a New or Expanded Withdrawal	\$2,000	\$1,000
SWW Certificate for an Existing Withdrawal	\$2,000	\$1,000
SWW Permit for a New or Expanded Withdrawal	\$3,000	\$1,500

FEE SCHEDULE--APPLICATIONS FOR INDIVIDUAL VIRGINIA WATER PROTECTION PERMITS (APPLICANT WILL BE NOTIFIED OF FEE DUE BY DEQ)

TYPE OF PERMIT	ISSUANCE/ REISSUANCE	MODIFICATION
VWP Category I Project	\$3,000	\$1,500
VWP Category II Project	\$2,100	\$1,050
VWP Category III Project	\$ 800	\$ 400
VWP Waiver	\$ 300	\$ 150

FEE SCHEDULE--REGISTRATION FOR GENERAL PERMIT COVERAGE
 The maximum fee for registration for general permit coverage is \$200. The specific amount of this fee depends on the amount of time the general permit coverage is needed. Please contact the DEQ Office to which registration materials are to be submitted for assistance in determining the amount of the fee due.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The Board of Housing and Community Development has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Board 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: 13 VAC 5-111-10 et seq. Virginia Enterprise Zone Program Regulations (amending 13 VAC 5-111-10, 13 VAC 5-111-60, 13 VAC 5-111-85, 13 VAC 5-111-150, and 13 VAC 5-111-170; adding 13 VAC 5-111-335).

Statutory Authority: § 59.1-273 of the Code of Virginia.

Effective Date: September 17, 1998.

Summary:

These amendments are being made to conform the regulations to changes made by Chapter 759 of the 1998 Virginia Acts of Assembly. The amendments (i) allow certain local governing bodies to create a joint enterprise zone with a contiguous neighboring jurisdiction; (ii) increase the total amount of business tax credits and real property investment tax credits available to small qualified business firms and small qualified zone residents from \$5 to \$16 million; and (iii) reduce the criteria for designation as a large qualified business from making investments of \$25 million that result in 100 new permanent jobs to making investments of \$15 million that result in 50 new permanent jobs.

Agency Contact: Copies of the regulation may be obtained from M. Shea Hollifield, 501 North Second Street, Richmond, VA 23219, telephone (804) 371-7030.

13 VAC 5-111-10. Definitions.

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

"Average number of permanent full-time employees" means the number of permanent 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 permanent full-time employees, a business firm may count only those permanent full-time employees who worked at least 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 permanent full-time employees of the firm shall be defined as the sum of the average number of permanent full-time employees for each class of employee.

"Base taxable year" (for purposes of qualifying for the general tax credit) means the taxable year preceding the first taxable year for which a firm qualifies for state tax incentives under this program. This definition only applies to business firms qualified prior to July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives offered prior to July 1, 1995. The following definition applies to businesses applying for enterprise zone incentives on or after July 1, 1995: *"Base taxable year"* (for purposes of qualifying for the general tax credit) means the lower of two taxable years immediately preceding the first year of qualification, at the choice of the business firm.

"Base year" (for purposes of qualifying for enterprise zone incentive grants) as provided in Part VI (13 VAC 5-111-210 et seq.) means either of the two calendar years immediately preceding a business firm's first year of grant eligibility, at the choice of the business firm.

"Business firm" means any corporation, partnership, electing small business (subchapter S) corporation, limited liability company, or sole proprietorship authorized to do business in the Commonwealth of Virginia.

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.

"Business tax credit" means a credit against any tax due under Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia due from a business firm.

"Common control" means those firms as defined by > Internal Revenue Code § 52(b).

"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 or structures to accommodate the principal use to which the land is or will be put. This definition only applies to business firms qualified prior to July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives offered prior to July 1, 1995. Businesses applying for enterprise zone tax credits on or after July 1, 1995, shall use the term qualified zone improvements for purposes of qualification for credits under > § 59.1-280 of the Code of Virginia.

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"Employee of a zone establishment" means a person employed by a business firm who is on the payroll of the firm's establishment or establishments 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 or establishments for at least one-half of his normally scheduled work days.

"Enterprise zone incentive grant" or "grant" means a grant provided for creating permanent full-time positions pursuant to § 59.1-282.1 of the Code of Virginia.

"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.
2. An auxiliary unit is an establishment primarily engaged in performing supporting services to other establishments of the same firm.

"Existing business firm" means one that was actively engaged in the conduct of trade or business in an area prior to such an area being designated as an enterprise zone or that was engaged in the conduct of trade or business in the Commonwealth and relocates to begin operation of a trade or business within an enterprise zone. An existing business firm is also one that was not previously conducted in the Commonwealth by such taxpayer who acquires or assumes a trade or business and continues its operations.

"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 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 or other family members or both 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.

"First year of grant eligibility" means the first calendar year for which a business firm was both eligible and applied for an enterprise zone incentive grant.

"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, leased employees or contract labor. This definition only applies to business firms qualified prior to July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives offered prior to July 1, 1995. Businesses applying for enterprise zone tax credits on or after July 1, 1995, shall use the term permanent full-time position for purposes of qualification pursuant to 13 VAC 5-111-90.

"Grant year" means the calendar year for which a business firm applies for an enterprise zone incentive grant pursuant to § 59.1-282.1 of the Code of Virginia.

"Gross receipts attributable to the active conduct of trade or business within an 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 or establishments 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 or establishments 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 13 VAC 5-111-50 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 and grants under this program.

"Jurisdiction" means the county, city or town which made the application to have an enterprise zone. In the case of a joint application, it means all parties making the application.

"Large qualified business firm" means a qualified business firm making qualified zone investments in excess of ~~\$25~~ \$15 million when such qualified zone investments result in the creation of at least ~~400~~ 50 permanent full-time positions.

"Large qualified zone resident" means a qualified zone resident making qualified zone investments in excess of \$100 million when such qualified zone investments result in the creation of at least 200 permanent full-time positions.

"Local zone administrator" means the chief executive of the county, city, or town in which an enterprise zone is located, or his designee.

"Low-income person" means a person who is employed in a permanent full-time position with a business firm in an enterprise zone that is seeking qualification for enterprise zone incentives and whose family income was less than or equal to 80% of area median family income during the income determination period. Persons who meet the definition of both low-income and zone resident may not be counted as both for purposes of meeting employment requirements for the general tax credit. Instead, qualifying business firms must claim these persons as either low-income or zone resident.

"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.

"Net loss" means (i) that the gross permanent full-time employment of a business firm located in the Commonwealth was greater than the gross permanent full-time employment of the business firm after relocating within an enterprise zone or zones; or (ii) after the business firm expands a trade or business into an enterprise zone the gross permanent full-time employment of a business firm's locations outside of an enterprise zone or zones in the Commonwealth has been reduced.

"New business" means a business not previously conducted in the Commonwealth by such taxpayer and that begins operation in an enterprise zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full-time

employment by an existing business firm in an enterprise zone and does not result in a net loss of permanent full-time employment outside the zone.

"Number of eligible permanent full-time positions" means the amount by which the number of permanent full-time positions at a business firm in a grant year exceeds the threshold number.

"Payroll period" means the period of time for which a business firm normally pays its employees.

"Permanent full-time position" means a job of indefinite duration at a business firm located in an enterprise zone, and requiring either (i) a minimum of 35 hours of an employee's time a week for the entire normal year of the business firm's operations, which normal year must consist of at least 48 weeks, (ii) a minimum of 35 hours of an employee's time a week for a portion of the taxable year in which the employee was initially hired for, or transferred to the business firm or (iii) a minimum of 1,680 hours per year if the standard fringe benefits are paid by the business firm for the employee. Seasonal, temporary, leased or contract labor positions, or a position created when a job function is shifted from an existing location in this Commonwealth to a business firm located within an enterprise zone shall not qualify as permanent full-time positions.

"Placed in service" means: (i) the final certificate of occupancy has been issued by the local jurisdiction for real property improvements; or (ii) the first moment that machinery becomes operational and is used in the manufacturing of a product for consumption; or (iii) in the case of tools and equipment it means the first moment they are used in the performance of duty or service.

"Qualified business firm" means a business firm meeting the business firm requirements in 13 VAC 5-111-30 or 13 VAC 5-111-90 and designated a qualified business firm by the department.

"Qualified zone improvements" means the amount of property chargeable to a capital account for improvements to rehabilitate or expand depreciable real property placed in service during the taxable year within an enterprise zone, provided that the total amount of such improvements equals or exceeds (i) \$50,000 and (ii) the assessed value of the original facility immediately prior to the rehabilitation or expansion. Qualified zone improvements include expenditures associated with any exterior, structural, mechanical, or electrical improvements necessary to expand or rehabilitate a building for commercial or industrial use.

1. Qualified zone improvements include, but are not limited to, the costs associated with excavation, grading, paving, driveways, roads, sidewalks, landscaping or other land improvements, demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression systems, roofing and flashing, exterior repair, cleaning and clean-up.

2. Qualified zone improvements do not include (i) the cost of furnishings; (ii) any expenditure associated with appraisal, architectural, engineering and interior design

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fees, (iii) loan fees; points or capitalized interest; (iv) legal, accounting, realtor, sales and marketing or other professional fees; (v) closing costs, permits, user fees, zoning fees, impact fees, inspection fees; (vi) bids insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; (vii) utility hook-up or access fees; (viii) outbuildings; (ix) the cost of any well, septic, or sewer system; or (x) cost of acquiring land or an existing building.

3. In the case of new construction, qualified zone improvements also do not include land, land improvements, paving, grading, driveway, and interest.

"*Qualified zone investment*" means the sum of qualified zone improvements and the cost of machinery, tools, and equipment used in manufacturing tangible personal property and placed in service on or after July 1, 1995. Machinery, equipment, tools, and real property that are leased through a capital lease and that are being depreciated by the lessee or that are transferred from out-of-state to a zone location by a business firm may be included as qualified zone investment. Such leased or transferred machinery, equipment, tools, and real property shall be valued using the depreciable basis for federal income tax purposes. Machinery, tools and equipment shall not include the basis of any property: (i) for which a credit was previously granted under § 59.1-280.1 of the Code of Virginia; (ii) which was previously placed in service in Virginia by the taxpayer, a related party, as defined by Internal Revenue Code § 267(b), or a trade or business under common control; as defined by Internal Revenue Code § 52(b); or (iii) which was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person whom acquired, or Internal Revenue Code § 1014(a).

"*Qualified zone resident*" means an owner or tenant of real property located in an enterprise zone who expands or rehabilitates such real property to facilitate the conduct of a trade or business by such owner or tenant within the enterprise zone. In the case of a partnership, limited liability company or S corporation, the term "qualified zone resident" means the partnership, limited liability company or S corporation.

"*Real property improvements tax credit*" means a credit provided to a small qualified zone resident pursuant to § 59.1-280.1 C of the Code of Virginia.

"*Redetermined base year*" means the base year for calculation of the number of eligible permanent full-time positions in a second or subsequent three-year grant period. If a second or subsequent three-year grant period is requested within two years after the previous three-year period, the redetermined base year will be the last grant year. The calculation of this redetermined base year will be determined by the number of positions in the preceding base year, plus the number of threshold positions, plus the number of permanent full-time positions receiving grants in the final year of the previous grant period. If a business firm applies for subsequent three-year periods beyond the two

years immediately following the completion of a three-year grant period, the firm shall use one of the two preceding calendar years as the base year, at the choice of the business firm.

"*Related party*" means those as defined by Internal Revenue Code § 267(b).

"*Seasonal employment*" means any employee who normally works on a full-time basis and whose customary annual employment is less than nine months. For example, individuals hired by a CPA firm during the tax return season in order to process returns and who work full-time over a three-month period are seasonal employees.

"*Small qualified business firm*" means any qualified business firm other than a large qualified business firm.

"*Small qualified zone resident*" means any qualified zone resident other than a large qualified zone resident.

"*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 State Highway Commission 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 Commissioner, 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.

"*Threshold number*" means 110% of the number of permanent full-time positions in the base year for the first three-year period in which a business firm is eligible for an enterprise zone incentive grant. For a second and any subsequent three-year period of eligibility, the threshold means 120% of the number of permanent full-time positions in the applicable base year as redetermined for the subsequent three-year period. If such number would include a fraction, the threshold number shall be the next highest integer. Where there are no permanent full-time positions in the base year, the threshold will be zero.

"*Transferred employee*" means an employee of a firm in the Commonwealth that is relocated to an enterprise zone facility owned or operated by that firm.

"*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 enterprise zone declared by the Governor to be eligible for the benefits of this program.

"*Zone investment tax credit*" means a credit provided to a large qualified zone resident pursuant to § 59.1-280.1 J of the Code of Virginia.

"*Zone resident*" means a person whose principal place of residency is within the boundaries of any enterprise zone. Persons who meet the definition of both low-income and zone resident may not be counted as both for purposes of meeting employment requirements for the general tax credit. Instead, qualifying business firms must claim these persons as either low-income or zone resident. Zone residency must be verified annually.

13 VAC 5-111-60. Allowance for business firms qualified prior to July 1, 1995, to use other enterprise zone incentives.

Business firms already qualified prior to July 1, 1995, may apply for both the real property tax credits provided by Part V (13 VAC 5-111-140 et seq.) and enterprise zone incentive grants provided in Part VI (13 VAC 5-111-210 et seq.), provided the appropriate provisions are met. However, businesses qualified prior to July 1, 1995, are not eligible for additional general tax credit periods other than those previously qualified for. In addition, these businesses shall not be subject to inclusion in the \$5 \$16 million limitation set forth in 13 VAC 5-111-85 A or \$3 million limitation set forth in 13 VAC 5-111-85 B.

13 VAC 5-111-85. Annual fiscal limitations.

A. Except as provided in subdivision B 1 of § 59.1-280.2 of the Code of Virginia, the total amount of (i) business tax credits granted to small qualified business firms in 13 VAC 5-111-70 and (ii) real property investment tax credits granted to small qualified zone residents in 13 VAC 5-111-150 for the

Commonwealth's fiscal year ending June 30 as provided for in § 59.1-280 A of the Code of Virginia shall not exceed \$5 \$16 million.

B. Except as provided in subdivision B 1 of § 59.1-280.2 of the Code of Virginia, the total amount of (i) business tax credits granted to large qualified business firms in 13 VAC 5-111-80 C and (ii) real property investment tax credits granted to large qualified zone residents in 13 VAC 5-111-170 for the Commonwealth's fiscal year ending June 30 as provided for in § 59.1-280 A of the Code of Virginia shall not exceed \$3 million.

C. If the total amount of tax credits for which small qualified business firms are eligible under subsection C of § 59.1-280 of the Code of Virginia and small qualified zone residents are eligible under subsection C of § 59.1-280.1 of the Code of Virginia exceeds \$5 \$16 million in any fiscal year in which the amount of tax credits for which large qualified business firms are eligible under subsection D of § 59.1-280 of the Code of Virginia and large qualified zone residents are eligible under subsection D of § 59.1-280.1 of the Code of Virginia is less than \$3 million, then the amount of tax credits available to such small qualified business firms and small qualified zone residents shall be increased by the amount by which the tax credits for such large qualified business firms and large qualified zone residents are eligible is less than \$3 million.

D. If the total amount of tax credits for which large qualified business firms are eligible under subsection D of § 59.1-280 of the Code of Virginia and large qualified zone residents are eligible under subsection D of § 59.1-280.1 of the Code of Virginia exceeds three million dollars in any fiscal year in which the amount of tax credits for which small qualified business firms are eligible under subsection C of § 59.1-280 of the Code of Virginia and small qualified zone residents are eligible under subsection C of § 59.1-280.1 of the Code of Virginia is less than \$5 \$16 million, then the amount of tax credits available to such large qualified business firms and large qualified zone residents shall be increased by the amount by which the tax credits for such small qualified business firms and small qualified zone residents are eligible is less than \$5 \$16 million.

13 VAC 5-111-150. Computation of credit.

A. For any small qualified zone resident, the amount of credit earned shall be equal to 30% of the qualified zone improvements and shall be refundable. However, in no event shall the cumulative credit allowed to a small qualified zone resident exceed \$125,000 dollars in any five-year period. An unused tax credit may not be applied to future years. Any credit not useable for the taxable year the credit was allowed shall not be carried back to a preceding taxable year. Any credit determined in accordance with this subsection that exceeds the tax liability for the taxable year it is requested shall be refunded to the taxpayer subject to the limitations contained in subsection C of this section.

B. Qualified zone improvements shall not include the basis of any property: (i) for which a credit under this section was previously granted; (ii) which was previously placed in

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service in Virginia by the taxpayer, a related party, or a trade or business under common control; or (iii) which was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom acquired, or Internal Revenue Code § 1014 (a).

C. The credits provided for in this section and in 13 VAC 5-111-70 for small qualified businesses are subject to annual fiscal limitations based on the Commonwealth's fiscal year ending June 30th as provided for in §§ 59.1-280.1 C and 59.1-280.2 B 1 of the Code of Virginia. In the event that taxpayer requests exceed the Commonwealth's annual fiscal limitation, the taxpayer shall be granted a pro rata amount by the department, determined in accordance with 13 VAC 5-111-85 A.

D. If the total amount of tax credits for which small qualified business firms are eligible under subsection C of § 59.1-280 of the Code of Virginia and small qualified zone residents are eligible under subsection C of § 59.1-280.1 of the Code of Virginia exceeds \$5 \$16 million in any fiscal year in which the amount of tax credits for which large qualified business firms are eligible under subsection D of > § 59.1-280 of the Code of Virginia and large qualified zone residents are eligible under subsection D of > § 59.1-280.1 of the Code of Virginia is less than \$3 million, then the amount of tax credits available to such small qualified business firms and small qualified zone residents shall be increased by the amount by which the tax credits for such large qualified business firms and large qualified zone residents are eligible is less than \$3 million.

13 VAC 5-111-170. Zone investment tax credits.

A. A large qualified zone resident shall be eligible for a credit in an amount of up to 5.0% of the qualified zone investments in lieu of the credit provided for in 13 VAC 5-111-150 A. The zone investment tax credit provided by this subsection shall not exceed the tax imposed for such taxable year, but any tax credit not usable for the taxable year generated may be carried over until the full amount of such credit has been utilized.

B. The percentage amount of the zone investment tax credit granted to a large qualified zone resident shall be determined by agreement between the department and the large qualified zone resident, provided such percentage amount does not exceed 5.0%.

C. The percentage amounts of the business income tax credit provided in 13 VAC 5-111-80 C which may be granted to a large qualified business firm is also subject to agreement between the department in the event that a large qualified zone resident is also a large qualified business firm, provided such percentage amounts shall not exceed the percentage amounts otherwise provided in 13 VAC 5-111-80 C.

D. The credits provided for in this section and in 13 VAC 5-111-80 C for large qualified businesses are subject to annual fiscal limitations based on the Commonwealth's fiscal

year ending June 30th as provided for in §§ 59.1-280.1 D and 59.1-280.2 B 2 of the Code of Virginia. In the event that taxpayer requests exceed the Commonwealth's annual fiscal limitation the taxpayer shall be granted a pro rata amount by the department, determined in accordance with 13 VAC 5-111-85 B. The amount of such prorated grant shall be determined by applying a fraction, the numerator of which shall be the gross credit requested by the taxpayer for such year, and the denominator of which shall be the total gross credits requested by all taxpayers for such year to the Commonwealth's annual fiscal limitation. The credit which may be requested each year shall be subject to the limitation provided by subsection A of this section.

E. If the total amount of tax credits for which large qualified business firms are eligible under subsection D of § 59.1-280 of the Code of Virginia and large qualified zone residents are eligible under subsection D of § 59.1-280.1 of the Code of Virginia exceeds three million dollars in any fiscal year in which the amount of tax credits for which small qualified business firms are eligible under subsection C of § 59.1-280 of the Code of Virginia and small qualified zone residents are eligible under subsection C of § 59.1-280 of the Code of Virginia is less than \$5 \$16 million dollars, then the amount of tax credits available to such large qualified business firms and large qualified zone residents shall be increased by the amount by which the tax credits for such small qualified business firms and small qualified zone residents are eligible is less than \$5 \$16 million dollars.

F. In the event that a taxpayer who is subject to the annual fiscal limitation imposed pursuant to subsection D of this section and is also allowed another credit pursuant to another section of the Code of Virginia, such taxpayer shall be considered to have first utilized any credit allowed which does not have a carry forward provision, and then any credit which is carried forward from a preceding taxable year, prior to utilization of any credit granted pursuant to this section.

G. The business firm must certify to the Department of Housing and Community Development on prescribed form or forms and other documents as prescribed by the department that the firm has met the criteria for qualification prescribed in this section. The form or forms referred to in this subsection must be prepared by an independent certified public accountant licensed by the Commonwealth and shall serve as prima facie evidence that the business firm met the qualifications, but the evidence of eligibility shall be subject to rebuttal. The department or the Department of Taxation or State Corporation Commission, as applicable, may at its discretion require any business firm to provide supplemental information regarding the firm's eligibility (i) as a qualified business firm or (ii) for a tax credit claimed pursuant to 13 VAC 5-111-170 A.

13 VAC 5-111-335. Redesignation of enterprise zones.

A. *A local governing body will be permitted to request a redesignation of an enterprise zone that is located in one jurisdiction as a joint enterprise zone in accordance with the procedures and requirements set out in this section.*

B. A request for redesignation must be submitted to the department on Form EZ-R. This form must be accompanied by a resolution from both local governing bodies supporting the proposed redesignation of the enterprise zone as a joint enterprise zone.

C. The area of the nonzone jurisdiction that is proposed for inclusion in the redesignated zone must be contiguous to the existing designated zone.

D. The nonzone jurisdiction that will have area included in the joint zone as a result of the redesignation must have the county manager form of government.

E. The total area of the proposed joint enterprise zone complies with at least one of the distressed criteria outlined in 13 VAC 5-111-290 C.

F. As used in this section, joint enterprise zone means an enterprise zone located in two adjacent localities.

VA.R. Doc. No. R98-298; Filed July 29, 1998, 9:32 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE BOARD

Suspension of Regulatory Process

Title of Regulation: 18 VAC 135-20-10 et seq. Virginia Real Estate Board Licensing Regulations (amending 18 VAC 135-20-10, 18 VAC 135-20-20, 18 VAC 135-20-30, 18 VAC 135-20-40, 18 VAC 135-20-50, 18 VAC 135-20-60, 18 VAC 135-20-80, 18 VAC 135-20-90, 18 VAC 135-20-100, 18 VAC 135-20-110, 18 VAC 135-20-120, 18 VAC 135-20-150, 18 VAC 135-20-160, 18 VAC 135-20-170, 18 VAC 135-20-180, 18 VAC 135-20-190, 18 VAC 135-20-200, 18 VAC 135-20-210, 18 VAC 135-20-220, 18 VAC 135-20-240, 18 VAC 135-20-250, 18 VAC 135-20-260, 18 VAC 135-20-270, 18 VAC 135-20-280, 18 VAC 135-20-290, 18 VAC 135-20-300, 18 VAC 135-20-310, 18 VAC 135-20-320, 18 VAC 135-20-350, 18 VAC 135-20-360, 18 VAC 135-20-370, 18 VAC 135-20-380, 18 VAC 135-20-390, 18 VAC 135-20-400 and 18 VAC 135-20-410; adding 18 VAC 135-20-45; repealing 18 VAC 135-20-420, 18 VAC 135-20-430, and 18 VAC 135-20-440).

Final action on 18 VAC 135-20-10 et seq., Virginia Real Estate Board Licensing Regulations was published in 14:20 VA.R. 2770-2786 June 22, 1998. The Real Estate Board received comments from over 25 persons regarding this final regulation. Therefore, pursuant to § 9-6.14:7.1 K of the Code of Virginia, the Real Estate Board is suspending the regulatory process in order to solicit additional public comments and the September 1, 1998, will be delayed.

Public comments may be submitted until September 17, 1998, to Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-8552.

VA.R. Doc. No. R96-373; Filed July 24, 1998, 1:10 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

MOTOR VEHICLE DEALER BOARD

Title of Regulation: 24 VAC 22-30-10 et seq. Motor Vehicle Dealer Advertising Practices and Enforcement Regulations (amending 24 VAC 22-30-20 and 24 VAC 22-30-30).

Statutory Authority: §§ 46.2-1506 and 46.2-1582 of the Code of Virginia.

Effective Date: October 1, 1998.

Summary:

The regulation sets forth general requirements for advertising by motor vehicle dealers. The amendment adds a definition for the term "advertisement," clarifies what constitutes "dealer rebates" and clarifies what terms may not be used to advertise "free items," merchandise or services.

In addition, House Bill 1013 of the 1998 General Assembly amended Article 9 of the Motor Vehicle Dealer Act relating to Motor Vehicle Dealer Advertising. Specifically, changes were made effective October 1, 1998, concerning the typeface to be used in disclosing processing fees, and freight and destination charges in advertisements. These changes have been incorporated into the final regulations.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Alice Weedon, Motor Vehicle Dealer Board, 2201 West Broad Street, Suite 104, Richmond, VA 23220, telephone (804) 367-0300.

24 VAC 22-30-20. Definitions.

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

"Act" means Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2 of the Code of Virginia.

"Administrative penalties" means the denial, suspension or revocation of a license as allowed in § 46.2-1576 of the Act

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and based on one or more of the grounds specified in § 46.2-1575 of the Act.

"Advertisement" means an oral, written, graphic or pictorial statement made in the course of soliciting business, including, without limitation, a statement or representation made in a newspaper, magazine, or other publication, or contained in a notice, sign, poster, display, circular, pamphlet, or letter, or on radio, the Internet, or via an on-line computer service, or on television. The term does not include an in-person oral communication by a dealer's employee with a prospective customer.

"Advertiser" means same as licensee.

"Board" means the Motor Vehicle Dealer Board of this Commonwealth.

"Civil penalty" means the monetary assessment imposed by the board or the executive director against a licensee not to exceed \$1,000 for any single violation of § 46.2-1581 of the Code of Virginia.

"Disclaimer" means those words or phrases used to provide a clear understanding or limitation to an advertised statement but not used to contradict or change the meaning of the statement.

"Disclosure" means a statement in clear terms of the dollar amounts, time frames, down payments and other terms which may be needed to provide a full understanding of credit terms, periodic payment, interest rates, time payment plans, etc.

"Executive director" means the Executive Director of the Motor Vehicle Dealer Board of this Commonwealth.

"Internet" means [~~a system that connects computers or computer networks~~ the international network of computer systems commonly known as the "Internet"].

"License" means the document issued to a Virginia motor vehicle dealer and which permits such dealer to engage in the business of buying and selling new and used motor vehicles or used motor vehicles only.

"Licensee" means any person, partnership, association, corporation or entity which is required to be licensed as a motor vehicle dealer in this Commonwealth.

"Line-make marketing group" means an association of motor vehicle dealers franchised to sell and advertise the same line-make of new motor vehicles.

"New motor vehicle" means a vehicle which meets all of the following criteria. The new motor vehicle has:

1. Had limited use necessary in moving or road testing the vehicle prior to delivery to a customer;
2. Been transferred by a manufacturer's or distributor's certificate of origin which is the document provided by the manufacturer of a new motor vehicle, or its distributor to its franchised motor vehicle dealer;

3. The manufacturer's or distributor's certification that it conforms to all applicable federal motor vehicle safety and emission standards;

4. Not been previously sold by a dealer except for the purpose of resale and when the exchange is between franchised dealers of the same line-make;

5. Not been used as a rental, driver education, or demonstration motor vehicle; and

6. Not been used for the personal and business transportation of the manufacturer, distributor or dealer or any of their employees.

"On-line service" means [~~a network that connects computer users~~ any information service, system, or access software provider that enables computer access by multiple users to a computer server, including specifically a service or system that provides accesses to the Internet].

"Repossessed vehicle" means a vehicle which meets all of the following criteria. It has:

1. Been sold, titled, registered, and taken back from a purchaser *for nonpayment*; and
2. Not yet been resold to an ultimate user.

"Sale" means there is a significant reduction from the advertiser's usual and customary price of a motor vehicle and the offer is for a limited period of time.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this chapter.

24 VAC 22-30-30. Practices.

For purposes of this chapter, a violation of the following regulated advertising practices shall be an unfair, deceptive, or misleading act or practice.

A. New motor vehicle. A motor vehicle shall not be advertised as new, either by word or implication, unless it is one which conforms to the definition of a "new motor vehicle" as defined in 24 VAC 22-30-20.

B. Used motor vehicle.

1. The fact that a motor vehicle is used should be clearly and unequivocally expressed by the term "used" or by such other term as is commonly understood to mean that the vehicle is used. For example, "special purchase" or "program cars" by itself is not a satisfactory disclosure; however, such terms as "demonstrator" or "former leased and/or rental vehicles" used alone clearly express that they meet the definition of a used vehicle for advertising purposes. When in doubt, the dealer should provide more information or simply say "used."

2. Once a certificate of origin as defined in § 46.2-1500 has been assigned to a purchaser, the motor vehicle becomes a used vehicle and must be advertised as such.

C. Finance charges or interest rates advertisements.

1. Advertisements of finance charges or other interest rates "below market" (or words to that effect) shall not be used unless it is manufacturer or distributor sponsored or substantiated by a written agreement with the finance source.

2. Advertisement of finance charges or other interest rates shall not be used when there is a cost to buy-down said charge or rate which is passed on, in whole or in part, to the purchaser.

D. Terms, conditions, and disclaimers.

1. When terms, conditions or disclaimers are used, they shall always be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information; but, the disclaimer shall not be used as a means of contradicting or changing the meaning of an advertised statement. In addition, they must meet the Federal Trade Commission Truth in Lending Act Requirements 15 USC §§ 1601 et seq., 12 CFR [Part] 226 (Regulation Z) or the Federal Trade Commission Truth in Leasing Act Requirements, as applicable.

2. In all printed media, where terms, conditions or disclaimers are used, they shall be clearly and conspicuously visible and printed in not less than 8-point type print or printed in 6-point upper case type print. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed in not less than 8-point boldface type [or not smaller than the largest typeface within the advertisement. If the processing fee is not included in the advertised price, the amount of the processing fee may be omitted from any advertisement in which the largest type size is less than 8-point typeface, so long as the dealer participates in a media-provided listing of processing fees and the dealer's advertisement includes an asterisk or other such notation to refer the reader to the listing of the fees]. When billboards, portable signs, posters, etc., are used, all terms, conditions or disclaimers need to be displayed and phrased in a manner which is clear and conspicuous.

3. In radio ads advertisements, where terms, conditions or disclaimers are used, they shall be clearly announced during the ad advertisement. They must be explained clearly and at an understandable speed and volume level.

4. In television ads advertisements, where terms, conditions or disclaimers are used, they shall be clearly and conspicuously displayed or announced, or both, during the ad advertisement. They shall be at an understandable speed or understandable volume level, or both.

E. Sale or sales. The expiration date of an advertised "sale" shall be clearly and conspicuously disclosed. If the sale exceeds 30 days, the advertiser should be prepared to

substantiate that the offering is indeed a valid reduction and has not become his regular price.

F. "List price," "sticker price," "suggested retail price." These terms and similar terms shall be used only as follows:

1. In reference to the manufacturer's or distributor's suggested retail price for new vehicles; or

2. The dealer's own usual and customary price for used vehicles.

G. "Cost" and "invoice price" terms.

1. "At cost," "below cost," "\$ off cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of sale.

2. "Invoice price," "\$ over invoice," may be used, provided that the invoice referred to is the manufacturer's factory invoice, distributor's invoice, or a bona fide bill of sale, as applicable, and that it is available for customer inspection.

3. "Manufacturer's factory invoice" or "distributor's invoice" means that document supplied by the manufacturer or the distributor listing the manufacturer's or distributor's charge to the dealer before any deduction for items such as holdback, group advertising, factory incentives or rebates, or any governmental charges.

H. Price or credit terms of advertised vehicles. When the price or credit terms of a vehicle are advertised in print, or on radio, or television, the vehicle should be fully identified as to year, make, and model. In addition, in all advertisements placed by individual dealers and not marketing groups, the stated advertised price or credit terms shall include all charges which the buyer must pay to the seller including "freight" or "destination charges." If there are deferred payments on credit sales where accrued finance charges are ultimately charged to the consumer for any part of the deferred period, then these charges must be clearly stated. State and local fees and taxes and buyer-selected options need not be included in the stated advertised price. If the buyer will be required to pay to the seller charges which increase the advertised price, the charges must be disclosed as set-out in subsection D of this section and priced in the advertisement.

I. Matching or bettering competitor's price ads advertisements. Advertisements which set out a policy matching or bettering a competitor's price shall not be used unless the terms of the offer are specific, verifiable, and reasonable. All terms of the offer shall be included in the disclosure and disclaimer area and may not say such things as "rules or terms available in showroom" or "available before delivery." You must fully disclose as a part of the ad Any material or significant conditions which must be met or the evidence the consumer must present to take advantage of the offer must be fully disclosed as a part of the advertisement.

J. Advertisements of dealer rebates shall not be used. Offers to match down payments or guarantee minimum

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trade-in allowances or offers of cash or money back are forms of dealer rebates.

K. "Free," "at no extra cost" terms. ~~In a negotiated sale no "free," "at no cost" (or any words to that effect) offer of equipment, accessory, other merchandise or service, shall be made.~~ No equipment, accessory, other merchandise or service shall be described as "free" or "at no cost," if its cost, or any part of its cost, is included in the price of the vehicle, or if the vehicle can be purchased for a lesser price without accepting the free offer, or using any [~~of the terms listed below~~ term that implies that such equipment, accessory, other merchandise or service is free] if a purchase is required in order to receive the free "free" offer. [~~Examples of prohibited terms are include~~]:

1. Free.
2. Complimentary.
3. At no extra cost.
4. At no extra charge.
5. At no extra fee.
6. At no extra price.
7. At no additional cost.
8. At no additional charge.
9. At no additional fee.
10. At no additional price.
11. Present.
12. Gift.
13. On the house.
- [14. Gratis.
15. Courtesy.]

L. "Bait advertising" shall not be used.

1. The purpose of this section is to ensure that customers will be informed the vehicle is in limited quantity or availability. If a specific vehicle is advertised, the seller shall be in possession of a reasonable supply of said vehicles and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, that shall be stated in the ~~ad~~ advertisement. The listing of vehicles by stock numbers or vehicle identification numbers is permissible and is one means of satisfactorily disclosing a limitation of availability, provided a separate number is used for each vehicle. For new vehicles, if the offer is limited, you will be able to say such things as "in stock" or "will order" provided you can order the vehicle just as advertised and delivery can be assured as soon as the manufacturer or distributor can confirm the order and deliver it to your dealership. If you cannot get an order confirmation within 30 days, you must refund all moneys collected from the buyer at his request. If the vehicle is available

only by order then it must be clearly and conspicuously disclosed in the advertisement.

2. Advertising a vehicle at a certain price (including "as low as" statements), but having available for sale only vehicles equipped with dealer added cost "options" which increase the selling price above the advertised price, may also be considered "bait advertising."

3. If a lease payment is advertised, the fact that it is a lease arrangement shall be disclosed.

M. The term "repossessed vehicle" shall not be used unless the full criteria of the definition in 24 VAC 22-30-20 is met. Advertisers offering such vehicles for sale shall provide proof of repossession upon request.

N. "Finance" or "loan." Words such as "finance" or "loan" shall not be used in a motor vehicle dealer advertiser's firm name or trade name unless that person is actually engaged in the financing of motor vehicles.

O. "Special arrangement or relationship" advertisements. Statements such as "big volume buying power," "manufacturer's outlet," "factory authorized outlet," and "factory wholesale outlet," shall not be used. Any term that gives the consumer the impression the dealer has a special arrangement with the manufacturer or distributor as compared to similarly situated dealers, is misleading and shall not be used.

P. Records retention. Advertisers shall maintain and make available to the board and the board staff, if requested, the original or a clear facsimile copy of all ~~ad~~ advertisements in a manner that permits systematic retrieval for a period of 60 days subsequent to the expiration date of the advertisement.

VA.R. Doc. No. R97-526; Filed July 28, 1998, 3:22 p.m.



FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following form has been developed by the Department of Mines, Minerals and Energy. The form is available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Big Stone Gap office. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

Title of Regulation: 4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.

DMLR-AML-312, Affidavit (Eff. 7/98).

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
P. O. DRAWER 900, BIG STONE GAP, VA 24219
TELEPHONE: (540) 523-8206



AFFIDAVIT

This is to certify that I, the undersigned, have knowledge of when mining operations were conducted in the _____ area, and such operations were terminated prior to December 15, 1981.

Approximate time frame coal mining was done, if known: _____

Type of Coal Mining Operation:

Underground Mining. Surface Mining. Facility.

Describe each condition, feature, and location covered by this Affidavit.

I am familiar with the mining history, as

1. I have lived in the _____ community for _____ years.
2. I have worked in the _____ community for _____ years.
3. I have otherwise been aware of mining operations in and around _____ for _____ years.

By: _____ Witness: _____

Date: _____ Date: _____

DMLR-AML-312
7/98

THE LEGISLATIVE RECORD

[The Legislative Record is available on
the Internet at <http://dls.state.va.us/>]

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GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

July 15, 1998

Administrative Letter 1998-4

TO: All Insurers Licensed to Write Accident and Sickness Insurance in Virginia, and All Health Maintenance Organizations (HMOs), and Health Services Plans Licensed in Virginia

RE: Senate Bill 712 of the 1998 General Assembly Session

Senate Bill 712 was enacted by the 1998 Session of the Virginia General Assembly, and was signed into law by Governor Gilmore on May 19, 1998, with an effective date of July 1, 1998. Senate Bill 712 impacts those engaging in managed care in Virginia. The new statutes created by Senate Bill 712 are significant for many reasons; however, one of the more significant aspects of this legislation is that it requires the Virginia Department of Health (VDH) to regulate and certify quality of care provided through a newly defined arrangement known as a "managed care health insurance plan" (MCHIP). The Bureau of Insurance will continue to be responsible for issuing the licenses for the insurers, health services plans and HMOs that operate MCHIPS as well as monitoring the financial solvency and market regulation activities of these licensees.

Senate Bill 712 creates a form of dual regulation of those operating MCHIPS in Virginia. Additionally this legislation imposes two time-significant requirements. Firstly, § 38.2-5801 requires that each licensed HMO and any other health carrier that is operating an MCHIP request its initial certificate of quality assurance on or before December 1, 1998. Secondly, § 32.1-137.3 allows the Board of Health until December 1, 1999, to promulgate regulations governing the quality of care provided to covered persons through an MCHIP. An MCHIP is defined in the statute (§ 38.2-5800) as follows:

"Managed care health insurance plan" or "MCHIP" means an arrangement for the delivery of health care in which a health carrier undertakes to provide, arrange for, pay for, or reimburse any of the costs of health care services for a covered person on a prepaid or insured basis which (i) contains one or more incentive arrangements, including any credentialing requirements intended to influence the cost or level of health care services between the health carrier and one or more providers with respect to the delivery of health care services; and (ii) requires or creates benefit payment differential incentives for covered persons to use providers that are directly or indirectly managed, owned, under contract with or employed by the health carrier. Any health maintenance organization as defined in § 38.2-4300 or health carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 or

preferred provider subscription contracts as defined in § 38.2-4209 shall be deemed to be offering one or more MCHIPS. For the purposes of this definition, the prohibition of balance billing by a provider shall not be deemed a benefit payment differential incentive for covered persons to use providers who are directly or indirectly managed, owned, under contract with or employed by the health carrier. A single managed care health insurance plan may encompass multiple products and multiple types of benefit payment differentials; however, a single managed care health insurance plan shall encompass only one provider network or set of provider networks.

Working cooperatively, VDH and the Bureau of Insurance are beginning the process of establishing their respective responsibilities. In order to determine the appropriate regulatory schemes, we must determine which licensees operate MCHIPS. This requires that we obtain information from those authorized to offer health services plans or to write accident and sickness insurance in Virginia, and to accomplish this we need each entity to whom this Administrative Letter is addressed to complete the enclosed questionnaire and return it to the Bureau of Insurance no later than August 17, 1998. Once the responses to this brief survey have been tabulated, those who operate or are responsible for MCHIPS will be contacted for additional information.

In the interim, prior to December 1, 1998, all HMOs and any other insurers and health services plans operating an MCHIP should request their initial certificates of quality assurance in a one-page letter directed to the Department of Health, ATTN: Center for Quality Health Care Services and Consumer Protection, 3600 W. Broad St., Suite 216, Richmond, VA 23230. A copy of the letter should be mailed to the SCC/Bureau of Insurance, ATTN: Chief Financial Auditor, P.O. Box 1157, Richmond, VA 23218. The letter should clearly state the name, address, and NAIC number, if any, of the licensee and the name and telephone number of a contact person.

Your assistance in providing this information to us is appreciated. Should you have any questions regarding the information needed in connection with the questionnaire or in the proper completion of the questionnaire please contact:

Victoria I. Savoy, CPA
Chief Financial Auditor
Bureau of Insurance
Post Office Box 1157
Richmond, VA 23218
(804-371-9869)

/s/ Alfred W. Gross
Commissioner of Insurance

**Commonwealth of Virginia
State Corporation Commission
Bureau of Insurance**

**Administrative Letter 1998 - 4
Senate Bill 712 Survey
MANAGED CARE HEALTH INSURANCE PLANS ("MCHIPs")**

Name of Organization: _____

Name, Title, Address of Person
Completing Questionnaire: _____

Date: _____

Direct Telephone Number: _____ NAIC No.: _____

1. What types of accident and sickness insurance is your company writing in Virginia?

- | | | |
|--|------------------------------|-----------------------------|
| Plans which qualify as an MCHIP* | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Disability income | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Long-term care insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Medicare supplement insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Limited or specified disease insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other - Please attach a list. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Is your company operating more than one MCHIP in Virginia as of July 1, 1998? Yes No

**NOTE: On or before 12/1/98, those responding in the affirmative must request their initial certificate of quality assurance from the Virginia Department of Health (VDH).*

PLEASE RESPOND BY MAIL OR FACSIMILE ON OR BEFORE AUGUST 17, 1998, TO:

**Victoria I. Savoy, CPA
Chief Financial Auditor
Bureau of Insurance
P.O. Box 1157
Richmond, VA 23218**

Telephone: 804-371-9869

FAX: 804-371-9511

General Notices/Errata

July 15, 1998

Administrative Letter 1998-8

TO: ALL ENTITIES WITH AUTHORITY TO APPOINT AGENTS IN VIRGINIA, AND OTHER INTERESTED PARTIES

RE: PROCEDURAL CHANGES, ADMINISTRATIVE CHANGES AND CLARIFICATIONS REGARDING AGENT LICENSING AND THE BUREAU'S AGENTS LICENSING SECTION

The purpose of this Administrative Letter is to provide information concerning a number of procedural and administrative changes in the area of insurance agent licensing and the Bureau's Agents Licensing Section. For ease of reference, this Administrative Letter addresses the following:

1. Changes to the license application and application process – Federal Violent Crime Control and Law Enforcement Act of 1994 and the requirement to provide either a social security number or control number issued by Virginia Department of Motor Vehicles
2. New licenses created by the 1998 Virginia General Assembly
3. The "Health agent" license, and who may utilize it
4. Discussion of agents holding "certificates of partial qualification" and responsibilities of appointing insurers in doing business with such agents
5. Implementation of the Bureau's new Interactive Voice Response (IVR) and Automated Caller Distribution (ACD) telephone systems
6. Revised application forms and form numbers; permission to reproduce forms on white paper
7. New procedures for Authorized Signatures
8. Availability of new Continuing Education Handbook
9. A preview of some future enhancements and changes

CHANGES TO THE LICENSE APPLICATION PROCESS

Criminal History Record Report

Virginia law has long provided the Bureau with general standards regarding eligibility for obtaining a license as an insurance agent. Section 38.2-1820 of the Code of Virginia specifies that each applicant who is at least eighteen years of age and who has satisfied the Commission that he is of good character, has a good reputation for honesty, and has complied with the other requirements of Virginia law is entitled to and shall receive a license in the form the Commission prescribes. Section 38.2-1831 specifies that the Commission has the right to refuse to issue an agent's license to any person and may suspend or revoke the license of any licensee whenever it finds that the applicant or licensee has been convicted of a felony. More recently, however, additional requirements have been placed upon insurance regulators by the federal government. The Federal Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. § 1033(e)) provides, in part, that a person who has

been convicted of any criminal felony involving dishonesty or a breach of trust may engage in the business of insurance or participate in such business only if such person has the written consent of the appropriate insurance regulatory official. Recent actions in other states, initiated by the federal government, indicate that states are expected to take the initiative in this area, and that failure to do so may result in federal sanctions against the states. As a result, the Bureau will be implementing some changes in the license application process.

Commencing with license applications received on or after September 1, 1998, the Bureau will not process any type of agent license application unless it is accompanied by a current (no more than 90 days old) **criminal history record report** from the Central Criminal Records Exchange (CCRE). The applicant can obtain a CCRE by contacting the state law enforcement agency (for Virginia residents, the Virginia State Police) in his or her area and requesting the information. This requirement will apply both to **resident and nonresident** applicants. The Bureau will not issue a license to any applicant who fails to provide the required CCRE.

We understand that this new requirement could cause delays in the licensing process, as we are informed that obtaining a CCRE in some jurisdictions may take a few weeks. For this reason, we urge insurers, prelicensing course providers, and others who have contact with prospective agents early in the process to impress upon the prospective agents the need to apply as early as possible for the CCRE (subject to the requirement that it be no more than 90 days old when submitted to the Bureau). If the applicant takes the appropriate steps to obtain the CCRE early in the process, there should be minimal, if any, delays in accumulating all of the necessary documentation for filing a license application.

Requirement to furnish Social Security number or DMV control number

Recent amendments to the Social Security Act (42 U.S.C. 666 (a) (13)) provide, in part, that the initial application for or application for renewal of a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by a state licensing authority shall provide the applicant's social security number or another number permitted under state law. Thus it is no longer prohibited for us to require an applicant to furnish a Social Security number. In furtherance of the federal requirement, Virginia law (§ 63.1-263.1 of the Code of Virginia) now requires each applicant for a license to provide his or her Social Security number or a control number issued by the Virginia Department of Motor Vehicles (DMV) pursuant to § 46.2-342.

Effective immediately, the Bureau will require each applicant to provide his or her Social Security number when submitting an application for a license. While we are working diligently to modify our computer system to accept the DMV-generated number, we do not expect this capability to be available for a few months. Meanwhile, we will require the Social Security number, with the understanding that the

licensee may choose to contact us later this year and ask that his record be changed to reflect the DMV-generated number instead of the Social Security number. Once our computer system modifications have become operational, Virginia residents applying for licensing will be permitted to provide either of these identification numbers. Nonresidents of Virginia, however, since they are ineligible to obtain a control number from the Virginia Department of Motor Vehicles, MUST provide their Social Security number in order to apply for and obtain an insurance agent license in Virginia.

NEW LICENSE TYPES

The 1998 Session of the Virginia General Assembly created three (3) new restricted license types that can be issued in Virginia, commencing July 1, 1998. Because these are categorized as "restricted" licenses, those applying for such licenses are not subject to prelicensing study course or examination requirements, and those holding such licenses are not subject to continuing education requirements. Each of the new license types is described below:

1. **Motor Vehicle Rental Contract (Type 24)** – This license type is for a person who (i) is a selling agent of a motor vehicle rental company that is in the business of providing primarily private passenger motor vehicles to the public under a rental agreement for a period of less than six months and (ii) is licensed in the Commonwealth as an agent to solicit, negotiate, procure, or effect insurance coverage solely in connection with and incidental to the rental car contract. The types of coverage specified in the statute include:
 - Personal accident insurance which provides benefits in the event of accidental death or injury occurring during the rental period;
 - Liability coverage sold to the renter in excess of the rental company's obligations under §§ 38.2-2204, 38.2-2205, or Title 46.2, as applicable;
 - Personal effects insurance which provides coverage for the loss of or damage to the personal effects of the renter and other vehicle occupants while such personal effects are in or upon the rental vehicle during the rental period;
 - Roadside assistance and emergency sickness protection programs; and
 - Other travel-related or vehicle-related insurance coverage that a motor vehicle rental company offers in connection with and incidental to the rental of vehicles.

The 1998 legislation amends §§ 38.2-1814 and 38.2-1815 to establish a new type of restricted agent's license (defined in § 38.2-1800) to be known as a "motor vehicle rental contract insurance agent," and it also amends § 38.2-1824 by adding the term "motor vehicle rental contract insurance" to the kinds of agents' licenses the Commission may issue. The new law also requires that a written disclosure be given by the agent to the

prospective renter which summarizes the coverage being offered, advises the renter that he may be purchasing duplicate coverage, and states that the coverage is not required to be purchased in order to rent the vehicle.

It should be noted that because this new license permits the licensee to solicit, negotiate, procure and effect forms of both Life & Health and Property & Casualty insurance, the licensee may be required to hold separate L&H and P&C appointments, depending upon the specific types of insurance being sold. Agents already holding Type 30 (Property & Casualty) and Type 01 (Life & Health) licenses will not be issued a Type 24 license.

It should also be noted that the motor vehicle rental company itself, if it is to receive commissions on business written by its rental counter agents, must obtain agency licenses as a Property & Casualty agency and as a Life & Health agency.

2. **Pet Accident, Sickness and Hospitalization (Type 25)** – This license authorizes the licensee to solicit, negotiate, procure or effect pet accident, sickness and hospitalization insurance in Virginia. Note that this type of insurance is considered to be property and casualty insurance, and can also be sold by a licensee holding a full P&C (Type 30) license. Agents already holding a Type 30 (Property & Casualty) license will not be issued a Type 25 license.
3. **Automobile Club (Type 70)** – This license type is for a person selling automobile club contracts on behalf of automobile clubs licensed under Chapter 3.1 of Title 13.1 of the Code of Virginia. License requirements and procedures for those acting as agents of Automobile Clubs have been modified to conform them to the requirements for other restricted licenses. This means that the applicant must obtain a license and be appointed by an Automobile Club before beginning to do business. Note that this type of insurance is considered to be property and casualty insurance, and can also be sold by a licensee holding a full P&C (Type 30) license. Agents already holding a Type 30 license will not be issued a Type 70 license.

Automobile Clubs will be required to appoint agents in the same manner as other insurers, and the fees and billing and renewal procedures will be the same as for other insurers. A separate communication will be sent to licensed Automobile Clubs providing more detailed information regarding renewal of their Certificates of Authority and the licensing and appointment of their agents.

Beginning July 1, 1998, a person applying for any of the above licenses must submit a PIN 4051 (Application For A License When No Examination Is Required) Form and a \$15 fee (and, on and after September 1, 1998, a criminal history record report). Once the license has been issued, a company appointment must be in effect under the license within a six-month period or the Bureau will, by operation of law, administratively terminate the license. Entities wishing

General Notices/Errata

to become licensed as AGENCIES must apply for and obtain a Property & Casualty (Type 30) license (for Pet Accident, Sickness and Hospitalization or for Automobile Club), or both a Type 30 and a Life & Health (Type 01) license (for Motor Vehicle Rental Contract).

THE "HEALTH AGENT" LICENSE

Section 38.2-1800 defines a "health agent" as:

...an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect applications and coverage on behalf of corporations licensed in this Commonwealth under Chapter 42 (§ 38.2-4200 et seq.) of this title or for health maintenance organizations licensed in this Commonwealth under Chapter 43 (§ 38.2-4300 et seq.) of this title.

This means that only a "health services plan" licensed under Chapter 42 or an HMO licensed under Chapter 43 is authorized to appoint an agent holding a "health agent" (Type 40) license, and a licensee holding such a license is authorized only to solicit, negotiate, procure or effect applications and coverage on behalf of a "health services plan" or HMO. Insurers licensed as life and/or health insurance companies, and those P&C companies holding accident and sickness authority are NOT permitted to do business with agents holding a Type 40 license. Please do not confuse this license with what, in other jurisdictions, may be a "general" license to sell all types of health insurance. In Virginia, only the "Life & Health" (Type 01) license provides such authority. It is the insurer's responsibility to verify the license authority of an agent before processing an appointment, and insurers failing to do so will be subject to potential disciplinary action.

The Bureau has advised companies on a number of occasions to take the time to verify proper licensure of agents before appointing them. There are 2 ways to accomplish this:

- The **best and fastest way** is to use the Bureau's new Interactive Voice Response (IVR) system, described in more detail later in this administrative letter, to obtain immediate verification of the type(s) of license(s) held by the agent. Information is available via the IVR system for both resident and nonresident agents; or
- Alternatively, the appointing insurer can require the agent to provide a recent Letter of Certification from the Bureau. Unlike a copy of the original license (which proves only what the agent held on the original license date), a Letter of Certification provides information on the agent's current status, and lists all of the authority held by the agent. While we hope to be able to do so within the next few months, Letters of Certification are not currently available for nonresident licensees. Companies should, in the interim, require a nonresident licensee to furnish a current copy of his or her Virginia license.

AGENTS HOLDING "CERTIFICATES OF PARTIAL QUALIFICATION"

Until the mid-1970s, the Bureau issued certain licenses (then called "certificates of qualification") that were narrower in scope than the full L&H and P&C licenses issued today. These license types were:

- "Life and Annuities" (Type 07)
- "Accident and Sickness" (Type 08)
- "Automobile" (Type 52)
- "Casualty" (Type 53)
- "Fire" (Type 54)
- "Fidelity and Surety" (Type 55)

These licenses are NOT equivalent to full L&H or full P&C authority, as evidenced by the fact that these licenses are not subject to continuing education requirements. Agents holding these "partial qualification" licenses are not permitted to sell an insurer's full range of products. The Bureau has, over a period of time, communicated with insurance companies, insurance trade associations and national agents' associations regarding individuals that hold these "partial qualifications" in an attempt to clarify the apparent confusion. We are continuing to find that insurers and agents do not appear to understand the limitations of these licenses or their own obligations to verify proper licensure before doing business with an agent.

Section 38.2-1827 states that an insurer's appointment of an agent

*...authorizes that person, **if qualified**, to solicit, negotiate, procure or effect any one or more of the classes of insurance (i) for which the agent is licensed in this Commonwealth and (ii) for which the appointing insurer is also licensed in this Commonwealth. (Emphasis added)*

Section 38.2-1812 A of the Code of Virginia states, in part:

*No insurer shall pay directly or indirectly any commission or other valuable consideration to any person for services as an agent... within this Commonwealth unless the person is then a duly appointed agent of such insurer and, at the time of the transaction out of which arose the right to such commission or other valuable consideration, **held a valid license as an agent...for the class of insurance involved.** (Emphasis added)*

Clearly, then, any business that an insurer has accepted from an agent without the proper license authority has been accepted in violation of Virginia law, and any commission paid to such agent has been paid in violation of Virginia law.

For example:

- An agent holding a Life and Annuities (Type 07) License can only sell life insurance and annuities (not including Variable annuities), even though the appointment may be designated a "L&H" appointment.

The agent is NOT permitted to sell any form of health insurance.

- An agent holding a Fire (Type 54) License can only sell fire insurance, and is not permitted to write homeowners coverage, even if the appointing insurer is authorized to underwrite both, and even though the appointment may be designated a "P&C" appointment.

It is the responsibility of the appointing insurer to determine that the agent to be appointed holds the appropriate license authority before appointing the agent. There are 2 recommended ways to accomplish this:

- The **best and fastest way** is to use the Bureau's new Interactive Voice Response (IVR) system, described in more detail later in this administrative letter, to obtain immediate verification of the type(s) of license(s) held by the agent. Information is available via the IVR system for both resident and nonresident agents; or
- Alternatively, the appointing insurer can require the agent to provide a recent Letter of Certification from the Bureau. Unlike a copy of the original license (which proves only what the agent held on the original license date), a Letter of Certification provides information on the agent's current status, and lists all of the authority held by the agent. While we hope to be able to do so within the next few months, Letters of Certification are not currently available for nonresident licensees. Companies should, in the interim, require a nonresident licensee to furnish a current copy of his or her Virginia license.

INTERACTIVE VOICE RESPONSE AND AUTOMATED CALLER DISTRIBUTION

The Bureau has recently installed an Interactive Voice Response (IVR) system and an Automated Caller Distribution (ACD) system in the Agents Licensing Section. All calls coming in through the Commission's in-state only toll free number (800-552-7945), the Bureau's main number (804-371-9741), or directly to the Agents Licensing Section main line (804-371-9631) are routed first through the IVR system. The purpose of the IVR system is to handle as many calls as possible without the caller needing to speak to a representative. The caller is given a number of options to pick from, some of which result in the call accessing the Bureau's mainframe agent licensing system and retrieving specific information about an insurance agent, and some of which permit information to be provided directly to the caller via telefax. Callers may conduct multiple inquiries and transactions during the course of one telephone call. Some of the information available includes:

- Confirmation of an individual's or an agency's license status and, for individuals, whether the Bureau's records indicate the agent to be in compliance with Virginia's continuing education requirements;
Note: Have each agent's identification number (usually Social Security number for individuals and FEIN for agencies) available when you call

- Confirmation as to whether an agent or an agency has been appointed to represent particular insurance company or companies;
Note: In addition to agent/agency identification number, have the NAIC number available for each company for which you wish to verify appointment status
- Approximately 30 different procedures for various licensing and other requirements, any of which the caller may select and listen to or obtain a copy of via telefax, and a direct link (by selecting the appropriate option) that transfers callers seeking continuing education information directly to the toll-free continuing education line at Insurance Testing Corporation;
- A list of forms available and the ability to obtain copies of such forms via telefax; and
- Information regarding how to contact the Bureau in writing.

The IVR system allows the caller to "opt out" at any time and speak to a representative, and, unfortunately, more than half the callers do so, even where they would be better and more quickly served by utilizing the IVR system. Those who have been using the IVR system regularly have reported that it saves them a great deal of time, and we urge you to utilize it whenever possible. It is available, with certain exceptions, seven days per week and around the clock. After normal working hours, access is available only via the Licensing Section's direct line (804-371-9631).

When the caller chooses to opt out of the IVR system, the call is routed through our new ACD system where it is placed in a queue until it can be answered by a member of the Agents Licensing Section staff. The primary purposes of the ACD system are to eliminate as many busy signals as possible, to assist the caller as quickly as possible, and to permit us to track the number of calls and detailed statistical information regarding such calls. Since the implementation of the ACD system, callers should no longer be getting the busy signals that were so commonplace previously.

REVISED APPLICATION FORMS; ELIMINATION OF REQUIREMENT FOR COLORED PAPER

We are pleased to announce that we have eliminated the requirement that application forms, appointment forms, and appointment cancellation forms be reproduced on different colors of paper. With the availability of our forms via "FAXBACK" through our IVR telephone system, and the availability of some of our forms through the Internet, it is no longer feasible to utilize colored paper. Commencing immediately, then, insurers and applicants are permitted to submit all applications, appointment forms, and appointment cancellation forms on white 8½" x 11" paper.

We have also created a new set of forms, reducing the number of different forms by combining some forms. We ask that you begin to use these forms as soon as possible. Since they are so readily available via "FAXBACK" and since they are now permitted to be reproduced on white paper, there should be no reason for lengthy delays in insurers and applicants beginning to submit the new forms. For your

General Notices/Errata

information and records, the new forms, new form numbers, and descriptions of the forms appear in the following chart:

OLD FORM #	DESCRIPTION	NEW FORM #
PIN 300 A	Application for Life & Health, Health Only, Property & Casualty, or Title License (Individual)	PIN 3001
PIN 405 B	Application for Life & Health, Health Only, Property & Casualty, or Title License (Agency)	PIN 4052
PIN 405 A	Application for Limited/Restricted License (Individual – Not available for agencies)	PIN 4051
PIN 415 A	Appointment Form – (Individual)	PIN 4151
PIN 415 B	Appointment Form – (Agency)	PIN 4151
PIN 492 A	Appointment Cancellation Form	PIN 4921
PIN 200 A	Managing General Agent Application Form	PIN 2001
PIN 200 B	Managing General Agent Appointment Form	PIN 4151
PIN 250 A	Viatical Settlement Broker (Individual) Application	PIN 3701
PIN 250 B	Viatical Settlement Broker (Agency) Application	PIN 3702
PIN 320 A	Automobile Club Agent License & Appointment	PIN 4051
PIN 370 A	Insurance Consultant Application (Individual)	PIN 3701
PIN 370 B	Insurance Consultant Application (Agency)	PIN 3702
NONE	Authorized Signature Form	PIN 1100

**NEW PROCEDURES FOR PROVIDING THE NAMES OF THOSE AUTHORIZED TO APPOINT AGENTS ON BEHALF OF THE APPOINTING COMPANY;
AUTHORIZED SIGNATURE SUBMISSION FORM
(ATTACHED)**

We are requesting a new list of those authorized to sign appointment forms and appointment cancellation forms on behalf of appointing companies. A copy of new form PIN 1100 is attached to this administrative letter, and recipients are requested to complete the form and submit it to the Bureau at the address shown on the form by no later than August 1, 1998. Please make note of the following when completing and submitting the form:

- One of the major differences in our new procedure is that, when dealing with appointing insurers that are part of a group of insurers (i.e. have an NAIC Group Code number), those listed on the form will automatically be authorized for all Virginia licensed companies in the group. Companies do not have the ability, from this point forward, to designate a person as authorized to sign only on behalf of selected companies in the group. The attached form provides a space for 1 NAIC Company Code number. Upon receipt of the form, the

Bureau's computer system will automatically link that number with all other authorized companies within the same group, and will add the name(s) as authorized for each company in the group. A separate form does NOT have to be submitted for each company in the group.

- Appointing companies that are not members of a group of insurers should simply provide their own NAIC Company Code number.
- The form must be signed by an officer or principal of the appointing insurer.
- The FULL name of each authorized individual should be provided, either printed or typewritten, in the spaces indicated on the form.
- Once processed the names on the new form will supersede any names currently in our records, and will be the ONLY names that will be acceptable unless the company files an updated form. Each updated form should repeat the names of those already authorized (and who the company wishes to remain authorized), specify the names to be deleted, and provide the names to be added, using the codes provided on the form. Each time a new form is received, it will supersede previous filings.

NEW EDITION OF THE CONTINUING EDUCATION HANDBOOK

In early June, the Virginia Insurance Continuing Education Board (Board), and its contracted administrator, Insurance Testing Corporation (ITC), published a new edition of the Virginia Insurance Continuing Education Information Handbook. A copy of the Handbook, which is valid for the current (1997-1998) biennium, was sent to the residence address of record of every licensed resident and nonresident agent holding a license subject to continuing education requirements in Virginia. In addition, the Board is sending a "6 month warning" letter to each agent who has not complied with Virginia's continuing education requirements by mid-June, reminding the agent of the deadline for compliance and of the penalties for noncompliance. Approximately 45-60 days before the end of the current biennium, the Board will send yet another warning to those agents who have not complied by that time. Copies of the Handbook are available by calling ITC at 800-482-2366 or may be viewed and downloaded from ITC's web site at <http://www.i-t-c.com>.

ADDITIONAL CHANGES AND ENHANCEMENTS THAT WILL BE IMPLEMENTED BEFORE THE END OF 1998

We are in the process of developing a number of major enhancements to our automated systems, particularly those dealing with the agent licensing and appointment processes. We expect these enhancements to be implemented by the end of this year. Many of the changes are being made in an effort to make the licensing and appointment process easier for both appointing companies and agents. Some of the enhancements are being worked on in cooperation with the NAIC in an effort to promote as much consistency and to eliminate as much redundancy as possible. Well before implementation of our enhanced systems, the Bureau will

provide appointing companies and other interested parties with complete details. For now, however, we wanted to let you know what we are working on for future implementation:

/s/ Alfred W. Gross
Commissioner of Insurance

- We are working closely with the NAIC to become a participant in the Producer Database (PDB) and, ultimately, in the Producer Information Network (PIN). Once accomplished, this will allow for sharing of producer information among the states, and will expedite and simplify the licensing, appointment, clearance, and certification processes for all parties.
- Agent and agency appointment and appointment termination transactions will be available to appointing companies using Electronic Data Interchange (EDI). We are working with the NAIC on this, and we plan to utilize the transaction set that has been developed by the NAIC.
- For those appointing companies that are part of a group, our enhanced system will allow appointments and appointment terminations to be processed for all authorized companies in the group simply by utilizing the NAIC Group Code on the appointment and appointment cancellation forms, instead of the current requirement that the forms list each individual company's NAIC Company Number. This means that the Appointment Form (PIN 4151) and the Appointment Cancellation Form (PIN 4921) will be revised again later this year to include a space for the appointing company(ies) to furnish the NAIC Group Code. You may, therefore, wish to limit the number of these forms that you reproduce at this time, since they will be changing again by year-end.
- We are working with our system developers and a local bank to develop a lockbox application that will allow for the quarterly payment of Appointment Fees and the annual payment of Appointment Renewal Fees directly through the bank. We anticipate that this will also allow for Electronic Funds Transfer (EFT) between appointing companies and the bank.
- System enhancements will allow the Bureau, in certain circumstances, to relax its current "one form, one check" requirement. The enhanced system will, in some circumstances, permit companies, agents and agencies to submit multiple forms with one check.
- Our enhanced system will allow automated access to records of Corporate Charters of domestic corporations and Certificates of Authority issued to foreign corporations. Once accomplished, this will permit the Bureau to discontinue the requirement that paper copies of these documents be submitted by applicants for agency licenses.

It is our hope that the contents of this administrative letter will provide useful information to the insurers, insurance trade associations, national agents' associations, agents, and agencies that receive it. Questions regarding the content of this letter should be directed to the Bureau's Agents Licensing Section at (804) 371-9631.

INDIVIDUALS AUTHORIZED TO APPOINT AGENTS IN VIRGINIA

INSTRUCTIONS

- This form is to be executed by an officer or principal of the appointing company.
- Include the FULL NAME of the person(s) authorized by the appointing company to sign appointment or appointment cancellation forms pertaining to licensed agents or agencies in the Commonwealth of Virginia.
- In the event that the appointing company is a member of an insurance group (i.e. has a group code number issued by the NAIC), the person(s) authorized below will automatically be authorized to sign appointment or appointment cancellation forms on behalf of ALL of the companies within the group, provided such companies are authorized in Virginia. **Authorizations on behalf of only selected companies within the group will NOT be permitted.**
- Based upon the information provided below, the Bureau of Insurance will update its records, and the information provided below will supercede all previous authorizations on record with the Bureau of Insurance. Therefore, this form must include the names of **EXISTING (E)** authorized persons the appointing company wishes to continue to authorize, those the appointing company wishes to **ADD (A)**, and those it wishes to **DELETE (D)**. Use the last column to designate for each name whether it is existing (E), an addition (A), or a deletion (D).
- Only 1 form need be submitted for a group; provide the NAIC Company Number of one Virginia authorized company in the group below, and the Bureau will update its records for all authorized companies in the group. If not a member of a group, provide the appointing company's NAIC Company Number.

NAIC COMPANY NUMBER:

NAME OF APPOINTING INSURER

MAILING ADDRESS (Street, P.O. Box, etc.)

CITY

STATE

ZIP

The following individuals are authorized to sign appointment and appointment cancellation forms on behalf of the company or group of companies designated above:

PLEASE PRINT OR TYPE (Attach additional sheets if needed)

LAST NAME	FIRST NAME	MIDDLE INITIAL	SUFFIX	(E)xisting (A)ddition or (D)eletion

Name of Officer or Principal (Print)

Signature of Officer or Principal

Title of Officer or Pncipal (Print)

Date

RETURN FORM TO:

**AGENTS LICENSING SECTION
BUREAU OF INSURANCE
BOX 1157
RICHMOND, VA 23218**

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing the below listed regulation to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

The regulation is:

22 VAC 40-630-10 et seq., Disability Advocacy Program. Contact: Joy Duke, Adult Protective Services Consultant, Adult Services Unit, (804) 692-1260, FAX (804) 692-2215 or e-mail jod2@dss.state.va.us.

Written comments may be submitted until September 6, 1998, in care of the above listed contact at 730 East Broad Street, Richmond, Virginia 23219-1849, by facsimile to the above listed number or by electronic mail to the above listed address.

STATE WATER CONTROL BOARD

Proposed Consent Special Orders

Celanese Acetate LLC

Town of Christiansburg Sewage Treatment Plant

City of Danville

Eagle Eyrie Conference Center

City of Martinsville

City of Salem Fourth Street Water Filtration Plant

The State Water Control Board and the Department of Environmental Quality propose to issue Consent Special Orders as follows:

1. Celanese Acetate LLC (VA0000299), for an unpermitted discharge and failure to report such discharge at its Celco Plant on the New River. The discharge was caused by seepage from a fly ash lagoon. This order requires the seepage to be eliminated and the lagoon repaired by March 31, 1999. There is a \$50,000 civil penalty.
2. Town of Christiansburg Sewage Treatment Plant (VA0029751), for multiple violations of five-day biochemical oxygen demand, total suspended solids, and total Kjeldahl nitrogen in the plant's discharge to Crab Creek in Montgomery County. This order requires

a corrective action program for inflow and infiltration. It also establishes a construction schedule for the relocation of the outfall to the New River and the upgrade and expansion of the plant, with all work to be completed and the plant returned to full compliance by May 1, 2001. There is a \$3,000 civil penalty. The pattern of violations resulted in the plant being in significant noncompliance, which is resolved by this order.

3. City of Danville Northside Sewage Treatment Plant (VA0065093), for multiple overflows of sewage from manholes and other points in the city's sewerage system, to the Dan River or its tributaries. This order requires a corrective action program for inflow and infiltration and establishes a construction schedule for the relocation and expansion of the Chester Drive Pump Station, which has been the most frequent site of overflows. There is a \$3,000 civil penalty. The pattern of violations resulted in the plant being in significant noncompliance, which is resolved by this order.

4. Eagle Eyrie Conference Center (VA0027553), owned by the Virginia Baptist Mission Board, for recurring multiple violations of permit effluent limits. This order requires the upgrade and expansion of the plant. There is a \$2,500 civil charge, of which \$2,000 is suspended conditional on the plant's return to full compliance by July 1, 1999.

5. City of Martinsville Smith River Interceptor (VA0025305), for an overflow of sewage from the broken interceptor, resulting in closure of the Dupont water treatment plant. There is a \$3,000 civil penalty. The pattern of violations resulted in the plant being in significant noncompliance, which is resolved by this order.

6. City of Salem Fourth Street Water Filtration Plant, for unpermitted discharges of filter backwash water to the Waters of the State via a storm drain. This order requires elimination of this discharge as part of the major rehabilitation and expansion of the water plant. There is a \$4,500 civil charge of which \$4,050 is suspended pending the timely elimination of the discharge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed action until September 16, 1998. Comments should be addressed to James F. Smith, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, NW, Roanoke, VA 24019, or fax 540-562-6725, and should refer to the specific order being addressed. The proposed orders may be examined at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA. Copies of the orders and amendments may be obtained in person or by mail.

General Notices/Errata

Proposed Consent Special Order Town of Colonial Beach

The State Water Control Board proposes to issue a Consent Special Order to the Town of Colonial Beach to address its wastewater collection system. The proposed order supersedes the 1990 order and requires the town to complete the upgrade of the 18 pump stations to the Reliability Class I designation to prevent overflows from the wastewater collection system to state waters. The upgrades are to be completed by June 2000.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments until September 16, 1998, relating to the proposed Consent Special Order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order City Of Hampton/Hampton Roads Sanitation District J. R. Newsome Jr. Hog Farm Tidewater Equipment Corporation

The State Water Control Board proposes to take enforcement actions against the facilities listed above.

The proposed enforcement action against the City of Hampton and the Hampton Roads Sanitation District is a three-party Consent Special Order that will require the remediation of sewer lines in the City of Hampton. This action is being taken as a result of sewage overflows from the sewage collection system.

The proposed enforcement action against the J. R. Newsome, Jr. Hog Farm, located in Capron, Southampton County, is a consent order with a \$1,000 civil charge. The action is being taken as a result of an illegal discharge to state waters. The proposed order requires the facility to comply with the requirements of Permit No. VPG150012.

The proposed enforcement action against the Tidewater Equipment Corporation, located at 104 S. Branch Elizabeth River in Chesapeake, is a Consent Special Order with a \$5,000 civil charge. The action is being taken for failure to apply for a Virginia Pollutant Discharge Elimination System Permit. The order requires the facility to comply with VPDES Permit No. VA0089869.

The Department of Environmental Quality will receive written comments relating to the board's proposed Consent Special Orders until September 15, 1998. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462, and should refer to one of the orders specified above. The proposed orders may be examined at the above address and copies of the orders may be obtained in person or by mail.

Proposed Consent Special Order Simons Hauling Company, Inc.

The State Water Control Board proposes to issue a Consent Special Order to Simons Hauling Company, Inc. located in Richmond, Virginia. The proposed order requires Simons Hauling to terminate the two VPA permits with DEQ for the proper disposal of biosolids through the practice of land application. In addition, the order requires the payment of a \$30,454.50 civil charge for violations of the VPA permits with the suspension of \$15,000 of the civil charge, provided Simons Hauling does not apply for a VPA permit through DEQ or a BUR permit through the VDH, nor participate in the land application of biosolids in Virginia for the next 5 years.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments until September 16, 1998, relating to the proposed Consent Special Order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Toll Brothers, Inc. and Toll at Potomac Woods, L.P., By Toll VA Gp, Corporation, Its General Partner

The State Water Control Board proposes to issue a Consent Special Order to Toll Brothers, Inc. and Toll at Potomac Woods, L.P., controlled by Toll VA GP, Corporation, its general partner (Toll Brothers) regarding the Herndon Chase Water Management Facility, located in Fairfax County, Virginia. The Herndon Chase Water Management Facility is subject to VWP Permit No. # 92-1735.

The order assesses a civil charge for Toll Brothers' failure to monitor and submit quarterly measurements prior to and after construction of the storm water management ponds in accordance with the Virginia Water Protection (VWP) Permit. Toll Brothers, Inc. and Toll at Potomac Woods, L.P., controlled by Toll VA GP, Corporation, its general partner, have agreed to pay a civil charge and the issuance of the order.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order until September 16, 1998. Please address comments to Douglas E. Washington, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, 22193. Please write or visit the Woodbridge address, or call (703) 583-3888, in order to examine or to obtain a copy of the order.

VIRGINIA CODE COMMISSION

Notice to Subscribers

Beginning with Volume 14, Issue 18 of the Virginia Register (14:18 VA.R. May 25, 1998), a new section was added to the Register. The new section entitled, "Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed" lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 1998 VAC Supplement includes final regulations published through *Virginia Register* Volume 14, Issue 10 dated February 2, 1998). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

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

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

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:

<http://legis.state.va.us/codecomm/register/regindex.htm>


FORMS:


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

CALENDAR OF EVENTS

Symbol Key


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

 Location accessible to handicapped

 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

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


VIRGINIA CODE COMMISSION

EXECUTIVE


VIRGINIA AGRICULTURAL COUNCIL

August 24, 1998 - 1 p.m. -- Open Meeting

August 25, 1998 - 8 a.m. -- Open Meeting

Omni Hotel, 235 West Main Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


The annual meeting of the council to include an annual review of finances, progress reports on approved projects, and general business matters. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs special accommodations in order to participate at the meeting should contact Thomas R. Yates at least five days before the meeting so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, Washington Bldg., 1100 Bank St., Room 509, Richmond, VA 23219, telephone (804) 786-6060 or toll-free 1-800-828-1120/TTY 

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

† **August 26, 1998 - 9 a.m.** -- Open Meeting

Harrisonburg Laboratory, 116 Reservoir Street, Harrisonburg, Virginia. 


A meeting to review past minutes, tax collections/delinquent accounts, Code of Virginia revisions, and discuss a marketing plan for the fall of 1998. The board will entertain public comments at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting

should contact Nancy L. Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy L. Israel, Program Director, Virginia State Apple Board, Washington Bldg., 1100 Bank St., Suite 1008, Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

Virginia Cotton Board

† **August 27, 1998 - 2:45 p.m.** -- Open Meeting


Tidewater Agricultural Research and Extension Center, Auditorium, 6321 Holland Road, Suffolk, Virginia. 

A meeting to (i) review financial reports, (ii) review the status of certain projects and contracts, (iii) discuss priorities for future funding initiatives, and (iv) conduct any other business that may come before the board. In addition, the board will hear and is expected to approve minutes from the board's first working meeting held in March 1998. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any special accommodations in order to participate at the meeting should contact D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Secretary, Virginia Cotton Board, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or FAX (804) 572-8234.

Virginia Horse Industry Board

† **October 6, 1998 - 10 a.m.** -- Open Meeting

Virginia Cooperative Extension, Lower Level Meeting Room, 168 Spotnap Road, Charlottesville, Virginia. 

A meeting to review and discuss budget items to date, grant guideline revisions, and marketing projects. The board will entertain public comments at the conclusion of all other business for a period not to exceed 30

minutes. Any person who needs any special accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Virginia Horse Industry Board, Washington Bldg., 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

Virginia Winegrowers Advisory Board

August 19, 1998 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☎

A meeting to elect new officers including a new chairman for the upcoming year and to conduct regular business including committee reports. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.

STATE AIR POLLUTION CONTROL BOARD

September 10, 1998 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, 1st Floor, Richmond, Virginia.

September 28, 1998 -- Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution Control (Rev. ZZ); 9 VAC 5-20-10 et seq. General Provisions; 9 VAC 5-40-10 et seq. Existing Stationary Sources; 9 VAC 5-50-10 et seq. New and Modified Stationary Sources.** The regulation amendments concern provisions covering municipal solid waste (MSW) landfills and are summarized below.

Facilities to which the rule applies are MSW landfills which commenced construction, reconstruction, or modification before May 30, 1991. In the Northern Virginia VOC Control Area, the design capacity applicability criteria is 1.0 million megagrams (Mg) or more; the emission rate applicability criteria is emissions of nonmethane organic compounds (NMOCs) greater than or equal to 23 Mg per year. In the remainder of the

Commonwealth, the design capacity applicability criteria and the emissions rate applicability criteria are 2.5 million Mg in capacity and 50 Mg per year or more in emissions, respectively.

Landfills with a design capacity equal to or greater than the design capacity applicability criteria must determine their NMOC emissions. If the NMOC emission rate is less than the emission rate applicability criteria, the landfill must submit an emission report, and recalculate the NMOC emission rate until it is equal to or greater than the emission rate applicability criteria or the landfill is closed. If the calculated NMOC emission rate is equal to or greater than the emission rate applicability criteria, a collection and control system design plan must be submitted, followed by the installation of a collection and control system.

Active collection systems must be designed to handle the maximum expected gas flow rate at a sufficient extraction rate and be designed to minimize off-site gas migration. Passive collection systems must be installed with liners, then either destroy the collected gas or treat it for sale or use. Operational standards direct how landfills must operate collection systems in order to minimize emissions and operate safely. Test methods and procedures are provided in order for sources to calculate the NMOC emission rate. Once the NMOC emission rate is established, the landfill is classified as Tier 1, 2, or 3 depending on whether the NMOC emission rate is less than or greater than the emission rate applicability criteria; if the NMOC concentration is determined using a specific sampling procedure; or if the NMOC mass emission rate is determined using specific equations.

Compliance is determined through specific methods. Monitoring of operations is achieved through the installation of various sampling ports and devices. Reporting and recordkeeping requirements are delineated. Finally, installation of emission collection and control equipment capable of meeting the standards must be accomplished by 30 months after the rule's effective date.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: Facilities located in the Northern Virginia VOC Control Area (Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, City of Alexandria, City of Fairfax, City of Falls Church, City of Manassas, City of Manassas Park) must meet more restrictive design capacity applicability criteria and emission rate applicability criteria. These special criteria are required in order to meet emission reduction requirements for serious nonattainment areas (as required by Part D of the federal Clean Air Act), rather than to meet requirements for designated pollutants (§ 111(d) of the federal Clean Air Act) and have been in place since 1996.

Calendar of Events

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches), and any other supporting documents may be examined by the public at the Department's Office of Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., September 28, 1998, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

* * * * *

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, Richmond, Virginia.

October 6, 1998 - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-30-10 et seq. and 9 VAC 5-70-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. A97).** The regulation amendments concern provisions covering total suspended particulate (TSP) ambient air quality standards. The proposed action is to remove references to TSP from 9 VAC 5 Chapter 30, Ambient Air Quality Standards, and from 9 VAC 5 Chapter 70, Air Pollution Episodes.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., October 6, 1998, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski, Environmental Program Planner, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

* * * * *

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street,
Training Room, Richmond, Virginia.

October 6, 1998 - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. B97) (repealing Article 38, 9 VAC 5-40-5350 through 9 VAC 5-40-5480. Emission Standards for Dry Cleaning Systems (Rule 4-38))**. The amendments concern provisions covering perchloroethylene dry cleaning source emissions. The proposed action is to repeal the existing regulation.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
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Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B

Calendar of Events

Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., October 6, 1998, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

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September 17, 1998 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street,
Training Room, Richmond, Virginia.

October 6, 1998 - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. E97)**. The regulation amendments concern provisions covering fuel burning equipment. The regulation has been revised in order to clarify the fact that internal combustion engines (stationary combustion turbines) are considered to be fuel burning equipment, and that stationary internal combustion engines have been specifically exempted from this rule.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., October 6, 1998, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski, Environmental Program Planner, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

* * * * *

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, Richmond, Virginia.

October 6, 1998 - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. L97).** The amendments concern provisions covering pulp and paper mills. The regulation has been revised to clarify the rule's applicability.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road

Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
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13901 Crown Court
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Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
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Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., October 6, 1998, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎


† September 17, 1998 - 10 a.m. -- Open Meeting
Via electronic communication. Persons interested in attending the meeting can do so by sitting in on the conference call at the Department of Environmental Quality, 629 East Main Street, Richmond, or by calling in. Persons who wish to call in should contact Cindy M. Berndt before Thursday, September 3, 1998.

A quarterly meeting held by conference call. The agenda is currently limited to consideration of White Top Mountain attainment redesignation. Additional items may be added. Information on the agenda will be available by September 1, 1998.

Calendar of Events

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

ALCOHOLIC BEVERAGE CONTROL BOARD


† **August 24, 1998 - 9:30 a.m.** -- Open Meeting
† **September 9, 1998 - 9:30 a.m.** -- Open Meeting
† **September 21, 1998 - 9:30 a.m.** -- Open Meeting
† **October 5, 1998 - 9:30 a.m.** -- Open Meeting
† **October 19, 1998 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting to receive reports from and discuss activities of staff members, and to discuss other matters not yet determined.


Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.


BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Land Surveyor Section

August 26, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct general business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, or (804) 367-9753/TTY 


† **September 24, 1998 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4 East, Richmond, Virginia. 

Members of the Land Surveyor Section of the board and invited subject matter experts will meet to conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A


11 of the Code of Virginia due to the confidential nature of the examination.

Contact: Sharon M. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572, FAX (804) 367-2474 or (804) 367-9753/TTY 


Professional Engineer Section

August 20, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct general business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, or (804) 367-9753/TTY 


VIRGINIA BOARD FOR ASBESTOS AND LEAD

August 25, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. 

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , or e-mail asbestos@dpor.state.va.us.

VIRGINIA COUNCIL ON ASSISTIVE TECHNOLOGY

September 2, 1998 - 9 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: VCAT Staff, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-9990, toll-free 1-800-552-5019 or 1-800-464-9950/TTY ☎

VIRGINIA AVIATION BOARD

† **August 26, 1998 - 9:30 a.m.** -- Open Meeting
Wintergreen Resort, Wintergreen, Virginia.🗎 (Interpreter for the deaf provided upon request)

A regular bimonthly meeting of the board being held during the annual aviation conference. Applications for state funding will be presented to the board and other matters of the Virginia aviation community will be discussed. Individuals with disabilities should contact Margaret Fuller at least 10 days prior to the meeting if assistance is needed.

Contact: Margaret Fuller, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3632 or (804) 236-3624/TDD ☎

† **August 28, 1998 - 9 a.m.** -- Open Meeting
Wintergreen Resort, Wintergreen, Virginia.🗎 (Interpreter for the deaf provided upon request)

A meeting to announce results of allocations for funding. Individuals with disabilities should contact Margaret Fuller at least 10 days prior to the meeting if assistance is needed.

Contact: Margaret Fuller, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3632 or (804) 236-3624/TDD ☎

CHARITABLE GAMING COMMISSION

† **August 20, 1998 - 11 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.🗎

A regular commission meeting.

Contact: Kristi Leslie, Administrative Staff Assistant, Charitable Gaming Commission, Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014 or FAX (804) 786-1079.

COAL SURFACE MINING RECLAMATION FUND ADVISORY BOARD

August 20, 1998 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia.🗎 (Interpreter for the deaf provided upon request)

A meeting to review and discuss the current status and administration of the Reclamation Fund.

Contact: Danny R. Brown, Division Director, Division of Mined Land Reclamation, Department of Mines, Minerals

and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152 or FAX (540) 523-8163.

STATE BOARD FOR COMMUNITY COLLEGES

† **September 9, 1998 - 2:30 p.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Richmond, Virginia.🗎 (Interpreter for the deaf provided upon request)

Meetings of board committees will be held throughout the day with times and meeting rooms to be announced.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY ☎

† **September 10, 1998 - 8:30 a.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.🗎 (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY ☎

COMPENSATION BOARD

August 27, 1998 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 10th Floor Conference Room, Richmond, Virginia.🗎 (Interpreter for the deaf provided upon request)

A monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant, Compensation Board, 202 N. 9th St., 10th Floor, Richmond, VA 23219, telephone (804) 786-0786 or FAX (804) 371-0235.

DEPARTMENT OF CONSERVATION AND RECREATION

† **August 18, 1998 - 3:30 p.m.** -- Open Meeting
Albemarle County Administration Center, 401 McIntire Road, Charlottesville, Virginia.🗎 (Interpreter for the deaf provided upon request)

A meeting to discuss river issues. A public comment period will follow the business meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203

Calendar of Events

Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

August 20, 1998 - 9:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia.

A meeting for development of model ordinance and educational materials regarding wetlands, riparian buffers and environment erosion control structures. Public comments will be received at the end of the meeting.

Contact: Leon E. App, Agency Regulatory Coordinator, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-4570 or FAX (804) 786-6141.

Falls of the James Scenic River Advisory Board

† **September 3, 1998 - Noon** -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review river issues. A public comment period will follow the business meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

First Landing/Seashore State Park Master Planning Team

† **August 25, 1998 - Noon** -- Open Meeting
First Landing/Seashore State Park, Visitor's Center, 2500 Shore Drive, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the State Park Master Plan Team to continue revising the park master plan.

Contact: Derral Jones, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

Division of Planning and Recreation Resources

† **August 26, 1998 - 7 p.m.** -- Open Meeting
Chippokes Plantation State Park, 695 Chippokes Park Road, Surry, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss and review draft master plan concepts for Chippokes Plantation State Park.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

Rappahannock River State Park Feasibility Study Advisory Committee

† **August 19, 1998 - 2 p.m.** -- Open Meeting
Rappahannock Area Planning District Commission Office, 512 Lafayette Boulevard, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the advisory committee for development of the feasibility study for a state park along the banks of the Rappahannock River between Remington and Fredericksburg (HJR 193).

Contact: Derral Jones, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

BOARD FOR CONTRACTORS

August 18, 1998 - 7 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4W, Richmond, Virginia.

August 20, 1998 - 7 p.m. -- Public Hearing
Roanoke County Board of Supervisors, 5204 Bernard Drive, Supervisor's Meeting Room, Roanoke, Virginia.


October 2, 1998 - Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled: **18 VAC 50-30-10 et seq. Board for Contractors Tradesman Rules and Regulations.** The proposed amendments add backflow prevention device workers to the trades regulated by the Tradesman Program. The voluntary, statewide certification program for backflow prevention device workers mandated by the General Assembly will enable such workers to practice in different areas of the Commonwealth without having to apply for certification in each jurisdiction separately. Except for fees for the new program, there are no changes in the current fee structure of the Tradesman Program. Some editorial changes are also made.


Statutory Authority: §§ 54.1-201, 54.1-1102 and Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia.


Public comments may be submitted until October 2, 1998, to George O. Bridewell, Administrator, Board for Contractors, 3600 West Broad Street, Richmond, Virginia 23230.

Contact: Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-6166 or FAX (804) 367-2474.


† **August 25, 1998 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Policy Committee to develop and implement a manual for board and staff usage which contains board interpretations and policies of statutes and regulations pertinent to the board. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Geralde W. Morgan. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.


Contact: Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or (804) 367-9753/TTY 

† **August 25, 1998 - 1 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Backflow Prevention Device Workers Advisory Committee to discuss the implementation of the program and to review the curricula of schools providing backflow prevention device worker training for subsequent presentation to the full board for approval at the October 1998 meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact George O. Bridewell. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

Contact: George O. Bridewell, Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or (804) 367-9753/TTY 


BOARD OF CORRECTIONAL EDUCATION

† **September 18, 1998 - 10 a.m.** -- Open Meeting
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.


BOARD FOR COSMETOLOGY

September 14, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. All meetings are subject to cancellation. Time of the meeting is subject to change. Call the board office at least 24 hours in advance. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Nancy Taylor Feldman. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TTY 


CRIMINAL JUSTICE SERVICES BOARD

† **September 23, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. 

A general business meeting to consider various grant applications.

Contact: Christine Y. Wiedemer, Administrative Staff Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718.

CRIMINAL JUSTICE SERVICES BOARD AND COMMITTEE ON TRAINING

September 23, 1998 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of both groups to conduct general business. The Criminal Justice Services Board will also consider various grant applications.

Contact: George B. Gotschalk, Regulatory Review Coordinator, Committee on Training, and Christine Y. Wiedemer, Administrative Staff Assistant, Criminal Justice Services Board, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.

BOARD OF DENTISTRY

September 18, 1998 - 1 p.m. -- Public Hearing
The Williamsburg Lodge, 310 South England Street, Williamsburg, Virginia.

Calendar of Events

October 2, 1998 - Public 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 Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20-10 et seq. Virginia Board of Dentistry Regulations.** Amendments are proposed pursuant to Executive Order 15 (94), which called for clarification, simplification, and where possible, a reduction in the regulatory burden. The proposed amendments allow dentists to delegate acts which are not specifically reserved for dentists/dental hygienists and which are consistent with the training and experience of the assistant.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

September 18, 1998 - 1 p.m. -- Public Hearing
The Williamsburg Lodge, 310 South England Street, Williamsburg, Virginia.

October 2, 1998 - Public 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 Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20-10 et seq. Virginia Board of Dentistry Regulations.** Amendments are proposed to increase fees for licensees of the Board of Dentistry in order to comply with a statutory mandate for the agency to raise revenues sufficient to meet expenses.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **August 20, 1998 - 10 a.m.** -- Open Meeting
Roanoke Airport Clarion Hotel, Roanoke, Virginia.

A meeting of the Audit Committee to discuss adjustments to the Virginia Economic Development Partnership's biennium budget for the fiscal year July 1, 1999, through June 30, 2000. This meeting is being held in preparation for the upcoming board meeting scheduled for September 1, 1998.

Contact: Kimberly M. Ellett, Administrative Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8108, FAX (804) 371-8112 or (804) 371-0327/TTY ☎

† **September 1, 1998 - 11 a.m.** -- Open Meeting
Department of Economic Development, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Board Room, Richmond, Virginia. 📍

A meeting of the Board of Directors to discuss matters related to the Virginia Economic Development Partnership.

Contact: Kimberly M. Ellett, Administrative Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8108, FAX (804) 371-8112 or (804) 371-0327/TTY ☎

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

September 3, 1998 - 5:30 p.m. -- Open Meeting
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

Contact: Lynda G. Furr, Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **September 2, 1998 - 3 p.m.** -- Open Meeting
Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

A meeting to review SARA Title III Emergency Response Plan update.

Contact: L. A. Miller, Fire and Rescue Chief, Winchester Fire and Rescue Dept., 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 665-5645/TTY ☎

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Ground Water Protection Steering Committee

† **September 15, 1998 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, First Floor, Training Room, Richmond, Virginia. 📍

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda, contact Mary Ann Massie.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box

10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **September 3, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting of the Legislative Committee to begin preparation of legislative proposals for the 2000 Session of the General Assembly. Public comments will be received at the beginning of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY ☎

† **September 9, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting of the Task Force Committee on Resident Trainee Program to discuss the study guide and other related issues. Public comments will be received at the beginning of the meeting for 15 minutes.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY ☎

† **September 16, 1998 - 9 a.m.** -- Open Meeting

† **October 19, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A general board meeting. Public comment will be received during the first 15 minutes of the meeting. Formal hearings will follow at 1 p.m.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY ☎

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

October 2, 1998 - Public 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 Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers and 18 VAC 65-40-10 et seq. Resident Trainee Program for**

Funeral Service. Amendments are proposed to increase fees for licensees of the Board of Funeral Directors and Embalmers in order to comply with a statutory mandate for the agency to raise revenues sufficient to meet expenses.

Statutory Authority: §§ 54.1-2400 and 54.1-113 of the Code of Virginia.

Contact: Elizabeth Young-Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

October 2, 1998 - Public 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 Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers.** Amendments are proposed pursuant to Executive Order 15 (94), which called for clarification, simplification and, where possible, a reduction in the regulatory burden. Regulations which are duplicative of provisions of the Code of Virginia or the Funeral Industry Rule of the Federal Trade Commission are eliminated.

Statutory Authority: §§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Elizabeth Young-Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

October 2, 1998 - Public 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 Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-30-10 et seq. Regulations for Preneed Funeral Planning.** Amendments are proposed pursuant to Executive Order 15 (94) in order to make regulations clearer, simpler, and less burdensome. The proposed amendments will eliminate the requirement for prior approval by the board of any preneed contract and disclosure statements.

Calendar of Events

Statutory Authority: §§ 54.1-2400, 54.1-2803 and 54.1-2820 of the Code of Virginia.

Contact: Elizabeth Young-Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

October 2, 1998 - Public 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 Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-40-10 et seq. Resident Trainee Program for Funeral Service.** Amendments are proposed pursuant to Executive Order 15 (94) in order to make regulations clearer, simpler, and less burdensome. Amendments will eliminate duplicative regulations and requirements such as a certain number of funerals and embalmings in one calendar year in one funeral establishment.

Statutory Authority: §§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Elizabeth Young-Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.


Special Conference Committee

† **October 5, 1998 - 9 a.m.** -- Open Meeting

† **October 6, 1998 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. 


A meeting to conduct informal conference hearings. No public comment will be received.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY 

BOARD OF GAME AND INLAND FISHERIES

August 20, 1998 - 9 a.m. -- Open Meeting

August 21, 1998 - 9 a.m. -- Open Meeting


Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The board will meet and adopt 1998-1999 hunting seasons and bag limits for migratory waterfowl (ducks


and coots, geese and brant, swan, gallinules and moorhens) and falconry, based on frameworks provided by the U.S. Fish and Wildlife Service. The board may also review possible proposals for legislation for the 1999 Session of the General Assembly, will select meeting dates for 1999 board meetings, and may discuss other general and administrative issues. The board may hold an executive session before the public session begins on August 20. If the board completes its entire agenda on August 20, it may not convene on August 21.


Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2311.


DEPARTMENT OF GAME AND INLAND FISHERIES

September 14, 1998 - 7 p.m. -- Public Hearing
Jefferson Forest High School, Perrowville Road, Forest, Virginia.  (Interpreter for the deaf provided upon request)

September 15, 1998 - 7 p.m. -- Public Hearing
Fort Defiance High School, State Route 616, Fort Defiance, Virginia.  (Interpreter for the deaf provided upon request)

September 16, 1998 - 7 p.m. -- Public Hearing
Wytheville Community College, 1000 East Main Street, Wytheville, Virginia.  (Interpreter for the deaf provided upon request)

September 17, 1998 - 7 p.m. -- Public Hearing
James City-Williamsburg Community Center, 5301 Longhill Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)


September 17, 1998 - 7 p.m. -- Public Hearing
Lee Hill Community Center, 1 Hugh Cosner Drive, Fredericksburg, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Department of Game and Inland Fisheries (DGIF) is hosting five public meetings in September to receive suggestions from hunters, trappers, and all other interested parties for changes to the state hunting and trapping regulations. Interested individuals are invited to join the DGIF staff to discuss these regulations and department programs. The suggestions received will be considered by department staff as they develop recommendations for presentation to the Board of Game and Inland Fisheries in the spring of 1999.


Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2311.

DEPARTMENT OF GENERAL SERVICES


Design-Build/Construction Management Review Board

August 17, 1998 - 11 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities for the use of the design-build or construction management type of contract. Public comments will be taken. The chairman may cancel the meeting if there is not business for the board's consideration. Please contact the Division of Engineering and Buildings to confirm meeting date and time.


Contact: Sandra H. Williams, Board Clerk, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TTY 

STATE BOARD OF HEALTH

† September 10, 1998 - 10 a.m. -- Open Meeting
Eastern Virginia Medical School, Old Dominion University, President's Board Room, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board.

Contact: Paul W. Matthias, Department of Health, 1500 E. Main St., Room 227, Richmond, VA 23219, telephone (804) 321-2909 or FAX (804) 786-4616.

† September 11, 1998 - 9 a.m. -- Open Meeting
Eastern Virginia Medical School, Old Dominion University, Hofheimer Hall, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.


Contact: Paul W. Matthias, Department of Health, 1500 E. Main St., Room 227, Richmond, VA 23219, telephone (804) 321-2909 or FAX (804) 786-4616.

* * * * *


September 21, 1998 -- Public 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 State Board of Health intends to amend regulations entitled: **12 VAC 5-90-10 et seq. Regulations for Disease Reporting and Control.** The proposed amendments include additions to and deletions from the reportable disease list, changes to the list of conditions and laboratory tests reportable by directors of laboratories, and other changes to enhance disease surveillance and control in the Commonwealth.


Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

Contact: Diane Woolard, Ph.D., M.P.H., Director, Surveillance and Investigation, Department of Health, Office of Epidemiology, P.O. Box 2448, Room 113, Richmond, VA 23218, telephone (804) 786-6261, FAX (804) 371-4050 or toll-free 1-800-828-1120/TTY 


DEPARTMENT OF HEALTH PROFESSIONS

† September 11, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Health Practitioners' Intervention Program Committee will meet with its contractor and representatives to review reports, policies and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in executive session for the purpose of consideration of specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TTY 

BOARD FOR HEARING AID SPECIALISTS

† September 29, 1998 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matter requiring board action, including disciplinary cases. In addition, the Hearing Aid Specialist Licensing Examination will be administered to eligible candidates. All meetings are subject to cancellation. Time of meeting is subject to change. Call the board's office at least 24 hours in advance. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, or (804) 367-9753/TTY 

Calendar of Events


STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

August 17, 1997 - 8:30 a.m. -- Open Meeting
State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Council Conference Room, Richmond, Virginia. 

A general business meeting to elect officers. The meeting may be telecommunicated at the council's office and McGuire, Woods, Battle and Boothe in Norfolk and Richmond.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2600 or FAX (804) 371-7911.

HOPEWELL INDUSTRIAL SAFETY COUNCIL


September 1, 1998 - 9 a.m. -- Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.


Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT


State Building Code Technical Review Board

August 21, 1998 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will hear administrative appeals concerning building and fire codes and other regulations of the department. The board issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, State Building Code Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TTY 


VIRGINIA HOUSING DEVELOPMENT AUTHORITY

August 18, 1998 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the board may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

VIRGINIA INTERAGENCY COORDINATING COUNCIL

September 9, 1998 - 9:30 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part H (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part H program.

Contact: Nicole Corey, Part H Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

DEPARTMENT OF LABOR AND INDUSTRY

August 31, 1998 - 7 p.m. -- Public Hearing
City Hall, 9027 Center Street, Council Chambers, Manassas, Virginia.

September 1, 1998 - 7 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

September 2, 1998 - 7 p.m. -- Public Hearing
Roanoke County Administration Center, 6204 Bernard Drive, Board of Supervisors' Meeting Room, Roanoke, Virginia.

September 3, 1998 - 7 p.m. -- Public Hearing
City Hall, 810 Union Street, City Council Chambers, Norfolk, Virginia.

October 2, 1998 - Public 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 Safety and Health Codes Board intends to amend regulations entitled: **16 VAC 25-50-10 et seq. Boiler and Pressure Vessel Rules and Regulations.** The proposed amendments incorporate the transfer of authority for setting various fee amounts from statute to regulation, and adopt several changes recommended individually or jointly by the regulated community, the National Board of Boiler and Pressure Vessel Inspectors, or the Chief Boiler and Pressure Vessel Inspector of the Commonwealth.

The proposed amendments also direct commonwealth inspectors to inspect uninsured boilers and pressure vessels in those geographic areas or limited time periods within which commercial services would not be available, set out the chief inspector's criteria for determining unavailability, and establish rates for certification inspections conducted by commonwealth inspectors. These changes eliminate a criticism of the current privatized inspection system and are directed by Chapter 212, 1997 Acts of Assembly.

Also included in these proposed amendments are changes suggested by the department's regulatory review and a request by the department to require the national board "R" and "VR" stamp certification for organizations performing repairs and alterations to boilers and pressure vessels, and the repair and resetting of safety valves. Current regulation requires that all boilers and pressure vessels be designed, constructed and installed in accordance with the ASME Boiler and Pressure Vessel Code. However, the ASME code does not establish standards for repair or alteration of these objects once they have been code stamped and installed.

Statutory Authority: § 40.1-51.6 of the Code of Virginia.

Public comments may be submitted until October 2, 1998, to Bonnie R. Hopkins, Regulatory Coordinator, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia 23219.

Contact: Fred P. Barton, Boiler Chief Inspector, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-3262, FAX (804) 371-6524 or (804) 786-2376/TTY ☎

Apprenticeship Council

September 17, 1998 - 10 a.m. -- Open Meeting
Centreville Adult and Community Education Center, 5757 Spindle Court, Centreville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Apprenticeship Council.

Contact: Bev Donati, Assistant Program Director, Apprenticeship Program, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, or (804) 786-2376/TTY ☎

Migrant and Seasonal Farmworkers Board

† **September 23, 1998 - 9:30 a.m.** -- Open Meeting
George Washington Birthplace, Route 204, Oak Grove, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board and the Interagency Migrant Worker Policy Committee.

Contact: Patti C. Bell, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 786-8418 or (804) 786-2376/TTY ☎.

STATE LAND EVALUATION ADVISORY COUNCIL

September 22, 1998 - 10 a.m. -- Open Meeting
Virginia Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ♿

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: H. Keith Mawyer, Property Tax Manager, Department of Taxation, Office of Customer Services, Property Tax Unit, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020.

COMMISSION ON LOCAL GOVERNMENT

August 28, 1998 - 10:30 a.m. -- Open Meeting
Southampton County Board of Supervisor's Room, Southampton County Office Center, Administration Center, Southampton County, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to receive oral presentations regarding the City of Franklin-Southampton County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

NOTE: CHANGE IN MEETING TIME

August 28, 1998 - 5:30 p.m. -- Public Hearing
Southampton County Board of Supervisor's Room, Southampton County Office Center, Administration Center,

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Southampton County, Virginia. (Interpreter for the deaf provided upon request)

A public hearing regarding the City of Franklin-Southampton County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY

† **September 14, 1998 - 10 a.m.** -- Open Meeting
Commission on Local Government, Eighth Street Office Building, 805 East Broad Street, Room 702, Richmond, Virginia.

A regular meeting of the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY

MARINE RESOURCES COMMISSION

August 25, 1998 - 9 a.m. -- Open Meeting
September 22, 1998 - 9 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia. (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters at 9 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide the following fishery management items at approximately noon: regulatory proposals, fishery management plans; fishery conservation issues; licensing; shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TTY

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

September 4, 1998 -- Public 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 amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services; 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care; and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates-- Other Types of Care.** The purpose of the proposed amendments is to allow clinical nurse specialists-psychiatric to be directly enrolled and reimbursed for Medicaid services rendered.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until September 4, 1998, to Sally Rice, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, 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) 371-8854 or FAX (804) 371-4981.

September 18, 1998 -- Public 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 amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services.** The proposed regulations clarify DMAS' coverage of breast reconstructive procedures and prostheses and establish parameters for the coverage of outpatient observation beds.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until September 18, 1998, to Bonnie Winn, R.N., Manager, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, 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) 371-8854 or FAX (804) 371-4981.


October 2, 1998 - Public 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 amend regulations entitled: **Home Infusion Therapy/Bundling Services and Supplies: 12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care and Service and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of this proposal is to simplify the billing procedures of durable medical equipment providers and pharmacy providers when they are providing home infusion therapy services/bundling services and supplies (intravenous therapy, respiratory therapy and service agreements on equipment). This simplification will make providers' initial billing process easier and quicker but will also make it easier for DMAS to conduct postpayment reviews of providers' records.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until the close of business on October 2, 1998, to Lynda Hamm, R.N., Division of Provider Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.


Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-3146.

† **September 17, 1998 - 2 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. 

A meeting to conduct routine business of the Drug Utilization Review Board.


Contact: Marianne Rollings, Pharmacist, Department of Medical Assistance Services, Program Operations, Pharmacy Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.


BOARD OF MEDICINE

† **September 2, 1998 - 10 a.m.** -- Open Meeting
September 9, 1998 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Committee on Radiologic Technologists will meet to review public comments and make recommendations to the board regarding 18 VAC 85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologist Practitioners and Radiologic Technologists-Limited, and such other issues which may be presented. The advisory committee will entertain public comments during the first 15 minutes on agenda items.


Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606

W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY 


† **September 3, 1998 - 9 a.m.** -- Open Meeting
September 10, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Board on Occupational Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-80-10 et seq., Regulations for Certification of Occupational Therapists, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY 

† **September 3, 1998 - 1 p.m.** -- Open Meeting
September 10, 1998 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Advisory Board on Respiratory Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY 

September 9, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Advisory Committee on Acupuncturists will meet to discuss regulatory review of 18 VAC 85-110-10 et seq., Licensed Acupuncturists, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of

September 10, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A panel of the board will convene, pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia to inquire

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into allegations that a practitioner may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

September 11, 1998 - 9 a.m. -- Open Meeting

† **September 16, 1998 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Advisory Board on Physical Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-31-10 et seq., Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

September 11, 1998 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Advisory Committee on Physician Assistants will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-50-10 et seq., Regulations Governing the Practice of Physician Assistants, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

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September 9, 1998 - 9 a.m. -- Public Hearing

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

September 18, 1998 -- Public 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 Board of Medicine intends to amend regulations entitled: **18 VAC 85-110-**

10 et seq. Regulations Governing the Practice of Licensed Acupuncturists.

Amendments are proposed pursuant to Executive Order 15 (94) which called for agencies to simplify, clarify and reduce the burden of regulations. Proposed amendments would reduce the application fee from \$200 to \$150, eliminate the undergraduate education requirements, eliminate the requirement for an applicant from another state to have an approved tutorial, and specify that an applicant whose acupuncture education was in English is not required to take the Test of English as a Foreign Language. Another amendment changes the required time for examination by the referring doctor from six months to three months prior to referral.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.9 of the Code of Virginia.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

Informal Conference Committee

August 19, 1998 - 9:30 a.m. -- Open Meeting

Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

August 21, 1998 - 9:30 a.m. -- Open Meeting

Fort Magruder Inn Conference Center, Route 60, Williamsburg, Virginia.

September 3, 1998 - 10:30 a.m. -- Open Meeting

Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9517 or (804) 662-7197/TTY ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

August 25, 1998 - 10 a.m. -- Public Hearing

James Madison Building, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Virginia Substance Abuse Prevention and Treatment and Community Mental Health Services Block Grant Applications for federal Fiscal Year 1999. Copies of these applications are available for review at the Office

of Mental Health and Substance Abuse Services on the 12th Floor of the James Madison Building and at each community services board office. Comments may be made at the hearing or in writing no later than August 25, 1998, to the Office of the Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218. Any person wishing to make a presentation at the hearing may call Sterling Deal. Copies of oral presentations should be filed at the time of the hearing.

Contact: Sterling G. Deal, Ph.D., Resource Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-2148, FAX (804) 371-0091 or (804) 371-8977/TTY ☎

† **September 15, 1998 - 4 p.m.** -- Public Hearing
Woodrow Wilson Rehabilitation Center, Anderson Room, Route 250, Fishersville, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **September 15, 1998 - 4 p.m.** -- Public Hearing
Wytheville Community College, Training Center Room, 1000 East Main Street, Wytheville, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **September 24, 1998 - 4 p.m.** -- Public Hearing
Hampton Public Library, Room A, 4207 Victoria Boulevard, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

The department, lead agency for Infants and Toddlers with Disabilities (Part C of the Individuals with Disabilities Education Act), is conducting a public hearing to solicit public comments on the state application to the U.S. Department of Education, Office of Special Education, Part C Early Intervention for Infants and Toddlers with Disabilities Programs. Written comments will be accepted from August 17, 1998, through October 16, 1998.

Contact: Anne Lucas, Part C Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-6592 or FAX (804) 371-7159.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

October 2, 1998 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-140-10 Mandatory Standards for Community Mental Health Programs**. The Department of Mental Health, Mental Retardation and Substance Abuse Services proposes to repeal this regulation, which established administrative and clinical standards for community

mental health programs. This regulation was superseded by 12 VAC 35-102-10 et seq., Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services, which became effective January 13, 1995.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-199 of the Code of Virginia.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-6431.

October 2, 1998 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-150-10 Mandatory Standards for Community Mental Retardation Programs**. The Department of Mental Health, Mental Retardation and Substance Abuse Services proposes to repeal this regulation, which established administrative and clinical standards for community mental retardation programs. This regulation was superseded by 12 VAC 35-102-10 et seq., Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services, which became effective January 13, 1995.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-199 of the Code of Virginia.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-6431.

October 2, 1998 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-160-10 Mandatory Standards for Community Substance Abuse Programs**. The Department of Mental Health, Mental Retardation and Substance Abuse Services proposes to repeal this regulation, which established administrative and clinical standards for community substance abuse programs. This regulation was superseded by 12 VAC 35-102-10 et seq., Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and

Calendar of Events

Substance Abuse Services, which became effective January 13, 1995.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-199 of the Code of Virginia.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-6431.

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† **October 26, 1998** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt regulations entitled: **12 VAC 35-210-10 et seq. Certification of the Qualifications of Providers of Behavior Consultation Services.** The proposed regulation defines the specific knowledge, skills, and abilities that mental retardation behavior consultants must have at entry level for Medicaid reimbursement for mental retardation waiver services. The regulation further defines who is subject to certification, the application procedure, the conditions under which a certification can be revoked and subsequently reinstated, provider agreement to inspection of records, and notification that all certified behavior consultants are subject to the department's human rights regulations.

Statutory Authority: §§ 37.1-10 and 37.1-182.2 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on Monday, October 26, 1998, to Cathy Rowe, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VIRGINIA MILITARY INSTITUTE

August 29, 1998 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia. ♿

A meeting of the Board of Visitors to elect a president, vice presidents and secretary, and to hear committee reports. The board will provide an opportunity for public comment immediately after the superintendent's comments, beginning at approximately 9 a.m.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office,

Lexington, VA 24450, telephone (540) 464-7206 or (540) 464-7660/TTY ♿

STATE MILK COMMISSION

September 23, 1998 - 10:30 a.m. -- Open Meeting
Department of Forestry, Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and to review reports from the staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 915, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TTY ♿

DEPARTMENT OF MINES, MINERALS AND ENERGY

† **September 10, 1998 - 10 a.m.** -- Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to repeal regulations entitled: **4 VAC 25-50-10 et seq. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.** The regulation is being repealed because the essential elements in the regulation have been incorporated in the certification regulation for coal miners.

Statutory Authority: § 45.1-161.28 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

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† **September 10, 1998 - 10 a.m.** -- Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-60-10 et seq. Rules and Regulations Governing the Installation and Use of Automated Temporary Roof Support (ATRS) Systems.** The regulation serves to protect miners from unsupported roof falls before permanent roof supports are installed in a newly mined area of an underground coal mine. Amendments to the regulation make the requirements consistent with current safety standards for ATRS systems and consistent with the rules of the Mine Safety and Health Administration.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106, and 45.1-161.114 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

† **September 10, 1998 - 10 a.m.** -- Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-70-10. Rules and Regulations Governing Disruption of Communications in Mines.** The regulation ensures that there is a system of communication between those mining coal underground and mine personnel on the surface so miners can get help in case of an emergency. Amendments to the regulation address important hazards not addressed by the Mine Safety and Health Administration (MSHA), avoid conflicts with MSHA regulations and federal law, and eliminate duplicative information.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106 and 45.1-161.191 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

† **September 10, 1998 - 10 a.m.** -- Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to repeal regulations entitled: **4 VAC 25-80-10. Rules and Regulations Governing Advanced First Aid.** The regulation sets forth requirements for first aid training and the number of persons with first aid training needed on the mine site. However, the regulation is no longer needed as stand-alone requirements because they are incorporated in the certification requirements for coal miners promulgated by the Board of Coal Mining Examiners.

Statutory Authority: § 45.1-161.3, 45.1-161.101, 45.1-106 and 45.1-161.254 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

† **September 10, 1998 - 10 a.m.** -- Public Hearing
Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-110-10 et seq. Rules and Regulations Governing Blasting in Surface Mining Operations.** The regulation ensures that blasting performed in conjunction with coal mining is performed safely and efficiently. It serves to protect miners, persons living close to mines, and property from fly rock and other hazards associated with blasting. Amendments to the regulation address important hazards not addressed by the Mine, Safety and Health Administration (MSHA) and to avoid conflicts with MSHA regulations in federal law, address changes in technology and eliminate duplicative information.

Statutory Authority: §§ 45.1-161.3, 46.1-161.254 and 45.1-161.286 of the Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U. S. Route 23 South, P. O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-1120 (VA Relay Center)

Calendar of Events

† **September 10, 1998 - 10 a.m.** -- Public Hearing
Department of Mines, Minerals and Energy, Division of
Mines, U. S. Route 23 South, Big Stone Gap, Virginia.

October 16, 1998 - Public 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 Mines,
Minerals and Energy intends to amend regulations
entitled: **4 VAC 25-120-10 et seq. Rules and
Regulations Governing Installation and Use of Cabs
and Canopies.** The regulation protects persons
operating self-propelled mobile equipment at the face of
coal mines from roof falls. Amendments are needed to
address important hazards not addressed by the Mine
Safety and Health Administration (MSHA), to avoid
conflicts with MSHA regulations and federal law, and to
adopt standards for loads and capacities.

Statutory Authority: §§ 45.1-161.3 and 45.1-161.106 of the
Code of Virginia.

Contact: Frank Linkous, Mine Division Chief, Department of
Mines, Minerals and Energy, Division of Mines, U. S. Route
23 South, P. O. Drawer 900, Big Stone Gap, VA 24219,
telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-
800-1120 (VA Relay Center)


BOARD OF NURSING

August 17, 1998 - 9 a.m. -- Open Meeting


August 18, 1998 - 9 a.m. -- Open Meeting

† **August 20, 1998 - 9 a.m.** -- Open Meeting

† **August 26, 1998 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

A Special Conference Committee, comprised of two or
three members of the Board of Nursing, will conduct
informal conferences with licensees and certificate
holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board
of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9909, FAX (804) 662-9943
or (804) 662-7197/TTY 

September 18, 1998 -- Public 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 Board of Nursing intends
to amend regulations entitled: **18 VAC 90-20-10 et seq.
Regulations of the Board of Nursing.** Amendments
are proposed pursuant to Executive Order 15 (94),
which called for agencies to simplify and clarify

regulations and eliminate unnecessary requirements.
Amendments also include: (i) requirements for nurses to
wear identification indicating their name and type of
licensure; (ii) establishment of a standard protocol for
persons with prescriptive authority to operate adult
vaccine clinics; and (iii) an increase in the renewal fee
for certified nurse aides in order to operate the
investigative and disciplinary functions related to that
program.

Statutory Authority: § 54.1-2400 and Chapter 30 (§ 54.1-
3000 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board
of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9909 or FAX (804) 662-
9943.

BOARDS OF NURSING AND MEDICINE

September 9, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

September 18, 1998 -- Public 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 Boards of Nursing and
Medicine intend to amend regulations entitled: **18 VAC
90-30-10 et seq. Regulations Governing the
Licensure of Nurse Practitioners.** The proposed
amendments are the board's response to the review of
regulations pursuant to Executive Order 15 (94). The
proposed amendments clarify several definitions, add a
requirement for guidelines on "availability" in the
protocol between the nurse practitioner and supervising
physician, and eliminate the process for board approval
of a nurse practitioner education program.


Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the
Code of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board
of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9909 or FAX (804) 662-
9943.

BOARD OF NURSING HOME ADMINISTRATORS

† **August 27, 1998 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting of the Task Force Committee to discuss
revisions to the current administrator-in-training program
of the board.

Contact: Senita Booker, Administrative Staff Assistant,
Board of Nursing Home Administrators, 6606 W. Broad St.,
4th Floor, Richmond, VA 23230-1717, telephone (804) 662-
9111, FAX (804) 662-9523, or (804) 662-7197/TTY 

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September 18, 1998 -- Public 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 Board of Nursing Home Administrators intends to amend regulations entitled: **18 VAC 95-20-10 et seq. Regulations of the Board of Nursing Home Administrators.** Pursuant to Executive Order 15 (94) to clarify, simplify and reduce the number of regulations, less restrictive requirements are proposed for the definition of "full-time employment," for notification of a change of address, and for continuing education. Amendments also clarify application, licensure, and preceptorship requirements.

Statutory Authority: § 54.1-2400 and Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111 or FAX (804) 662-9943.

BOARD OF OPTOMETRY

September 16, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.

September 18, 1998 -- Public 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 Board of Optometry intends to amend regulations entitled: **18 VAC 105-20-10 et seq. Regulations of the Virginia Board of Optometry.** Amendments are proposed pursuant to Executive Order 15 (94), which called agencies to simplify and clarify regulations and eliminate unnecessary requirements. Proposed amendments provide for a listing of approved providers of continuing education courses and eliminate the burden and expense of submitting for board approval all of the materials for each course offered.

Statutory Authority: § 54.1-2400 and Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Elizabeth Carter, Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or FAX (804) 662-9943.

BOARD OF PHARMACY

† **August 18, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A general business meeting to (i) consider disciplinary matters and conduct disciplinary proceedings, (ii) review

the draft report for the pharmacy technician study, and (iii) consider proposing emergency regulations to implement HB 1300 and SB 580. Public comments will be received at the beginning of the meeting immediately following approval of the agenda and the review and acceptance of minutes. Public hearing to begin after initial agenda items.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.

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August 18, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

October 2, 1998 - Public 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 Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Virginia Board of Pharmacy Regulations.** Amendments are proposed pursuant to Executive Order 15 (94) to clarify and simplify the regulations and to conform them to current pharmacy practice.

Statutory Authority: §§ 54.1-2400, 54.1-3307 and 54.1-3312 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.

DEPARTMENT OF STATE POLICE

August 21, 1998 -- Public comments may be submitted through this date.


Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-70-1 et seq. Motor Vehicle Safety Inspection Rules and Regulations.** The purpose of the proposed action is to amend existing administrative regulations governing vehicle inspections to comply with mandates of the amended sections of the Code of Federal Regulations and the Code of Virginia.

Statutory Authority: § 46.2-1165 of the Code of Virginia.


Contact: Captain W. Steven Flaherty, Safety Officer, Department of State Police, P.O. Box 27472, Richmond, VA 23261, telephone (804) 378-3479, FAX (804) 378-3487 or toll-free 1-800-553-3144.

Calendar of Events


BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

September 14, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A general business meeting.

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TTY 


BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

† August 18, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Richmond, Virginia. 

Informal administrative hearings will be held pursuant to § 9-6.14:11 of the Code of Virginia. No public comment will be received.

Contact: Evelyn Brown, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.


VIRGINIA RACING COMMISSION

August 19, 1998 - 9:30 a.m. -- Open Meeting
Administrative Building, 12007 Courthouse Circle, New Kent,
Virginia. 


A monthly meeting to include a report from Colonial Downs concerning the forthcoming thoroughbred race meeting.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Dr., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.


BOARD OF REHABILITATIVE SERVICES

† September 18, 1998 - 9 a.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville,
Virginia.  (Interpreter for the deaf provided upon request)


A quarterly business meeting.


Contact: Sandra Prince, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box 300 K Richmond, VA 23288-0300, telephone (804) 662-7010, or toll-free 1-800-552-5019/Voice and 1-800-464-9950/TTY 

VIRGINIA RETIREMENT SYSTEM


August 20, 1998 - 9 a.m. -- Open Meeting
Virginia Retirement System, 1200 East Main Street,
Richmond, Virginia. 

A regular meeting. No public comment will be received.


Contact: Darla Kestner, Administrative Staff Assistant, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218-2500, telephone (804) 649-8059, FAX (804) 371-0613, toll-free 1-888-827-3847, or (804) 649-5089/TTY 

September 10, 1998 - Noon -- Open Meeting
Virginia Retirement System, 1200 East Main Street,
Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee. There may be in attendance at any time during the meeting three or more members of the Board of Trustees, or any of their subcommittees. No public comment will be received.

Contact: Darla Kestner, Administrative Staff Assistant, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218-2500, telephone (804) 649-8059, FAX (804) 371-0613, toll-free 1-888-827-3847, or (804) 649-5089/TTY 


RICHMOND HOSPITAL AUTHORITY

† August 27, 1998 - 5 p.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor
Classroom, Richmond, Virginia. 

A monthly board meeting of the Board of Commissioners to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, 700 E. Main St., Suite 904, Richmond, VA 23219-0548, telephone (804) 782-1938.

SEWAGE COLLECTION AND TREATMENT REGULATIONS ADVISORY COMMITTEE

August 18, 1998 - 10 a.m. -- Open Meeting
Henrico County Government Complex, 8600 Dixon Powers Drive, Human Services Building, Board Room, Richmond, Virginia. 

A meeting to discuss possible modifications to proposed SCAT regulations including technical evaluation and permitting of nonpoint source sewage treatment systems and subsurface disposal systems.

Contact: Asif K. Malik, Chief of Technical Services, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1752 or FAX (804) 786-5567.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

August 19, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate
Room A, Richmond, Virginia. ☎

A meeting to hear appeals of health department denials
of septic tank permits.

Contact: Gary L. Hagy, Acting Secretary, Sewage Handling
and Disposal Appeal Review Board, Department of Health,
P.O. Box 2448, Room 115, Richmond, VA 23218, telephone
(804) 225-4022 or FAX (804) 225-4003.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

Loan Committee

† **August 25, 1998 - 10 a.m.** -- Open Meeting
Department of Business Assistance, 707 East Main Street,
3rd Floor, Main Board Room, Richmond, Virginia.

A meeting to review applications for loans submitted to
the authority for approval. The time is subject to being
moved to 8:30 a.m. in the event the VSBFA Board of
Directors decides to combine meeting dates with the
VSBFA Loan Committee.

Contact: Cathleen M. Surface, Executive Director, Virginia
Small Business Financing Authority, 707 E. Main St., 3rd
Floor, Richmond, VA 23219, telephone (804) 371-8254 or
FAX (804) 225-3384.

STATE BOARD OF SOCIAL SERVICES

† **August 19, 1998 - 9 a.m.** -- Open Meeting
† **August 20, 1998 - 9 a.m.** -- Open Meeting
Radisson Hotel-Hampton, 700 Settlers Landing Road,
Hampton, Virginia. ☎

A work session and business meeting.

Contact: Pat Rengnerth, Administrative Staff Specialist,
Department of Social Services, 730 E. Broad St., Richmond,
VA 23219, telephone (804) 692-1826, FAX (804) 692-0319,
toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TTY ☎

† **October 16, 1998** - Public 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 State Board of Social
Services intends to repeal regulations entitled: **22 VAC
40-40-10 et seq. Rules of the Neighborhood
Assistance Act.** The purpose of the proposed action is

to repeal outdated and burdensome regulations. New
regulations are being promulgated.

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of
Virginia.

Contact: Phyllis Parrish, Special Projects Coordinator,
Department of Social Services, 730 E. Broad St., Richmond,
VA 23219, telephone (804) 692-1895 or FAX (804) 692-
1869.

† **October 16, 1998** - Public 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 Board of Social Services
intends to adopt regulations entitled: **22 VAC 40-41-10
et seq. Neighborhood Assistance Tax Credit
Program.** The purpose of the regulation action is to
replace regulations which are being repealed and reflect
changes which have developed over time and through
legislation. The regulations will set out criteria for
approving projects, allocating tax credits and appealing
decisions made by Department of Social Services staff.
The regulations will also require applicant organizations
to submit an audit as a prerequisite to approval.

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of
Virginia.

Contact: Phyllis Parrish, Special Projects Coordinator,
Department of Social Services, 730 E. Broad St., Richmond,
VA 23219, telephone (804) 692-1895 or FAX (804) 692-
1869.

† **October 16, 1998** - Public 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 State Board of Social
Services intends to repeal regulations entitled: **22 VAC
40-140-10 et seq. Minimum Standards for
Independent Foster Homes.** The purpose of the
proposed action is to repeal the current standards,
which were promulgated in 1949. Concurrently with this
action, new standards are being promulgated.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of
Virginia.

Contact: Doris Jenkins, Child-Placing/Residential Licensing
Manager, Department of Social Services, 730 E. Broad St.,
Richmond, VA 23219, telephone (804) 692-1773 or FAX
(804) 692-2370.

Calendar of Events

† **October 16, 1998** - Public 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 State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-141-10 et seq. Minimum Standards for Independent Foster Homes.** The proposed regulation establishes minimum standards that independent foster homes must meet in order to be licensed to provide care to children.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Contact: Doris Jenkins, Child-Placing/Residential Licensing Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1773 or FAX (804) 692-2370.

BOARD OF SOCIAL WORK

September 11, 1998 - 10 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.

October 2, 1998 - Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed amendment is to clarify and reformat the regulations and include an endorsement provision to expedite licensure of applicants with lengthy experience licensed in other jurisdictions and to comply with a statutory mandate enacted by the 1994 General Assembly by endorsing regulations promulgated by the Board of Psychology for voluntary certification of licensees as sex offender treatment providers.

Statutory Authority: § 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

COMMONWEALTH TRANSPORTATION BOARD

August 19, 1998 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

August 20, 1998 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

TRANSPORTATION SAFETY BOARD

September 9, 1998 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review highway safety issues and federal funding.

Contact: Angelisa C. Jennings, Senior Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2026 or FAX (804) 367-6031.

TREASURY BOARD

August 26, 1998 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD OF VETERINARY MEDICINE

September 17, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia.


October 2, 1998 - Public 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 Board of Veterinary
Medicine intends to amend regulations entitled: **18 VAC
150-20-10 et seq. Regulations Governing the
Practice of Veterinary Medicine.** Amendments are
proposed pursuant to Executive Order 15 (94) in order to
make regulations clearer, simpler, and less
burdensome. The proposed amendments will
streamline requirements for veterinary facilities, clarify
the practice of surgery, allow continuing education
through journals or information networks, and specify
that continuing education must pertain to clinical areas
of practice.


Statutory Authority: §§ 54.1-2400 and Chapter 38 (§ 54.1-
3800 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Elizabeth Carter, Ph.D., Executive Director, Board
of Veterinary Medicine, 6606 W. Broad St., 4th Floor,
Richmond, VA 23230-1717, telephone (804) 662-9915 or
FAX (804) 662-9943.

BOARD FOR THE VISUALLY HANDICAPPED


† **October 14, 1998 - 11 a.m.** -- Open Meeting
Jefferson Madison Regional Library, 201 East Market Street,
Charlottesville, Virginia.  (Interpreter for the deaf provided
upon request)

A regular quarterly meeting to receive information
regarding department activities and operations, review
expenditures from the board's institutional fund, and
discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior,
Department for the Visually Handicapped, 397 Azalea Ave.,
Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-
800-622-2155, FAX (804) 371-3351 or (804) 371-3140/TTY



DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

September 26, 1998 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative
Headquarters, 397 Azalea Avenue, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A quarterly meeting of the council to advise the
Department for the Visually Handicapped on matters

related to vocational rehabilitation services for the blind
and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation
Program Director, Department for the Visually Handicapped,
397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-
3111, toll-free 1-800-622-2155, or (804) 371-3140/TTY 


VIRGINIA VOLUNTARY FORMULARY BOARD

September 11, 1998 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board
Room, Richmond, Virginia.


A public hearing to consider the proposed adoption and
issuance of revisions to the Virginia Voluntary
Formulary. The proposed revisions to the formulary add
drugs and drug products to the formulary that became
effective January 15, 1996, and its most recent
supplement. Copies of the proposed revisions to the
formulary are available for inspection at the Department
of Health, Bureau of Pharmacy Services, Monroe
Building, 101 North 14th Street, Room S-45, Richmond,
VA 23218. Written comments sent to the above
address and received prior to 5 p.m. on September 11,
1998, will be made a part of the hearing record.

Contact: James K. Thomson, Director, Bureau of Pharmacy
Services, Virginia Voluntary Formulary, James Monroe
Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219,
telephone (804) 786-4326 or FAX (804) 371-0236.


VIRGINIA WAR MEMORIAL FOUNDATION


† **September 15, 1998 - Noon** -- Open Meeting
Virginia War Memorial, 621 Belvidere Street, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

The annual meeting of the Board of Trustees to elect
officers and review annual reports.

Contact: Sandra H. Williams, Department of General
Services, 805 E. Broad St., Room 101, Richmond, VA
23219, telephone (804) 786-3263, FAX (804) 371-7934 or
(804) 786-6152/TTY 

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

August 25, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5 East,
Richmond, Virginia. 

August 26, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4 East,
Richmond, Virginia. 

The board and invited subject matter experts will meet to
conduct an exam workshop. A public comment period

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will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination.

Contact: Sharon M. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572, FAX (804) 367-2474 or (804) 367-9753/TTY



STATE WATER CONTROL BOARD

† **August 26, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.

A special meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

September 4, 1998 - Public 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 State Water Control Board intends to amend regulations entitled: **9 VAC 25-430-10 et seq. Roanoke River Basin Water Quality Management Plan.** The purpose of the proposed action is to amend the plan to change the wasteload allocations for selected VPDES permitted discharges.

The Department of Environmental Quality invites comments on this intended amendment to the Roanoke River Basin Water Quality Management Plan, including any alternatives. Copies of the draft proposed regulation may be obtained by contacting the Department of Environmental Quality. To obtain a copy and for further information, please contact Jon van Soestbergen at the address and telephone number below.

The Department of Environmental Quality invites comments on costs and benefits of this intended amendment to the Roanoke River Basin Water Quality Management Plan. Comments may be submitted to Jon van Soestbergen at the address below.

The proposed regulatory amendments will affect the following communities: Town of Clarksville, Town of Boydton, Mecklenburg County.

The Department of Environmental Quality analyzed different alternatives in preparing this proposed regulatory amendment. Additional information regarding these analyses is available from Jon van Soestbergen at the address below.

Statutory Authority: §§ 62.1-44.15 (10) and 62.1-44.15 (13) of the Code of Virginia.

Contact: Jon van Soestbergen, P.E., Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6296, telephone (804) 527-5043.

September 4, 1998 - Public 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 State Water Control Board intends to amend regulations entitled: **9 VAC 25-440-10 et seq. Upper Roanoke River Subarea Water Quality Management Plan.** The purpose of the proposed action is to change the wasteload allocation for two segments of the Roanoke River.

The Department of Environmental Quality invites comments on this intended amendment to the Upper Roanoke River Subarea Water Quality Management Plan, including any alternatives. Copies of the draft proposed regulation may be obtained by contacting Dr. Michael J. Scanlan at the address and telephone number below.

The Department of Environmental Quality invites comments on costs and benefits of this intended amendment to the Upper Roanoke River Subarea Water Quality Management Plan. Comments may be submitted to Dr. Michael J. Scanlan at the address below.

The proposed regulatory amendments will affect the communities of Altavista, in Campbell County and communities served by the Roanoke Regional Water Pollution Control Plan in Roanoke, Virginia (Botetourt County, Roanoke County, Town of Vinton and the cities of Roanoke and Salem).

The Department of Environmental Quality analyzed different alternatives in preparing this proposed regulatory amendment. Additional information regarding these analyses is available from Dr. Michael J. Scanlan at the address below.

Statutory Authority: §§ 62.1-44.15 (10) and 62.1-44.15 (13) of the Code of Virginia.

Contact: Dr. Michael J. Scanlan, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6723.

September 9, 1998 - 7 p.m. -- Open Meeting

September 10, 1998 - 2 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Auditorium, Richmond, Virginia.

A meeting to receive comments from the public on whether the board should propose amendments

regarding the numerical criteria for metals, mixing zones to provide specific protection to endangered and threatened species, the listing of endangered species and application of the antidegradation policy to all state activities.

Contact: Elleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

† **September 24, 1998 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 repeal regulations entitled: **9 VAC 25-150-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing.** This general permit expires on June 30, 1999, and is not going to be reissued. Therefore, the board intends to repeal the regulation. Future discharges of industrial storm water may be authorized under the new general permit, 9 VAC 25-151-10 et seq.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The repeal of this regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

† **September 24, 1998 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 adopt regulations entitled: **9 VAC 25-151-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity.** This regulation will authorize point source discharges of storm water runoff from industrial sites. Discharges may be directly to surface waters or through separate storm sewer systems. This general permit will replace industrial storm water general permits, 9 VAC 25-150-10 et seq., 9 VAC 25-160-10 et seq., and 9 VAC 25-170-10 et seq., which expire June 30, 1999.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

† **September 24, 1998 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 repeal regulations entitled: **9 VAC 25-160-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit**

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Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities. This general permit expires on June 30, 1999, and is not going to be reissued. Therefore, the board intends to repeal the regulation. Future discharges of industrial storm water may be authorized under the new general permit, 9 VAC 25-151-10 et seq.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The repeal of this regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

† **September 24, 1998 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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 repeal regulations entitled: **9 VAC 25-170-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities.** This general permit expires on June 30, 1999, and is not going to be reissued. Therefore, the board intends to repeal the regulation. Future discharges of industrial storm water may be authorized under the new general permit, 9 VAC 25-151-10 et seq.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the

same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The repeal of this regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

† **September 24, 1998 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, Virginia.

October 16, 1998 - Public comments may be submitted until 4 p.m. on this date.

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: **9 VAC 25-180-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites.** This regulation authorizes discharges of storm water runoff from construction activities. The amendment is proposed in order to reissue the general permit for an additional five year term.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed repeal of this general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The repeal of this general permit regulation does not exceed the specific

minimum requirements of any legally binding state or federal mandate.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.


Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075.

† **October 1, 1998 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.


A regular meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


† **August 31, 1998 - 9 a.m.** -- Open Meeting
† **September 1, 1998 - a. m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia. 

The board and invited subject matter experts will meet to conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination.

Contact: Sharon M. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572, FAX (804) 367-2474 or (804) 367-9753/TTY 


LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

† **September 10, 1998 - Noon** -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. 

A meeting of the Regulatory Process Subcommittee to review data prepared for ongoing study and to prepare for a public hearing.


Contact: Lyn Hammond Coughlin, Program Coordinator, Administrative Law Advisory Committee, General Assembly Bldg., 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

† **September 16, 1998 - 10 a.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A public hearing on the efficiency, effectiveness and equity of Virginia's regulatory process. Contact Lyn Hammond Coughlin by September 9, 1998, to arrange an interpreter. Written comments may be submitted until September 25, 1998.


Contact: Lyn Hammond Coughlin, Program Coordinator, Administrative Law Advisory Committee, General Assembly Bldg., 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

COMMISSION ON THE CONDITION AND FUTURE OF VIRGINIA'S CITIES (HJR 432, 1998)

† **August 26, 1998 - 10 a.m.** -- Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. 

A meeting of Joint Subcommittee #3 Studying Finances and Fiscal Issues. Questions regarding the meeting should be addressed to Jeff Sharp, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the Committee Operations Office at least 10 working days prior to the meeting.


Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

September 16, 1998 - 1 p.m. -- Open Meeting
Sheraton Norfolk Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia. 


October 6, 1998 - 10 a.m. -- Open Meeting
Roanoke Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia.

October 13, 1998 - 10 a.m. -- Open Meeting
Omni Hotel, Charlottesville, Virginia.

A regular meeting. Questions regarding the meeting should be addressed to Jeff Sharp or Nikki Beyer, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the Committee Operations Office at least 10 working days prior to the meeting.

Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

VIRGINIA CODE COMMISSION


September 16, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Street, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

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A meeting to continue with the recodification of Titles 2.1 and 9 of the Code of Virginia.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.


COMMISSION ON COORDINATION OF SERVICES TO FACILITATE SELF-SUFFICIENCY AND SUPPORT OF PERSONS WITH PHYSICAL AND SENSORY DISABILITIES (HJR 274)

September 15, 1998 - 9 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Questions regarding the meeting should be addressed to Brian Parsons or Barbara Ettner at the Virginia Board for People with Disabilities, (804) 786-0016. Individuals requiring interpreter services or other special assistance should contact the Committee Operations Office at least 10 working days prior to the meeting.

Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

COMMISSION ON EDUCATIONAL INFRASTRUCTURE (HJR 165)

† **September 10, 1998 - 2 p.m.** -- Open Meeting
† **October 28, 1998 - 10 a.m.** -- Open Meeting
† **November 23, 1998 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the Committee Operations Office at least 10 working days prior to the meeting.


Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

HOUSE COMMITTEE ON EDUCATION AND SENATE COMMITTEE ON EDUCATION AND HEALTH


August 24, 1998 - 9:30 a.m. -- Open Meeting
August 25, 1998 - 9:30 a.m. -- Open Meeting
Graves Mountain Lodge, Syria, Virginia.

The House Committee on Education, the Senate Committee on Education and Health, and the State Board of Education will meet jointly in a retreat setting.


The agenda will center around dialogue between the participating groups and presentations of the latest developments in education-related computer software by technology providers. Questions regarding the meeting should be addressed to Kathy Harris or Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Committee Operations at least 10 working days prior to the meeting.

Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 


EDUCATION AND HEALTH SUBCOMMITTEE STUDYING ALTERNATIVE CONTINUING CONTRACTS FOR TEACHERS AND ADMINISTRATORS (SB 122, 1998)

September 15, 1998 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Questions regarding the meeting should be addressed to Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations at least 10 working days prior to the meeting.


Contact: Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

JOINT SUBCOMMITTEE EXAMINING ELECTRIC UTILITY INDUSTRY RESTRUCTURING IN THE COMMONWEALTH (SJR 91, 1998)

August 18, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Arlen K. Bolstad or Rob Omberg, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write Thomas C. Gilman seven working days before the meeting.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

August 18, 1998 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Task Force on Consumer Environment and Education Issues. Questions regarding the meeting

should be addressed to Arlen K. Bolstad or Rob Omberg, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write Thomas C. Gilman seven working days before the meeting.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

HOUSE COMMITTEE ON FINANCE

Property Tax Subcommittee

† **September 21, 1998 - 10:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 4th Floor
West Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Joan E. Putney or Stephanie L. Hamlett, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the Committee Operations Office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT COMMISSION ON HEALTH CARE

† **August 27, 1998 - 10 a.m.** -- Open Meeting
† **September 23, 1998 - 10 a.m.** -- Open Meeting
† **October 20, 1998 - 10 a.m.** -- Open Meeting
† **November 17, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Kathleen Myers at least 10 working days prior to the meeting.

Contact: Kathleen Myers, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1547 or (804) 786-2369/TTY ☎

COMMISSION ON ACCESS AND DIVERSITY IN HIGHER EDUCATION IN VIRGINIA (HJR 226, 1998)

August 28, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please call Brenda Edwards, Division of Legislative Services, (804) 786-3591, with any questions regarding the agenda. Individuals requiring interpreter services or special assistance

should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT SUBCOMMITTEE STUDYING THE FUTURE DELIVERY OF PUBLICLY FUNDED MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (HJR 225)

Human Rights Work Group

† **August 17, 1998 - 2 p.m.** -- Open Meeting
† **September 9, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, 4th Floor
West Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please call Amy Marschean or Gayle Vergara, Division of Legislative Services, (804) 786-3591, with any questions regarding the agenda. Individuals requiring interpreter services or other special assistance should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

Medicaid Carve-Out Work Group

† **September 1, 1998 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, 4th Floor
West Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please call Gayle Vergara, Division of Legislative Services, (804) 786-3591, with any questions regarding the agenda. Individuals requiring interpreter services or other special assistance should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

INTERSTATE ROUTE 73 COMMUNICATIONS COMMITTEE (HJR 153, 1998)

October 8, 1998 - 10 a.m. -- Open Meeting
Henry County Administration Building, Kings Mountain Road,
Board Room, Martinsville, Virginia.

A regular meeting. Questions regarding the meeting should be addressed to Alan Wambold, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the Committee Operations at least 10 working days prior to the meeting.

Calendar of Events

Contact: Barbara Regen, House Committee Operations,
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-
1540 or (804) 786-2369/TTY ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

August 17

General Services, Department of
- Design-Build/Construction Management Review Board
Higher Education in Virginia, State Council of
† Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded (HJR 225)
- Human Rights Work Group
Nursing, Board of

August 18

† Conservation and Recreation, Department of
Electric Utility Industry Restructuring in the Commonwealth, Joint Subcommittee Examining
Housing Development Authority, Virginia
Nursing, Board of
† Pharmacy, Board of
† Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed
Sewage Collection and Treatment Regulations Advisory Committee

August 19

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
† Conservation and Recreation, Department of
- Rappahannock River State Park Feasibility Study Advisory Committee
Medicine, Board of
- Informal Conference Committee
Racing Commission, Virginia
Sewage Handling and Disposal Appeal Review Board
† Social Services, State Board of
Transportation Board, Commonwealth

August 20

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
- Professional Engineer Section
† Charitable Gaming Commission
Coal Surface Mining Reclamation Fund Advisory Board
Conservation and Recreation, Department of
† Economic Development Partnership, Virginia
- Audit Commission
Game and Inland Fisheries, Board of
† Nursing, Board of
Retirement System, Virginia
† Social Services, State Board of
Transportation Board, Commonwealth

August 21

Game and Inland Fisheries, Board of
Housing and Community Development, Department of
- State Building Code Technical Review Board
Medicine, Board of
- Informal Conference Committee

August 24

Agricultural Council, Virginia
† Alcoholic Beverage Control Board
Education, House Committee on

August 25

Agricultural Council, Virginia
Asbestos and Lead, Virginia Board for
† Conservation and Recreation, Department of
- First Landing/Seashore State Park Master Planning Team
† Contractors, Board for
- Backflow Prevention Device Workers Advisory Committee
- Policy Committee
Education, House Committee on
Marine Resources Commission
† Small Business Financing Authority, Virginia
- Loan Committee
Waste Management Facility Operators, Board for

August 26

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
- Land Surveyor Section
† Aviation Board, Virginia
† Cities, Commission on the Condition and Future of Virginia's
- Subcommittee Studying Finances and Fiscal Issues
† Conservation and Recreation, Department of
- Division of Planning and Recreation Resources
† Nursing, Board of
Treasury Board
Waste Management Facility Operators, Board for
† Water Control Board, State

August 27

† Agriculture and Consumer Services, Department of
- Virginia Cotton Board
Compensation Board
† Health Care, Joint Commission on
† Nursing Home Administrators, Board of
- Task Force Committee on Administrator-in-Training Program
† Richmond Hospital Authority
- Board of Commissioners

August 28

† Aviation Board, Virginia
Higher Education in Virginia, Commission on Access and Diversity in
Local Government, Commission on

August 29

Military Institute, Virginia
- Board of Visitors

August 31

† Waterworks and Wastewater Works Operators, Board for

September 1

† Economic Development Partnership, Virginia
- Board of Directors
Hopewell Industrial Safety Council
† Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded (HJR 225)
- Medicaid Carve-Out Work Group
† Waterworks and Wastewater Works Operators, Board for

September 2

Assistive Technology, Virginia Council on
† Emergency Planning Committee, Local - Winchester
† Medicine, Board of
- Advisory Committee on Radiologic Technologists

September 3

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Emergency Planning Committee, Local - Chesterfield County
† Funeral Directors and Embalmers, Board of
- Legislative Committee
† Medicine, Board of
- Informal Conference Committee
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Therapy

September 9

† Alcoholic Beverage Control Board
† Community Colleges, State Board for
† Funeral Directors and Embalmers, Board of
- Task Force Committee on Resident Trainee Program
Interagency Coordinating Council, Virginia
Medicine, Board of
- Advisory Committee on Acupuncturists
- Advisory Committee on Radiologic Technologists
† Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded (HJR 225)
- Human Rights Work Group
Transportation Safety Board
Water Control Board, State

September 10

† Administrative Law Advisory Committee
† Community Colleges, State Board for
† Educational Infrastructure, Commission on
† Health, State Board of
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Therapy
Retirement System, Virginia

- Investment Advisory Committee
Water Control Board, State

September 11

† Health, State Board of
† Health Professions, Department of
- Health Practitioners' Intervention Program
Committee
Medicine, Board of
- Advisory Board on Physical Therapy
- Advisory Committee on Physician Assistants

September 14

Cosmetology, Board for
† Local Government, Commission on
Professional and Occupational Regulation, Board for

September 15

Disabilities, Commission on Coordination of Services to Facilitate Self-Sufficiency and Support of Persons with Physical and Sensory
Education and Health Subcommittee Studying Alternative Continuing Contracts for Teachers and Administrators
† Environmental Quality, Department of
- Virginia Ground Water Protection Steering Committee
† War Memorial Foundation, Virginia
- Board of Trustees

September 16

Cities, Commission on the Condition and Future of Virginia's
Code Commission, Virginia
† Funeral Directors and Embalmers, Board of
† Medicine, Board of
- Advisory Board on Physical Therapy

September 17

† Air Pollution Control Board, State
Labor and Industry, Department of
- Apprenticeship Council
† Medical Assistance Services, Department of
- Drug Utilization Review Board

September 18

† Correctional Education, Board of
† Rehabilitative Services, Board of

September 21

† Alcoholic Beverage Control Board
† Finance, House Committee on
- Property Tax Subcommittee

September 22

Land Evaluation Advisory Council, State
Marine Resources Commission

September 23

† Criminal Justice Services Board
Criminal Justice Services Board and Committee on Training
† Health Care, Joint Commission on
† Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board

Calendar of Events

Milk Commission, State

September 24

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Land Surveyor Section

September 26

Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

September 29

† Hearing Aid Specialists, Board for

October 1

† Water Control Board, State

October 5

† Alcoholic Beverage Control Board, State
† Funeral Directors and Embalmers, Board of
- Special Conference Committee

October 6

† Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Cities, Commission on the Condition and Future of Virginia's
† Funeral Directors and Embalmers, Board of
- Special Conference Committee

October 8

Interstate Route 73 Communications Committee

October 13

Cities, Commission on the Condition and Future of Virginia's

October 14

† Visually Handicapped, Board for the

October 19

† Alcoholic Beverage Control Board
† Funeral Directors and Embalmers, Board of

October 20

† Health Care, Joint Commission on

October 28

† Educational Infrastructure, Commission on

November 17

† Health Care, Joint Commission on

November 23

† Educational Infrastructure, Commission on

PUBLIC HEARINGS

August 18

Contractors, Board for
Pharmacy, Board of

August 20

Contractors, Board for

August 25

Mental Health, Mental Retardation and Substance Abuse Services, Department of

August 28

Local Government, Commission on

August 31

Labor and Industry, Department of

September 1

Labor and Industry, Department of

September 2

Labor and Industry, Department of

September 3

Labor and Industry, Department of

September 9

Medicine, Board of
Nursing and Medicine, Boards of

September 10

Air Pollution Control Board, State
† Mines, Minerals and Energy, Department of

September 11

Social Work, Board of
Voluntary Formulary Board, Virginia

September 14

Game and Inland Fisheries, Department of

September 15

Game and Inland Fisheries, Department of
† Mental Health, Mental Retardation and Substance Abuse Services, Department of

September 16

† Administrative Law Advisory Committee
Game and Inland Fisheries, Department of
Optometry, Board of

September 17

Air Pollution Control Board, State
Funeral Directors and Embalmers, Board of
Game and Inland Fisheries, Department of
Veterinary Medicine, Board of

September 18

Dentistry, Board of

September 24

† Mental Health, Mental Retardation and Substance Abuse Services, Department of
† Water Control Board, State