VIRGINIA
REGISTER OF REGULATIONS

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VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

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

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*.

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

STATEMENT

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

CITATION TO THE *VIRGINIA REGISTER*

The *Virginia Register* is cited by volume, issue, page number, and date. **29:5 VA.R. 1075-1192 November 5, 2012,** refers to Volume 29, Issue 5, pages 1075 through 1192 of the *Virginia Register* issued on November 5, 2012.

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

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register*'s Internet home page (http://register.dls.virginia.gov).

May 2015 through May 2016

Volume: Issue	Material Submitted By Noon*	Will Be Published On
31:18	April 15, 2015	May 4, 2015
31:19	April 29, 2015	May 18, 2015
31:20	May 13, 2015	June 1, 2015
31:21	May 27, 2015	June 15, 2015
31:22	June 10, 2015	June 29, 2015
31:23	June 24, 2015	July 13, 2015
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32:1	August 19, 2015	September 7, 2015
32:2	September 2, 2015	September 21, 2015
32:3	September 16, 2015	October 5, 2015
32:4	September 30, 2015	October 19, 2015
32:5	October 14, 2015	November 2, 2015
32:6	October 28, 2015	November 16, 2015
32:7	November 11, 2015	November 30, 2015
32:8	November 24, 2015 **(Tuesday)**	December 14, 2015
32:9	December 9, 2015	December 28, 2015
32:10	December 21, 2015 **(Monday)**	January 11, 2016
32:11	January 6, 2016	January 25, 2016
32:12	January 20, 2016	February 8, 2016
32:13	February 3, 2016	February 22, 2016
32:14	February 17, 2016	March 7, 2016
32:15	March 2, 2016	March 21, 2016
32:16	March 16, 2016	April 4, 2016
32:17	March 30, 2016	April 18, 2016
32:18	April 13, 2016	May 2, 2016
32:19	April 27, 2016	May 16, 2016
32:20	May 11, 2016	May 30, 2016

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Agency Decision

Title of Regulation: **2VAC5-110. Rules and Regulations Pertaining to a Pound or Enclosure to Be Maintained by Each County or City.**

Statutory Authority: § 3.2-6546 of the Code of Virginia.

Name of Petitioner: No Kill Advocacy Center.

Nature of Petitioner's Request: The petitioner is requesting that the Board of Agriculture and Consumer Services amend the regulation to require that public and private animal shelters keep certain records for five years and make those records available for inspection by the board and the public. The petitioner requests that the regulation be amended to require that public and private animal shelters record "when and how each animal was taken in (stray, owner surrendered, taken in at the shelter, picked up in the field, etc.), why the animal was taken in (e.g., the owner did not want) and include a signed surrender form for anyone turning in an animal, the condition of each animal on intake, whether the animal had indicia of ownership and what attempts were made to reunite the animal with the owner, the kinds of care and treatment each animal received, including veterinary treatment, the disposition of each animal, and if the animal was killed, when and why the animal was killed."

Agency Decision: Request denied.

Statement of Reason for Decision: After considering the analysis and recommendation of the Virginia Department of Agriculture and Consumer Services staff; the nature of the comments received during the public comment period; and the comments offered by representatives of the Virginia Animal Control Association, the Virginia Alliance for Animal Shelters, and the Danville Area Humane Society during the board meeting, the board voted to deny the petition. The board denied the petitioner's request for rulemaking because the majority of the recordkeeping requirements requested in the petition are already required by the Code of Virginia or the Virginia Administrative Code. Specifically, §§ 3.2-6503, 3.2-6546, 3.2-6548, 3.2-6557, and 54.1-3423 of the Code of Virginia as well as 18VAC110-20 include provisions requiring certain recordkeeping by public and private animal shelters.

Agency Contact: Dr. Carolynn Bissett, Acting Program Manager, Animal Care and Emergency Response, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2483, or email carolynn.bissett@vdacs.virginia.gov.

VA.R. Doc. No. R15-20; Filed April 9, 2015, 10:28 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Initial Agency Notice

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

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

Name of Petitioner: Cara English.

Nature of Petitioner's Request: Replace requirement for National Commission on Certification of Physician Assistants (NCCPA) certification with other measure(s) of continuing competency for renewal of physician assistant licensure.

Agency Plan for Disposition of Request: The petition will be published on May 4, 2015, in the Register of Regulations and also posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov to receive public comment ending May 25, 2014. Following receipt of all comments on the petition to amend regulations, the matter will be considered by the Advisory Board on Physician Assistants, which will decide whether to recommend any changes to the regulatory language. This matter will be on the advisory board's agenda for its meeting on June 4, 2015, and on the full board's agenda on June 18, 2015.

Public Comment Deadline: May 24, 2015.

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

VA.R. Doc. No. R15-28; Filed April 15, 2015, 11:38 a.m.

TITLE 8. EDUCATION

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Final Regulation

REGISTRAR'S NOTICE: The State Council of Higher Education for Virginia is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

Titles of Regulations: **8VAC40-130. Virginia Student Financial Assistance Program Regulations (repealing 8VAC40-130-10 through 8VAC40-130-260).**

8VAC40-131. Virginia Student Financial Assistance Program Regulations (adding 8VAC40-131-10 through 8VAC40-131-230).

Statutory Authority: § 23-38.53:4 of the Code of Virginia.

Effective Date: July 1, 2015.

Agency Contact: Lee Ann Rung, Manager, Executive and Council Affairs, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, or email leeannrung@schev.edu.

Small Business Impact Review Report of Findings: This regulatory action serves as the report of the findings of the regulatory review pursuant to § 2.2-4007.1 of the Code of Virginia.

Summary:

The action repeals the current regulations regarding the Virginia Student Financial Assistance Program and replaces it with a new chapter to (i) reorganize provisions for clarity, (ii) update terminology, (iii) incorporate statutory changes, and (iv) provide administrative guidance. The majority of the changes reflect current practice and result in little substantive change to the program.

CHAPTER 131
VIRGINIA STUDENT FINANCIAL ASSISTANCE PROGRAM REGULATIONS

Part I
Definitions

8VAC40-131-10. Definitions.

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

"Academic period" or "semester" means a division of an academic year approximately 15 to 16 weeks in length from the first day of classes through the last day of exams for the fall or spring enrollment periods.

"Academic year" or "regular session" means a division of an award year that normally extends from late August to mid May, consists of the institution's fall and spring semesters, and is exclusive of the institution's summer session.

"Approved program" means a curriculum of courses in a certificate of undergraduate study, diploma, or degree program at the undergraduate, graduate, or first professional level.

"Award" means a grant from state funds appropriated within the item for student financial assistance in the annual Appropriation Act under Virginia Guaranteed Assistance Program or Commonwealth grant eligibility criteria.

"Award schedule" means the table or formula used by institutions to award program funds to full-time students for the academic year; awards for less than full-time students for the academic year shall be reviewed and adjusted according to the institution's awarding policies.

"Award year" means the 12-month enrollment period during which an institution holds classes, comprised of the regular session and the summer session.

"Book allowance" means the cost of attendance allowance for education-related book and supply expenses as determined by an institution.

"Census date" means the point at which a student's credit hour enrollment is locked for financial aid purposes. At this point in the term, credit hours are locked and financial aid for the term is adjusted to reflect the official number of enrolled credit hours.

"Commonwealth Award" means a grant from state funds appropriated within the item for student financial assistance in the annual Appropriation Act under Commonwealth grant eligibility criteria.

"Cost of attendance" means the sum of tuition, required fees, room, board, books, and supplies, and other education related expenses, as determined by an institution for purposes of calculating a student's financial need and awarding federal student aid funds.

"Council" means the State Council of Higher Education for Virginia or its designated staff.

"Domicile Guidelines" means the Domicile Guidelines of the State Council of Higher Education, dated October 15,

2009, and including Addendum A, dated January 12, 2010, and Addendum B, dated October 15, 2009.

"Domiciliary resident of Virginia" means a student who is determined by an institution to meet the eligibility requirements specified by § 23-7.4 of the Code of Virginia and augmented by the Domicile Guidelines.

"Expected family contribution" or "EFC" means the amount a student and the student's family is expected to contribute toward the cost of attendance. A student's EFC will be determined by the federal aid need analysis method used for Title IV programs. The institution may exercise professional judgment to adjust the student's EFC, as permitted under federal law, based on factors that affect the family's ability to pay. For students eligible for an award but ineligible to receive federal financial aid, the institution shall calculate the student's EFC using the appropriate federal EFC worksheet in cases where the federal processor has not calculated the student's EFC.

"Financial need" means any positive difference between a student's cost of attendance and the student's expected family contribution (see definition of "remaining need").

"Full-time study" means enrollment for at least 12 credit hours per term or its equivalent at the undergraduate level and enrollment for at least nine credit hours per term or its equivalent at the graduate or first professional level. The total hours counted will not include courses taken for audit, but may include required developmental or remedial courses and other elective courses that normally are not counted toward a degree at the institution. For students enrolled in a dual or concurrent undergraduate and graduate program, full-time study may be met through a combination of total credit hours, providing that the combination totals at least the minimum credit hours for full-time status for the student's institutionally recognized student level.

"Gift assistance" means financial aid in the form of scholarships, grants, and other sources that do not require work or repayment.

"Graduate student" means a student enrolled in an approved master's, doctoral, or first professional degree program.

"Half-time study" means enrollment for at least six credit hours per term or its equivalent at the undergraduate level. The total hours counted will not include courses taken for audit, but may include required developmental or remedial courses and other elective courses that normally are not counted toward a certificate, diploma, or degree at the institution. For undergraduate students enrolled in a dual or concurrent undergraduate and graduate program, half-time study may be met through a combination of total credit hours, providing that the combination totals at least the minimum credit hours for half-time status for the student's institutionally recognized student level.

"Institution" or "home institution" means any public institution of higher education in Virginia participating in the Virginia Student Financial Assistance Program.

"Program" or "VSFAP" means the Virginia Student Financial Assistance Program, a financial aid program authorized within the item for student financial assistance in the annual Appropriation Act.

"Remaining need" means any positive difference between a student's financial need and the sum of federal, state, and institutionally-controlled gift assistance known at the time of awarding.

"Satisfactory academic progress" means:

1. Acceptable progress towards completion of an approved program, as defined by the institution for the purposes of eligibility for federal student financial aid under the Code of Federal Regulations (Subpart C, 34 CFR Part 668 - Student Assistance General Provisions); and

2. For a student receiving a Virginia Guaranteed Assistance Program award, acceptable progress towards completion of an approved program in which a student earns not less than 24 credit hours, which is the minimum number required for full-time standing in each award year and maintains a cumulative minimum grade point average of 2.0.

"Summer session" means a division of an award year that normally extends from late May to mid August and consists of one or more summer enrollment periods, exclusive of the institution's fall and spring semesters.

"Term" means an academic period or summer session.

"Undergraduate student" means a student enrolled in an approved program leading to a certificate of undergraduate study, diploma, associate's degree, or bachelor's degree.

"VGAP" means a grant from state funds appropriated for the Virginia Guaranteed Assistance Program, as authorized by the laws of the Commonwealth of Virginia including §§ 23-38.53:4, 23-38.53:5, and 23-38.53:6 of the Code of Virginia.

Part II
Use of Funds

8VAC40-131-20. Use of funds.

An institution shall establish and maintain financial records that accurately reflect all program transactions as they occur. The institution shall establish and maintain general ledger control accounts and related subsidiary accounts that identify each program transaction and separate those transactions from all other institutional financial activity. Funds appropriated for undergraduate awards may not be used for graduate awards, and funds appropriated for graduate awards may not be used for undergraduate awards.

8VAC40-131-30. Types of assistance.

A. Funds allocated to institutions within the item for student financial assistance in the annual Appropriation Act may be used for:

1. Awards to undergraduate students enrolled for at least half-time study;

2. Awards to graduate students enrolled for full-time study. No more than 50% of the institution's graduate grants shall be awarded to students not classified as a domiciliary resident of Virginia;

3. Awards to students enrolled for full-time study in a dual or concurrent undergraduate and graduate program;

4. Assistantships to graduate students, funds for which must be transferred to the education and general account;

5. Providing the required matching contribution to federal or private student grant aid programs, except for programs requiring work; and

6. Supporting institutional work-study programs, funds for which must be transferred to the education and general account.

B. A student may receive either a VGAP award, an undergraduate Commonwealth Award, or a graduate Commonwealth Award during any one term (i.e., a student may not receive two or more different types of awards during the same term).

C. The provisions of this chapter shall not apply to:

1. Soil scientist scholarships authorized by § 23-38.3 of the Code of Virginia;

2. Foster children grants authorized by § 23-7.4:5 of the Code of Virginia;

3. Nongeneral funds allocated to institutions within the item for student financial assistance in the annual Appropriation Act, except for the satisfactory academic progress requirement; or

4. General funds allocated to institutions within the item for student financial assistance in the annual Appropriation Act that are used to support a work-study program, except for the financial need requirement.

Part III
Undergraduate Financial Assistance

Article 1
General Information

8VAC40-131-40. Priority for awards.

A. Priority for awards will be given to those students who file an application as required by the institution for need-based financial aid by the institutional priority filing date or deadline. Those students who file an application after the institutional priority filing date or deadline may receive an award; however, the award will be based on the funds available at the time the award is made and may be based on a new award schedule.

B. Awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree-seeking students are fully met.

8VAC40-131-50. Award schedule and award amount restrictions.

A. Institutions shall construct award schedules to determine priority for and amount of awards, ensuring that the schedule conforms to the conditions and restrictions listed in this subsection.

1. The institution:

a. Must define its neediest students;

b. Must use the same award schedule for all students whose awards are packaged at the same time;

c. Must ensure that students eligible for Commonwealth Awards and students eligible for VGAP awards are packaged at the same time using the same award schedule;

d. Shall not include the assessed tuition and fee surcharge when calculating the remaining need and financial need of students exceeding 125% of their program length, pursuant to subsection F of § 23-7.4 of the Code of Virginia;

e. For students enrolled at multiple institutions or in study abroad programs, shall include as the tuition and required fee component of the cost of attendance the lesser of the amount that would be charged by the home institution for the student's combined enrollment level and the sum of actual tuition and required fees assessed by each institution;

f. May include minimum award amounts for VGAP and Commonwealth Awards; and

g. May construct a new award schedule or new award schedules based on the time of packaging and available funds; however, for students whose awards are packaged at the same time, the same schedule shall be used.

2. Award amounts must be:

a. Based on remaining need; and

b. Proportional to remaining need (i.e., students with greater remaining need receive larger award amounts than students with lesser remaining need).

3. VGAP-eligible students:

a. Must receive award amounts greater than Commonwealth Award-eligible students with equivalent remaining need;

b. Who fall into the neediest category must receive an award amount of at least the tuition charged to the individual student; and

c. Who fall into the neediest category may receive an award amount of up to tuition, required fees, and book allowance.

4. Commonwealth Award-eligible students who fall into the neediest category may receive an award amount of up to tuition and required fees.

5. Two-year colleges electing to modify their award schedules must:

a. Define "remaining need" as (i) any positive difference between a student's cost of attendance and the student's expected family contribution or (ii) the financial need determined by the U.S. Department of Education and reflected in its payment schedule of EFC ranges for the Federal Pell Grant program;

b. Construct an award schedule that is based on remaining need and the combination of federal and state grant aid; and

c. Include a minimum award amount for the neediest VGAP-eligible student.

B. The following award amount restrictions apply to awards:

1. An award under the program, when combined with other gift assistance applied to the student's institutional account, shall not exceed the student's financial need. For purposes of the over financial need calculation, only the tuition and fee portion of veterans education benefits and national service education awards or post-service benefits (e.g., AmeriCorps) shall be included.

2. An undergraduate Commonwealth Award, when combined with tuition-only assistance such as a tuition waiver, tuition scholarship or grant, or employer tuition reimbursement, shall not exceed the student's actual charges for tuition and required fees; a VGAP award, when combined with tuition-only assistance such as a tuition waiver, tuition scholarship or grant, or employer tuition reimbursement, shall not exceed the student's actual charges for tuition, required fees, and standard book allowance.

8VAC40-131-60. Summer session awards.

Institutions may elect to award during summer sessions; however, an award made to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards for students with similar financial needs made in that institution's regular session.

8VAC40-131-70. Refund of awards.

A student who receives an award and who, during a term, withdraws from the institution that made the award must surrender the balance of the award. In determining the earned portion of the award that the student may retain, the institution shall apply the percentage of earned aid resulting from the federal Return to Title IV formula to the student's award amount.

Article 2
Commonwealth Awards

8VAC40-131-80. Undergraduate eligibility criteria for an initial award.

In order to participate, an undergraduate student shall:

1. Be enrolled for at least half-time study as of the term's census date;

2. Be a domiciliary resident of Virginia;

3. Be a United States citizen or eligible noncitizen as described in § 23-7.4 of the Code of Virginia and augmented by the Domicile Guidelines;

4. Demonstrate financial need for federal Title IV financial aid purposes; and

5. Have complied with federal selective service registration requirements, unless the following apply:

a. The requirement to register has terminated or become inapplicable to the student; and

b. The student shows by preponderance of the evidence that failure to register was not a knowing and willful failure to register.

8VAC40-131-90. Renewability of awards.

Awards may be renewed provided that the student:

1. Maintains satisfactory academic progress; and

2. Continues to meet all of the requirements of 8VAC40-131-80.

8VAC40-131-100. Enrollment at multiple institutions and in study abroad programs.

A. A student enrolled concurrently at multiple institutions may receive an award if:

1. The home institution is a VSFAP participating institution;

2. A formal consortium agreement is in place; and

3. The student's combined enrollment is at least half time.

B. A student enrolled in a study abroad program may receive an award if:

1. The student is enrolled for at least half-time study;

2. The student remains on record as a student in an approved program at the home institution for the term in which the award is received;

3. The program funds are disbursed through the home institution; and

4. The study abroad program is a formal agreement arranged by the institution.

Article 3
Virginia Guaranteed Assistance Program Awards

8VAC40-131-110. VGAP eligibility criteria for an initial award.

In order to participate, an undergraduate student shall:

1. Be enrolled for full-time study as of the term's census date. Exceptions to the full-time study requirement due to documented disability or other documented medical reasons, as applicable under the federal Americans with Disabilities Act, 42 USC § 12101 et seq., will be considered on a case-by-case basis by the institution; supporting documentation must include a physician's note specifying the full-time equivalent for the student. Such

students shall receive an adjusted award amount determined according to the institution's awarding policies;

2. Be a domiciliary resident of Virginia;

3. Be a United States citizen or eligible noncitizen as described in § 23-7.4 of the Code of Virginia and augmented by the Domicile Guidelines;

4. Demonstrate financial need for federal Title IV financial aid purposes;

5. Be a graduate from a Virginia high school; students obtaining a General Educational Development (GED) certificate are not eligible. Exceptions are granted for students who:

a. Are dependent children of active-duty military personnel residing outside the Commonwealth of Virginia pursuant to military orders and claiming Virginia on their State of Legal Residence Certificate and satisfying the domicile requirements for such active duty military personnel pursuant to subsection B of § 23-7.4 of the Code of Virginia;

b. Have completed a program of home school instruction in accordance with § 22.1-254.1 of the Code of Virginia; or

c. Have been excused from school attendance pursuant to subsection B of § 22.1-254 of the Code of Virginia.

6. For a high school graduate, have at least a cumulative 2.5 grade point average (GPA) on a 4.0 scale, or its equivalent, at the time of admission to the institution or according to the latest available high school transcript. In the absence of a high school transcript indicating the grade point average, the institution must have on file a letter from the student's high school certifying the student's high school GPA;

7. For a student meeting the high school graduate exception in subdivision 5 b or 5 c of this subsection, have earned SAT math and verbal combined scores of 900 or above or have earned ACT composite scores of 19 or above;

8. Be classified as a dependent student for federal financial aid purposes; and

9. Have complied with federal selective service registration requirements, unless the following apply:

a. The requirement to register has terminated or become inapplicable to the student; and

b. The student shows by preponderance of the evidence that failure to register was not a knowing and willful failure to register.

8VAC40-131-120. Renewability of awards.

A. Awards for students attending two-year colleges may be renewed for one award year while awards for students attending four-year colleges may be renewed for three award years. Students shall be limited to a cumulative total of four award years of eligibility.

Awards may be renewed annually provided that the undergraduate student:

1. Continues to be enrolled for full-time study as of the term's census date;

2. Maintains domiciliary residency in Virginia;

3. Continues to be a United States citizen or eligible noncitizen as described in § 23-7.4 of the Code of Virginia and augmented by the Domicile Guidelines;

4. Demonstrates continued financial need for federal Title IV financial aid purposes;

5. Maintains at least a 2.0 grade point average on a 4.0 scale, or its equivalent;

6. Maintains satisfactory academic progress;

7. Maintains continuous enrollment from the time of receipt of the initial award unless granted an exception for cause by the council.

a. Continuous enrollment shall be recognized as enrollment for full-time study in each academic period; lack of enrollment in the summer session or other special sessions offered by the institution does not disqualify the student.

b. A student participating in a cooperative education program or internship that is part of his academic program and a student whose college education is interrupted by a call to military service shall be deemed to have maintained continuous enrollment if he reenrolls no later than the following fall semester after completion of such employment or military service; and

8. Has complied with federal selective service registration requirements, unless the following apply:

a. The requirement to register has terminated or become inapplicable to the student; and

b. The student shows by preponderance of the evidence that failure to register was not a knowing and willful failure to register.

B. VGAP renewal awards are subject to the following special considerations:

1. Students who transfer to an institution shall be considered renewal students if they received or were eligible for an award during the prior academic period provided they meet renewal criteria.

2. Students who do not initially receive a VGAP award may be considered for renewal awards provided that they meet initial eligibility criteria and continue to meet renewal criteria. Once a student loses his classification as VGAP-eligible, the student cannot reestablish such eligibility. However, the student may qualify for a Commonwealth Award the following term.

8VAC40-131-130. Enrollment at multiple institutions and in study abroad programs.

A. A student enrolled concurrently at multiple institutions may receive an award if:

1. The home institution is a VSFAP participating institution;

2. A formal consortium agreement is in place; and

3. The student's combined enrollment meets full-time study requirements.

B. A student enrolled in a study abroad program may receive an award if:

1. The student is enrolled for full-time study;

2. The student remains on record as a student in an approved program at the home institution for the term in which the award is received;

3. The program funds are disbursed through the home institution; and

4. The study abroad program is a formal agreement arranged by the institution.

Part IV
Graduate Financial Assistance

8VAC40-131-140. Graduate eligibility criteria for an initial award.

A. In order to receive a Commonwealth Award, the graduate student must be enrolled for full-time study as of the term's census date.

B. An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award.

8VAC40-131-150. Amount of awards.

The amount of an award shall be determined by the institution making the award; however, the institution shall annually notify the council of the maximum size of a graduate award that is paid from funds in the appropriation.

8VAC40-131-160. Renewability of awards.

Awards may be renewed provided that the graduate student:

1. Maintains satisfactory academic progress; and

2. Continues to be enrolled for full-time study.

8VAC40-131-170. Enrollment at multiple institutions and in study abroad programs.

A. A student enrolled concurrently at multiple institutions may receive an award if:

1. The home institution is a VSFAP participating institution;

2. A formal consortium agreement is in place; and

3. The student's combined enrollment meets full-time study requirements.

B. A student enrolled in a study abroad program may receive an award if:

1. The student is enrolled for full-time study;

2. The student remains on record as a student in an approved program at the home institution for the term in which the award is received;

3. The program funds are disbursed through the home institution; and

4. The study abroad program is a formal agreement arranged by the institution.

Part V
Administration

8VAC40-131-180. Responsibility of the council.

The council shall collect such student specific information for both graduate and undergraduate students as is necessary for the operation of the program and other information deemed necessary by the council.

8VAC40-131-190. Responsibility of institutions.

Institutions shall:

1. Provide reports to the council that will include, but not be limited to, information describing the students served, the awards received, and the number and value of awards. Each institution shall annually report to the council its definition of "neediest" students;

2. Maintain documentation necessary to demonstrate that students' awards calculated during the same packaging cycle used the same award schedule;

3. Provide the council with the initial award schedule or formula that will be used to package on-time applications when submitting an annual report; and

4. Upon request by a student transferring to another institution, send to the other institution information about the student's VGAP eligibility.

8VAC40-131-200. Program reviews.

The council periodically will review institutional administrative practices to determine institutional program compliance with the Appropriation Act, the Code of Virginia, and this chapter. If a review determines that an institution has failed to comply with the Appropriation Act, the Code of Virginia, and this chapter, the council may withhold approval of expenditure plans for the program until the end of the next session of the General Assembly. No attempt to determine compliance with the Appropriation Act, Code of Virginia, and this chapter should be solely based on information from the financial aid data file submitted annually by institutions.

Part VI
Discontinued Student Loan Program

8VAC40-131-210. Terms and conditions of the loans.

An institution with a loan program established from previous general fund appropriations may continue the loan program, under such terms and rules as the governing board of the institution may prescribe, but shall not expand the loan

program with currently appropriated funds. The loan program shall meet the following requirements:

1. In any one award year no student shall receive a loan or loans from the fund of an institution that would result in that student owing a net outstanding amount at the end of that award year in excess of the tuition and required fees charged by the institution;

2. The annual interest rate charged on loans to students from a fund shall be 3.0%;

3. An institution shall make every effort to collect each loan made from its student loan fund using the provisions of the Virginia Debt Collection Act (§ 2.2-4800 et seq. of the Code of Virginia); and

4. The Auditor of Public Accounts shall at least biennially audit and exhibit the account of student loan funds at each institution.

8VAC40-131-220. Eligibility criteria.

In order to be eligible for the student loan program, a student shall meet the criteria of 8VAC40-131-80, 8VAC40-131-90, 8VAC40-131-110, 8VAC40-131-120, 8VAC40-131-140, and 8VAC40-131-160.

8VAC40-131-230. Discontinuing student loan programs.

A. If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements are recommended by the council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the council and approved by the Department of Planning and Budget.

B. An institution may discontinue its student loan program established pursuant to Chapter 4.01 (§ 23-38.10:2 et seq.) of Title 23 of the Code of Virginia. The full amount of cash in the discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished for that institution.

C. The cash paid into the state treasury shall be used only for awards to undergraduate students in the Virginia Student Financial Assistance Program according to arrangements authorized by the council and approved by the Department of Planning and Budget. Payments of any promissory notes held by the discontinued loan fund shall continue to be received by the institution and deposited to the nonrevertible nongeneral fund account and to be used for the VGAP awards and undergraduate Commonwealth Awards.

DOCUMENTS INCORPORATED BY REFERENCE (8VAC40-131)

Department of Accounts/State Council of Higher Education for Virginia, Charts of Accounts for Virginia State-Supported Colleges and Universities, July 1, 1990

State Council of Higher Education for Virginia (SCHEV), Domicile Guidelines, October 15, 2009

SCHEV, Domicile Guidelines, Addendum A, Descriptions and Domicile Eligibility Status for Various Categories of Aliens, January 12, 2010

SCHEV, Domicile Guidelines, Addendum B, Common Forms & Definitions, October 15, 2009

VA.R. Doc. No. R15-4266; Filed April 13, 2015, 12:07 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Proposed Regulation

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 8 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1, and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 if the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01; (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03; and (iv) conducts at least one public hearing on the proposed general permit.

Title of Regulation: **9VAC25-115. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities (amending 9VAC25-115-10 through 9VAC25-115-50; adding 9VAC25-115-15).**

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

Public Hearing Information:

June 11, 2015 - 3 p.m. - Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060.

Public Comment Deadline: July 6, 2015.

Agency Contact: Elleanore Daub, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4111, FAX (804) 698-4032, TTY (804) 698-4021, or email elleanore.daub@deq.virginia.gov.

Summary

The proposed changes amend and reissue the existing Virginia Pollutant Discharge Elimination System (VPDES) general permit, which expires on July 23, 2016, for another five-year term. The general permit contains limitations and monitoring requirements for point source discharges from seafood processing facilities. As with an individual VPDES permit, the effluent limits in the general permit are set to protect the quality of the waters receiving the discharges. The general permit is reissued to continue making it available after July 23, 2016.

The proposed amendments update and clarify definitions, effective dates, authorization and registration statement requirements, stormwater pollution prevention plans, and certain conditions applicable to all permits, general permit limits, and general permit special conditions.

9VAC25-115-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) unless the context clearly indicates otherwise. Additionally, for the purposes of this chapter:

"Industrial activity" means the facilities classified under SIC Code 2091 or 2092.

"Seafood processing facility" means any facility classified under SIC Code 2091, 2092, 5142, or 5146, which processes or handles seafood intended for human consumption or as bait, except a mechanized clam facility. Seafood includes but is not limited to crabs, oysters, hand-shucked clams, scallops, squid, eels, turtles, fish, conchs and crayfish.

"SIC" means the Standard Industrial Classification Code or Industrial Grouping from the U.S. Office of Management and Budget Standard Industrial Classification Manual, 1987 edition.

"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 (except oyster, clam or scallop shells); hazardous substances designated under § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC § 9601); any chemical the facility is required to report pursuant to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC § 11023); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with ~~storm water~~ stormwater discharges.

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

"~~Storm water~~ Stormwater discharge associated with industrial activity" means the discharge from any conveyance that is used for collecting and conveying ~~storm water~~ stormwater and that 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 9VAC25-31~~-10 et seq~~. For the categories of industries identified in the "industrial activity" definition, the term includes, but is not limited to, ~~storm water~~ stormwater 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 (except for oyster, clam or scallop shells) 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 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~~ stormwater. 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 (except for oyster, clam or scallop shells). 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~~ stormwater drained from the above described areas.

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

9VAC25-115-15. Applicability of incorporated references based on the dates that they became effective.

Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, 2014.

9VAC25-115-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the discharge of wastewater from seafood processing facilities and ~~storm water~~ stormwater associated with industrial activity from seafood processing facilities classified as SIC Code 2091 and 2092.

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

C. This general permit will become effective on ~~July 24, 2011~~ July 24, 2016, and will expire on ~~July 23, 2016~~ July 23, 2021. For any covered owner, this general permit is effective upon compliance with all the provisions of 9VAC25-115-30.

9VAC25-115-30. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge process wastewater and stormwater as described in 9VAC25-115-20 A to surface waters of the Commonwealth of Virginia provided that ~~the owner files a registration statement in accordance with 9VAC25-115-40 that is accepted by the board, submits the required permit fee, complies with the effluent limitations and other requirements of 9VAC25-115-50, and provided that the owner has not been notified by the board that authorization is denied in accordance with subsection B of this section.~~:

1. The owner files a registration statement, in accordance with 9VAC25-115-40, and that registration statement is accepted by the board;

2. The owner submits the required permit fee;

3. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-115-50; and

4. The owner has not been notified by the board that the discharge is not eligible for coverage under this permit in accordance with subsection B of this section.

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

1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES Permit Regulation;

2. The owner is proposing to discharge to state waters specifically named in other board regulations that prohibit such discharges;

3. The owner is proposing to discharge annual mass loadings of total nitrogen in excess of 2,300 pounds per year or of total phosphorus in excess of 300 pounds per year;

4. The discharge would violate the antidegradation policy stated in 9VAC25-260-30 of the Virginia Water Quality Standards; or

5. ~~A TMDL (board adopted and EPA approved or EPA imposed) contains a WLA for the facility, unless this general permit specifically addresses the TMDL pollutant of concern and the permit limits are at least as stringent as those required by the TMDL WLA~~ The discharge is not consistent with the assumptions and requirements of an approved TMDL.

C. Compliance with this general permit constitutes compliance, for purposes of enforcement, with the federal Clean Water Act~~,~~ §§ 301, 302, 306, 307, 318, 403, and 405 (a) through (b) and the State Water Control Law, ~~and applicable regulations under either,~~ with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

D. Continuation of permit coverage.

1. Any owner that was authorized to discharge under the seafood processing facilities general permit issued in ~~2006~~ 2011, and who submits a complete registration statement on or before ~~July 23, 2011~~ July 23, 2016, is authorized to continue to discharge under the terms of the ~~2006~~ 2011 general permit until such time as the board either:

a. Issues coverage to the owner under this general permit; or

b. Notifies the owner that the discharge is not eligible for coverage under this general permit ~~is denied~~.

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

a. Initiate enforcement action based upon the 2011 general permit ~~that has been continued~~;

b. Issue a notice of intent to deny coverage under the ~~amended~~ reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the ~~activities~~ discharges authorized by coverage under the 2011 continued general permit or be subject to enforcement action for ~~operating~~ discharging without a permit;

c. Issue an individual permit with appropriate conditions; or

d. Take other actions authorized by the VPDES ~~permit~~ Permit Regulation (9VAC25-31).

9VAC25-115-40. Registration statement.

A. Deadlines for submitting registration statement. ~~The~~ Any owner seeking coverage under this general permit shall submit a complete general VPDES permit registration statement in accordance with this chapter, which shall serve as a notice of intent for coverage under the general VPDES permit for seafood ~~processors~~ processing facilities.

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

2. Existing facilities.

a. Any owner of an existing seafood processing facility covered by an individual VPDES permit ~~who~~ that is proposing to be covered by this general permit shall

submit a complete registration statement at least ~~210~~ 240 days prior to the expiration date of the individual VPDES permit.

b. Any owner that was authorized to discharge under the general VPDES permit for seafood processing facilities that became effective on ~~July 24, 2006~~ July 24, 2011, and ~~who~~ that intends to continue coverage under this general permit shall submit a complete registration statement to the board ~~prior to June 24, 2011~~ on or before June 24, 2016.

c. Any owner of an existing seafood processing facility adding a new process after coverage under the general permit is obtained shall submit an amended registration statement to the board at least 30 days prior to commencing operation of the new process.

3. Late registration statements. Registration statements for existing facilities covered under subdivision 2 b of this subsection will be accepted after July 23, 2016 but authorization to discharge will not be retroactive. Owners described in subdivision 2 b of this subsection that submit registration statements after June 24, 2016, are authorized to discharge under the provisions of 9VAC25-115-30 D if a complete registration statement is submitted before July 24, 2016.

B. The registration statement shall contain the following information:

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

2. Facility street address (if different from mailing address);

3. Facility operator name, mailing address, email address, and telephone number if different than owner;

4. Does the facility discharge to surface waters? Name of receiving stream or streams if yes and, if no, describe the discharge or discharges;

5. Does the facility have a current VPDES Permit? ~~Permit Number~~ Include the permit number if yes;

6. The original date of construction of the seafood processing facility building and dates and description of all subsequent facility construction;

7. A ~~USGS~~ U.S. Geological Survey (USGS) 7.5 minute topographic map or other equivalent computer generated map ~~showing~~ with sufficient resolution to clearly show the facility location, the discharge location or locations, and the receiving water body;

8. Facility SIC ~~Code(s)~~ code or codes;

9. Nature of business at the facility;

10. Discharge outfall information including seafood process, receiving stream, discharge flow, and days per year of discharge for each outfall;

11. Facility maximum production information;

12. Facility line (water balance) drawing;

13. Discharge and outfall descriptions for different seafood processes that operate simultaneously;

14. Treatment and solid waste disposal information;

15. Information on use of chemicals at the facility; and

16. 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."

The registration statement shall be signed in accordance with 9VAC25-31-110 of the VPDES Permit Regulation.

C. The registration statement may be delivered to the department by either postal or electronic mail and shall be submitted to the DEQ regional office serving the area where the seafood processing facility is located.

9VAC25-115-50. General permit.

Any owner whose registration statement is accepted by the ~~director will receive the following permit and~~ board shall comply with the requirements ~~therein~~ of the general permit and be subject to all requirements of ~~the VPDES Permit Regulation, 9VAC25-31~~ 9VAC25-31-170 of the VPDES Permit Regulation.

General Permit No.: VAG52
Effective Date: ~~July 24, 2011~~ July 24, 2016
Expiration Date: ~~July 23, 2016~~ July 23, 2021

GENERAL PERMIT FOR SEAFOOD PROCESSING ~~FACILITY~~ FACILITIES

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 it, owners of seafood processing facilities, other than mechanized clam processing facilities, are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations that 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~~ Part II-Stormwater Pollution Prevention Plans, and Part III-Conditions Applicable to All VPDES Permits, as set forth ~~herein~~ in this general permit.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS—SEAFOOD~~ REQUIREMENTS

1. SEAFOOD PROCESSING NOT LIMITED ELSEWHERE IN PART I. A.— SIC 2091, 2092, 5142 AND 5146 SOURCES EXCEPT MECHANIZED CLAM FACILITIES

~~1.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from seafood processing not otherwise classified from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/YEAR	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/YEAR	Grab
TSS	NL	NL	NA	NA	NA	1/YEAR	Composite
Oil and Grease	NL	NL	NA	NA	NA	1/YEAR	Grab
Production	NA	NL	NA	NA	NA	1/YEAR	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production—see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by the end of the calendar year and reported by the 10th of January of the following calendar year on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS—CONVENTIONAL~~ REQUIREMENTS

2. CONVENTIONAL (HANDPICKED) BLUE CRAB PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 3,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

~~2.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from conventional blue crab processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab

TSS	NL	NL	0.74	2.2	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.20	0.60	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - CONVENTIONAL~~ REQUIREMENTS

3. CONVENTIONAL (HANDPICKED) BLUE CRAB PROCESSING—ALL NEW SOURCES

~~3.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from conventional blue crab processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	0.15	0.30	NA	1/3 Months	Composite
TSS	NL	NL	0.45	0.90	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.065	0.13	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - MECHANIZED~~ REQUIREMENTS

4. MECHANIZED BLUE CRAB PROCESSING—ALL EXISTING SOURCES

~~4.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized blue crab processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	12	36	NA	1/3 Months	Composite
Oil and Grease	NL	NL	4.2	13	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production – see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS – MECHANIZED~~ REQUIREMENTS

5. MECHANIZED BLUE CRAB PROCESSING—ALL NEW SOURCES

~~5.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized blue crab processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	2.5	5.0	NA	1/3 Months	Composite
TSS	NL	NL	6.3	13	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.3	2.6	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS NONBREADED~~ REQUIREMENTS

6. NON-BREADED SHRIMP PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 2,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

6. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from non-breaded shrimp processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	38	110	NA	1/3 Months	Composite
Oil and Grease	NL	NL	12	36	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS NONBREADED~~ REQUIREMENTS

7. NON-BREADED SHRIMP PROCESSING—ALL NEW SOURCES

~~7.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from ~~nonbreaded~~ non-breaded shrimp processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab

BOD_5	NL	NL	25	63	NA	1/3 Months	Composite
TSS	NL	NL	10	25	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.6	4.0	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - BREADED~~ REQUIREMENTS

8. BREADED SHRIMP PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 2,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

~~8.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from breaded shrimp processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	93	280	NA	1/3 Months	Composite
Oil and Grease	NL	NL	12	36	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS—BREADED~~ REQUIREMENTS

9. BREADED SHRIMP PROCESSING—ALL NEW SOURCES

~~9.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from breaded shrimp processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	40	100	NA	1/3 Months	Composite
TSS	NL	NL	22	55	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.5	3.8	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production—see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS—TUNA~~ REQUIREMENTS

10. TUNA PROCESSING—ALL EXISTING SOURCES

~~10.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from tuna processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	3.3	8.3	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.84	2.1	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - TUNA~~ REQUIREMENTS

11. TUNA PROCESSING—ALL NEW SOURCES

~~11.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from tuna processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	8.1	20	NA	1/3 Months	Composite
TSS	NL	NL	3.0	7.5	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.76	1.9	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - CONVENTIONAL~~ REQUIREMENTS

12. CONVENTIONAL BOTTOM FISH PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 4,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

~~12.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from conventional bottom fish processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	2.0	3.6	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.55	1.0	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - CONVENTIONAL~~ REQUIREMENTS

13. CONVENTIONAL BOTTOM FISH PROCESSING—ALL NEW SOURCES

~~13.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from conventional bottom fish processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	0.71	1.2	NA	1/3 Months	Composite
TSS	NL	NL	0.73	1.5	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.042	0.077	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - MECHANIZED~~ REQUIREMENTS

14. MECHANIZED BOTTOM FISH PROCESSING—ALL EXISTING SOURCES

~~14.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized bottom fish processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	12	22	NA	1/3 Months	Composite
Oil and Grease	NL	NL	3.9	9.9	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - MECHANIZED~~ REQUIREMENTS

15. MECHANIZED BOTTOM FISH PROCESSING—ALL NEW SOURCES

~~15.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized bottom fish processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	7.5	13	NA	1/3 Months	Composite

TSS	NL	NL	2.9	5.3	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.47	1.2	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - HAND-SHUCKED~~ REQUIREMENTS

16. HAND-SHUCKED CLAM PROCESSING—EXISTING SOURCES ~~WHICH PROCESS~~ PROCESSING MORE THAN 4,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

~~16.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked clam processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	18	59	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.23	0.60	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - HAND-SHUCKED~~ REQUIREMENTS

17. HAND-SHUCKED CLAM PROCESSING—ALL NEW SOURCES

~~17.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked clam processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	17	55	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.21	0.56	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production – see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS – HAND-SHUCKED~~ REQUIREMENTS

18. HAND-SHUCKED OYSTER PROCESSING—EXISTING SOURCES ~~WHICH PROCESS~~ PROCESSING MORE THAN 1,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

~~18.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked oyster processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	16	23	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.77	1.1	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Raw material = The weight of oyster meat after shucking.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - HAND-SHUCKED~~ REQUIREMENTS

19. HAND-SHUCKED OYSTER PROCESSING—ALL NEW SOURCES

~~19.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked oyster processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	16	23	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.77	1.1	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - STEAMED~~ REQUIREMENTS

20. STEAMED AND CANNED OYSTER PROCESSING—ALL EXISTING SOURCES

~~20.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized oyster processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate

pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	190	270	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.7	2.3	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production – see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS – STEAMED~~ REQUIREMENTS

21. STEAMED AND CANNED OYSTER PROCESSING—ALL NEW SOURCES

~~21.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized oyster processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	17	67	NA	1/3 Months	Composite
TSS	NL	NL	39	56	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.42	0.84	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production – see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS – SCALLOP~~ REQUIREMENTS

22. SCALLOP PROCESSING—ALL EXISTING SOURCES

~~22.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from scallop processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	1.4	5.7	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.23	7.3	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - SCALLOP~~ REQUIREMENTS

23. SCALLOP PROCESSING—ALL NEW SOURCES

~~23.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from scallop processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	1.4	5.7	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.23	7.3	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS—FARM-RAISED~~ REQUIREMENTS

24. FARM-RAISED CATFISH PROCESSING—EXISTING SOURCES ~~WHICH PROCESS~~ PROCESSING MORE THAN 3,000 ~~LBS~~ POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

~~24.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from farm-raised catfish processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	9.2	28	NA	1/3 Months	Composite
Oil and Grease	NL	NL	3.4	10	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production—see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS—FARM-RAISED~~ REQUIREMENTS

25. FARM-RAISED CATFISH PROCESSING—ALL NEW SOURCES

~~25.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from farm-raised catfish processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	2.3	4.6	NA	1/3 Months	Composite
TSS	NL	NL	5.7	11	NA	1/3 Months	Composite

Oil and Grease	NL	NL	0.45	0.90	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - HERRING~~ REQUIREMENTS

26. HERRING PROCESSING—ALL EXISTING SOURCES

~~26.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from herring processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	24	32	NA	1/3 Months	Composite
Oil and Grease	NL	NL	10	27	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production - see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING ~~REQUIREMENTS - HERRING~~ REQUIREMENTS

27. HERRING PROCESSING—ALL NEW SOURCES

~~27.~~ During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from herring processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD_5	NL	NL	15	16	NA	1/3 Months	Composite
TSS	NL	NL	5.2	7.0	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.1	2.9	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No ~~Limitation~~ limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

~~Production – see~~ Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

B. ~~Special conditions~~ SPECIAL CONDITIONS APPLYING TO PART I A 1 THROUGH PART I A 27.

1. No sewage shall be discharged from a point source to surface waters at this facility except under the provisions of another VPDES permit specifically issued for that purpose.

2. There shall be no chemicals added to the water or waste to be discharged, other than those listed on the owner's accepted registration statement.

3. Wastewater should be reused or recycled to the maximum extent practicable.

4. The permittee shall comply with the following solids management plan:

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

b. All floors, machinery, conveyor belts, dock areas, etc. shall be dry swept or dry brushed prior to washdown.

c. All settling basins shall be cleaned frequently in order to achieve effective settling.

d. All solids resulting from the seafood processes covered under this general permit, other than oyster, clam or scallop shells, shall be handled, stored and disposed of so as to prevent a discharge to state waters of such solids or industrial wastes or other wastes from those solids.

e. The permittee shall install and properly maintain wastewater treatment necessary in order to remove organic solids present in the wastewater that may settle and accumulate on the substrate of the receiving waters in other than trace amounts.

f. All employees shall receive training relative to preventive measures to be taken to control the release of solids from the facility into surface waters.

5. Production to be reported and used in calculating effluent discharge levels in terms of kg/kkg shall be the weight in kilograms of raw material processed, in the form in which it is received at the processing plant, on the day of effluent sampling, except for the hand-shucked oyster, steamed and canned oyster, and scallop processing subcategories, for which production shall mean the weight of oyster or scallop meat after processing. The effluent levels in terms of kg/kkg shall be calculated by dividing the measured pollutant load in kg/day by the production level in kkg (thousands of kilograms).

6. The permittee shall notify the department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur that would result in the discharge on a routine or frequent basis of any toxic pollutant that 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 µg/l) of the toxic pollutant;

(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 that would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant that 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 µg/l) of the toxic pollutant;

(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.

7. Compliance reporting and recordkeeping under Part I A.

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Effluent Parameter	Quantification Level
BOD	~~2.0~~ 2 mg/l
TSS	1.0 mg/l
Oil and Grease	5.0 mg/l

The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the test method.

b. Recording results. Any concentration below the QL used in the analysis shall be recorded as ~~< "QL"~~ "<QL" if it is less than the QL used in the analysis (the QL must be less than or equal to the QL in subdivision 7 a of this ~~subdivision~~ subsection. Otherwise the numerical value shall be recorded.

c. Monitoring results shall be recorded using the same number of significant digits as listed in the permit. Regardless of the rounding conventions used by the permittee (e.g., ~~5~~ five always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

8. The discharges authorized by this permit shall be controlled as necessary to meet water quality standards in 9VAC25-260.

9. If a new process is added after coverage under the general permit is obtained, an amended registration statement must be submitted at least 30 days prior to commencing operation of the new process.

10. Notice of termination.

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

(1) Operations have ceased at the facility and there are no longer discharges of process wastewater or stormwater associated with the industrial activity;

(2) A new owner has assumed responsibility for the facility. A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted;

(3) All discharges associated with this facility have been covered by an individual VPDES permit or an alternative VPDES permit; or

(4) Termination of coverage is being requested for another reason, provided the board agrees that coverage under this general permit is no longer needed.

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

(1) Owner's name, mailing address, telephone number, and email address (if available);

(2) Facility name and location;

(3) VPDES general permit registration number for the facility; and

(4) The basis for submitting the notice of termination, including:

(a) A statement indicating that a new owner has assumed responsibility for the facility;

(b) A statement indicating that operations have ceased at the facility, and there are no longer discharges from the facility;

(c) A statement indicating that all discharges have been covered by an individual VPDES permit or an alternative VPDES permit; or

(d) A statement indicating that termination of coverage is being requested for another reason (state the reason).

(5) The following certification: "I certify under penalty of law that all wastewater and stormwater discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the facility, or permit coverage should be terminated for another reason listed above. I understand that by submitting this notice of termination, that I am no longer authorized to discharge seafood processing wastewater or, for facilities classified as SIC Code 2091 or 2092, stormwater associated with industrial activity in accordance with the general permit,

and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

C. The notice of termination shall be submitted to the department and signed in accordance with Part III K.

Part II

~~Storm Water~~ Stormwater Pollution Prevention Plans

A ~~storm water~~ stormwater pollution prevention plan (SWPPP) shall be developed for each facility covered by this permit, which has ~~storm water~~ stormwater discharges associated with industrial activity and is classified under SIC Code 2091 or 2092.

The SWPPP shall be prepared in accordance with good engineering practices and shall identify potential sources of pollution that may reasonably be expected to affect the quality of ~~storm water~~ stormwater discharges from the facility. In addition, the plan shall describe and ensure the implementation of practices that will be used to reduce the pollutants in ~~storm water~~ stormwater discharges from the facility, and shall assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the SWPPP as a condition of this permit.

The SWPPP requirements of this general permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control (ESC) plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 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 this section. If an ESC 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, ~~4VAC50-30~~ 9VAC25-840. All plans incorporated by reference into the SWPPP become enforceable under this permit.

A. Deadlines for plan preparation and compliance.

1. Facilities that were covered under the ~~2006~~ 2011 Seafood Processing Facilities General Permit. Owners of facilities that were covered under the ~~2006~~ 2011 Seafood Processing Facilities General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP ~~not later than December 30, 2011~~ required by this Part within 60 days of the board granting coverage under this permit.

2. New facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit ~~who~~ that elect to be covered under this general permit must prepare and implement the SWPPP ~~prior to submitting the registration statement~~ within 60 days of the board granting coverage under this permit.

3. New owners of existing facilities. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility must update and implement any revisions to the SWPPP within 60 days of the transfer of title of the facility.

4. Extensions. Upon a showing of good cause, the director may establish a later date in writing for ~~the~~ preparation of and compliance with the SWPPP.

B. Contents of the ~~plan~~ SWPPP. The ~~plan~~ SWPPP shall include, at a minimum, the following items:

1. Pollution prevention team. The ~~plan~~ SWPPP shall identify the staff individuals by name or title ~~that~~ who comprise the facility's ~~storm water~~ stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and maintaining compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

2. Site description. The SWPPP shall include the following:

a. Activities at the facility. A description of the nature of the industrial activities at the facility.

b. General location map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.

c. Site map. A site map identifying the following:

(1) The size of the property (in acres);

(2) The location and extent of significant structures and impervious surfaces (roofs, paved areas, and any other impervious areas);

(3) Locations of all ~~storm water~~ stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of ~~storm water~~ stormwater flow (e.g., use arrows to show which ways ~~storm water~~ stormwater will flow);

(4) Locations of all existing structural and source control BMPs;

(5) Locations of all surface water bodies, including wetlands;

(6) Locations of identified potential pollutant sources;

(7) Locations where significant spills or leaks have occurred;

(8) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance ~~and/or~~ or cleaning areas; ~~loading/unloading~~ loading or unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;

(9) Locations of ~~storm water~~ stormwater outfalls and an approximate outline of the area draining to each outfall, and location of municipal separate storm sewer systems (MS4s), if the ~~storm water~~ stormwater from the facility discharges to them;

(10) Location and description of all ~~nonstorm water~~ nonstormwater discharges;

(11) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes; and

(12) Location and source of runon to the site from adjacent property, where the runon contains significant quantities of pollutants. ~~The permittee shall include an evaluation with the SWPPP of how the quality of the storm water running onto the facility impacts the facility's storm water discharges.~~

d. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams~~, dry sloughs, and arroyos~~. ~~Provide a~~ A description of wetland sites that may receive discharges from the facility shall also be provided. If the facility discharges through an MS4, ~~identify~~ the MS4 operator and the receiving water to which the MS4 discharges shall also be identified.

3. Summary of potential pollutant sources. The ~~plan~~ SWPPP shall identify each separate area at the facility where industrial materials or activities are exposed to ~~storm water~~ stormwater. Industrial materials or activities include, but are not limited to~~:~~, material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to, the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:

a. Activities in area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams);

b. Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents, etc.) for each activity. The pollutant list shall include all significant materials handled, treated, stored, or disposed that have been exposed to ~~storm water~~ stormwater in the three years prior to the date ~~this SWPP~~ the SWPPP was prepared or amended. The list shall include any hazardous substance or oil at the facility.

4. Spills and leaks. The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to ~~storm water~~ stormwater discharges can occur and their corresponding outfalls. The ~~plan~~ SWPPP shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a ~~storm water~~ stormwater conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities~~, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements~~.

~~5. Sampling data. The plan shall include a summary of existing discharge sampling data taken at the facility, and shall also include a summary of sampling data collected during the term of this permit.~~

~~6. Storm water~~ 5. Stormwater controls.

a. BMPs shall be implemented for all the areas identified in Part II B 3 (Summary of potential pollutant sources) to prevent or control pollutants in ~~storm water~~ stormwater discharges from the facility. ~~All reasonable~~ If applicable, steps shall be taken to control or address the quality of discharges from the site that ~~may~~ do not originate at the facility. The SWPPP shall describe the type, location, and implementation of all BMPs for each area where industrial materials or activities are exposed to ~~storm water~~ stormwater. Selection of BMPs shall take into consideration:

(1) That preventing ~~storm water~~ stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from ~~storm water~~ stormwater;

(2) BMPs generally ~~shall~~ must be used in combination with each other for most effective water quality protection;

(3) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;

(4) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ~~ground water~~ groundwater contamination);

(5) Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

(6) Conservation or restoration of riparian buffers will help protect streams from ~~storm water~~ stormwater runoff and improve water quality; and

(7) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

b. Control measures. The permittee shall implement the following types of BMPs to prevent and control pollutants in the ~~storm water~~ stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

(1) Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to ~~storm water~~ stormwater discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The ~~plan~~ SWPPP shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and of the conditions of drums, tanks, and containers. The introduction of raw, final or waste materials to exposed areas of the facility shall be minimized ~~to the maximum extent practicable~~. The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized ~~to the maximum extent practicable~~.

(2) Eliminating and minimizing exposure. To the extent practicable, industrial materials and activities shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff.

(3) Preventive maintenance. The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance, and repairing of all industrial equipment and systems to avoid breakdowns or failures that could result in leaks, ~~spill~~ spills, and other releases. This program is in addition to the specific BMP maintenance required under Part II C (Maintenance of BMPs) of the permit.

(4) Spill prevention and response procedures. The ~~plan~~ SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks.

(a) Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.

(b) Response procedures shall include (i) notification of appropriate facility personnel, emergency agencies, and regulatory agencies; and (ii) procedures for stopping, containing, and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 (2005) and 40 CFR Part 265 (2005). Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. ~~If possible, one~~ One of these individuals shall be a member of the pollution prevention team.

(c) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP~~,~~ and maintained in other locations where it will be readily available.

(5) Routine facility inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact ~~storm water~~ stormwater quality at the facility, and who can also evaluate the effectiveness of BMPs shall regularly inspect all areas of the facility where industrial materials or activities are exposed to ~~storm water~~ stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part II D. At least one member of the pollution prevention team shall participate in the routine facility inspections. The inspection frequency shall be specified in the ~~plan~~ SWPPP and be 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 or written approval is received from the department for less frequent intervals. Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP, along with the date(s) and description(s) of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.

(6) Employee training. The permittee shall implement a ~~storm water~~ stormwater employee training program for the facility. The SWPPP shall include a schedule for all ~~types of necessary~~ training~~,~~ and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to ~~storm water~~ stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors~~,~~ and maintenance personnel~~, etc.~~). The training shall cover the components and goals of the SWPPP~~,~~ and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

(7) Sediment and erosion control. The ~~plan~~ SWPPP shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, ~~and/or~~ or stabilization BMPs to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

(8) Management of runoff. The plan shall describe the ~~storm water~~ stormwater runoff management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in ~~storm water~~ stormwater discharges from the site.

Structural BMPs may require a separate permit under § 404 of the ~~CWA~~ federal Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.

C. Maintenance. All BMPs identified in the SWPPP shall be maintained in effective operating condition. ~~Storm water~~ stormwater BMPs identified in the SWPPP shall be observed during active operation (i.e., during a ~~storm water~~ stormwater runoff event) to ensure that they are functioning correctly. ~~Where discharge locations are inaccessible, nearby downstream locations shall be observed.~~ The observations shall be documented in the SWPPP.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs~~,~~ and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off line. The effectiveness of nonstructural BMPs shall also be maintained ~~by appropriate means~~ (e.g., spill response supplies available and personnel trained~~, etc.)~~.).

If site inspections required by Part II B ~~6~~ 5 b (5) (Routine facility inspections) or Part II D (Comprehensive site compliance evaluation) identify BMPs that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. ~~If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable.~~ In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of BMPs, including the date or dates of regular maintenance, date or dates of discovery of areas in need of repair or replacement, and for repairs, date or dates that the BMPs returned to full function, and the justification for any extended maintenance or repair schedules.

D. Comprehensive site compliance evaluation. The permittee shall conduct comprehensive site compliance evaluations at least once a year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact ~~storm water~~ stormwater quality at the facility, and who can also evaluate the effectiveness of BMPs. The personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.

1. Scope of the compliance evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to ~~storm water~~ stormwater, as identified in Part II B 3. The personnel shall evaluate:

a. Industrial materials, residue or trash that may have or could come into contact with ~~storm water~~ stormwater;

b. Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;

c. Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;

d. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

e. Evidence of, or the potential for, pollutants entering the drainage system;

f. Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;

g. Review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and

h. ~~Results~~ Review of the results of both visual and any analytical monitoring done during the past year ~~shall be taken into consideration during the evaluation~~.

2. Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part II B 2 c; revise the description of controls required by Part II B ~~6~~ 5 to include additional or modified BMPs designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the director. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the department.

3. Compliance evaluation report. A report shall be written summarizing the scope of the evaluation, the name or names of personnel making the evaluation, the date or dates of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part II D 1 (a) through (f) of this general permit. Observations shall include such things as: the location or locations of discharges of pollutants from the

site; the location or locations of previously unidentified sources of pollutants; the location or locations of BMPs that need to be maintained or repaired; the location or locations of failed BMPs that need replacement; and location or locations where additional BMPs are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part III K and maintained with the SWPPP.

4. Where compliance evaluation schedules overlap with routine inspections required under Part II B ~~6~~ 5 b (5), the annual compliance evaluation may be used as one of the routine inspections.

E. Signature and plan review.

1. Signature/location. The SWPPP shall be signed in accordance with Part III K, dated, and retained on-site at the facility covered by this permit. All changes to the SWPPP, and other permit compliance documentation, must be signed and dated by the person preparing the change or documentation.

2. Availability. The permittee shall make the SWPPP, annual site compliance evaluation report, and other information available to the department upon request.

3. Required modifications. The director may notify the permittee at any time that the SWPPP, BMPs, or other components of the facility's ~~storm water~~ stormwater program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met~~,~~ and may include required modifications to the ~~storm water~~ stormwater program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the director, and shall submit a written certification to the director that the requested changes have been made.

F. Maintaining an updated SWPPP.

1. The permittee shall review and amend the SWPPP ~~as appropriate~~ whenever:

a. There is construction or a change in design, operation, or maintenance at the facility that has ~~a significant~~ an effect on the discharge, or the potential for the discharge, of pollutants from the facility sufficient to impact water quality;

b. Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs;

c. Inspections by local, state, or federal officials determine that modifications are necessary;

d. There is a spill, leak or other release at the facility; or

e. There is an unauthorized discharge from the facility.

2. SWPPP modifications shall be made within 30 calendar days after the discovery, observation, or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part II C) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

3. If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of Part III G of this permit.

G. Allowable nonstormwater discharges. The following nonstormwater discharges are authorized by this permit:

1. Discharges from fire-fighting activities;

2. Fire hydrant flushings;

3. Potable water including water line flushings;

4. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

5. Irrigation drainage;

6. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

7. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred, unless all spilled material has been removed;

8. Routine external building wash down that does not use detergents;

9. Uncontaminated groundwater or spring water;

10. Foundation or footing drains where flows are not contaminated with process materials; and

11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower, for example, "piped" cooling tower blowdown or drains.

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.

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

B. Records.

1. Records of monitoring information shall include:

a. The date, 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~~ 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 that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under 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 (Unauthorized discharges); 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 (see NOTE in Part III I) 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 that 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 that shall be reported within 24 hours under this subdivision:

a. Any unanticipated bypass; and

b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within ~~5~~ 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~~ Part III G, H, and I may be made to the department's regional office. Reports may be made by telephone ~~or by fax~~, FAX, or online at http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx.

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~~ Management 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 the federal Clean Water Act that are applicable to such source; or

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

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

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

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

2. Reports~~, etc~~ and other requested information. 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~~ 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 federal 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 federal 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 federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the federal 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 30 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 laws 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 federal Clean Water Act. Except as provided in permit conditions ~~on "bypass" (Part~~ in Part III ~~U),~~ U (Bypass) and ~~"upset" (Part~~ Part III ~~V)~~ V (Upset) 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) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems ~~which~~ that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

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

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

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

U. Bypass.

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

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~~ that 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, defined in 9VAC25-31-10, 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~~ that 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 federal 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 federal Clean Water Act.~~

~~2. As an alternative to transfers under Part III Y 1,~~ Coverage under this permit may be automatically transferred to a new permittee if:

~~a.~~ 1. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property unless permission for a later date has been granted by the board;

~~b.~~ 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

~~c.~~ 3. The board does not notify the existing permittee and the proposed new permittee of its intent to ~~modify or revoke and reissue~~ deny the permittee coverage under 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.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (9VAC25-115)

~~VPDES Change of Ownership Agreement Form (undated).~~

Change of Ownership Agreement Form (rev. 3/14)

Department of Environmental Quality Water Division Permit Application Fee Form (rev. 10/14)

VA.R. Doc. No. R14-4092; Filed April 10, 2015, 8:48 a.m.

Final Regulation

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 14 of the Code of Virginia, which exempts adoption, amendment, or repeal of wasteload allocations by the State Water Control Board pursuant to State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) if the board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting.

Title of Regulation: **9VAC25-720. Water Quality Management Planning Regulation (amending 9VAC25-720-60, 9VAC25-720-80, 9VAC25-720-100, 9VAC25-720-110, 9VAC25-720-120).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC § 1313(e) of the Clean Water Act.

Effective Date: June 3, 2015.

Agency Contact: Debra Harris, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4209, FAX (804) 698-4019, or email debra.harris@deq.virginia.gov.

Summary:

The amendments to the Water Quality Management Planning Regulation include new total maximum daily load wasteload allocations as follows: two for the James River Basin, 12 for the Roanoke River Basin, seven for the Chowan River – Dismal Swamp River Basin, five for the Chesapeake Bay – Small Coastal – Eastern Shore River Basin, and 10 for the York River Basin.

9VAC25-720-60. James River Basin.

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA[1]	Units
1.	Pheasanty Run	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Bath	I14R	Organic solids	1,231.00	LB/YR
2.	Wallace Mill Stream	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Augusta	I32R	Organic solids	2,814.00	LB/YR
3.	Montebello Sp. Branch	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Nelson	H09R	Organic solids	37.00	LB/YR
4.	Unnamed tributary to Deep Creek	General Standard Total Maximum Daily Load for Unnamed Tributary to Deep Creek	Nottoway	J11R	Raw sewage	0	GAL/YR
5.	Unnamed tributary to Chickahominy River	Total Maximum Daily Load (TMDL) Development for the Unnamed Tributary to the Chickahominy River	Hanover	G05R	Total phosphorus	409.35	LB/YR
6.	Rivanna River	Benthic TMDL Development for the Rivanna River Watershed	Albemarle, Greene, Nelson, Orange	H27R, H28R	Sediment	10,229	Lbs/Day
7.	Jackson River	Benthic TMDL Development for the Jackson River, Virginia	Alleghany, Bath, Highland	I04R, I09R	Total phosphorus	72,955	LB/GS[2]
8.	Jackson River	Benthic TMDL Development for the Jackson River, Virginia	Alleghany, Bath, Highland	I04R, I09R	Total nitrogen	220,134	LB/GS
9.	Little Calfpasture	Total Maximum Daily Load Development to Address a Benthic Impairment in the Little Calfpasture River, Rockbridge County, Virginia	Rockbridge	132R	Sediment	30.4	T/YR
10.	Phelps Branch	Phelps Branch Sediment TMDL Development Report for a Benthic Impairment in Appomattox County, Virginia	Appomattox	H06R	Sediment	115.7	T/YR
11.	Long Branch	Sediment TMDL Development Report for Benthic	Amherst	H11R	Sediment	16.2	T/YR

		Impairments in Long Branch and Buffalo River in Amherst County, Virginia					
12.	Buffalo River	Sediment TMDL Development Report for Benthic Impairments in Long Branch and Buffalo River in Amherst County, Virginia	Amherst	H11R	Sediment	306.4	T/YR
13.	Chickahominy River	Benthic TMDL Development for Chickahominy River, Virginia	Hanover, Henrico	G05R	Sediment	294.03	T/YR
14.	Colliers Creek	Bacteria TMDL Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River, and Cedar Creek and a Sediment TMDL Development for Colliers Creek	Rockbridge	138R	Sediment	103.4	T/YR
15.	Angola Creek (1) - VAC-J06R_ANG01A00	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland	J06	E. coli	0	cfu/year
16.	Angola Creek (2) - VAC-J06R_ANG02A00	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland	J06	E. coli	0	cfu/year
17.	Horsepen Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland	J06	E. coli	0	cfu/year
18.	Little Sandy Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J03	E. coli	0	cfu/year
19.	Saylers Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J06	E. coli	0	cfu/year
20.	Spring Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J02	E. coli	0	cfu/year
21.	West Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Amelia	J11	E. coli	0	cfu/year
22.	Briery Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J05	E. coli	3.50E+09	cfu/year
23.	Bush River (1) - VAC-J04R_BSR02A02	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J04, J05	E. coli	3.50E+09	cfu/year
24.	Bush River (2) - VAC-	Total Maximum Daily Load Development for	Prince Edward	J03, J04,	E. coli	3.50E+09	cfu/year

	J03R_BSR03A02	the Appomattox River Basin		J05			
25.	Swift Creek (1) - VAP-J16R_SFT01A00	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield	J16	E. coli	8.37E+09	cfu/year
26.	Swift Creek (2) - VAP-J17R_SFT01B98	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield	J16, J17	E. coli	3.24E+11	cfu/year
27.	Swift Creek (3) - VAP-J17R_SFT01C98	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield	J16, J17	E. coli	4.76E+11	cfu/year
28.	Flat Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Nottoway, Amelia	J08, J09	E. coli	5.24E+11	cfu/year
29.	Nibbs Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Amelia	J09	E. coli	5.24E+11	cfu/year
30.	Deep Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Nottoway	J11	E. coli	8.71E+11	cfu/year
31.	Appomattox River (1) - VAC-J01R_APP03A02, VAC-J01R_APP04A02, VAC-J01R_APP05A04, VAC-J06R_APP05A02, VAP-J07R_APP01A98, VAP-J10R_APP01A98	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland, Powhatan, Amelia, Prince Edward, Appomattox	J01, J02, J03, J04, J05, J06, J07	E. coli	1.07E+13	cfu/year
32.	Appomattox River (2), lower - VAP-J15R_APP01A98	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield, Cumberland, Powhatan, Nottoway, Amelia, Dinwiddie, Prince Edward, Appomattox	J01, J02, J03, J04, J05, J06, J07, J08, J09, J10, J11, J12, J13, J14, J15	E. coli	1.66E+13	cfu/year
33.	Appomattox River and tributaries, lower tidal (3) - VAP-J15E_APP01A98, VAP-J15E_APP02A98, VAP-J15E_APP02B12	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield, Cumberland, Nottoway, Petersburg, Amelia, Colonial Heights, Prince Edward, Appomattox	J01, J02, J03, J04, J05, J06, J07, J08, J09, J10, J11, J12, J13, J14, J15, J16, J17	E. coli	7.47E+13	cfu/year
34.	Bear Garden Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Bear Garden Creek Watershed	Buckingham	H20	E. coli	3.15E+08	cfu/day
35.	Stonewall Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H05	E. coli	9.28E+10	cfu/year

36.	Bent Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H07	E. coli	2.26E+11	cfu/year
37.	North Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H06	E. coli	2.96E+11	cfu/year
38.	Wreck Island Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H06	E. coli	8.76E+11	cfu/year
39.	Walkers Ford Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Amherst	H05	E. coli	8.90E+11	cfu/year
40.	Bleakhorn Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments	Suffolk	G13	Fecal coliform	2.66E+09	MPN/day
41.	Knotts Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments	Suffolk	G13	Fecal coliform	1.07E+10	MPN/day
42.	Bennett Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments	Suffolk	G13	Fecal coliform	6.37E+10	MPN/day
43.	Chickahominy River and tributaries	E. coli TMDL Development for Chickahominy River and Tributaries	New Kent, Henrico, Charles City, Hanover	G05, G06, G07	E. coli	2.41E+12	cfu/year
44.	Chuckatuck Creek and Brewers Creek	Shellfish Bacteria Total Maximum Daily Load (TMDL) Development Chuckatuck Creek and Brewers Creek Watershed	Isle of Wight	G11	Fecal coliform	4.79E+11	MPN/day
45.	Paradise Creek	Bacteria Total Maximum Daily Load (TMDL) Development	Portsmouth	G15	Enterococci	5.04E+11	cfu/day

		for the Elizabeth River Watershed					
46.	Lafayette River, upper	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Norfolk	G15	Enterococci	1.05E+13	cfu/day
47.	Lower and Upper Western Branch, Elizabeth River	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Chesapeake, Portsmouth	G15	Enterococci	2.00E+13	cfu/day
48.	Upper Mainstem, Lower Southern Branch, Lower Eastern Branch Elizabeth River, Broad Creek, Indian River	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Chesapeake, Portsmouth, Norfolk	G15, K39	Enterococci	5.78E+13	cfu/day
49.	Fourmile Creek	Bacteria TMDL for Fourmile Creek	Henrico	G02	E. coli	3.99E+10	cfu/year
50.	Hardware River, North Fork	Bacteria Total Maximum Daily Load Development for North Fork Hardware River and Hardware River	Albemarle	H18	E. coli	3.50E+12	cfu/year
51.	Hardware River	Bacteria Total Maximum Daily Load Development for North Fork Hardware River and Hardware River	Fluvanna, Albemarle	H18, H19	E. coli	4.00E+12	cfu/year
52.	Walker Creek	Bacteria Total Maximum Daily Load Development for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek	Rockbridge	I34	E. coli	6.00E+10	cfu/year
53.	Otts Creek	Bacteria Total Maximum Daily Load Development for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek	Augusta	I34	E. coli	9.00E+10	cfu/year
54.	Hays Creek	Bacteria Total Maximum Daily Load Development for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek	Rockbridge	I34	E. coli	2.00E+11	cfu/year
55.	Hoffler Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Hoffler Creek Watershed	Portsmouth	G15	Enterococci	5.39E+11	cfu/day
56.	Powell Creek	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George	G03	E. coli	6.12E+10	cfu/year
57.	Bailey Creek	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George	G03	E. coli	1.62E+11	cfu/year

58.	Bailey Bay, Bailey Creek, Cattail Creek	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George, Hopewell	G03	E. coli	8.47E+12	cfu/year
59.	James River	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George, Charles City, Hopewell	G03	E. coli	8.67E+14	cfu/year
60.	Austin Creek	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	1.62E+10	cfu/year
61.	Fisby Branch	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	2.15E+10	cfu/year
62.	Rock Island Creek	Total Maximum Daily Load Development for the James River Basin	Buckingham	H17	E. coli	3.38E+10	cfu/year
63.	Slate River, upper	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	4.22E+10	cfu/year
64.	Troublesome Creek	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	5.23E+10	cfu/year
65.	North River	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	5.52E+10	cfu/year
66.	Ballinger Creek	Total Maximum Daily Load Development for the James River Basin	Albemarle	H17	E. coli	5.75E+10	cfu/year
67.	Totier Creek	Total Maximum Daily Load Development for the James River Basin	Albemarle	H17	E. coli	1.62E+11	cfu/year
68.	Slate River, lower	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21, H22	E. coli	3.19E+12	cfu/year
69.	Fine Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Powhatan	H38	E. coli	3.66E+10	cfu/year
70.	Big Lickinghole Creek, Little Lickinghole Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Goochland	H37	E. coli	7.94E+10	cfu/year
71.	Byrd Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Goochland, Fluvanna	H34	E. coli	1.08E+11	cfu/year
72.	Upper James River	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Cumberland, Fluvanna, Powhatan, Goochland	H33, H34, H37	E. coli	3.50E+11	cfu/year

73.	Beaverdam Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Goochland	H38	E. coli	1.60E+12	cfu/year
74.	Lower James River	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Cumberland, Fluvanna, Powhatan, Goochland	H33, H34, H37, H38	E. coli	8.20E+12	cfu/year
75.	No Name Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Chesterfield	G01	E. coli	4.66E+11	cfu/year
76.	Bernards Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Powhatan	H39	E. coli	1.67E+12	cfu/year
77.	Goode Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Richmond City	G01	E. coli	2.52E+12	cfu/year
78.	Gillies Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico, Richmond City	G01	E. coli	2.93E+12	cfu/year
79.	Powhite Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Chesterfield	H39	E. coli	3.34E+12	cfu/year
80.	Almond Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico	G01	E. coli	4.39E+12	cfu/year
81.	Falling Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Chesterfield, Richmond City	G01	E. coli	1.64E+13	cfu/year
82.	Reedy Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Richmond City	H39	E. coli	8.23E+13	cfu/year
83.	Tidal James River	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico, Richmond City, Goochland, Powhatan, Chesterfield	G01, G02, H39	E. coli	3.76E+14	cfu/year

84.	Lower James River	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico, Richmond City, Goochland, Powhatan, Chesterfield	H39	E. coli	3.06E+15	cfu/year
85.	Ivy Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg, Bedford	H03	E. coli	6.25E+11	cfu/year
86.	Burton Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	7.37E+11	cfu/year
87.	Judith Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg, Bedford	H03	E. coli	8.31E+11	cfu/year
88.	Tomahawk Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	8.34E+11	cfu/year
89.	Fishing Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	1.03E+12	cfu/year
90.	Blackwater Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	3.06E+12	cfu/year
91.	James River	Bacteria Total Maximum Daily Load Development for the James River Basin	Amherst, Bedford, Lynchburg	H01, H02, H03, H04, H05	E. coli	2.75E+14	cfu/year
92.	Baptist Run	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	York	G11	E. coli	3.89E+09	cfu/year
93.	Deep Creek	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	Newport News	G11, C07	Enterococci	5.59E+12	cfu/year
94.	Skiffes Creek	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	James City	G11	Fecal coliform	2.46E+12	cfu/year
95.	James River, Warwick River	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	Newport News, York	G11	Fecal coliform	3.04E+12	cfu/year
96.	Kings Creek and Bay	Shellfish Bacteria Total Maximum Daily Load (TMDL) Development Kings Creek and Bay and Ballard Creek and Bay Watersheds	Isle of Wight	G11	Fecal coliform	1.23E+09	counts/day
97.	Ballard Creek and Bay	Shellfish Bacteria Total Maximum Daily Load (TMDL) Development Kings Creek and Bay and Ballard Creek and Bay Watersheds	Isle of Wight	G11	Fecal coliform	1.64E+09	counts/day

98.	Lawnes Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Lawnes Creek Bacterial Impairment	Surry	G11	Fecal coliform	5.94E+08	MPN/day
99.	Looney Creek	Bacteria TMDL for Looney Creek	Botetourt	I26	E. coli	1.84E+10	cfu/year
100.	Buffalo Creek, South Fork	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Botetourt, Rockbridge	I38	E. coli	2.01E+11	cfu/year
101.	Colliers Creek	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I38	E. coli	4.75E+11	cfu/year
102.	Cedar Creek	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I28	E. coli	5.01E+11	cfu/year
103.	Buffalo Creek, North Fork	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I38	E. coli	6.52E+11	cfu/year
104.	Buffalo Creek	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I38	E. coli	1.91E+12	cfu/year

105.	Maury River	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Buena Vista, Rockbridge	I37, I38	E. coli	2.98E+13	cfu/year
106.	Powhatan Creek	Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek	James City	G10	E. coli	1.78E+13	cfu/year
107.	Mill Creek	Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek	James City	G10	Enterococci	3.63E+12	cfu/year
108.	Powhatan Creek	Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek	James City	G10	Enterococci	7.24E+12	cfu/year
109.	Moores Creek	Development of the Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria in Moore's Creek, Albemarle County, Virginia	Charlottesville, Albemarle	H28	Fecal coliform	3.30E+13	cfu/year
110.	Morris Creek	Morris Creek (tidal), Charles City County Total Maximum Daily Load for Bacteria Contamination Impaired for Recreational Use	Charles City	G08	Enterococci	2.92E+10	cfu/day
111.	Shingle Creek	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Suffolk	G13, K39	Fecal coliform	2.78E+09	cfu/year
112.	Nansemond River, upper and middle	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Isle of Wight, Suffolk	G12, G13, G14	Fecal coliform	3.89E+10	cfu/year
113.	Shingle Creek	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Suffolk	G13, K39	Enterococci	2.19E+10	cfu/year
114.	Nansemond River, upper	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Isle of Wight, Suffolk	G12, G13, G14	Enterococci	9.99E+10	cfu/year
115.	Nansemond River (Lake Meade)	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Suffolk	G12, G13	Enterococci	9.99E+10	cfu/year

116.	Pagan River, middle and upper	Fecal Bacteria Total Maximum Daily Load Development for Pagan River	Isle of Wight	G11	Enterococci	3.01E+12	cfu/year
117.	Pagan River and Jones Creek	Fecal Bacteria Total Maximum Daily Load Development for Pagan River	Isle of Wight	G11	Fecal coliform	2.15E+12	cfu/year
118.	Lower Reed Creek	Bacteria TMDL for Reed Creek	Bedford	H01	E. coli	0	cfu/year
119.	Beaver Creek	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Albemarle	H23	E. coli	3.29E+10	cfu/year
120.	Mechums River	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Albemarle	H23	E. coli	3.31E+10	cfu/year
121.	Preddy Creek	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Greene, Albemarle	H27	E. coli	2.43E+11	cfu/year
122.	Rivanna River, North Fork	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Greene, Albemarle	H27	E. coli	2.15E+12	cfu/year
123.	Meadow Creek	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Charlottesville	H28	E. coli	3.89E+12	cfu/year
124.	Rivanna River	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek,	Charlottesville, Albemarle, Greene	H23, H24, H25, H26, H27, H28	E. coli	4.93E+12	cfu/year

		Mechums River, and Beaver Creek Watersheds					
125.	Rockfish River, North Fork	Bacteria Total Maximum Daily Load Development for Rockfish River, North Fork Rockfish River, and South Fork Rockfish River	Nelson	H15	E. coli	8.44E+11	cfu/year
126.	Rockfish River, South Fork	Bacteria Total Maximum Daily Load Development for Rockfish River, North Fork Rockfish River, and South Fork Rockfish River	Nelson	H15	E. coli	4.40E+12	cfu/year
127.	Rockfish River	Bacteria Total Maximum Daily Load Development for Rockfish River, North Fork Rockfish River, and South Fork Rockfish River	Nelson	H15, H16	E. coli	5.76E+12	cfu/year
128.	Tuckahoe Creek and tributaries	Bacteria TMDL for Tuckahoe Creek, Little Tuckahoe Creek, Anderson, Broad, Georges and Readers Branches, and Deep Run	Henrico, Goochland	H39	E. coli	1.05E+13	cfu/year
129.	Turner Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H12	E. coli	1.57E+11	cfu/year
130.	Mill Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H11	E. coli	2.08E+11	cfu/year
131.	Hat Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Nelson	H09	E. coli	6.02E+11	cfu/year
132.	Rutledge Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H12	E. coli	1.15E+12	cfu/year
133.	Rucker Run	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River,	Nelson	H13	E. coli	1.32E+12	cfu/year

		Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River					
134.	Piney River	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst, Nelson	H10	E. coli	2.44E+12	cfu/year
135.	Buffalo River	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H11, H12	E. coli	2.54E+12	cfu/year
136.	Tye River	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst, Nelson	H09, H10, H11, H12, H13	E. coli	1.33E+13	cfu/year
137.	Upham Brook and tributaries	Total Maximum Daily Load Development for the Upham Brook Watershed	Henrico, Richmond City	G05	E. coli	8.04E+10	cfu/year
138.	White Oak Swamp	Bacteria TMDL for White Oak Swamp	Henrico	G06	E. coli	1.58E+12	cfu/year
139.	Willis River and tributaries	Fecal coliform TMDL Development for Willis River	Cumberland, Buckingham	H35, H36	Fecal coliform	3.15E+11	cfu/year
140.	North Creek	Benthic Total Maximum Daily Load (TMDL) Development for the North Creek Watershed	Fluvanna	H20R	Sediment	7.29	tons/yr
141.	North Creek	Benthic Total Maximum Daily Load (TMDL) Development for the North Creek Watershed	Fluvanna	H20R	Total phosphorus	187.3	lbs/yr

Notes:
[1]The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.
[2]GS means growing season.

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and wasteload allocations.

TABLE B1 - UPPER JAMES RIVER BASIN RECOMMENDED SEGMENT CLASSIFICATION

Stream Name	Segment No.	Mile to Mile	Classification	Comments
Maury River	2-4	80.3-0.0	E.L.	Main & tributaries
James River	2-5	271.5-266.0	W.Q.	Main only
James River	2-6	266.0-115.0	E.L.	Main & tributaries except Tye & Rivanna River

Tye River	2-7	41.7-0.0	E.L.	Main & tributaries except Rutledge Creek
Rutledge Creek	2-8	3.0-0.0	W.Q.	Main only
Piney River	2-9	20.6-0.0	E.L.	Main & tributaries
Rivanna River	2-10	20.0-0.0	E.L.	Main & tributaries
Rivanna River	2-11	38.1-20.0	W.Q.	Main only
Rivanna River	2-12	76.7-38.1	E.L.	Main & tributaries
S.F. Rivanna River	2-13	12.2-0.0	E.L.	Main & tributaries
Mechums River	2-14	23.1-0.0	E.L.	Main & tributaries
N.F. Rivanna River	2-15	17.0-0.0	E.L.	Main & tributaries except Standardsville Run
Standardsville Run	2-16	1.2-0.0	W.Q.	Main only
Appomattox River	2-17	156.2-27.7	E.L.	Main & tributaries except Buffalo Creek, Courthouse Branch, and Deep Creek
Buffalo Creek	2-18	20.9-0.0	E.L.	Main & tributaries except unnamed tributary @ R.M. 9.3
Unnamed tributary of Buffalo Creek @ R.M. 9.3	2-19	1.3-0.0	W.Q.	Main only
Courthouse Branch	2-20	0.6-0.0	W.Q.	Main only
Deep Creek	2-21	29.5-0.0	E.L.	Main & tributaries except unnamed tributary @ R.M. 25.0
Unnamed tributary of Deep Creek @ R.M. 25.0	2-22	2.2-0.0	W.Q.	Main only

TABLE B2 - UPPER JAMES RIVER BASIN LOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT[7]

Stream Name	Segment Number	Classification	Mile to Mile	Significant Discharges	Total Assimilative Capacity of Stream BOD_5 lbs/day	Wasteload Allocation BOD_5 lbs/day[2]	Reserve BOD_5 lbs/day[5]
Cedar Creek	2-3	E.L.	1.9-0.0	Natural Bridge, Inc. STP	35.0	28.0	7.0 (20%)
Elk Creek	2-3	E.L.	2.8-0.0	Natural Bridge Camp for Boys STP	7.0	3.3	3.7 (53%)
Little Calfpasture River	2-4	E.L.	10.9-4.0	Craigsville	12.0	9.6	2.4 (20%)

Cabin River	2-4	E.L.	1.7-0.0	Millboro	Self - sustaining	None	None
Maury River	2-4	E.L.	19.6-12.2	Lexington STP	380.0	380.0	None
Maury River	2-4	E.L.	12.2-1.2	Georgia Bonded Fibers	760.0	102.0[3]	238.0 (31%)
				Buena Vista STP		420.0	
Maury River	2-4	E.L.	1.2-0.0	Lees Carpets	790.0	425.0[3]	290.0 (37%)
				Glasgow STP		75.0	
James River	2-5	W.Q.	271.5-266.0	Owens-Illinois	4,640.0	4,640.0[3]	None
James River	2-6	E.L.	257.5-231.0	Lynchburg STP	10,100.0	8,000.0	2,060.0 (20%)
				Babcock & Wilcox-NNFD		40.0[3]	
James River	2-6	E.L.	231.0-202.0	Virginia Fibre	3,500.0	3,500.0	None
Rutledge Creek	2-8	W.Q.	3.0-0.0	Amherst STP	46.0	37.0	9.0 (20%)
Town Creek	2-7	E.L.	2.1-0.0	Lovingston STP	26.0	21.0	5.0 (20%)
Ivy Creek	2-6	E.L.	0.1-0.0	Schuyler	13.8	11.0	2.8 (20%)
James River	2-6	E.L.	186.0-179.0	Uniroyal, Inc.	1,400.0	19.3[6]	1,336.0 (95%)
				Scottsville STP		45.0	
North Creek	2-6	E.L.	3.1-0.0	Fork Union STP	31.0	25.0	6.0 (20%)
Howells Branch and Licking Hole Creek	2-14	E.L.	0.7-0.0	Morton Frozen Foods	20.0	20.0[3]	None
Standardsville Run	2-16	W.Q.	1.2-0.0	Standardsville STP	17.9	14.3	3.6 (20%)
Rivanna River	2-11	W.Q.	23.5-20.0	Lake Monticello STP	480.0	380.0	100.0 (20%)
Rivanna River	2-10	E.L.	15.0-0.0	Palmyra	250.0	4.0	158.0 (63%)
				Schwarzenbach Huber		88.0[3]	

Unnamed tributary of Whispering Creek	2-6	E.L.	1.2-0.0	Dillwyn STP	38.0	30.0	8.0 (21%)
South Fork Appomattox River	2-17	E.L.	5.5-0.0	Appomattox Lagoon	18.8	15.0	3.8 (20%)
Unnamed tributary of Buffalo Creek	2-19	W.Q.	1.3-0.0	Hampden-Sydney Coll. STP	10.0	8.0	2.0 (20%)
Appomattox River	2-17	E.L.	106.1-88.0	Farmville STP	280.0	220.0	60.0 (21%)
Unnamed tributary of Little Guinea Creek	2-17	E.L.	2.5-1.3	Cumberland H.S. Lagoon	0.6	0.5	0.1 (20%)
Unnamed tributary of Tear Wallet Creek	2-17	E.L.	0.68-0.0	Cumberland Courthouse	8.8	7.0	1.8 (20%)
Courthouse Branch	2-22	W.Q.	2.2-0.0	Amelia STP	21.0	17.0	4.0 (20%)
Unnamed tributary of Deep Creek	2-22	W.Q.	2.2-0.0	Crewe STP	50.3[11,12]	50.1[11, 12]	0.2 (0.4%)[11,12,13]

Notes:

[1]Recommended classification.

[2]Based on 2020 loads or stream assimilative capacity less 20%.

[3]Load allocation based on published NPDES permits.

[4]This assimilative capacity is based upon an ammonia loading no greater than 125.1 lbs/day.

[5]Percentages refer to reserve as percent of total assimilative capacity. Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

[6]No NPDES Permits published (BPT not established) allocation base on maximum value monitored.

[7]This table is for the existing discharge point. The recommended plan may involve relocation or elimination of stream discharge.

[8]Assimilative capacity will be determined upon completion of the ongoing study by Hydroscience, Inc.

[9]Discharges into Karnes Creek, a tributary to the Jackson River.

[10]Discharges into Wilson Creek, near its confluence with Jackson River.

[11]Five-day Carbonaceous Biological Oxygen Demand ($cBOD_5$).

[12]Revision supersedes all subsequent Crewe STP stream capacity, allocation, and reserve references.

[13]0.4% reserve: determined by SWCB Piedmont Regional Office.

Source: Wiley & Wilson, Inc.

TABLE B3 - UPPER JAMES RIVER BASIN ADDITIONAL LOAD ALLOCATIONS
BASED ON RECOMMENDED DISCHARGE POINT

Stream Name	Segment Number	Classification[1]		Significant Discharges	Total Assimilative Capacity of Stream BOD_5 lbs/day	Wasteload[2] Allocation BOD_5 lbs/day	Reserve[4] BOD_5 lbs/day[5]
Mill Creek	2-4	E.L.	5.5-0.0	Millboro	30.0	7.3	22.7 (76%)
Calfpasture River	2-4	E.L.	4.9-0.0	Goshen	65.0	12.0	53.0 (82%)
Maury River	2-4	E.L.	1.2-0.0	Lees Carpet	790.0	425.0[3]	235.0 (30%)
				Glasgow Regional STP		130.0	
Buffalo River	2-7	E.L.	9.6-0.0	Amherst STP	150.0	120.0	30.0 (20%)
Rockfish River	2-6	E.L.	9.5-0.0	Schuyler STP	110.0	25.0	85.0 (77%)
Standardsville Run		E.L.		Standardsville	Land Application Recommended		
South Fork Appomattox River		E.L.		Appomattox Lagoon	Connect to Recommended Facility in Roanoke River Basin		
Buffalo Creek	2-17	E.L.	9.3-7.7	Hampden-Sydney College	46.0	23.0	23.0 (50%)
Unnamed tributary of Tear Wallet Creek		E.L.		Cumberland Courthouse	Land Application Recommended		
Courthouse Branch		E.L.		Amelia	Land Application Recommended		
Deep Creek	2-17	E.L.	25.0-12.8	Crewe STP	69.0	55.0	14.0 (20%)

Notes:
[1]Recommended classification.

[2]Based on 2020 loads or stream assimilative capacity less 20%.

[3]Load allocation based on published NPDES permit.

[4]Percentages refer to reserve as percent of total assimilative capacity. Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

[5]Assimilative capacity will be determined upon completion of the ongoing study by Hydroscience, Inc.

Source: Wiley & Wilson, Inc.

TABLE B4 - SEGMENT CLASSIFICATION UPPER JAMES-JACKSON RIVER SUBAREA

Stream Name	Segment Number	Mile to Mile	Stream Classification	Comments
Back Creek	2-1	16.06-8.46	W.Q.	Main Only
Jackson River	2-1	95.70-24.90	E.L.	Main and Tributaries
Jackson River	2-2	24.90-0.00	W.Q.	Main Only

Jackson River	2-2	24.90-0.00	E.L.	Tributaries Only
James River	2-3	349.50-308.50	E.L.	Main and Tributaries
James River	2-3	308.50-279.41	E.L.	Main and Tributaries

TABLE B5 - UPPER JAMES-JACKSON RIVER SUBAREA WASTELOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT[1]

MAP LOCATION	STREAM NAME	SEGMENT NUMBER	SEGMENT CLASSIFICATION STANDARDS	MILE to[2] MILE	DISCHARGER	VPDES PERMIT NUMBER	VPDES PERMIT LIMITS BOD_5 kg/day	303(e)[3] WASTELOAD ALLOCATION BOD_5 kg/day
1	Jackson River	2-1	E.L.	93.05-	Virginia Trout	VA0071722	N/A	Secondary
B	Warm Springs Run	2-1	E.L.	3.62-0.00	Warm Springs STP	VA0028233	9.10	Secondary
3	Back Creek	2-1	W.Q.	16.06-8.46	VEPCO	VA0053317	11.50	11.50
C	X-trib to Jackson River	2-1	E.L.	0.40-0.0	Bacova	VA0024091	9.10	Secondary
D	Hot Springs Run	2-1	E.L.	5.30-0.00	Hot Springs Reg. STP	VA0066303	51.10	Secondary
E	X-trib to Cascades Creek	2-1	E.L.	3.00-0.00	Ashwood-Healing Springs STP	VA0023726	11.30	Secondary
F	Jackson River	2-1	E.L.	50.36-	U.S. Forest Service Bolar Mountain	VA0032123	1.98	Secondary
G	Jackson River	2-1	E.L.	43.55	U.S. Army COE Morris Hill Complex	VA0032115	1.70	Secondary
H	Jackson River	2-1	E.L.	29.84-	Alleghany County Clearwater Park	VA0027955	5.70	Secondary
4	Jackson River	2-1	E.L.	25.99	Covington City Water Treatment Plant	VA0058491	N/A	Secondary
5	Jackson River	2-2	W.Q.	24.64-19.03	Westvaco	VA0003646	4,195.00	4,195.00[4]
6					Covington City[5] Asphalt Plant	VA0054411	N/A	N/A
7					Hercules, Inc[6]	VA0003450	94.00	94.00

J	Jackson River	2-2	W.Q.	19.03-10.5	Covington STP	VA0025542	341.00	341.00
K	Jackson River			10.5-0.0	Low Moor STP[7]	VA0027979	22.70	22.70
M					D.S. Lancaster CC[8]	VA0028509	3.60	3.60
L					Selma STP[9]	VA0028002	59.00	59.00
10					The Chessie System[10]	VA0003344	N/A	N/A
N					Clifton Forge STP[11]	VA0002984	227.00	227.00
11					Lydall[12]	VA0002984	6.00	6.00
P					Iron Gate STP[13]	VA0020541	60.00	60.00
8	Paint Bank Branch	2-2	E.L.	1.52	VDGIF Paint Bank Hatchery	VA0098432	N/A	Secondary
I	Jerrys Run	2-2	E.L.	6.72-	VDOT 1-64 Rest Area	VA0023159	0.54	Secondary
AA	East Branch (Sulfer Spring)	2-2	E.L.	2.16	Norman F. Nicholas	VA0078403	0.05	Secondary
BB	East Branch (Sulfer Spring)	2-2	E.L.	1.91-	Daryl C. Clark	VA0067890	0.068	Secondary
9	Smith Creek	2-2	E.L.	3.44-	Clifton Forge Water Treatment Plant	VA0006076	N/A	Secondary
O	Wilson Creek	2-2	E.L.	0.20-0.0	Cliftondale[14] Park STP	VA0027987	24.00	Secondary
2	Pheasanty Run	2-3	E.L.	0.01-	Coursey Springs	VA0006491	434.90	Secondary
Q	Grannys Creek	2-3	E.L.	1.20-	Craig Spring Conference Grounds	VA0027952	3.40	Secondary
CC	X-trib to Big Creek	2-3	E.L.	1.10-	Homer Kelly Residence	VA0074926	0.05	Secondary
12	Mill Creek	2-3	E.L.	0.16-	Columbia Gas Transmission Corp.	VA0004839	N/A	Secondary
R	John Creek	2-3	E.L.	0.20-	New Castle STP (old)	VA0024139	21.00	Secondary
S	Craig Creek	2-3	E.L.	48.45-36.0	New Castle STP (new)	VA0064599	19.90	Secondary

T	Craig Creek	2-3	E.L.	46.98-	Craig County Schools McCleary E.S.	VA0027758	0.57	Secondary
DD	Eagle Rock Creek	2-3	E.L.	0.08-	Eagle Rock STP[15 (Proposed)]	VA0076350	2.30	Secondary
U	X-trib to Catawba Creek	2-3	E.L.	0.16	VDMH & R Catawba Hospital	VA0029475	13.60	Secondary
14	Catawba Creek	2-3	E.L.	23.84	Tarmac-Lonestar	VA0078393	0.80	Secondary
FF	Borden Creek	2-3	E.L.	2.00-	Shenandoah Baptist Church Camp	VA0075451	0.88	Secondary
EE	X-trib to Borden Creek	2-3	E.L.	0.36	David B. Pope	VA0076031	0.07	Secondary
V	X-trib to Catawba Creek	2-3	E.L.	3.21-	U.S. FHA Flatwood Acres	VA0068233	0.03	Secondary
W	Catawba Creek	2-3	E.L.	11.54-	Fincastle STP	VA0068233	8.50	Secondary
X	Looney Mill Creek	2-3	E.L.	1.83-	VDOT I-81 Rest Area	VA0023141	0.91	Secondary
Y	X-trib to Stoney	2-3	E.L.	0.57	VDOC Field Unit No. 25 Battle Creek	VA0023523	1.10	Secondary
Z	James River	2-3	E.L.	308.5-286.0	Buchanan STP	VA0022225	27.00	Secondary

Notes:

N/A Currently No BOD_5 limits or wasteload have been imposed by the VPDES permit. Should BOD_5 limits (wasteload) be imposed a WQMP amendment would be required for water quality limited segments only.

[1]Secondary treatment levels are required in effluent limiting (E.L.) segments. In water quality limiting (W.Q.) segments quantities listed represent wasteload allocations.

[2]Ending river miles have not been determined for some effluent limited segments.

[3]These allocations represent current and original (1977 WQMP) modeling. Future revisions may be necessary based on Virginia State Water Control Board modeling.

[4]The total assimilative capacity at critical stream flow for this portion of Segment 2-2 has been modeled and verified by Hydroscience, Inc. (March 1977) to be 4,914 kg/day BOD_5.

[5]The discharge is to an unnamed tributary to the Jackson River at Jackson River mile 22.93.

[6]The discharge is at Jackson River mile 19.22.

[7]The discharge is to the mouth of Karnes Creek, a tributary to the Jackson River at Jackson River mile 5.44.

[8]The discharge is at Jackson River mile 6.67.

[9]The discharge is at Jackson River mile 5.14.

[10]The discharge is at Jackson River mile 4.72.

[11]The discharge is at Jackson River mile 3.46.

[12]The discharge is at Jackson River mile 1.17.

[13]The discharge is at Jackson River mile 0.76.

[14]The discharge is to the mouth of Wilson Creek, a tributary to the Jackson River at Jackson River mile 2.44.

[15]The discharge is to the mouth of Eagle Rock Creek, a tributary to the Jackson River at Jackson River mile 330.35.

TABLE B6 - RICHMOND CRATER INTERIM WATER QUALITY MANAGEMENT PLAN STREAM CLASSIFICATIONS - JAMES RIVER BASIN

SEGMENT	SEGMENT NUMBER	MILE TO MILE	CLASSIFICATION
USGS HUC02080206 James River	2-19	115.0-60.5	W.Q.
USGS HUC02080207 Appomattox	2-23	30.1-0.0	W.Q.

Notes:
A new stream segment classification for the Upper James River Basin was adopted in 1981. The SWCB will renumber or realign these segments in the future to reflect these changes. This Plan covers only a portion of these segments.

TABLE B7 - RICHMOND CRATER INTERIM WATER QUALITY MANAGEMENT PLAN – CURRENT PERMITTED WASTELOADS (March 1988)

	SUMMER (June-October)						WINTER (November-May)					
	FLOW (mgd)	BOD_5		NH_3-N^1		DO^2 (mg/l)	FLOW (mgd)	BOD_5		NH_3-N^1		DO^2 (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)			(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP[3]	45.00	3002	8.0	-	-	-	45.00	5367	14.3	(lbs/d)	-	-
E.I. DuPont-Spruance	8.68	936	-	-	-	-	8.68	936	-	-	-	-
Falling Creek STP	9.00	1202	16.0	-	-	5.9	9.00	2253	30.0	-	-	5.9
Proctor's Creek STP	6.40	1601	30.0	-	-	5.9	11.80	2952	30.0	-	-	5.9
Reynolds Metals Company	0.39	138	-	7	-	-	0.39	138	-	-	-	-
Henrico STP	30.00	3005	12.0	-	-	5.9	30.00	7260	29.0	7	-	5.9
American Tobacco Company	1.94	715	-	-	-	-	1.94	716	-	-	-	-
ICI Americas, Inc.	0.20	152	-	-	-	-	0.20	152	-	-	-	-
Phillip Morris-Park 500	1.50	559	-	-	-	-	1.50	557	-	-	-	-
Allied (Chesterfield)	51.00	1207	-	-	-	-	51.00	1207		-	-	-

Allied (Hopewell)	150.00	2500	-	-	-	-	150.00	2500	-	-	-	-
Hopewell Regional WTF	34.08	12507	44.0	-	-	4.8	34.08	12507	44.0	-	-	4.8
Petersburg STP	15.00	2804	22.4	-	-	5.0	15.00	2804	22.4	-	-	5.0
TOTAL	353.19	30328					358.59	39349		-		

Notes:
[1]NH_3-N values represent ammonia as nitrogen.
[2]Dissolved oxygen limits represent average minimum allowable levels.
[3]Richmond STP's BOD_5 is permitted as $CBOD_5$

TABLE B7 - WASTELOAD ALLOCATIONS FOR THE YEAR 1990

	SUMMER (June-October)						WINTER (November-May)				
	FLOW (mgd)	$CBOD_5$		NH_3-N[1,3]		DO[2] (mg/l)	$CBOD_5$		NH_3-N[1]		DO[2] (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.00	3002	8.0	2403	6.4	5.6	5367	14.3	5707	15.2	5.6
E.I. DuPont-Spruance	11.05	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	12.00	1602	16.0	961	9.6	5.9	2403	24.0	1402	14.0	5.9
Reynolds Metals Co.	0.49	172		8		6.5	172		8		6.5
Henrico STP	30.00	3002	12.0	2403	9.6	5.6	4756	19.0	3504	44.0	5.6
American Tobacco Co.	2.70	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris-Park 500	2.20	819		92		4.6	819		92		4.6
Allied (Chesterfield)	53.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	165.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	34.07	12502	44.0	12091	36.2	4.8	12502	44.0	10291	36.2	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	380.81	31084		28978			36679	35958			

Notes:
[1]NH_3-N values represent ammonia as nitrogen.
[2]Dissolved oxygen limits represent average minimum allowable levels.
[3]Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

TABLE B7 - WASTELOAD ALLOCATION FOR THE YEAR 2000

	SUMMER (June-October)						WINTER (November-May)				
	FLOW (mgd)	$CBOD_5$		NH_3-N[1,3]		DO[2] (mg/l)	$CBOD_5$		NH_3-N[1]		DO[2] (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.08	3002	8.0	2403	6.4	5.6	5367	14.3	5707	15.2	5.6
E.I. DuPont-Spruance	196.99	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	16.80	1602	11.4	961	6.9	5.9	2403	17.1	1402	10.0	5.9
Reynolds Metals Co.	0.78	172		13		6.5	172		13		6.5
Henrico STP	32.80	3002	11.0	2403	8.8	5.6	4756	17.4	3504	12.8	5.6
American Tobacco Co.	3.00	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris-Park 500	2.90	819		92		4.6	819		92		4.6
Allied (Chesterfield)	56.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	170.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	36.78	12502	40.7	12091	33.5	4.8	12502	40.7	10291	33.5	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	406.43	31084		28982			36679		35963		

Notes:
[1]NH_3-N values represent ammonia as nitrogen.
[2]Dissolved oxygen limits represent average minimum allowable levels.
[3]Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

TABLE B7 - WASTELOAD ALLOCATIONS FOR THE YEAR 2010

	SUMMER (June-October)						WINTER (November-May)				
	FLOW (mgd)	$CBOD_5$		NH_3-N[1,3]		DO[2] (mg/l)	$CBOD_5$		NH_3-N[1]		DO[2] (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.86	3002	7.8	2403	6.3	5.6	5367	14.0	5707	14.9	5.6
E.I. DuPont-Spruance	16.99	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	24.00	1602	8.0	961	4.8	5.9	2403	12.0	1402	7.0	5.9
Reynolds Metals Co.	0.78	172		13		6.5	172		13		6.5
Henrico STP	38.07	3002	9.5	2403	7.6	5.6	4756	15.0	3504	11.0	5.6
American Tobacco Co.	3.00	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris-Park 500	2.90	819		92		4.6	819		92		4.6
Allied (Chesterfield)	56.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	180.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	39.61	12502	37.8	10291	31.1	4.8	12502	37.8	10291	31.1	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	432.1	31084		28982			36679		35963		

Notes:
[1]NH_3-N values represent ammonia as nitrogen.
[2]Dissolved oxygen limits represent average minimum allowable levels.
[3]Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

C. Nitrogen and phosphorus wasteload allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus wasteload allocations for the identified significant dischargers and the total nitrogen and total phosphorus wasteload allocations for the listed facilities.

Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Wasteload Allocation (lbs/yr)	Total Phosphorus (TP) Wasteload Allocation (lbs/yr)
I37R	Buena Vista STP	VA0020991	41,115	3,426
I09R	Clifton Forge STP	VA0022772	36,547	3,046
I09R	Covington STP	VA0025542	54,820	4,568
H02R	Georgia Pacific	VA0003026	122,489	49,658

I37R	Lees Carpets	VA0004677	30,456	12,182
I35R	Lexington-Rockbridge WQCF	VA0088161	54,820	4,568
I09R	Low Moor STP	VA0027979	9,137	761
I09R	Lower Jackson River STP	VA0090671	27,410	2,284
I04R	MeadWestvaco	VA0003646	394,400	159,892
H12R	Amherst STP	VA0031321	10,964	914
H05R	BWX Technologies Inc.	VA0003697	187,000	1,523
H05R	Greif Inc.	VA0006408	73,246	29,694
H31R	Lake Monticello STP	VA0024945	18,182	1,515
H05R	Lynchburg STP[1]	VA0024970	536,019	33,501
H28R	Moores Creek Regional STP	VA0025518	274,100	22,842
H38R	Powhatan CC STP	VA0020699	8,588	716
J11R	Crewe WWTP	VA0020303	9,137	761
J01R	Farmville WWTP	VA0083135	43,856	3,655
G02E	R. J. Reynolds	VA0002780	25,583	1,919
G01E	E I du Pont - Spruance	VA0004669	201,080	7,816
G01E	Falling Creek WWTP	VA0024996	153,801	15,380
G01E	Henrico County WWTP	VA0063690	1,142,085	114,209
G03E	Honeywell – Hopewell	VA0005291	1,090,798	51,592
G03R	Hopewell WWTP	VA0066630	1,827,336	76,139
G15E	HRSD – Boat Harbor STP	VA0081256	740,000	76,139
G11E	HRSD – James River STP	VA0081272	1,250,000	60,911
G10E	HRSD – Williamsburg STP	VA0081302	800,000	68,525
G02E	Philip Morris – Park 500	VA0026557	139,724	2,650
G01E	Proctors Creek WWTP	VA0060194	411,151	41,115
G01E	Richmond WWTP[1]	VA0063177	1,096,402	68,525
G02E	Dominion-Chesterfield[2]	VA0004146	352,036	210
J15R	South Central WW Authority	VA0025437	350,239	35,024
G07R	Chickahominy WWTP	VA0088480	6,167	123
G05R	Tyson Foods – Glen Allen	VA0004031	19,552	409
G11E	HRSD – Nansemond STP	VA0081299	750,000	91,367
G15E	HRSD – Army Base STP	VA0081230	610,000	54,820
G15E	HRSD – VIP WWTP	VA0081281	750,000	121,822

G15E	JH Miles & Company	VA0003263	153,500	21,500
C07E	HRSD – Ches.-Elizabeth STP	VA0081264	1,100,000	108,674
	TOTALS		14,901,739	1,354,375

Notes:
[1]Wasteload allocations for localities served by combined sewers are based on dry weather design flow capacity. During wet weather flow events the discharge shall achieve a TN concentration of 8.0 mg/l and a TP concentration of 1.0 mg/l.

[2]Wasteload allocations are "net" loads, based on the portion of the nutrient discharge introduced by the facility's process waste streams, and not originating in raw water intake.

9VAC25-720-80. Roanoke River Basin.

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA[1]	Units
1.	Ash Camp Creek	Total Maximum Daily Load Development for Ash Camp Creek	Charlotte	L39R	Sediment	20.7	T/YR
2.	North Fork Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Sediment	0	T/YR
3.	North Fork Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Phosphorus	0	T/YR
4.	Upper Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Sediment	0.526	T/YR
5.	Flat Creek	Benthic TMDL for Flat Creek Watershed, Virginia	Mecklenburg	L79R	Sediment	76.2	T/YR
6.	Twittys Creek	Benthic TMDL for Twittys Creek Watershed, Virginia	Charlotte	L39R	Sediment	20.4	T/YR
7.	Roanoke River	Benthic TMDL Development for the Roanoke River, Virginia	Roanoke, Montgomery, Floyd, Botetourt, Salem, Roanoke	L04R	Sediment	5,189	T/YR
8.	North Fork Roanoke River	Roanoke River PCB TMDL Development	Montgomery	L02R	tPCB	28.2	MG/YR
9.	South Fork Roanoke River	Roanoke River PCB TMDL Development	Montgomery	L01R	tPCB	230.2	MG/YR
10.	Masons Creek	Roanoke River PCB TMDL Development	Roanoke	L03R, L04R	tPCB	9.1	MG/YR
11.	Peters Creek	Roanoke River PCB TMDL Development	Botetourt, Roanoke	L04R	tPCB	65.4	MG/YR
12.	Tinker Creek	Roanoke River PCB TMDL Development	Botetourt, Roanoke	L05R	tPCB	103.9	MG/YR
13.	Wolf Creek	Roanoke River PCB TMDL Development	Bedford	L21R	tPCB	10.0	MG/YR
14.	UT to Roanoke River	Roanoke River PCB TMDL Development	Bedford	L21R	tPCB	0.5	MG/YR
15.	Roanoke River, upper	Roanoke River PCB TMDL Development	Montgomery, Botetourt, Roanoke	L03R, L04R, L12L	tPCB	28,157.7	MG/YR

16.	Goose Creek	Roanoke River PCB TMDL Development	Bedford, Campbell, Pittsylvania	L20R, L21R L22R	tPCB	0.1	MG/YR
17.	Sycamore Creek	Roanoke River PCB TMDL Development	Pittsylvania	L19R	tPCB	1.4	MG/YR
18.	Lynch Creek	Roanoke River PCB TMDL Development	Campbell	L19R	tPCB	0.1	MG/YR
19.	Reed Creek	Roanoke River PCB TMDL Development	Pittsylvania	L19R	tPCB	0.0	MG/YR
20.	X-Trib	Roanoke River PCB TMDL Development	Campbell	L19R	tPCB	0.1	MG/YR
21.	UT to Roanoke River	Roanoke River PCB TMDL Development	Campbell	L19R	tPCB	0.1	MG/YR
22.	Little Otter River	Roanoke River PCB TMDL Development	Bedford, Campbell	L26R	tPCB	0.0	MG/YR
23.	Big Otter River	Roanoke River PCB TMDL Development	Bedford, Campbell	L23R	tPCB	0.0	MG/YR
24.	Straightstone Creek	Roanoke River PCB TMDL Development	Pittsylvania	L30R	tPCB	0.0	MG/YR
25.	Seneca Creek	Roanoke River PCB TMDL Development	Campbell	L31R	tPCB	0.0	MG/YR
26.	Whipping Creek	Roanoke River PCB TMDL Development	Campbell	L30R	tPCB	0.0	MG/YR
27.	Falling River	Roanoke River PCB TMDL Development	Appomattox, Campbell	L32R	tPCB	0.0	MG/YR
28.	Childrey Creek	Roanoke River PCB TMDL Development	Halifax	L30R	tPCB	0.0	MG/YR
29.	Catawba Creek	Roanoke River PCB TMDL Development	Halifax	L36R	tPCB	0.0	MG/YR
30.	Turnip Creek	Roanoke River PCB TMDL Development	Charlotte	L36R	tPCB	0.0	MG/YR
31.	Hunting Creek	Roanoke River PCB TMDL Development	Halifax	L38R	tPCB	0.0	MG/YR
32.	Cub Creek	Roanoke River PCB TMDL Development	Appomattox, Charlotte	L37R	tPCB	0.0	MG/YR
33.	Black Walnut Creek	Roanoke River PCB TMDL Development	Halifax	L38R	tPCB	0.8	MG/YR
34.	Roanoke Creek	Roanoke River PCB TMDL Development	Charlotte	L39R	tPCB	0.0	MG/YR
35.	Difficult Creek	Roanoke River PCB TMDL Development	Halifax	L41R	tPCB	0.0	MG/YR
36.	Roanoke River	Roanoke River PCB TMDL Development	Appomattox, Campbell, Charlotte, Pittsylvania, Halifax	L19R	tPCB	1,931.8	MG/YR
37.	Winn Creek	Bacterial TMDL Development for the Banister River and Winn Creek Watersheds	Halifax	L71	E. coli	5.25E+10	cfu/year
38.	Banister River	Bacterial TMDL Development for the Banister River and Winn Creek Watersheds	Halifax	L71	E. coli	1.17E+12	cfu/year
39.	Banister River	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek,	Pittsylvania, Halifax	L65, L66, L67, L68, L69, L70, L71	E. coli	2.78E+10	cfu/year

		Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds					
40.	Polecat Creek	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Halifax	L71	E. coli	8.40E+10	cfu/year
41.	Bearskin Creek	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Pittsylvania	L65	E. coli	9.18E+10	cfu/year
42.	Stinking River	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Pittsylvania	L69	E. coli	1.50E+11	cfu/year
43.	Banister River	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Pittsylvania	L65	E. coli	1.52E+11	cfu/year
44.	Sandy Creek	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Pittsylvania	L70	E. coli	3.94E+11	cfu/year
45.	Whitehorn Creek	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Pittsylvania	L68	E. coli	3.06E+12	cfu/year
46.	Cherrystone Creek	Bacteria TMDL Development for the Banister River, Bearskin Creek, Cherrystone Creek, Polecat Creek, Stinking River, Sandy Creek, and Whitehorn Creek Watersheds	Pittsylvania	L66	E. coli	5.86E+12	cfu/year
47.	Beaverdam Creek, lower	Bacteria TMDL for Beaverdam Creek	Bedford	L07	E. coli	1.39E+10	cfu/year
48.	Big Otter River	Fecal Coliform TMDL for Sheep Creek, Elk Creek, Machine Creek, Little Otter River, and Lower Big Otter	Campbell, Bedford	L23, L24, L25, L26, L27, L28, L29	Fecal coliform	1.00E+11	cfu/year

		River					
49.	Big Otter River and Elk Creek	Fecal Coliform TMDL for Sheep Creek, Elk Creek, Machine Creek, Little Otter River, and Lower Big Otter River	Bedford	L25	Fecal coliform	1.19E+12	cfu/year
50.	Big Otter River and Falling Creek	Fecal Coliform TMDL for Sheep Creek, Elk Creek, Machine Creek, Little Otter River, and Lower Big Otter River	Bedford	L27	Fecal coliform	1.00E+11	cfu/year
51.	Big Otter River and Sheep Creek	Fecal Coliform TMDL for Sheep Creek, Elk Creek, Machine Creek, Little Otter River, and Lower Big Otter River	Bedford	L23	Fecal coliform	1.00E+11	cfu/year
52.	Machine Creek	Fecal Coliform TMDL for Sheep Creek, Elk Creek, Machine Creek, Little Otter River, and Lower Big Otter River	Bedford	L26	Fecal coliform	1.00E+11	cfu/year
53.	Little Otter River	Fecal Coliform TMDL for Sheep Creek, Elk Creek, Machine Creek, Little Otter River, and Lower Big Otter River	Bedford	L26	Fecal coliform	5.65E+12	cfu/year
54.	Birch Creek	Bacteria TMDL for Birch Creek Watershed	Halifax	L63	E. coli	0	cfu/year
55.	Byrds Branch[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Halifax	L62	E. coli	5.22E+09	cfu/year
56.	Sandy Creek[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Pittsylvania	L59	E. coli	5.22E+09	cfu/year
57.	Blackberry Creek[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Henry	L52	E. coli	6.72E+10	cfu/year
58.	Double Creek[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double	Pittsylvania	L62	E. coli	7.56E+10	cfu/year

		Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds					
59.	Fall Creek[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Pittsylvania, Danville	L61	E. coli	9.06E+10	cfu/year
60.	Sandy River[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Pittsylvania	L58	E. coli	1.08E+11	cfu/year
61.	Marrowbone Creek[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Henry	L55	E. coli	1.21E+11	cfu/year
62.	North Mayo River[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Patrick, Henry	L46, L47	E. coli	2.44E+11	cfu/year
63.	Leatherwood Creek[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Henry	L56	E. coli	3.49E+11	cfu/year
64.	South Mayo River[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North	Patrick	L43, L44, L45	E. coli	5.11E+11	cfu/year

		Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds					
65.	Smith River[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Franklin, Henry, Martinsville	L52, L53	E. coli	8.94E+11	cfu/year
66.	Dan River[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Patrick, Martinsville, Danville, Halifax, Henry, Pittsylvania	L42, L43, L44, L45, L46, L47, L48, L49, L50, L51, L52, L53, L54, L55, L56, L57, L58, L59, L60, L61, L62, L63, L64, L73	E. coli	1.76E+13	cfu/year
67.	Smith River[2]	Bacteria TMDL Development for the Dan River, Blackberry Creek, Byrds Branch, Double Creek, Fall Creek, Leatherwood Creek, Marrowbone Creek, North Fork Mayo River, South Fork Mayo River, Smith River, Sandy Creek, and Sandy River Watersheds	Patrick, Henry, Martinsville, Franklin	L50, L51, L52, L53, L54, L55, L56	E. coli	1.04E+14	cfu/year
68.	Falling River	Bacteria TMDL for Falling River Watershed	Campbell, Appomattox	L32, J33, J34, J35	E. coli	9.05E+11	cfu/year
69.	Flat Creek	Bacteria TMDL for Flat Creek	Mecklenburg	L79	E. coli	3.48E+12	cfu/year
70.	Gills Creek	Total Maximum Daily Load for Fecal Coliform for Gills Creek	Franklin	L11	Fecal coliform	2.01E+12	cfu/year
71.	Great Creek	Bacteria TMDL for Great Creek	Mecklenburg	L80	E. coli	3.52E+09	cfu/year
72.	Lower Blackwater River and tributaries	Total Maximum Daily Load of Fecal Coliform for the Lower Blackwater River	Franklin	L08, L09, L10	Fecal coliform	1.81E+11	cfu/year
73.	Maggodee Creek and Mollie Branch	Fecal Coliform TMDL Development for Maggodee Creek	Franklin	L09	Fecal coliform	8.28E+10	cfu/year
74.	Middle Blackwater River, Little Creek, and Teels Creek	Fecal Coliform TMDL Development for Middle Blackwater River	Franklin	L08	Fecal coliform	9.55E+10	cfu/year
75.	North Fork Blackwater River	Fecal Coliform TMDL Development for North Fork of the Blackwater River	Franklin	L08	Fecal coliform	0	cfu/year
76.	Old Womans Creek	Bacteria Total Maximum Daily Load Development for Pigg River, Snow Creek, Story Creek, and Old Womans Creek	Pittsylvania	L13	E. coli	7.00E+10	cfu/year

77.	Upper Pigg River	Bacteria Total Maximum Daily Load Development for Pigg River, Snow Creek, Story Creek, and Old Womans Creek	Franklin	L14	E. coli	4.83E+11	cfu/year
78.	Story Creek	Bacteria Total Maximum Daily Load Development for Pigg River, Snow Creek, Story Creek, and Old Womans Creek	Franklin	L14	E. coli	6.99E+11	cfu/year
79.	Snow Creek	Bacteria Total Maximum Daily Load Development for Pigg River, Snow Creek, Story Creek, and Old Womans Creek	Franklin, Henry, Pittsylvania	L17	E. coli	8.60E+11	cfu/year
80.	Pigg River - Leesville Lake	Bacteria Total Maximum Daily Load Development for Pigg River, Snow Creek, Story Creek, and Old Womans Creek	Pittsylvania, Franklin	L14, L15, L16, L17, L18	E. coli	3.51E+12	cfu/year
81.	South Fork Blackwater River, lower and tributaries	Fecal Coliform TMDL Development for South Fork of the Blackwater River	Franklin	L08	Fecal coliform	2.80E+09	cfu/year
82.	South Mayo River	Bacteria TMDL for South Mayo River	Patrick	L43, L44, L45	E. coli	1.04E+12	cfu/year
83.	Unnamed tributary to Buffalo Creek	Bacteria TMDLs for the Cub Creek, Turnip Creek, Buffalo Creek, Buffalo Creek (UT), and Staunton River Watersheds	Charlotte	L40	E. coli	1.65E+08	cfu/year
84.	Buffalo Creek	Bacteria TMDLs for the Cub Creek, Turnip Creek, Buffalo Creek, Buffalo Creek (UT), and Staunton River Watersheds	Charlotte	L40	E. coli	2.06E+09	cfu/year
85.	Turnip Creek	Bacteria TMDLs for the Cub Creek, Turnip Creek, Buffalo Creek, Buffalo Creek (UT), and Staunton River Watersheds	Charlotte	L36	E. coli	1.30E+10	cfu/year
86.	Cub Creek	Bacteria TMDLs for the Cub Creek, Turnip Creek, Buffalo Creek, Buffalo Creek (UT), and Staunton River Watersheds	Charlotte, Appomattox	L37	E. coli	1.43E+11	cfu/year
87.	Staunton (Roanoke) River	Bacteria TMDLs for the Cub Creek, Turnip Creek, Buffalo Creek, Buffalo Creek (UT), and Staunton River Watersheds	Charlotte, Bedford, Halifax, Campbell, Franklin, Pittsylvania	L07, L08, L09, L10, L11, L12, L13, L14, L15, L16, L17, L18, L19, L20, L21, L22, L23, L24, L25, L26, L27, L28, L29, L30, L31, L32, L33, L34, L35, L36, L37, L38, L39, L40, L41	E. coli	2.34E+13	cfu/year

88.	Lick Run	Fecal Coliform Total Maximum Daily Load Development for Glade Creek, Tinker Creek, Carvin Creek, Laymantown Creek and Lick Run	Roanoke City	L05	E. coli	7.17E+10	cfu/year
89.	Glade Creek	Fecal Coliform Total Maximum Daily Load Development for Glade Creek, Tinker Creek, Carvin Creek, Laymantown Creek and Lick Run	Botetourt	L05	E. coli	4.00E+11	cfu/year
90.	Laymantown Creek	Fecal Coliform Total Maximum Daily Load Development for Glade Creek, Tinker Creek, Carvin Creek, Laymantown Creek and Lick Run	Botetourt	L05	E. coli	4.36E+11	cfu/year
91.	Tinker Creek	Fecal Coliform Total Maximum Daily Load Development for Glade Creek, Tinker Creek, Carvin Creek, Laymantown Creek and Lick Run	Roanoke, Roanoke City, Botetourt	L05	E. coli	5.07E+12	cfu/year
92.	Carvin Creek	Fecal Coliform Total Maximum Daily Load Development for Glade Creek, Tinker Creek, Carvin Creek, Laymantown Creek and Lick Run	Botetourt	L05	E. coli	5.24E+12	cfu/year
93.	Upper Blackwater River	Fecal Coliform TMDL Development for Upper Blackwater River	Franklin	L08	Fecal coliform	0	cfu/year
94.	Wilson Creek	Bacteria TMDLs for Wilson Creek, Ore Branch and Roanoke River Watersheds	Montgomery	L02	E. coli	6.65E+09	cfu/year
95.	Ore Branch	Bacteria TMDLs for Wilson Creek, Ore Branch and Roanoke River Watersheds	Roanoke City	L04	E. coli	2.17E+10	cfu/year
96.	Roanoke River	Bacteria TMDLs for Wilson Creek, Ore Branch and Roanoke River Watersheds	Roanoke, Roanoke City, Salem, Montgomery, Botetourt	L01, L02, L03, L04, L05, L06	E. coli	1.10E+14	cfu/year
97.	Lower Buffalo Creek	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)	Town of Bedford, Bedford, Campbell	L27R	Sediment	13.99	tons/yr
98.	Upper Buffalo Creek	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)	Town of Bedford, Bedford, Campbell	L27R	Sediment	25.51	tons/yr
99.	Lower Little Otter River	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)	Town of Bedford, Bedford, Campbell	L26R	Sediment	172.81	tons/yr
100.	Upper Little Otter River	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total	Town of Bedford, Bedford, Campbell	L26R	Sediment	24.00	tons/yr

		Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)					
101.	Johns Creek	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)	Town of Bedford, Bedford, Campbell	L26R	Sediment	32.86	tons/yr
102.	Wells Creek	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)	Town of Bedford, Bedford, Campbell	L26R	Sediment	1.49	tons/yr
103.	Lower Little Otter River	TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)	Town of Bedford, Bedford, Campbell	L26R	Total phosphorus	2209.2	lbs/yr
104.	Aarons Creek	Bacteria TMDL Development for Hyco River, Aarons Creek, Little Buffalo Creek, and Beech Creek Located in Halifax and Mecklenburg Counties, Virginia	Halifax, Mecklenburg	L73R	E. coli	3.54E+11	cfu/yr
105.	Hyco River	Bacteria TMDL Development for Hyco River, Aarons Creek, Little Buffalo Creek, and Beech Creek Located in Halifax and Mecklenburg Counties, Virginia	Halifax, Mecklenburg	L74R	E. coli	2.72E+12	cfu/yr
106.	Beech Creek	Bacteria TMDL Development for Hyco River, Aarons Creek, Little Buffalo Creek, and Beech Creek Located in Halifax and Mecklenburg Counties, Virginia	Halifax, Mecklenburg	L75R	E. coli	5.06E+10	cfu/yr
107.	Little Buffalo Creek	Bacteria TMDL Development for Hyco River, Aarons Creek, Little Buffalo Creek, and Beech Creek Located in Halifax and Mecklenburg Counties, Virginia	Halifax, Mecklenburg	L76R	E. coli	1.02E+11	cfu/yr
108.	Coleman Creek	Sediment TMDL Development for the Coleman Creek Watershed Located in Halifax County, Virginia	Halifax	L74R	Sediment	22.3	tons/yr

Notes:
[1]The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

[2]WLAs from the Dan River TMDL report represent the WLA for the watershed, which may include North Carolina waters in addition to Virginia waters. Virginia permits will be issued in accordance with the Virginia water quality standard.

B. Non-TMDL wasteload allocations.

Water Body	Permit No.	Facility Name	Outfall No.	Receiving Stream	River Mile	Parameter Description	WLA	Units WLA
VAW-L04R	VA0072389	Oak Ridge Mobile Home Park	001	Falling Creek UT	0.32	BOD_5	0.85	KG/D
VAW-L04R	VA0025020	Roanoke City Regional Water Pollution Control Plant	001	Roanoke River	201.81	BOD_5 TKN, APR-SEP TKN, OCT-MAR	1173 318 636	KG/D KG/D KG/D
			001	Roanoke River	201.81	BOD_5 TKN, APR-SEP TKN, OCT-MAR	1173 416 832	KG/D KG/D KG/D
			001	Roanoke River	201.81	BOD_5 TKN, APR-SEP TKN, OCT-MAR	1173 469 939	KG/D KG/D KG/D
VAW-L04R	VA0077895	Roanoke Moose Lodge	001	Mason Creek	7.79	BOD_5, JUN-SEP TKN, JUN-SEP	0.24 0.09	KG/D KG/D
VAW-L07R	VA0020842	Bedford County School Board-Stewartsville Elementary School	001	Nat Branch, UT	0.59	BOD_5	0.5	KG/D
VAW-L14R	VA0029254	Ferrum Water and Sewage Auth. - Ferrum Sewage Treatment Plant	001	Storey Creek	9.78	BOD_5	14.2	KG/D
VAW-L14R	VA0085952	Rocky Mount Town Sewage Treatment Plant	001	Pigg River	52	BOD_5	133	KG/D
VAW-L14R	VA0076015	Ronile Incorporated	001	Pigg River	57.24	BOD_5	14.8	KG/D
VAW-L21R	VA0063738	Bedford County School Board - Staunton River High School	001	Shoulder Run, UT	0.95	BOD_5	1.8	KG/D
VAW-L21R	VA0020869	Bedford County School Board - Thaxton Elementary School	001	Wolf Creek, UT	0.35	BOD_5	0.31	KG/D
VAW-L22R	VA0023515	Blue Ridge Regional Jail Auth. - Moneta Adult Detention Facility STP	001	Mattox Creek, UT	3.76	BOD_5	1.66	KG/D
VAW-L25R	VA0020851	Bedford County School Board - Otter River Elementary School	001	Big Otter River, UT	1.15	BOD_5	0.4	KG/D

VAW-L26R	VA0022390	Bedford City - Sewage Treatment Plant	001	Little Otter River	14.36	BOD_5	52.8	KG/D
VAW-L26R	VA0020818	Bedford County School Board - Body Camp Elementary	001	Wells Creek, UT	2.22	BOD_5	0.4	KG/D
VAW-L27R	VA0020826	Bedford County School Board - New London Academy	001	Buffalo Creek, UT	0.67	BOD_5	0.39	KG/D
VAC-L29R	VA0031194	Briarwood Village Mobile Home Park STP	001	Smith Branch, UT	2.82	BOD_5	1.3	KG/D
VAC-L35R	VA0023965	Campbell Co Util & Serv Auth. - Rustburg	001	Mollys Creek	17.81	BOD_5	8.13	KG/D
VAC-L39R	VA0084433	Drakes Branch WWTP	001	Twittys Creek	6.04	BOD_5	6.4	KG/D
VAC-L39R	VA0024058	Keysville WWTP	001	Ash Camp Creek	7.63	$CBOD_5$, MAY-NOV TKN, MAY-NOV	32.1 KG/D 7.57 KG/D	
AC-L39R	VA0050822	Westpoint Stevens Inc Drakes Branch	001	Twittys Creek	7.22	BOD_5	6.31	KG/D
VAW-L43R	VA0022985	Stuart Town - Sewage Treatment Plant	001	South Mayo River	30.78	BOD_5	63.5	KG/D
VAW-L54R	VA0069345	Henry Co Public Service Auth. - Lower Smith River STP	001	Smith River	19.4	BOD_5	257	KG/D
VAW-L54R	VA0025305	Martinsville City Sewage Treatment Plant	001	Smith River	22.69	BOD_5	681	KG/D
VAC-L60R	VA0060593	Danville City - Northside	001	Dan River	53.32	BOD_5, JUN-OCT TKN, JUN-OCT	1907 KG/D 1817 KG/D	
VAC-L66R	VA0020524	Town of Chatham STP	001	Cherrystone Creek	2.49	$CBOD_5$ TKN	64.8 KG/D 38.9 KG/D	
VAC-L75L	VA0020168	Clarksville WWTP	001	Blue Creek/John H. Kerr Reservoir	0.1	BOD_5	59.5	KG/D
VAC-L77R	VA0076881	Chase City Regional WWTP	001	Little Bluestone Creek	13.67	$CBOD_5$, MAY-NOV TKN, MAY-NOV	29.5 KG/D 9.5 KG/D	
VAC-L78R	VA0026247	Boydton WWTP	001	Coleman Creek	3.79	$CBOD_5$, MAY-NOV TKN, MAY-NOV	17.7 KG/D 4.1 KG/D	
VAC-L79R	VA0069337	South Hill WWTP	001	Flat Creek	8.95	$CBOD_5$, APR-NOV	60.6	KG/D

9VAC25-720-100. Chowan River -- Dismal Swamp River Basin.

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA[1]	Units
1.	Unnamed tributary to Hurricane Branch	Benthic TMDL for Hurricane Branch Unnamed Tributary, Virginia	Nottoway	K16R	Sediment	60.9	T/YR
2.	Spring Branch	Total Maximum Daily Load Development for Spring Branch	Sussex	K32R	Phosphorus	145.82	KG/YR
3.	Albemarle Canal/North Landing River	Total Maximum Daily Load Development for Albemarle Canal/North Landing River, A Total Phosphorus TMDL Due to Low Dissolved Oxygen Impairment	Chesapeake, Virginia Beach	K41R	Phosphorus	989.96	KG/YR
4.	Northwest River Watershed	Total Maximum Daily Load Development for the Northwest River Watershed, A Total Phosphorus TMDL Due to Low Dissolved Oxygen Impairment	Chesapeake, Virginia Beach	K40R	Phosphorus	3,262.86	KG/YR
5.	Assamoosick Swamp and tributaries	E. coli Total Maximum Daily Load Development for Assamoosick Swamp & Tributaries	Sussex	K29	E. coli	6.27E+12	cfu/year
6.	Coppahaunk Swamp, UT	E. coli Total Maximum Daily Load Development for Blackwater River & Tributaries	Sussex	K32	E. coli	1.87E+09	cfu/year
7.	Otterdam Swamp	E. coli Total Maximum Daily Load Development for Blackwater River & Tributaries	Surry	K32	E. coli	1.96E+10	cfu/year
8.	Blackwater Swamp, Warwick Swamp, Second Swamp	E. coli Total Maximum Daily Load Development for Blackwater River & Tributaries	Prince George, Petersburg	K31	E. coli	1.27E+12	cfu/year
9.	Blackwater River	E. coli Total Maximum Daily Load Development for Blackwater River & Tributaries	Sussex, Prince George, Surry	K31, K32	E. coli	1.67E+13	cfu/year
10.	Milldam Creek	Development of Bacterial TMDLs for the Virginia Beach Coastal Area	Virginia Beach	K41	E. coli	0	cfu/year
11.	West Neck Creek, middle	Development of Bacterial TMDLs for the Virginia Beach Coastal Area	Virginia Beach	K41	E. coli	0	cfu/year

12.	Nawney Creek	Development of Bacterial TMDLs for the Virginia Beach Coastal Area	Virginia Beach	K42	Enterococci	0	cfu/year
13.	West Neck Creek, upper	Development of Bacterial TMDLs for the Virginia Beach Coastal Area	Virginia Beach	K41	Enterococci	1.88E+13	cfu/year
14.	London Bridge Creek and Canal #2	Development of Bacterial TMDLs for the Virginia Beach Coastal Area	Virginia Beach	K41, C08	Enterococci	2.17E+13	cfu/year
15.	Beaver Pond Creek	Development of Bacterial TMDLs for the Chowan Study Area	Dinwiddie	K16	E. coli	0	cfu/year
16.	Mill Swamp	Development of Bacterial TMDLs for the Chowan Study Area	Surry	K34	E. coli	0	cfu/year
17.	Nottoway River	Development of Bacterial TMDLs for the Chowan Study Area	Lunenburg	K14	E. coli	0	cfu/year
18.	Raccoon Creek	Development of Bacterial TMDLs for the Chowan Study Area	Sussex	K25	E. coli	0	cfu/year
19.	Rattlesnake Swamp	Development of Bacterial TMDLs for the Chowan Study Area	Isle of Wight, Surry	K34	E. coli	0	cfu/year
20.	Cypress Swamp	Development of Bacterial TMDLs for the Chowan Study Area	Surry	K32	E. coli	2.26E+11	cfu/year
21.	Little Nottoway River	Development of Bacterial TMDLs for the Chowan Study Area	Nottoway	K15	E. coli	6.54E+11	cfu/year
22.	Big Hounds Creek	Development of Bacterial TMDLs for the Chowan Study Area	Lunenburg	K14	E. coli	6.96E+11	cfu/year
23.	Broad Branch	Bacteria TMDL for the Flat Rock Creek Watershed and Broad Branch	Lunenburg	K03	E. coli	5.14E+08	cfu/day
24.	Flat Rock Creek	Bacteria TMDL for the Flat Rock Creek Watershed and Broad Branch	Lunenburg	K03	E. coli	2.64E+09	cfu/day
25.	Flat Rock Creek, upper	Bacteria TMDL for the Flat Rock Creek Watershed and Broad Branch	Lunenburg	K03	E. coli	1.32E+10	cfu/day
26.	Fontaine Creek	E. coli Total Maximum Daily Load Development for Fontaine Creek	Brunswick, Greensville	K10, K11, K12	E. coli	3.77E+12	cfu/year
27.	Unnamed tributary to Nebletts Mill Run	E. coli Total Maximum Daily Load Development for Unnamed Tributary to Nebletts Mill Run and Hatcher Run	Sussex	K23	E. coli	1.22E+10	cfu/year

28.	Hatcher Run	E. coli Total Maximum Daily Load Development for Unnamed Tributary to Nebletts Mill Run and Hatcher Run	Dinwiddie	K23	E. coli	1.31E+11	cfu/year
29.	North Meherrin River	Fecal Bacteria Total Maximum Daily Load Development for Meherrin River and Tributaries	Lunenburg	K02	E. coli	3.25E+12	cfu/year
30.	Meherrin River including Briery Branch, Genito Creek, and Great Creek	Fecal Bacteria Total Maximum Daily Load Development for Meherrin River and Tributaries	Mecklenburg, Brunswick, Lunenburg	K01, K02, K03, K04, K05, K06, K07, K08	E. coli	9.90E+12	cfu/year
31.	Roses Creek	Bacteria TMDL for Roses Creek Watershed	Brunswick	K07	E. coli	4.35E+12	cfu/year
32.	Flat Swamp	Bacteria Total Maximum Daily Load Development for Three Creek, Flat Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Southampton	K13	E. coli	0	cfu/year
33.	Tarrara Creek	Bacteria Total Maximum Daily Load Development for Three Creek, Flat Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Southampton	K13	E. coli	0	cfu/year
34.	Three Creek (K26R-03)	Bacteria Total Maximum Daily Load Development for Three Creek, Flat Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Greensville	K26	E. coli	5.00E+09	cfu/year
35.	Mill Swamp	Bacteria Total Maximum Daily Load Development for Three Creek, Flat Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Southampton	K28	E. coli	1.93E+11	cfu/year
36.	Darden Mill Swamp	Bacteria Total Maximum Daily Load Development for Three Creek, Flat Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Southampton	K30	E. coli	4.10E+11	cfu/year
37.	Three Creek (K26R-02)	Bacteria Total Maximum Daily Load Development for Three Creek, Flat Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Greensville	K26	E. coli	9.53E+12	cfu/year
38.	Three Creek (K27R-02)	Bacteria Total Maximum Daily Load Development for Three Creek, Flat	Sussex, Southampton,	K26, K27	E. coli	1.43E+13	cfu/year

		Swamp, Tarrara Creek, Mill Swamp, and Darden Mill Run	Greensville				
39.	Pocaty River	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K41R	Total phosphorus	129.39	kg/yr
40.	Ashville Bridge Creek	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K42E	Total phosphorus	34.46	kg/yr
41.	North Landing River	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K41R	E. coli	6.25E+12	cfu/yr
42.	Pocaty River	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K41R	E. coli	2.58E+12	cfu/yr
43.	Beggars Bridge Creek	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K42E	Enterococci	6.79E+11	cfu/yr
44.	Ashville Bridge Creek and Muddy Creek	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K42E	Enterococci	7.95E+11	cfu/yr
45.	Hell Point Creek, upper and Hell Point Creek, lower	Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds	Chesapeake, Virginia Beach	K42E	Enterococci	2.04E+12	cfu/yr

Notes:
[1]The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

9VAC25-720-110. Chesapeake Bay -- Small Coastal -- Eastern Shore River Basin.

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA[1]	Units
1.	Parker Creek	Benthic Total Maximum Daily Load (TMDL) Development for Parker Creek, Virginia	Accomack	D03E	Total phosphorus	664.2	LB/YR
2.	Pettit Branch	Benthic Total Maximum Daily Load (TMDL) Development for the Pettit Branch Watershed	Accomack	D02R	Total phosphorus	0.01	LB/D

3.	Mill Creek	Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia	Northampton	D06R	Organic carbon as TC	30.53	LB/D
4.	Mill Creek	Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia	Northampton	D06R	Nutrients as TN	10.07	LB/D
5.	Folly Creek	Total Maximum Daily Loads of Pathogens for Folly Creek in Accomack County, Virginia	Accomack	D03E	Total nitrogen	2.6	LBS/D
6.	Gargathy Creek	Total Maximum Daily Loads of Dissolved Oxygen and Pathogens for Gargathy Creek (Upper, Lower, and Riverine Portions) in Accomack County, Virginia	Accomack	D03E	Total nitrogen	1.9	LBS/D
7.	Assawoman Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Assawoman Creek Watershed	Accomack	D02	Fecal coliform	1.12E+09	MPN/day
8.	Back River	Total Maximum Daily Loads of Bacteria for Back River	Hampton, Poquoson, York	C07	Fecal coliform	3.87E+14	counts/year
9.	Barlow Creek (#191)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Barlow and Jacobus Creeks	Northampton	C14	Fecal coliform	N/A[2]	MPN/day
10.	Jacobus Creek (#9D)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Barlow and Jacobus Creeks	Northampton	C14	Fecal coliform	N/A[2]	MPN/day
11.	Jackson Creek (84A)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Broad and Jackson Creeks	Middlesex	C03	Fecal coliform	N/A[2]	MPN/day
12.	Jackson Creek (84B)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Broad and Jackson Creeks	Middlesex	C03	Fecal coliform	N/A[2]	MPN/day
13.	Browns Bay	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Browns Bay and Monday Creek	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
14.	Monday Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Browns Bay and Monday Creek	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
15.	Cherrystone Inlet, Kings Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Cherrystone Inlet	Northampton	C15, C16	Fecal coliform	N/A[2]	MPN/day

16.	Chesconessex Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesconessex Creek	Accomack	C11	Fecal coliform	N/A[2]	MPN/day
17.	Cockrell Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Cockrell Creek	Northumberland	C01	Fecal coliform	5.98E+10	MPN/day
18.	Craddock Creek (A)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Accomack	C13	Fecal coliform	N/A[2]	MPN/day
19.	Bagwell Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Deep, Hunting and Bagwell Creeks	Accomack	C10	Fecal coliform	N/A[2]	MPN/day
20.	Deep Creek (#138A)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Deep, Hunting and Bagwell Creeks	Accomack	C10	Fecal coliform	N/A[2]	MPN/day
21.	Hunting Creek (#138C)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Deep, Hunting and Bagwell Creeks	Accomack	C10	Fecal coliform	N/A[2]	MPN/day
22.	Dividing Creek (22A)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
23.	Prentice Creek (22C)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
24.	Prentice Creek (22D)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
25.	Unnamed cove of Dividing Creek (22B)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day

26.	East River	Total Maximum Daily Load (TMDL) Report For Shellfish Waters Impaired by Bacteria - East River and Put in Creek	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
27.	Put In Creek	Total Maximum Daily Load (TMDL) Report For Shellfish Waters Impaired by Bacteria - East River and Put in Creek	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
28.	Finney Creek, upper	Total Maximum Daily Loads of Pathogens for Finney Creek	Accomack	D03	Enterococci	7.97E+07	cfu/day
29.	Rattrap Creek	Total Maximum Daily Loads of Pathogens for Finney Creek	Accomack	D03	Enterococci	2.08E+08	cfu/day
30.	Folly Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Folly Creek	Accomack	D03	Fecal coliform	N/A[2]	MPN/day
31.	Gargathy Creek, riverine	Total Maximum Daily Loads of DO and Pathogens for Gargathy Creek (-Upper, -Lower, and Riverine Portions)	Accomack	D03	E. coli	1.80E+08	cfu/day
32.	Balls Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
33.	Great Wicomico River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
34.	Tipers Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
35.	Warehouse Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01, A34	Fecal coliform	N/A[2]	MPN/day
36.	Whays Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
37.	Guilford Creek (#176B)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Messongo and Guilford Creeks	Accomack	C10	Fecal coliform	None[2]	MPN/day
38.	Young Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Messongo and Guilford Creeks	Accomack	C10	Fecal coliform	None[2]	MPN/day

39.	Holdens Creek, upper and lower	Fecal Coliform Total Maximum Daily Load Development for Holdens Creek, Sandy Bottom Branch, and Unnamed Tributary to Sandy Bottom Branch	Accomack	C10	Fecal coliform	N/A[2]	counts/day
40.	Sandy Bottom Branch and UT to Sandy Bottom Branch	Fecal Coliform Total Maximum Daily Load Development for Holdens Creek, Sandy Bottom Branch, and Unnamed Tributary to Sandy Bottom Branch	Accomack	C10	E. coli	4.80E+09	cfu/day
41.	Davis Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Horn Harbor, Doctors and Davis Creek Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
42.	Doctors Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Horn Harbor, Doctors and Davis Creek Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
43.	Horn Harbor	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Horn Harbor, Doctors and Davis Creek Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
44.	Hungars Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Hungars Creek Watershed	Northampton	C14	Fecal coliform	5.44E+08	MPN/day
45.	Indian Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Enterococci	6.76E+08	cfu/day
46.	Davenport Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	1.38E+08	MPN/day
47.	Long Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	3.17E+08	MPN/day
48.	Lees Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	2.51E+08	MPN/day

49.	Georges Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	7.01E+08	MPN/day
50.	Hunts Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	1.05E+09	MPN/day
51.	Ashley Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	1.17E+09	MPN/day
52.	Bells Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	1.25E+09	MPN/day
53.	Henrys Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	2.13E+09	MPN/day
54.	Barnes Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	3.65E+09	MPN/day
55.	Tabbs Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	5.36E+09	MPN/day
56.	Dymer Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	8.25E+09	MPN/day
57.	Antipoison Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	8.60E+09	MPN/day
58.	Indian Creek (including Arthur and Pitmans Creeks)	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	3.82E+09	MPN/day

59.	Little Mosquito Creek	Bacteria TMDL Development for the Little Mosquito Creek Watershed	Accomack	D01	Fecal coliform	5.15E+08	MPN/day
60.	Broad Bay, Long Creek, and Linkhorn Bay	Lynnhaven Bay, Broad Bay and Linkhorn Bay Watersheds Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacteria Contamination	Virginia Beach	C08	Fecal coliform	9.35E+10	cfu/year
61	Lynnhaven River	Lynnhaven Bay, Broad Bay and Linkhorn Bay Watersheds Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacteria Contamination	Virginia Beach	C08	Fecal coliform	9.01E+11	cfu/year
62.	Mattawoman Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Mattawoman Creek Bacterial Impairment	Northampton	C14	Fecal coliform	1.15E+09	MPN/day
63.	Messongo Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Messongo and Guilford Creeks	Accomack	C10	Fecal coliform	None[2]	MPN/day
64.	Messongo Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Messongo Creek Watershed	Accomack	C10	Fecal coliform	1.00E+08	MPN/day
65.	Billups Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
66.	Edwards Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
67.	Morris Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
68.	Queens Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
69.	Stutts Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A[2]	MPN/day

70.	Ball Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Mill Creek to Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
71.	Cloverdale Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Mill Creek to Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
72.	Mill Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Mill Creek to Dividing Creek	Northumberland	C01	Fecal coliform	N/A[2]	MPN/day
73.	McLean Gut	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nandua and Curratuck Creeks	Accomack	C13	Fecal coliform	N/A[2]	MPN/day
74.	Nandua Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nandua and Curratuck Creeks	Accomack	C13	Fecal coliform	N/A[2]	MPN/day
75.	Church Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A[2]	MPN/day
76.	Holly Grove Cove	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A[2]	MPN/day
77.	Nassawadox Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A[2]	MPN/day
78.	Warehouse Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A[2]	MPN/day
79.	Westerhouse Creek - Part A	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13, C14	Fecal coliform	N/A[2]	MPN/day
80.	Westerhouse Creek - Part B	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13, C14	Fecal coliform	N/A[2]	MPN/day

81.	Back Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Gloucester	C04	Fecal coliform	N/A[2]	MPN/day
82.	Blackwater Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
83.	Elmington Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Gloucester	C04	Fecal coliform	N/A[2]	MPN/day
84.	Greenmansion Cove	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
85.	North River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Mathews	C04	Fecal coliform	N/A[2]	MPN/day
86.	Occohannock Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Occohannock Creek	Accomack	C13	Fecal coliform	N/A[2]	MPN/day
87.	Old Plantation Creek, upper VDH-DSS condemnation	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Old Plantation and Elliots Creeks	Northampton	C16	Fecal coliform	N/A[2]	MPN/day
88.	Onancock Creek, south branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A[2]	cfu/day
89.	Onancock Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A[2]	cfu/day
90.	Onancock Creek, north branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	9.94E+08	cfu/day
91.	Cedar Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Fecal coliform	N/A[2]	MPN/day
92.	Finneys Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A[2]	cfu/day
93.	Onancock Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Fecal coliform	N/A[2]	MPN/day

94.	Onancock Creek, central branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A[2]	cfu/day
95.	Chesapeake Bay, unnamed tributary (Big Fleets Pond)	Owens Pond, Little Taskmakers Creek, and Unnamed Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load Report for Shellfish Condemnation Impaired Due to Bacteria Contamination	Northumberland	C01	Fecal coliform	1.37E+08	MPN/day
96.	Little Taskmakers Creeks	Owens Pond, Little Taskmakers Creek, and Unnamed Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load Report for Shellfish Condemnation Impaired Due to Bacteria Contamination	Northumberland	C01	Fecal coliform	3.67E+08	MPN/day
97.	Owens Pond	Owens Pond, Little Taskmakers Creek, and Unnamed Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load Report for Shellfish Condemnation Impaired Due to Bacteria Contamination	Northumberland	C01	Fecal coliform	1.56E+09	MPN/day
98.	Oyster Harbor	TMDL Report for Chesapeake Bay Shellfish Waters: Oyster Harbor Bacterial Impairment	Northampton	D05, D06	Fecal coliform	4.28E+08	MPN/day
99.	Parker Creek	Bacteria Total Maximum Daily Load Development for the Parker Creek Watershed	Accomack	D03	Fecal coliform	1.59E+10	MPN/day
100.	Pettit Branch	Total Maximum Daily Load of Bacteria for Pettit Branch	Accomack	D02	E. coli	0	cfu/day
101.	Piankatank River, Cobbs Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Lower	Mathews	C03, C04	Fecal coliform	N/A[2]	MPN/day
102.	Piankatank River, Healy Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Lower	Middlesex	C03	Fecal coliform	N/A[2]	MPN/day
103.	Piankatank River, Wilton Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Lower	Middlesex	C03	Fecal coliform	N/A[2]	MPN/day
104.	Harper Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Upper	Gloucester	C03	Fecal coliform	N/A[2]	MPN/day
105.	Piankatank River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial	King and Queen, Gloucester,	C02, C03	Fecal coliform	N/A[2]	MPN/day

		Contamination - Piankatank River, Upper	Middlesex, Essex				
106.	Pitts Creek, unnamed tributary	Total Maximum Daily Load of Pathogens for the Unnamed Tributary to Pitts Creek	Accomack	C09	E. coli	6.40E+07	cfu/day
107.	Pitts Creek, unnamed tributary	Total Maximum Daily Load on Dissolved Oxygen In Unnamed Tributary to Pitts Creek	Accomack	C09	Total nitrogen	0	lbs/day
108.	Pitts Creek, unnamed tributary	Total Maximum Daily Load on Dissolved Oxygen In Unnamed Tributary to Pitts Creek	Accomack	C09	Total phosphorus	0	lbs/day
109.	Pocomoke Sound and Pocomoke River including Holden Creek, Bulbeggar Creek, and Pitts Creek[3]	Total Maximum Daily Loads of Fecal Coliform for the Restricted Shellfish Harvesting/ Growing Areas of the Pocomoke River in the Lower Pocomoke River Basin and Pocomoke Sound Basin	Accomack	C09, C10	Fecal coliform	1.37E+09	MPN/day
110.	Back Creek	Total Maximum Daily Loads of Bacteria for Poquoson River and Back Creek	York	C07	Fecal coliform	1.41E+13	counts/year
111.	Poquoson River	Total Maximum Daily Loads of Bacteria for Poquoson River and Back Creek	Poquoson, York	C07	Fecal coliform	1.12E+14	counts/year
112.	Free School Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
113.	Heywood Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
114.	Northwest Branch Severn River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
115.	Thorntons Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
116.	Vaughans Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A[2]	MPN/day
117.	Greenbackville Harbor	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chincoteague Bay	Accomack	D01	Fecal coliform	N/A[2]	MPN/day

118.	Swan Gut Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chincoteague Bay	Accomack	D01	Fecal coliform	N/A[2]	MPN/day
119.	The Gulf, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - The Gulf	Northampton	C14	Fecal coliform	N/A[2]	MPN/day
120.	Pungoteague Creek (Warehouse Prong and Bull Run Creek)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Pungoteague Creek	Accomack	C12	Fecal coliform	N/A[2]	MPN/day
121.	Taylor Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Pungoteague Creek	Accomack	C12, C13	Fecal coliform	N/A[2]	MPN/day
122.	Fox Mill Run	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Ware River	Gloucester	C05	Fecal coliform	N/A[2]	MPN/day
123.	Ware River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Ware River	Gloucester	C05	Fecal coliform	N/A[2]	MPN/day
124.	Wilson Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Ware River	Gloucester	C05, C06	Fecal coliform	N/A[2]	MPN/day
125.	Cockrell Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Cockrell Creek	Northumberland	C01	Fecal coliform	1.49E+11	cfu/day
126.	Red Bank Creek, riverine	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04R	E. coli	1.08E+8	cfu/yr
127.	Red Bank Creek, estuarine	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Enterococci	3.93E+6	cfu/yr
128.	Machipongo River, estuarine	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Enterococci	9.03E+6	cfu/yr
129.	Red Bank Creek, shellfish	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Fecal coliform	5.10E+11	counts/yr
130.	Machipongo River, shellfish	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Fecal coliform	2.04E+12	counts/yr

Notes:
[1]The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

[2]There were no point source dischargers in the modeled TMDL area.

[3]This WLA represents only the Virginia portion of the watershed.

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and wasteload allocations.

Small Coastal and Chesapeake Bay
TABLE B1 - CURRENT STREAM SEGMENT CLASSIFICATION

Segment No.	Name	Current State Class
7-12A	Pocomoke Sound	E.L.
7-12B	Messongo Creek	E.L.
7-12C	Beasley Bay	E.L.
7-12D	Chesconessex Creek	E.L.
7-13	Onancock Creek	W.Q.
7-14	Pungoteague	W.Q.
7-12E	Nandua Creek	E.L.
7-15	Occohannock Creek	W.Q.
7-12F	Nassawadox Creek	E.L.
7-12G	Hungars Creek	E.L.
7-12H	Cherrystone Inlet	E.L.
7-12I	South Bay	E.L.
7-12J	Tangier Island	——
7-11A	Chincoteague	E.L.
7-11B	Hog Bogue	E.L.
7-11C	Metomkim Bay	E.L.
7-11D	Machipongo River	E.L.
7-11E	South Ocean	E.L.

Small Coastal and Chesapeake Bay
TABLE B2 - EASTERN SHORE WASTELOAD ALLOCATIONS

		INTERIM WASTELOAD ALLOCATIONS[1]			FINAL WASTELOAD ALLOCATIONS		
		(Current Permit Limits)					
NAME	RECEIVING STREAM OR ESTUARY	BOD_5 (lb/d)	SUSPENDED SOLIDS (lb/d)	OIL & GREASE (lb/d)	BOD_5 (lb/d)	SUSPENDED SOLIDS (lb/d)	OIL & GREASE (lb/d)
Commonwealth of Va. Rest Area	Pitts Cr.	4.3	4.3	--	4.3	4.3	--

Edgewood Park	Bullbegger Cr.	0.80	0.80	--	0.80	0.80	--
Holly Farms	Sandy Bottom Cr.	167[3]	167[3]	10 mg/l	Stream survey/model and determination of final wasteload allocations planned for the summer of 1980.		
Taylor Packing Company	Messongo Cr.	7006[3]	13010[3]	--	Stream survey/model was run previously. No change in permit anticipated.		
No. Accomack E.S.	Messongo Cr.	1.8	1.4	--	1.8	1.4	--
Messick & Wessels Nelsonia	Muddy Cr.	30mg/l[4]	30mg/l	--	Interim wasteload allocations may be changed based on BAT guidance.		
Whispering Pines Motel	Deep Cr.	4.8	4.8	--	4.8	4.8	--
Town of Onancock	Onancock Cr.	21	21	--	21	21	--
Messick & Wessels	Onancock Cr.	30mg/l[4]	30mg/l[4]	--	Interim wasteload allocations may be changed based on guidance.		
So. Accomack E.S.	Pungoteague Cr.	1.8	1.4	--	1.8	1.4	--
A & P Exmore	Nassawadox Cr.	0.38	0.38	--	0.38	0.38	--
Norstrom Coin Laundry	Nassawadox Cr.	60mg/l[4] max.	60mg/l[4] max.	--	Interim wasteload allocation may be changed based on BAT guidance.		
NH-Acc. Memorial Hospital	Warehouse Cr.	12.5	12.5	--	21.5	12.5	--
Machipongo E.S. & H.H. Jr. High	Trib. To Oresbus Cr.	5.2	5.2	--	5.2	5.2	--
Town of Cape Charles	Cape Charles Harbor	62.6	62.6	--	62.6	62.6	--
America House	Chesapeake Bay	5	5	--	5	5	--
U.S. Coast Guard Chesapeake Bay	Chesapeake Bay	--	--	10/mgl[5]	--	--	10/mgl[5]
U.S. Government Cape Charles AFB	Magothy Bay	Currently No Discharge					
Exmore Foods (Process Water)	Trib. To Parting Cr.	200	100	--	Stream survey/model and determination of final wasteload allocations planned for the summer of 1980.		
Exmore Foods (Sanitary)	Trib. To Parting Cr.	30mg/l[5]	30mg/l[5]	--	30mg/l[5]	30mg/l[5]	--
Perdue Foods (process water)	Parker Cr.	May-Oct 275 367 Nov-Apr. 612 797	--	--	Interim Permit in process. Stream survey/models were run. No substantial change in permit anticipated.		
Perdue Foods (parking lot)	Parker Cr.	30mg/l[5]	30mg/l[5]	--	30mg/l[5]	30mg/l[5]	--
Accomack Nursing Home	Parker Cr.	2.7	2.6	--	2.7	2.6	--
U.S. Gov't NASA Wallops Island	Mosquito Cr.	75	75	--	75	75	--

U.S. Gov't NASA Wallops Island	Cat Cr.	1.25	1.25	--	1.25	1.25	--
F & G Laundromat	Chincoteague Channel	10	4.8	--	Interim wasteload allocations may be changed based on BAT guidance.		
U.S. Coast Guard	Chincoteague Channel	--	--	15mg/l (max.)	--	--	15mg/l (max.)
Virginia-Carolina Seafood	Chincoteague Bay	342	264	5.5	342	264	5.5
Reginald Stubbs Seafood Co. (VA0005813)	Assateague Channel	--	20	95	--	20	95
Reginald Stubbs Seafood Co. (VA00056421)	Assateague Channel	--	20	98	--	20.4[2]	98
Shreaves	Chincoteague Bay	--	16[2]	1.4[2]	--	16[2]	1.4[2]
Chincoteague Seafood	Chincoteague Bay	342	264	5.5	342	264	5.5

Notes:
[1]Water quality data taken from discharge monitoring reports or special studies unless indicated.
[2]NPDES Permit limits given since the permit is new and discharge monitoring reports not yet available.
[3]Data from Accomack-Northampton Co. Water Quality Management Plan.
[4]Estimated.
[5]May need a permit -- either company has not responded to SWCB letter or operation has just started up.
[6]No limits -- has an NPDES permit, but is not required to monitor.

TABLE B3 - EXISTING OR POTENTIAL SOURCES OF WATER POLLUTION

Location No.	Name	Receiving Estuary	Stream	Flow (MGD)	CBOD (mgl/#D)	NBOD (mgl/#D)	Total Suspended Solids (mgl/#D)	D.O. (mgl)	FC (MPN/ 100ml)	Treatment/Operation
1	Comm. Va. Rest Area	Pocomoke Sound	Pitts Cr.	.003	7/0.18		10/0.3	7.5	1	Extended aeration. Sec. Holding pond, CL_2
2	H.E. Kelley	Pocomoke Sound	Pitts Cr.							Currently no discharges. Out of business
3	Edgewood Park	Pocomoke Sound	Bullbegger Creek	.006[3]	16/0.8[2]		16/0.8[2]			PRI, CL_2. Holding Pond
4	Holly Farms	Pocomoke Sound	Sand Bottom Creek	0.18	6/40		15/100	8.0	100	Aerated Lagoons, CL_2
5	J.W. Taylor	Messongo Creek	Trib. To Messongo	.001	60/50		150/125	8.0		Aerated Lagoons
6	No. Accomack E.S.	Messongo Creek	Trib. To Messongo	.005	22/0.9		30/1.3	9.0		Sec., Septic Tank, Sand Filter Holding Pond
7	Messick & Wessells-Nelsonia	Beasly Bay	Muddy Creek	.005	125/5.2		100/4.2			Sec., Extended Aeration

8	Willets Laundromat	Beasly Bay	Hunting Creek							Prl., Septic Tank
9	Byrd Food	Beasly Bay								No discharge industry
10	Whispering Pines Motel	Beasly Bay	Deep Creek	.009	25/1.9		30/2.3	6.0		Sec., Extended Aeration Holding Pond, CL_2
11	Town of Onancock	Onancock Creek	North Fork	.19	2/3.2		3/4.8	7.5	3	Primary, Primary Settling Sludge Digestion, CL_2
12	Messick & Wessels-Onley	Onancock Creek	Joynes Branch	.005	100/4.2		150/6.3			Sec., Extended Aeration
13	So. Accomack E.S.	Pungoteague	Trib. To Pungoteague		24/1.8[2]		19/1.4[2]			Sec., Septic Tank, Grease Trap, Sand Filter, Holding Pond. No discharge in 4 yrs.
14	Great Atlantic & Pacific Tea Company	Nassawadox	Nassawadox	.001	140/1.2		150/1.3		6.5	Sec., Extended Aeration CL_2
15	Norstrom Coin Laundry	Nassawadox	Trib. To Nassawadox	.008						Sec., Extended Aeration, permit in process
17	N.H.-Acc. Memorial Hospital	Nassawadox	Warehouse Creek	.03	25/1.6		35/2.2	6.5	750	Secondary Aerated Lagoon, CL_2 Holding pond Stab-Lagoon
18	Machipongo E.S. & N.H. Jr. High School	Hungars Creek	Trib. To Oresbus	0.3[1]	30/5.2[2]		30/5.2[2]			Sec., Stab-Lagoon, Holding Pond no discharge in 4 yrs.
19	B & B Laundromat	Cherrystone Inlet	Old Castle Creek							Prl. Septic Tank w/discharger
20	KMC Foods, Inc.	Cherrystone Inlet								No Discharge industry
21	Herbert West Laundromat	Cherrystone Inlet	Kings Creek							Prl. Septic Tank w/Discharger
22	Town of Cape Charles	Cape Charles Harbor	Cape Charles Harbor	.165[2]	290/400[3]		139/192[3]			Raw Sewage, Sewage Treatment to be completed by 1982
23	American House Inn	Chesapeake Bay	Chesapeake Bay		30/5[2]		30/5[2]			
24	U.S. Coast Guard	Chesapeake Bay	Chesapeake Bay	.001[2]	30/			5.0[2]	200[2]	Bilgewater
25	U.S. Gov't Cape Charles AFS	Magothy	Magothy	.001[2]				5.0[3]		Sec., CL_2, Aerated Lagoon, currently no discharge
27	Exmore Frozen Foods	Machipongo	Trib. To Parting Cr.	.56	29/135		18/84	6.5		Grass Bays, Screening
28	Exmore Foods (Domestic)	Machipongo	Trib. To Parting Cr.	.02	5/0.8		9/1.5			Septic Tank, Sand Filter
30	Perdue Foods	Metomkin Bay	Parker Creek	1.7	11/156		15/213	6.5	150	Sec., Aerated Lagoon, Holding Pond, CL_2
31	Perdue Foods	Metomkin Bay	Parker Cr.	.01			15/1.3			
32	Accomack Co. Nursing Home	Metomkin Bay	Parker Cr. North Fork	.011	20/1.8		28/2.6	6.5	100	Sec., Extended Aeration, Holding Pond, CL_2

33	U.S. Gov't NASA (Wallops Island)	Hog Creek	Cat Creek	.005	30/		30/			Sec., Stab., Pond, Holding Pond, CL_2
34	Robo Automatic Car	Chincoteague Channel	Little Simoneaton							
35	U.S. Gov't NASA	Chincoteague Channel	Mosquito Creek	.105	10.6/9.3[3]	112/28	2.0/1.8			Sec., Trickling Filter
36	Trail's End Rec. Vehicle Dev.	Chincoteague Channel	Trib to Mosquito Cr.							Septic Tank and Drainfield
37	Coin-Op Laundromat	Chincoteague Channel	Chincoteague Channel							No discharge
38	F & G Laundromat	Chincoteague Channel	Chincoteague Channel	.005						
39	U.S. Coast Guard	Chincoteague Channel	Chincoteague Channel	.001[2]			30/0.2[2]		200[2]	Discharge-Bilgewater
40	Phillip Custis	Ramshorn Bay								Spray Irrigation, no Discharge
43	Boggs (Melfa)	Nickowampus Creek								Septic tank waste lagoons, no discharge
44	Blake (Greenbush)	Deep Creek								Septic tank waste lagoon, no discharge
45	Cherrystone Campground	Kings Creek or Cherrystone Inlet								Stab-Lagoon, Holding pond, no discharge
46	Wallops Sanitary Landfill									Solid waste disposal site, no discharge
47	Chincoteague Dumpsite									Solid waste disposal site, no discharge
48	Bob Town Sanitary Landfill									Solid waste disposal site, no discharge
49	Northampton Sanitary Landfill									Solid waste site, no discharge
52	Dorsey's Seafood Market	Chincoteague								Oysters[5]
54	Va-Carolina Seafood Company, Inc.	Hog-Bogue					1152[2] Clams 68[2] Oysters 7.0[2] Scallops			Surf Clams, Oysters, Scallops
55	Chincoteague Island Oyster Farm	Chincoteague								(Oyster-Boat Operation (grows oysters & clams from larvae)[5]
	Reginald Stubbs Seafood Company	Assateague Channel		.002[4]	4.2		2.8			Oyster
58	Shreaves Bros.	Chincoteague		.002[4]	2.07		8.0			Oyster
60	Chincoteague	Chincoteague		.063[4]	972		79.9			Surf-Clam

	Seafood Co.									
61	Ralph E. Watson Oyster Co.	Chincoteague		.003[4]	57		53			Oyster
62	McCready Bros. Inc.	Chincoteague								Oyster, no discharge
63	Wm. C. Bunting	Chincoteague		.001[4]	12		4.8			Oyster
64	Carpenters Seafood	Chincoteague		.001[4]	4.1		2.1			Oyster
64a	Burtons Seafood, Inc.	Chincoteague		.006[4]	10.3		.35			Oyster shell stock deal no discharge
69	Jones Bros. Seafood	Chincoteague	Sheepshead Cr.							Oyster & Clams
70	W.E. Jones Seafood	Chincoteague	Sheepshead Creek				46.4[2]			Oyster & Clams
71	Conner & McGee Seafood	Chincoteague	Sheepshead Creek							Oyster & Clams[5]
72	Hills Oyster Farm	Chincoteague								Oyster & Clams[5]
73	Thomas E. Reed Seafood	Chincoteague	Deep Hole Creek							Oyster & Clams[5]
74	Mears & Powell	Metomkin								Oyster-Building, also used to clean fish[5]
75	Wachapreague Seafood Company	Metomkin	Finney Creek	.036[4]			144			Sea Clam
76	George D. Spence and Son	Machipongo								Crab Shedding[5]
77	George D. Spence and Son	Machipongo								Crab Picking, no discharge
78	George T. Bell	Machipongo								No Discharge, Oyster
79	George D. Spence and Son	Machipongo	Upshur Bay							Oyster[5]
80	Peters Seafood	Machipongo								Oyster[6]
81	J.E. Hamblin	Machipongo								Oyster, No discharge
83	Nathan Bell Seafood	Machipongo								Clams, Hard[5]
84	John L. Marshall Seafood	Machipongo								Clams[5]
85	American Original Foods, Inc.	Machipongo	Parting Creek	.151[4]	2632		1337			
86	Harvey & Robert Bowen	Machipongo	Parting Creek	.0006[4]	6.2		1.7			Oyster
87	H.M. Terry	Machipongo	Parting Creek	.0004[4]	3.3		.62			Oyster
89	Webb's Island Seafood	South Ocean Area								Clams[5]
90	Cliff's Seafood	South Ocean Area	Mockhorn Bay							Oyster & Clam[5]

92	H. Allen Smith	South Ocean Area		.037[4]	213		522			Sea Clam
94	C & D Seafood, Inc.	South Ocean Area	Oyster Harbor	.04[4]	427		204 sea clam 34[2] oyster			Sea Clam, Oyster
95	B.L. Bell & Sons	South Ocean Area	Oyster Harbor	.001[4]	12		.9			Oyster
98	Lance Fisher Seafood Co.	Pocomoke		.02[4]	38		12.8			Oyster and Clam
99	Fisher & Williams/Lester Fisher	Messongo								Building used to shed soft crabs[5]
100	Grady Rhodes Seafood	Messongo								Sold business, Building used to shed soft crabs[5]
101	Bonowell Bros.	Messongo	Pocomoke Sound	.001[4]	12		2.5			Oyster
102	John H. Lewis & Co.	Messongo	Starling Creek							Oyster SS only, no discharge
103	Eastern Shore Seafood	Beasly								Crab, no discharge
106	Ashton's Seafood, Inc.	Pungoteague								Shell stock dealer-no discharge
107	Nandua Seafood Co.	Nandua		.0001[4]	.2		.9			Crab
108	A.M. Acuff	Cherrystone								Building used for storage, no discharge
110	D.L. Edgerton Co.	Cherrystone	Mud Creek							Conch. In operation. Retort drains overboard & fish wash-down[5]
111 & 112	Tangier Island Seafood, Inc.	Tangier								Crab[5]
113	Tangier	Chesapeake Bay								1000 KW Power Station
114	Chincoteague	Chincoteague Channel								2100 KW Power Station
115	Parksley									2400 KW Power Station
116	Tasley									1400 KW Power Station
117	Bayview									10,000 KW Power Station
118	Cape Charles	Cape Charles Harbor								1200 KW Power Station
119	Burdick Well & Pump Company									Holding Pond, no discharge
120	Marshall & Son Crab Company	Messongo Cr.								Crab Shedding[5]
	Linton & Lewis Crab Co.	Pocomoke Sound								Crab Shedding[5]

122	D.L. Edgerton	Chincoteague								Fish Washdown[5]
123	Evans Bros. Seafood Co.	Pocomoke Sound								Crab Shedding[5]
124	Stanley F. Linton	Messongo	Starling Cr.							Crab Shedding[5]
125	H.V. Drewer & Son	Messongo	Starling Cr.	.035[4] .018[4]	349 180		736-clam 198-oyster			Oyster & Clam
126	Chincoteague Fish Co., Inc.	Chincoteague Channel								Fish Washdown[5]
127	Chincoteague Crab Company	Assateague Channel			.18[2]		.54[2]			Crab & Crab Shedding
128	Aldon Miles & Sons	Pocomoke Sound								Crab Shedding[5]
129	Saxis Crab Co.	Messongo	Starling Cr.							Crab Shedding[5]
	Paul Watkinson SFD	Pocomoke Sound								Crab Shedding[5]
131	Russell Fish Co., Inc	Chincoteague Channel								Fish[5]
132	Mason Seafood Co.	Chincoteague Channel		.002[4]	7.7		13.7			Oysters

Notes:
[1]Water quality data taken from Discharge Monitoring Reports or special studies unless indicated.
[2]NPDES Permit limits given since the permit is new and discharge monitoring reports not yet available.
[3]Data from Accomack-Northampton Co. Water Quality Management Plan.
[4]Estimated.
[5]May need a permit -- either company has not responded to SWCB letter or operation has just started up.
[6]No limits -- has an NPDES permit, but is not required to monitor.

C. Nitrogen and phosphorus wasteload allocations to restore the Chesapeake Bay and its tidal rivers. The following table presents nitrogen and phosphorus wasteload allocations for the identified significant dischargers and the total nitrogen and total phosphorus wasteload allocations for the listed facilities.

Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Wasteload Allocation (lbs/yr)	Total Phosphorus (TP) Wasteload Allocation (lbs/yr)
C16E	Cape Charles Town WWTP[1]	VA0021288	6,091	457
C11E	Onancock WWTP[2]	VA0021253	9,137	685
C13E	Shore Memorial Hospital	VA0027537	1,218	91
C10E	Tangier WWTP	VA0067423	1,218	91
C10R	Tyson Foods – Temperanceville	VA0004049	22,842	1,142
	TOTALS:		40,506	2,467

Notes:
[1]Cape Charles STP: wasteload allocations (WLAs) based on a design flow capacity of 0.5 million gallons per day (MGD). If plant is not certified to operate at 0.5 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 3,046 lbs/yr; TP = 228 lbs/yr, based on a design flow capacity of 0.25 MGD.

[2]Onancock STP: wasteload allocations (WLAs) based on a design flow capacity of 0.75 million gallons per day (MGD). If plant is not certified to operate at 0.75 MGD design flow capacity by December 31, 2011, the WLAs will decrease to TN = 3,046 lbs/yr; TP = 228 lbs/yr, based on a design flow capacity of 0.25 MGD.

9VAC25-720-120. York River Basin.

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA[1]	Units
~~1.~~	~~Matadequin Creek~~	~~Bacteria TMDL for Matadequin Creek~~	~~Hanover~~	~~F13~~	~~E. coli~~	~~0~~	~~cfu/year~~
~~2.~~	~~Monquin Creek~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~King William~~	~~F13~~	~~E. coli~~	~~8.71E+10~~	~~cfu/year~~
~~3.~~	~~Pamunkey River~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~King William, Hanover, Spotsylvania, Orange, Louisa~~	~~F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11, F12, F13~~	~~E. coli~~	~~2.49E+13~~	~~cfu/year~~
~~4.~~	~~Black Creek~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~New Kent~~	~~F13~~	~~E. coli~~	~~1.26E+10~~	~~cfu/year~~
~~5.~~	~~Mechumps Creek~~	~~Bacteria TMDL for Mechumps Creek~~	~~Hanover~~	~~F12~~	~~E. coli~~	~~1.00E+12~~	~~cfu/year~~
~~6.~~	~~Taylors Creek~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~Hanover~~	~~F03~~	~~E. coli~~	~~1.89E+09~~	~~cfu/year~~
~~7.~~	~~Northeast Creek~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~Spotsylvania~~	~~F09~~	~~E. coli~~	~~2.30E+10~~	~~cfu/year~~
1.	Lower Pamunkey River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F13R, F13E, F14R, F14E	E. coli	5.38E+13	cfu/yr
2.	Middle Pamunkey River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F12R	E. coli	2.36E+13	cfu/yr
3.	Taylors Creek (VAN-F03R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F03R	E. coli	3.66E+10	cfu/yr
4.	Northeast Creek	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F09R	E. coli	2.34E+12	cfu/yr

~~8.~~ 5.	Totopotomoy Creek	Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin	Hanover	F13	E. coli	2.62E+10	cfu/year
~~9.~~ 6.	Newfound River	Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin	Hanover	F05	E. coli	2.89E+10	cfu/year
~~10.~~	~~South Anna River (F02R-01)~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~Louisa~~	~~F01, F02~~	~~E. coli~~	~~1.48E+12~~	~~cfu/year~~
~~11.~~	~~South Anna River (F01R-01)~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~Louisa~~	~~F01~~	~~E. coli~~	~~1.64E+12~~	~~cfu/year~~
~~12.~~	~~South Anna River (F04R-01)~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~Louisa~~	~~F01, F02~~	~~E. coli~~	~~1.72E+12~~	~~cfu/year~~
~~13.~~	~~South Anna River (F04R-02)~~	~~Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin~~	~~Louisa, Hanover~~	~~F01, F02, F03, F04, F05~~	~~E. coli~~	~~3.48E+12~~	~~cfu/year~~
7.	South Anna River (VAN-F02R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F01R, F02R	E. coli	7.50E+12	cfu/yr
8.	South Anna River (VAN-F01R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F01R	E. coli	4.92E+12	cfu/yr
9.	South Anna River (VAP-F04R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F03R, F04R	E. coli	7.74E+12	cfu/yr
10.	South Anna River (VAP-F04R-02)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F04R	E. coli	6.02E+12	cfu/yr
~~14.~~ 11.	Adams Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Poropotank River and Adams Creek	Gloucester	F26	Fecal coliform	4.48E+08	MPN/day
~~15.~~ 12.	Poropotank River and Morris	Total Maximum Daily Load (TMDL) Report for Shellfish	Gloucester	F26	Fecal coliform	4.78E+09	MPN/day

	Bay	Areas Listed Due to Bacterial Contamination - Poropotank River and Adams Creek					
~~16.~~ 13.	Felgates Creek	Bacteria Total Maximum Daily Load Development for the Queen Creek, King Creek, and Felgates Creek Watersheds	York	F27	Fecal coliform	3.70E+10	MPN/day
~~17.~~ 14.	King Creek	Bacteria Total Maximum Daily Load Development for the Queen Creek, King Creek, and Felgates Creek Watersheds	York	F27	Fecal coliform	4.37E+10	MPN/day
~~18.~~ 15.	Queen Creek	Bacteria Total Maximum Daily Load Development for the Queen Creek, King Creek, and Felgates Creek Watersheds	York, Williamsburg	F26	Fecal coliform	9.69E+11	MPN/day
~~19.~~ 16.	Perrin River, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Sarah Creek and Perrin River	Gloucester	F27	Fecal coliform	N/A[2]	MPN/day
~~20.~~ 17.	Sarah Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Sarah Creek and Perrin River	Gloucester	F27	Fecal coliform	N/A[2]	MPN/day
~~21.~~ 18.	Plentiful Creek	Bacteria TMDLs for York River Basin	Spotsylvania	F07	E. coli	3.57E+09	cfu/year
~~22.~~ 19.	Mountain Run	Bacteria TMDLs for York River Basin	Orange	F06	E. coli	1.22E+10	cfu/year
~~23.~~ 20.	Beaver Creek	Bacteria TMDLs for York River Basin	Orange	F06	E. coli	1.25E+10	cfu/year
~~24.~~ 21.	Terrys Run	Bacteria TMDLs for York River Basin	Orange	F07	E. coli	1.86E+10	cfu/year
~~25.~~ 22.	Pamunkey Creek and Tomahawk Creek	Bacteria TMDLs for York River Basin	Orange	F07	E. coli	9.05E+10	cfu/year
~~26.~~ 23.	Goldmine Creek	Bacteria TMDLs for York River Basin	Louisa	F06	E. coli	1.09E+11	cfu/year
~~27.~~ 24.	Lower Pamunkey River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower	New Kent, King William	F14	Enterococci	1.34E+10	cfu/day

		Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds					
~~28.~~ 25.	Lower Mattaponi River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds	King and Queen, King William	F24, F25	Enterococci	1.42E+10	cfu/day
~~29.~~ 26.	Upper York River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds	New Kent, King William, King and Queen	F14, F24, F25, F26	Enterococci	2.76E+10	cfu/day
~~30.~~ 27.	Upper York River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds	New Kent, King William, King and Queen	F14, F24, F25, F26	Fecal coliform	1.14E+12	counts/day
~~31.~~ 28.	Taskinas Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimino Creek Bacterial Impairments	James City	F26	Fecal coliform	4.97E+08	MPN/day
~~32.~~ 29.	Skimino Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimino Creek Bacterial Impairments	James City	F26	Fecal coliform	1.34E+09	MPN/day
~~33.~~ 30.	Ware Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimino Creek Bacterial Impairments	James City	F26	Fecal coliform	1.36E+09	MPN/day
~~34.~~ 31.	Aberdeen Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F26	Fecal coliform	N/A[2]	MPN/day

~~35.~~ 32.	Carter Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F27	Fecal coliform	N/A[2]	MPN/day
~~36.~~ 33.	Cedarbush Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F27	Fecal coliform	N/A[2]	MPN/day
~~37.~~ 34.	Jones Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F26	Fecal coliform	N/A[2]	MPN/day
~~38.~~ 35.	Timberneck Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F27	Fecal coliform	N/A[2]	MPN/day
36.	Upper Little River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F11R, F10R	E. coli	5.61E+12	cfu/yr
37.	Upper Pamunkey River and North Anna River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F12R, F09R	E. coli	3.25E+13	cfu/yr

Notes:
[1]The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

[2]There were no point source dischargers in the modeled TMDL area.

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and wasteload allocations.

TABLE B1 -- RECOMMENDED STREAM SEGMENTS IN THE YORK RIVER BASIN

Segment Number	Classification	Name of River (Description)*
8-1	E.L.	North Anna River (main and tributaries except Goldmine Creek and Contrary Creek) R.M. 68.4-0.0
8-2	E.L.	Goldmine Creek

8-3	W.Q.	Contrary Creek (main only) R.M. 9.5-0.0
8-4	E.L.	South Anna River (main and tributaries) R.M. 101.2-97.1
8-5	E.L.	South Anna River (main only) R.M. 97.1-77.4
8-6	E.L.	South Anna River (main and tributaries) R.M.77.4-0.0
8-7	E.L.	Pamunkey River (main and tributaries) R.M. 90.7-12.2
8-8	W.Q.	Pamunkey River (main only) R.M. 12.2-0.0
8-9	E.L.	Mattaponi River (main and tributaries) R.M.102.2-10.2
8-10	E.L.	Mattaponi River (main only) R.M.10.2-0.0
8-11	W.Q.	York River (main only) R.M. 30.4-22.4
8-12	E.L.	York River (main and tributaries except King Creek and Carter Creek) –R.M. 22.4-0.0
8-13	E.L.	Carter Creek (main and tributaries) R.M. 5.4-2.0
8-14	E.L.	Carter Creek (main only) R.M. 2.0-0.0
8-15	E.L.	King Creek (main only) R.M.5.6-0.0
8-16	W.Q.	Condemned shellfish areas- Timberneck, Queens, and Sarah Creeks and portions of the main stream of the York River.

Notes:
*R.M.= River Mile, measured from the river mouth

Source: Roy F. Western

TABLE B2 -- WASTELOAD ALLOCATIONS (IN LBS PER DAY)

POINT SOURCE	1977 WASTELOAD[2]		MAXIMUM[7] DAILY LOAD		RECOMMENDED ALLOCATION			RAW WASTELOAD AT 1995		REQUIRED & REMOVAL EFFICIENCY 1995	
	$CBOD_5$	UBOD[1]	$CBOD_5$	UBOD	$CBOD_5$	UBOD	PERCENT RESERVE	$CBOD_5$	UBOD	$CBOD_5$	UBOD
Gordonsville	145	398	150	412	150	412	0	1950	2730	92	85
Louisa-Mineral	50	108	55	118	55	118	0	850	1150	93	90
Doswell	52	110	862[8]	1407[8]	690[8]	1125[8]	20	1080	1444	85[4]	71
Thornburg	63	150	68	162	68	162	0	1240	1690	94	90
Bowling Green	27	64	29	68	29	68	0	680	926	96	93
Ashland	160	303	235	559	188	447	20	2250	3825	92	88
Hanover (Regional STP)	170	437	280	820	280	820	0	5730	7930	96	90
Chesapeake Corp.	6400	8000	10445[5]	15000[5]	10445[5]	15000[5]	N/A	51700	64630	90	90
West Point	105	380	281[3]	1020	225	814	20	1000	1600	85[4]	66

Notes:
[1]BOD is Ultimate Biochemical Oxygen Demand. Its concentration is derived by the following: $BOD_5/0.80 + 4.5(TKN)=(UBOD)$. NOTE: The amount of TKN utilized depends on the location in the basin.

[2]Projected for 1977 based on population projections.

[3]Recommended allocation based on BPCTCA effluent guidelines applied to raw wasteloads at 2020.

[4]Minimum removal efficiency.

[5]Allocation based on BPCTCA effluent guidelines; amended by Minute 25, June 3-5, 1979 board meeting.

[7]Assimilative capacity.

[8]Amended by Minute 1, August 17, 1978, board meeting.

Source: Roy F. Weston, Inc.

C. Nitrogen and phosphorus wasteload allocations to restore the Chesapeake Bay and its tidal rivers. The following table presents nitrogen and phosphorus wasteload allocations for the identified significant dischargers and the total nitrogen and total phosphorus wasteload allocations for the listed facilities.

Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Wasteload Allocation (lbs/yr)	Total Phosphorus (TP) Wasteload Allocation (lbs/yr)
F20R	Caroline County STP	VA0073504	9,137	1,066
F01R	Gordonsville STP	VA0021105	17,177	2,004
F04R	Ashland WWTP	VA0024899	36,547	4,264
F09R	Doswell WWTP	VA0029521	18,273	2,132
F09R	Bear Island Paper Company	VA0029521	47,328	12,791
F27E	Giant Yorktown Refinery	VA0003018	167,128	22,111
F27E	HRSD - York River STP	VA0081311	274,100	31,978
F14R	Parham Landing WWTP[1]	VA0088331	36,547	4,264
F14E	Smurfit Stone - West Point	VA0003115	259,177	70,048
F12E	Totopotomoy WWTP	VA0089915	182,734	21,319
F25E	West Point STP	VA0075434	10,964	1,279
C04E	HRSD - Mathews Courthouse STP	VA0028819	1,827	213
	TOTALS:		1,060,939	173,469

Notes:
[1]Parham Landing WWTP: wasteload allocations (WLAs) based on a design flow capacity of 2.0 million gallons per day (MGD). If plant is not certified to operate at 2.0 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 10,416 lbs/yr; TP = 1,215 lbs/yr, based on a design flow capacity of 0.57 MGD.

VA.R. Doc. No. R15-4301; Filed April 10, 2015, 8:33 a.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Virginia Racing Commission is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 17 of the Code of Virginia when promulgating technical regulations regarding actual live horse racing at race meetings licensed by the commission.

Title of Regulation: **11VAC10-140. Flat Racing (amending 11VAC10-140-240).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: May 1, 2015.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 5707 Huntsman Road, Suite 201-B, Richmond, VA 23250, telephone (804) 966-7404, or email david.lermond@vrc.virginia.gov.

Summary:

The amendments clarify and update the provision regarding a rider going off course during a steeplechase race consistent with the Rules of Racing of the National Steeplechase Association.

11VAC10-140-240. Off course.

~~If a horse runs on the wrong side of a post, fence, beacon or flag, it shall be considered off course and the jockey must turn back, return to the point where the horse went off course and complete the proper course or be disqualified.~~ If a horse leaves the prescribed course of a race and jumps any fence or goes around any beacon or other obstacle other than those on the prescribed course, it must turn back and resume the race from the point at which it originally left the prescribed course, or be disqualified. A rider who continues in a race on a horse thus disqualified may be fined or suspended, or both. If a beacon or flag is dislodged from its position, it is no longer considered to mark the course and can be ignored by the rider.

VA.R. Doc. No. R15-4288; Filed April 17, 2015, 2:45 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Virginia Racing Commission is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 17 of the Code of Virginia when promulgating technical regulations regarding actual live horse racing at race meetings licensed by the commission.

Title of Regulation: **11VAC10-160. Steeplechase Racing (amending 11VAC10-160-30, 11VAC10-160-100).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: May 1, 2015.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 5707 Huntsman Road, Suite 201-B, Richmond, VA 23250, telephone (804) 966-7404, or email david.lermond@vrc.virginia.gov.

Summary:

The amendments clarify and update the provisions regarding jockey overweights and remounting a horse after a fall consistent with the Rules of Racing of the National Steeplechase Association.

11VAC10-160-30. Overweights.

If the overweight is more than one pound, the jockey shall declare the amount of the overweight to the clerk of scales no later than ~~45~~ 60 minutes before post time. If the overweight exceeds 10 pounds, a substitute jockey must be named, except that an amateur jockey may carry more than 10 pounds of overweight. No rider may carry more than 195 pounds in a race.

11VAC10-160-100. Remounting after fall.

Any horse losing its rider during the running of a race may not be remounted ~~by its jockey in any part of the same field or enclosure in which the mishap occurred. If the loose horse leaves the field, then it must be returned to the field where the mishap occurred before resuming the course~~.

VA.R. Doc. No. R15-4287; Filed April 17, 2015, 2:54 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Virginia Racing Commission is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 23 of the Code of Virginia when promulgating regulations pertaining to the administration of medication or other substances foreign to the natural horse.

Title of Regulation: **11VAC10-180. Medication (amending 11VAC10-180-10, 11VAC10-180-25, 11VAC10-180-35, 11VAC10-180-70 through 11VAC10-180-90, 11VAC10-180-110).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: May 1, 2015.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 5707 Huntsman Road, Suite 201-B, Richmond, VA 23250, telephone (804) 966-7404, or email david.lermond@vrc.virginia.gov.

Summary:

The amendments (i) change the Lasix administration time for race meets where a horse is shipped in to race as opposed to being stabled on the grounds of a racetrack and (ii) provide for the retainage of split samples by the official testing laboratory.

11VAC10-180-10. Definitions.

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

"Bleeder" means a horse that has been diagnosed as suffering from exercise-induced pulmonary hemorrhage

based on external or endoscopic examination by ~~the~~ a commission veterinarian or a practicing veterinarian who is a permit holder in the Commonwealth of Virginia or any other jurisdiction.

"Bleeder list" means a tabulation of all bleeders to be maintained by the stewards.

"Commission" means the Virginia Racing Commission.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of the Virginia Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) or any substance included in the five classification schedules of the ~~U.S.~~ federal Uniform Controlled Substances Act (21 USC § 301 et seq.).

"Furosemide list" means a tabulation of horses permitted to use the medication of furosemide on race day by declaration to the stewards, in addition to horses on the bleeder list.

"Injectable substance" means a liquid or solid substance that may require the addition of a liquid via a needle and syringe to change it from a solid into a liquid, contained in a vial that can be accessed and administered only via a needle and syringe.

"Licensed veterinarian" means a veterinarian who holds a valid license to practice veterinary medicine and surgery under the applicable laws of the jurisdiction in which such person's practice is principally conducted.

"Milkshaking" or "bicarbonate loading" means administering a bicarbonate or other alkalinizing substance to a horse that elevates the horse's total carbon dioxide level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the commission, regardless of the means of administration.

"Permitted race day substances" means only substances approved by the commission that are administered solely for the benefit and welfare of the horse, nonperformance altering, of no danger to riders/drivers, and unlikely to interfere with the detection of prohibited substances.

"Prescription substance" means any substance that is administered or dispensed or labeled for use by or on the order of a licensed veterinarian for the purpose of medical treatment of an animal patient when a bona fide doctor-patient relationship has been established.

"Primary laboratory" means a facility designated by the commission for the testing of test samples.

"Prohibited substance" means any drug, medication, or chemical foreign to the natural horse, whether natural or synthetic, or a metabolite or analog thereof, the use of which is not expressly permitted by the regulations of the commission.

"Race day" means the 24-hour period before ~~post-time~~ post time for the race in which the horse is entered to start.

"Reference laboratory" means a facility designated by the commission for the testing of split samples.

"Ship-in meet" means a limited meet, generally one, two, or three consecutive days of racing, to which the preponderance of horses ship in to race, leave after racing, and do not remain for daily training.

"Substance" means any drug, medication, or chemical foreign to the natural horse or human being, whether natural or synthetic, or a metabolite or analog thereof.

"Test sample" means any sample of blood, urine, saliva, or tissue obtained from a horse or person for the purpose of laboratory testing for the presence of substances.

"Tubing" means the administration to a horse of any substance via a naso-gastric tube.

11VAC10-180-25. Veterinary practices.

A. Veterinarians under authority of commission veterinarian. Veterinarians holding valid veterinarian permits issued by the commission and practicing at any location under the jurisdiction of the commission are under the authority of the commission veterinarian and the stewards. The commission veterinarian shall recommend to the stewards the discipline that may be imposed upon a veterinarian who violates these regulations.

B. Treatment restrictions.

1. Only licensed trainers, licensed owners, or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody, and control at locations under the jurisdiction of the commission.

2. Except as otherwise provided in the regulations, no person other than a licensed veterinarian holding a valid permit issued by the commission may administer a prescription or controlled medication, drug, chemical, or other substance to a horse at any location under the jurisdiction of the commission.

3. This section does not apply to the administration of the following substances unless the quantity administered results in detection in post-race samples or interferes with post-race testing:

a. A recognized noninjectable nutritional supplement approved by a commission veterinarian;

b. A noninjectable, nonprescription medication or substance approved by a commission veterinarian; and

c. A noninjectable medication or substance on the direction or by prescription of a licensed veterinarian.

~~2.~~ 4. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure any hypodermic syringe or needle or any instrument capable of being used for the injection of any substance.

~~3.~~ 5. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate

supervision, shall have in his possession within the enclosure any injectable substance.

~~4.~~ 6. Notwithstanding these regulations, a veterinarian or other permit holder may possess within the enclosure of a horse racing facility a hypodermic syringe and needle for the purpose of administering to himself a substance, provided that the permit holder has documentary evidence that the substance can only be administered by injection and that the substance to be administered by injection has been prescribed for him.

~~5.~~ 7. Unless granted approval by the commission veterinarian, practicing veterinarians shall not have contact with an entered horse on race day. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the stewards.

C. Veterinarian treatment reports.

1. Practicing veterinarians must maintain complete records of all treatments, including date, time, and proper identification of each horse. The record shall contain the name of the trainer, the name of the horse, all medications and dosages administered, and all diagnostic and therapeutic procedures performed on the horse.

2. At the request of the commission veterinarian or stewards, practicing veterinarians shall produce within 24 hours the billing ~~and/or~~ and treatment records ~~or~~ and other information for any horse treated by the veterinarian.

3. A medication report that is consistent with analytical results of a positive test and is filed prior to post time for the race in question may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

11VAC10-180-35. Prohibited practices.

A. No trainer shall allow a horse to appear in a race, qualifying race, or official timed workout, when the horse contains in its system any prohibited substance, as determined by testing of blood, saliva, or urine, or any other reasonable means.

B. No person shall administer any prohibited substance to a horse on race day. Furosemide is the only substance specifically permitted for use in approved horses on race day.

C. No veterinarian or permit holder shall, without good cause, possess or administer any substance to a horse stabled within the enclosure or at any facility under the jurisdiction of the commission if the substance:

1. ~~That has~~ Has not been approved by the U.S. Food and Drug Administration (FDA) for any use (human or animal), or by the U.S. Department of Agriculture's Center for Veterinary Biologics;

2. ~~That is~~ Is on the U.S. Drug Enforcement Agency's Schedule I or Schedule II of controlled substances as prepared by the Attorney General of the United States pursuant to 21 USC §§ 811 and 812;

3. ~~That its use may~~ May endanger the health and welfare of the horse or endanger the safety of the rider or driver, or ~~its use~~ may adversely affect the integrity of racing; or

4. ~~That does~~ Does not have a recognized laboratory analytical method to detect and confirm its administration.

D. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure of a horse racing facility any prescription substance for animal use unless:

1. The person actually possesses, within the enclosure of the horse racing facility, documentary evidence that a prescription has been issued to him for the substance by a licensed veterinarian;

2. The prescription substance is labeled with a dosage for the horse or horses to be treated with the prescription substance; and

3. The horse or horses named in the prescription are then under the care and supervision of the permit holder and are then stabled within the enclosure of the horse racing facility.

E. The possession or administration of equine growth hormone, venoms, erythropoietin (Epogen), darbepoietin, oxyglobin, Hemopure, or any analogous substance that increases oxygen-carrying capacity of the blood is prohibited. Furthermore, should the analysis of a test sample detect the presence of antibodies of erythropoietin or darbepoietin or any analogous substance in the horse's blood that indicates a history of use of these substances, the horse shall be prohibited from racing and placed on the veterinarian's list until the horse tests negative for the presence of such antibodies.

F. The use of androgenic and anabolic steroids is prohibited in racing horses as stipulated in 11VAC10-180-75.

G. The use of an extracorporal shockwave therapy device or radial pulse wave therapy device is prohibited on the racetrack premises and at any site that falls under the jurisdiction of the Virginia Racing Commission unless:

1. The therapy device is registered with the commission veterinarian;

2. The therapy device is used by a veterinarian who is a permit holder; and

3. Each use of the therapy device is reported to the commission veterinarian on the treatment report.

Notwithstanding the provisions above, whether on or off the premises, a shockwave therapy device or radial pulse wave therapy device shall not be used on a racehorse fewer than 10 days before the horse is to race or train at racing speed. For the purposes of this calculation, the day of treatment shall be considered day one.

H. Tubing of horses prohibited. The tubing or dosing of any horse for any reason on race day is prohibited, unless administered for medical emergency purposes by a licensed veterinarian in which case the horse shall be scratched. The practice of administration of any substance, via a tube or other method, into a horse's stomach on race day is considered a violation of this chapter.

1. Using or possessing the ingredients or the paraphernalia associated with forced feeding to a horse of any alkalinizing agent with or without a concentrated form of carbohydrate, or administering any substance by tubing or other method on race day shall be considered a violation of this chapter.

2. Under the provisions of this subsection, endoscopic examination shall not be considered a violation of this chapter.

I. Notwithstanding any other provision in this chapter, no substance of any kind may be administered to a horse within four hours, or three hours for a ship-in meet, of the scheduled post time for the race in which the horse is entered. To ensure uniform supervision and conformity to this regulation, the trainer shall have each horse programmed to race stabled in its assigned stall within the enclosure of the horse race facility no fewer than five hours, or four hours for a ship-in meet, prior to post time for the respective race.

J. Intra-articular injections prohibited. Injecting any substance or inserting a needle into a joint space is prohibited within seven days prior to the horse's race.

K. Peri-neural injections prohibited. Injecting a local anesthetic or other chemical agent adjacent to a nerve is prohibited within three days prior to the horse's race.

L. Hyperbaric oxygen chamber prohibited. Subjecting a horse to therapy utilizing a hyperbaric oxygen chamber is prohibited within four days prior to the horse's race.

11VAC10-180-70. Phenylbutazone, flunixin, and other NSAIDs.

A. Generally. By this regulation, the Virginia Racing Commission prohibits the use of multiple NSAIDs in a horse on any given day (stacking) within 96 hours prior to the horse's race. Despite this prohibition of stacking, this regulation specifically permits the use of one of either phenylbutazone, flunixin, or ketoprofen in racehorses in the quantities provided for in this chapter.

B. Quantitative testing. Any horse to which phenylbutazone, flunixin, or ketoprofen has been administered shall be subject to testing at the direction of the commission veterinarian to determine the quantitative levels of phenylbutazone, flunixin, and ketoprofen or the presence of other substances that may be present.

C. Disciplinary actions. The stewards may take disciplinary actions for reports of quantitative testing by the primary testing laboratory for levels of phenylbutazone quantified at levels above 2.0 micrograms per milliliter of serum or plasma, flunixin quantified at levels above 20 ng per milliliter of serum or plasma, or ketoprofen quantified at levels above ~~10~~ 2.0 ng per milliliter of serum or plasma in horses following races, qualifying races, and official timed workouts for the stewards or commission veterinarian, and may use the most recent revision of the Association of Racing Commissioners International (RCI) Uniform Classification Guidelines for Foreign Substances and the Multiple Violations Penalty System as a guide. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which phenylbutazone, flunixin, or ketoprofen is permitted by the commission.

11VAC10-180-75. Androgenic and anabolic steroids.

A. All androgenic and anabolic steroids are prohibited in racing horses, except as provided ~~below~~ in this section.

B. Residues of the major metabolite of stanozolol, nandrolone, boldenone, and testosterone at concentrations less than the thresholds indicated ~~below~~ in this section are permitted in test samples collected from racing horses.

C. Concentrations of these substances identified in subsection B of this section shall not exceed the following threshold concentrations:

1. Stanozolol – 100 pg/ml in serum or plasma for all horses regardless of gender.

2. Boldenone – ~~250~~ 100 pg/ml in serum or plasma for all horses regardless of gender.

3. Nandrolone.

a. 100 pg/ml in serum or plasma in geldings, fillies, and mares.

b. Male horses other than geldings will not be tested for nandrolone.

4. Testosterone.

a. 100 pg/ml in serum or plasma in geldings, fillies, and mares.

b. Male horses other than geldings will not be tested for testosterone.

D. The presence of more than one of the four substances identified in subsection B of this section at concentrations greater than the individual thresholds indicated in subsection C of this section or a combination of any two or more substances recognized as androgenic or anabolic is prohibited.

E. The gender of each horse must be so identified for test samples submitted to the laboratory.

F. Any horse administered an androgenic or anabolic steroid to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug in serum or plasma. After the concentration has fallen below the designated threshold, the horse is eligible to be removed from the list.

G. The stewards may take disciplinary actions for reports of quantitative testing by the primary testing laboratory indicating the presence of one or more androgenic or anabolic steroid at concentrations above the individual thresholds indicated in subsection C of this section and may use the most recent revision of the Association of Racing Commissioners International (RCI) Uniform Classification Guidelines for Foreign Substances and the Multiple Violations Penalty System as a guide.

11VAC10-180-80. Permitted race day substances.

A. Generally. Furosemide shall be the only medication permitted to be administered on race day and only to those horses eligible for furosemide treatment as designated by the bleeder list and furosemide list described in subsection B of this section.

B. Bleeder medications. By this regulation, the Virginia Racing Commission specifically permits the use of bleeder medications in only those horses that:

1. Have been placed on the bleeders list by the stewards;

2. Have raced on furosemide in another jurisdiction on the last previous start in a pari-mutuel race, as indicated by the past performance chart or by verification by the commission veterinarian from that racing jurisdiction, or both; or

3. Have been placed on the furosemide list by the stewards. A horse is eligible for inclusion on the furosemide list if the licensed trainer and a licensed veterinarian determine it is in the horse's best interest to race with furosemide, and the prescribed commission form is presented to the commission veterinarian prior to the close of entries for the horse's race. A horse placed on the furosemide list without demonstrating an episode of exercise-induced pulmonary hemorrhage is not restricted from racing for the usual recovery period described in 11VAC10-180-85 D. However, any future episode of exercise-induced pulmonary hemorrhage shall be considered a reoccurrence of bleeding for the purpose of determining restrictions from racing, as provided in this chapter.

a. A trainer or owner may discontinue the administration of furosemide to his racehorse only with the permission of the stewards. The request must be submitted in writing on forms prescribed by the commission and prior to entering the horse in a race.

b. A horse removed from the furosemide list may not be placed back on the furosemide list for a period of 60 calendar days unless the horse suffers an external bleeding incident witnessed by the commission veterinarian or his designee. In such case, the horse shall be placed on the bleeders list as though that bleeding incident was a reoccurrence of bleeding and subjected to a minimum 30-day or 90-day restriction for recovery as provided in this chapter.

C. Furosemide.

1. Procedures for usage. The use of furosemide on race day is permitted by the commission only in horses eligible to receive bleeder medications and under the following circumstances:

a. Furosemide shall be administered by a single dose intravenously no less than four hours, or three hours for a ship-in meet, prior to post time within the enclosure of the horse race facility by a veterinarian who shall be specifically designated by the commission to administer furosemide.

b. The furosemide dosage administered shall not exceed 10 ml (500 mg) and shall not be less than ~~3~~ 3.0 ml (150 mg). At a ship-in meet, the minimum dosage shall be not less than 2.0 ml (100 mg).

c. The veterinarian administering the furosemide shall be an employee of the commission or otherwise observed by an employee of the commission who shall deliver a furosemide treatment report to the commission no later than two hours prior to post time. The furosemide treatment report shall contain the following:

(1) The trainer's name, date, horse's name, and horse's identification number;

(2) The time furosemide was administered to the horse;

(3) The dosage level administered for this race;

(4) The barn and stall number; and

(5) The signature of the ~~practicing~~ veterinarian, who is a permit holder and is specifically designated by the commission to administer furosemide.

2. Furosemide quantification. Furosemide levels must not exceed 100 nanograms per milliliter (ng/ml) of serum or plasma and urine specific gravity measuring 1.010 or lower. If a urine sample is unavailable for specific gravity measurement, serum or plasma concentration may not exceed 100 nanograms per milliliter. Furosemide must be present in the serum or plasma or urine of any horse that has been designated in the program as being treated with furosemide.

D. Disciplinary actions.

1. For the first violation of the regulation pertaining to furosemide quantification (subdivision C 2 of this section), the stewards shall issue a written reprimand to the trainer and to the practicing veterinarian, if applicable.

2. For the second violation of the regulation pertaining to furosemide quantification (subdivision C 2 of this section), the stewards shall fine the trainer, practicing veterinarian, or both an amount not to exceed $500.

3. For the third violation of the regulation pertaining to furosemide quantification (subdivision C 2 of this section) within a 365-day period, the stewards shall suspend or fine the trainer, practicing veterinarian, or both~~,~~ not to exceed $1,000 and 15 days.

4. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which furosemide is permitted by the commission, regardless of whether or not the same horse is involved.

E. Adjunct bleeder medications. The Virginia Racing Commission prohibits the use of bleeder adjunct medication on race day.

F. Program designation. The licensee shall be responsible for designating in the program those horses racing on furosemide. The designation shall also include those horses making their first start while racing on furosemide. In the event there is an error, the licensee shall be responsible for making an announcement to be made over the public address system and taking other means to correct the information published in the program.

G. Discontinue use of furosemide. A trainer or owner may discontinue the administration of furosemide to his horse only with the permission of the stewards and prior to entering the horse in a race.

11VAC10-180-85. Bleeders.

A. Examination of bleeders. A horse that is alleged to have bled in Virginia must be physically examined by the commission veterinarian or a practicing veterinarian who is a permit holder in order to confirm the horse's inclusion on the bleeder list. The veterinarian may conclude a horse is a bleeder under the following circumstances:

1. If the examination takes place immediately following the race or exercise and before the horse leaves the racing surface or test barn, a veterinarian may conclude the horse is a bleeder and an endoscopic examination is not required for inclusion on the bleeder list; or

2. If the examination takes place after the horse leaves the racing surface but within 90 minutes following the finish of a race or exercise in which the horse participated, a veterinarian shall require an endoscopic examination for inclusion on the bleeder list.

B. Confirmation of a bleeder. The commission veterinarian or practicing veterinarian who is a permit holder shall decide, based upon the standard of care a reasonable veterinarian should exercise in similar circumstances, whether the horse suffers from exercise-induced pulmonary hemorrhage and should be placed on the bleeder list. The confirmation of a bleeder shall be certified in writing by the commission veterinarian or practicing veterinarian, and the horse shall be placed on the bleeder list. The confirmation of a bleeder shall be filed with the commission within three days of the confirmation. Upon request, a copy of the certification shall be provided to the owner of the horse or his agent.

C. Posting of bleeder list. The bleeder list shall be maintained by the stewards, with the assistance of the commission veterinarian, and shall be made available upon request. No horse shall be removed from the bleeder list without the approval of the stewards.

D. Recovery period. If it is determined that a horse has bled as determined by this chapter, the horse shall be placed on the bleeders list and may not be permitted to race for at least ~~10~~ 14 days. If a horse is determined to have bled within 365 days of the first occurrence, or if the horse bleeds externally on the track or in the test barn while on furosemide, the horse may not race for the following periods of time:

1. 30 days after the first reoccurrence;

2. 90 days after the second reoccurrence; and

3. The horse shall be barred from racing forever at the race meetings licensed by the commission after the third reoccurrence.

For the purpose of counting the number of days a horse is not permitted to race in meetings licensed by the commission, the day the horse bled is the first day of the recovery period, and the horse shall be permitted to race in meetings licensed by the commission when the last day of the recovery period under this chapter expired.

E. Bleeders from other jurisdictions. The commission veterinarian may designate a horse as a bleeder from another jurisdiction based upon information received from that jurisdiction confirming that the horse is a bleeder and that the requirements for inclusion on the bleeder list in Virginia have been satisfied.

11VAC10-180-90. Bicarbonate testing.

A. Generally. By this regulation, the Virginia Racing Commission prohibits the feeding or administration to a horse on race day of any bicarbonate-containing substance or other alkalinizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or carbon dioxide in the horse.

B. Test values. A serum or plasma total carbon dioxide level exceeding 37.0 millimoles per liter constitutes a positive test.

C. Testing procedure. The stewards or commission veterinarian may, at their discretion and at any time, order the collection of test samples from any horses present within the enclosure for determination of serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes. ~~Prerace testing~~ Preracing testing or post-race testing may be done at a time and manner directed by the commission veterinarian. ~~If testing post-race, blood samples shall be taken at least one hour after racing.~~ Whether prerace or ~~postrace~~ post-race, the sample shall consist of at least two blood tubes taken from the horse to determine the serum total carbon dioxide concentration. If the chief racing chemist finds that the total carbon dioxide levels in the tubes exceed the standard test values of 37.0 millimoles per liter, then he shall inform the stewards of the positive test results.

D. Split samples prohibited. The procedures for split sample testing shall not apply to bicarbonate testing procedures.

E. Disciplinary actions. The stewards shall, absent mitigating circumstances specifically noted in their findings, impose the following disciplinary action for violation of this section:

1. First offense: $2,500 fine and 90-day suspension; loss of purse.

2. Second offense: $5,000 fine and 180-day suspension; loss of purse.

3. Third offense: Revocation of license.

The stewards also may refer the case to the commission for further disciplinary action.

11VAC10-180-110. Laboratory findings and reports.

A. Primary testing laboratory. The commission shall designate a primary testing laboratory for the analysis of test samples collected under the supervision of the commission veterinarian. The commission shall designate a chief racing chemist within the primary testing laboratory who shall have the authority to report his findings to the executive secretary of the commission, the stewards, and the commission veterinarian.

B. Reference laboratories. The commission shall designate one or more laboratories, other than the primary testing laboratory, as references laboratories. These laboratories will conduct confirmatory analysis of split samples. Any reference laboratory must be willing to accept split samples for confirmatory testing. Any reference laboratory shall send results to both the person requesting the testing and the commission.

C. Chief racing chemist's responsibilities. The chief racing chemist shall be responsible for safeguarding and analyzing the test samples delivered to the primary testing laboratory. It shall be the chief racing chemist's responsibility to maintain proper equipment, adequate staffing, and acceptable procedures to thoroughly and accurately analyze test samples submitted to the primary testing laboratory.

D. Reporting procedures. The chief racing chemist shall submit to the commission veterinarian a written report as to each test sample analyzed, indicating by identification tag number whether the test sample was negative or there was a chemical identification. All confirmed positive identifications shall be submitted to the executive secretary, the stewards, and the commission veterinarian.

E. Chemical identifications. If the chief racing chemist determines that there is present in the test sample a substance or metabolites of a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission, he shall submit a report of chemical identification to the executive secretary of the commission, the stewards, and the commission veterinarian. In a report of chemical identification, the chief racing chemist shall submit evidence acceptable in the scientific community and admissible in court in support of his determination.

F. Review of chemical identifications. Upon receipt of a report of a chemical identification from the chief racing chemist, the stewards shall conduct a review of the chemical identification, which shall include, but not be limited to, the chief racing chemist and the commission veterinarian. During the review, the following procedures shall apply:

1. All references to the report of a chemical identification shall be only by the identification tag number of the sample collected from the horse;

2. The chief racing chemist shall submit his written report of the chemical identification and the evidence supporting his finding;

3. The commission veterinarian shall submit a written statement to the stewards including, but not limited to, the class of the substance, the concentration level detected in the sample, if determined, and its probable effect on a racehorse;

4. The stewards may ask questions at any time and request further documentation as they deem necessary;

5. After receiving the appropriate information on the identified substance, the stewards shall determine whether the chemical identification constitutes a violation of the regulations of the commission and whether it should be deemed a positive test result. In doing so, the stewards shall consider, among other things, the concentration level reported, its likely effect on the horse, and whether environmental contamination may have contributed to the test result;

6. In the event of a positive test result, the stewards shall notify the trainer and the owner of the horse of the right to send the split sample collected from the horse to one of the reference laboratories, designated by the commission, for confirmatory testing;

7. If the trainer or the owner elects to send the split sample to a reference laboratory, the stewards shall take no disciplinary action against any permit holder until the results from the reference laboratory are received, and the findings shall be a part of the record of any subsequent hearing; and

8. The chief racing chemist's report of a chemical identification, the commission veterinarian's written statement, the results of confirmatory testing and any other documentation submitted to the stewards shall become part of the record of any subsequent proceedings.

G. A horse from which a positive test sample was collected may be placed on the steward's list until the stewards have made a final determination in the matter. The horse shall not be immune from resulting disciplinary action by the stewards or the commission.

H. Frozen samples. Unconsumed portions of all test samples tested by the primary testing laboratory will be maintained in a frozen state until cleared by the chief racing chemist and permission for their disposal is obtained from the Senior

Commonwealth Steward, the Equine Medical Director, or the Executive Secretary.

I. Split samples. The commission veterinarian or his designee shall determine a minimum test sample requirement for the primary testing laboratory. If the test sample collected is less than the minimum requirement, then the entire test sample shall be sent to the primary laboratory.

If the sample collected is greater than the minimum sample requirement but less than twice that amount, the portion of the test sample that is greater than the minimum test sample requirement shall be secured as the split sample.

If the test sample collected is greater than twice the minimum test sample requirement, a portion of the sample approximately equal to the test sample shipped to the primary testing laboratory shall be secured as the split sample.

J. Storage of split samples. Split samples shall be ~~stored in secured location inside a locked freezer in accordance with the following procedures:~~ shipped to the testing laboratory with the primary samples. The testing laboratory shall maintain the split samples in a secure and frozen state and when requested by the commission, make the split samples available for further testing, in accordance with standard protocols for maintaining the chain of evidence. Split samples shall be so maintained at the testing laboratory until permission for their release and disposal is obtained from the Senior Commonwealth Steward, the Equine Medical Director, or the Executive Secretary.

~~1. Split samples shall be secured in the test barn in the same manner as the portion of the test sample acquired for shipment to the primary laboratory until such time as test samples are packed and secured for shipment to the primary laboratory.~~

~~2. Upon packing of the test samples for shipment to the primary laboratory, the split samples shall be transferred to the locked freezer by the commission veterinarian or his authorized designee who shall be responsible for securing possession of the keys.~~

~~3. The freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of split samples.~~

~~4. Whenever the freezer used for storage of split samples is opened, it shall be attended by the commission veterinarian or his designee and a representative of the horsemen if the respective horsemen's association has provided a representative. In the case that the split samples from a race must be secured in the freezer and no horsemen's representative is present, the commission veterinarian or his designee shall be in attendance.~~

~~5. A log shall be maintained each time the freezer used for storage of split samples is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was locked.~~

~~6. Any evidence of a malfunction of the freezer used for storage of split samples or evidence that split samples are not in a frozen condition shall be documented in the log and immediately reported to the stewards.~~

K. Shipment of split samples. The trainer or owner of the horse ~~shall have 48 hours from receipt of notice~~ having been notified of a positive test result ~~to~~ may request that the split sample be shipped to one of the reference laboratories designated by the commission ~~and the~~. The request must be made in writing and received by the commission not later than three business days after the trainer of the horse receives notification of the positive findings. The split sample shall be shipped to the requested reference laboratory by the testing laboratory. The owner, trainer, or designee shall travel to the storage facility of the testing laboratory to witness the removal, packaging, and shipping procedure unless he has waived this opportunity in writing. Failure of the trainer, owner, or designee to appear at the designated time and place, or otherwise attempting to interfere with the shipment of the split sample or payment of the costs, shall constitute a waiver of all rights to the testing of this split sample. The cost of shipment and additional testing shall be paid in a manner satisfactory to the commission by the permit holder requesting the testing of the split sample. Upon the expiration of this ~~48 hour~~ three-day period, the trainer or owner relinquishes his right to request a split sample.

~~L. Chain of custody form. The commission veterinarian, or his designee, shall be responsible for the completion of a chain of custody verification form that shall provide a place for recording the following information:~~

~~1. Date and time the split sample is removed from the freezer;~~

~~2. The test sample number;~~

~~3. The address of the reference laboratory;~~

~~4. The name and address where the split sample package is to be taken for shipment to the reference laboratory;~~

~~5. Verification of retrieval of the split sample from the freezer;~~

~~6. Verification that each specific step of the split sample packaging procedure is in accordance with the recommended procedure;~~

~~7. Verification of the address of the reference laboratory on the split sample package;~~

~~8. Verification of the condition of the split sample package immediately prior to the transfer of custody to the carrier for shipment to the reference laboratory; and~~

~~9. The date and time custody of the split sample package was transferred to the carrier. The commission veterinarian, or his designee, shall witness, attest and sign~~

~~the form, and a copy of the form shall be supplied to the trainer or owner.~~

~~In the event that the trainer or owner of the horse, or his designee, is not present, the commission veterinarian may not remove the split sample from the freezer or ship the split sample to a reference laboratory unless the trainer or owner has declined in writing his option to witness the removal, packaging and shipping procedure.~~

~~M. Packaging the split sample. The following procedures shall apply to the packaging of the split sample:~~

~~1. The split sample shall be removed from the freezer by the commission veterinarian or his designee; the trainer or owner, or his designee, may be present.~~

~~2. The trainer or owner, or his designee, may witness the packaging of the split sample by the commission veterinarian or his designee, in accordance with the instructions supplied by the reference laboratory.~~

~~3. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.~~

~~4. The trainer or owner, or his designee, may accompany the commission veterinarian or his designee while delivering the package containing the split sample to the location where custody is transferred to the delivery carrier for shipment to the reference laboratory.~~

~~5. The trainer or owner, or his designee, may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.~~

~~6. The trainer or owner, or his designee, if witnessing the procedures, shall sign the chain of custody verification form.~~

VA.R. Doc. No. R15-4286; Filed April 17, 2015, 2:59 p.m.

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

Final Regulation

Title of Regulation: **12VAC5-71. Regulations Governing Virginia Newborn Screening Services (amending 12VAC5-71-30).**

Statutory Authority: §§ 32.1-12 and 32.1-67 of the Code of Virginia.

Effective Date: June 5, 2015.

Agency Contact: Dev Nair, PhD, Director, Policy and Evaluation Division, Office of Family Health Services, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7662, FAX (804) 864-7647, or email dev.nair@vdh.virginia.gov.

Summary:

The amendment adds severe combined immunodeficiency to the list of newborn screening tests conducted pursuant to § 32.1-65 of the Code of Virginia.

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.

12VAC5-71-30. Core panel of heritable disorders and genetic diseases.

A. The Virginia Newborn Screening System, which includes Virginia Newborn Screening Program and the Virginia Early Hearing Detection and Intervention Program, shall ensure that the core panel of heritable disorders and genetic diseases for which newborn screening is conducted is consistent with but not necessarily identical to the U.S. Department of Health and Human Services Secretary's Recommended Uniform Screening Panel.

B. The department shall review, at least biennially, national recommendations and guidelines and may propose changes to the core panel of heritable disorders and genetic diseases for which newborn dried-blood-spot screening tests are conducted.

C. The Virginia Genetics Advisory Committee may be consulted and provide advice to the commissioner on proposed changes to the core panel of heritable disorders and genetic diseases for which newborn dried-blood-spot screening tests are conducted.

D. Infants under six months of age who are born in Virginia shall be screened in accordance with the provisions set forth in this chapter for the following heritable disorders and genetic diseases, which are identified through newborn dried-blood-spot screening tests:

1. Argininosuccinic aciduria (ASA);

2. Beta-Ketothiolase deficiency (BKT);

3. Biotinidase deficiency (BIOT);

4. Carnitine uptake defect (CUD);

5. Classical galactosemia (galactose-1-phosphate uridyltransferase deficiency) (GALT);

6. Citrullinemia type I (CIT-I);

7. Congenital adrenal hyperplasia (CAH);

8. Cystic fibrosis (CF);

9. Glutaric acidemia type I (GA I);

10. Hb S beta-thalassemia (Hb F,S,A);

11. Hb SC-disease (Hb F,S,C);

12. Hb SS-disease (sickle cell anemia) (Hb F, S);

13. Homocystinuria (HCY);

14. Isovaleric acidemia (IVA);

15. Long chain L-3-Hydroxy acyl-CoA dehydrogenase deficiency (LCHAD);

16. Maple syrup urine disease (MSUD);

17. Medium-chain acyl-CoA dehydrogenase deficiency (MCAD);

18. Methylmalonic acidemia (Methylmalonyl-CoA mutase deficiency) (MUT);

19. Methylmalonic acidemia (Adenosylcobalamin synthesis deficiency) (CBL A, CBL B);

20. Multiple carboxylase deficiency (MCD);

21. Phenylketonuria (PKU);

22. Primary congenital hypothyroidism (CH);

23. Propionic acidemia (PROP);

24. Severe combined immunodeficiency (SCID);

~~24.~~ 25. Tyrosinemia type I (TYR I);

~~25.~~ 26. Trifunctional protein deficiency (TFP);

~~26.~~ 27. Very long-chain acyl-CoA dehydrogenase deficiency (VLCAD);

~~27.~~ 28. 3-hydroxy 3-methyl glutaric aciduria (HMG); and

~~28.~~ 29. 3-Methylcrotonyl-CoA carboxylase deficiency (3-MCC).

E. Infants born in Virginia shall be screened for hearing loss in accordance with provisions set forth in §§ 32.1-64.1 and 32.1-64.2 of the Code of Virginia and as governed by 12VAC5-80.

VA.R. Doc. No. R13-3569; Filed April 13, 2015, 4:37 p.m.

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TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **14VAC5-200. Rules Governing Long-Term Care Insurance (amending 14VAC5-200-30, 14VAC5-200-40, 14VAC5-200-70, 14VAC5-200-75, 14VAC5-200-77, 14VAC5-200-100, 14VAC5-200-120, 14VAC5-200-150, 14VAC5-200-153, 14VAC5-200-183, 14VAC5-200-185; adding 14VAC5-200-125, 14VAC5-200-154, 14VAC5-200-195).**

Statutory Authority: §§ 12.1-13, 38.2-223, and 38.2-5202 of the Code of Virginia.

Effective Date: September 1, 2015.

Agency Contact: Robert Grissom, Chief Insurance Market Examiner, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9152, FAX (804) 371-9944, or email bob.grissom@scc.virginia.gov.

Summary:

The amendments address concerns regarding recent substantial premium rate increases implemented by insurers writing long-term care insurance in Virginia. The amendments, in part, incorporate recent revisions to the National Association of Insurance Commissioners (NAIC) Model Regulation, as well as the provisions of the NAIC Model Bulletin of Alternative Filing Requirements for Long-Term Care Premium Rate Increases, which applies to rate increases for pre-rate stability policies as well as post-rate stability policies that are currently in effect. The amendments include, among other things: (i) increased disclosure requirements regarding premium rate practices; (ii) an extension of the current 60-day rate increase notification to 75 days; (iii) a requirement that insurers file with the Bureau of Insurance the notice they will use to notify policyholders of rate increases; (iv) a requirement that premiums contain a composite margin for moderately adverse experience of no less than 10% of lifetime claims for initial filings; (v) requirements regarding annual rate certifications; (vi) the implementation of new standards for pre-rate stability policies; (vii) the establishment of standards for the allowance of a single rate increase or scheduled rate increases; (viii) the requirement that a contingent benefit upon lapse (CBL) be offered for pre-rate stability policies; (ix) an allowance for lower rate increases than necessary under rate stabilization if disclosed and determined to be in best interest of policyholders; (x) a requirement that a rate increase that triggers a CBL be capped at 100% and 0% for policies in force over 20 years; and (xi) language regarding the commission's right to require a hearing on rate increases.

After consideration of public comment, additional changes were made as follows: (i) an effective date of September 1, 2015, was included to allow insurers approximately six months to conform to new requirements; (ii) in 14VAC5-200-40, a reference to § 38.2-3115.1 of the Code of Virginia was added in the definition of "long-term care insurance" to clarify the qualifying events to accelerate death benefits; (iii) in 14VAC5-200-75 D, language was added to clarify that the intent for a disclosure to a policyholder of a premium rate increase is to provide a few examples of how an increase may be reduced or mitigated and advise the policyholder to contact the insurer for further information and options; (iv) in 14VAC5-200-150, 14VAC5-200-153, and 14VAC5-200-154 dealing with premium rate increases, language has been changed to conform to the NAIC's Model Regulation and Model Bulletin with regard to the use of the maximum valuation interest rate to calculate future premium rate increases;

and (v) in 14VAC5-200-183 A, language was added to create an exception for a reduction in coverage requirement if an existing long-term policy contains language in conflict with such a requirement.

These amendments are in accordance with the Bureau of Insurance's Response to Comments, the Statement of Position in response to filed comments, and a Reply to Industry Comments previously filed in this case.

AT RICHMOND, MARCH 30, 2015

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. INS-2013-00238

Ex Parte: In the matter of revising the
Rules Governing Long-term Care Insurance

ORDER ADOPTING REVISIONS TO RULES

On November 25, 2013, the State Corporation Commission ("Commission") issued an Order Initiating Proceeding to consider revisions to the Rules Governing Long-Term Care Insurance set forth in Chapter 200 of Title 14 of the Virginia Administrative Code ("Rules").[1]

The Order Initiating Proceeding followed an Order Directing Report entered by the Commission on November 26, 2012, in which the Commission noted an increase in the number and frequency of long-term care insurance premium rate increase requests. As a result, the Commission directed the Bureau of Insurance ("Bureau") to prepare a report that studied premium rate increases associated with long-term care policies.[2]

On October 4, 2013, the Bureau filed its Final Report of Findings ("Report") with the Commission. The Report found, among other things, that the significant premium rate increases experienced by long-term care insurance policyholders in Virginia resulted from a complex interaction between various driving factors. Specifically, the Report identified the lack of experience data for early long-term care insurance policies and changes in expected mortality, lapse rates, claim costs, and earned interest experience as the primary driving factors behind such rate increases. While the Report provided the Commission with several options to consider to ease the burden of premium rate increases on long-term care insurance policyholders, it also acknowledged the fact that there would be no easy regulatory solution to this problem and that any changes to the regulatory framework would require balancing multiple interests, including consumer protection and insurer solvency.

Subsequently, the Commission found that it was appropriate to undertake a review of the Report and the Rules. The Commission issued two separate Orders[3] to allow interested persons and issuers writing long-term care insurance in Virginia, as well as members of the general public and certain specific individuals who had filed complaints or inquiries with the Bureau about long-term care premium rate increases within the prior two years, respectively, to comment on the Bureau's Report and propose amendments to the Rules. The Bureau received comments from 171 residents of the Commonwealth of Virginia. These comments emphasized the frustration and hardship felt by many long-term care insurance policyholders experiencing significant rate increases in Virginia, as well as their fears about the possibility of experiencing further rate increases in the future. In general, the comments fell into the following three categories: (i) the need to protect policyholders from unreasonable or excessive rate increases; (ii) the need to protect policyholders from having to bear the burden of pricing errors made by long-term care insurers; and (iii) a lack of transparency surrounding long-term care insurance rate increases and rate filings.

As a result of those comments, the Bureau filed a Response ("Response") on May 1, 2014. In its Response, the Bureau provided a brief historical overview of long-term care insurance rate regulation in Virginia, noting the Virginia General Assembly's enactment of Chapter 52 of Title 38.2 of the Code of Virginia in 1987 and the Commission's adoption of the Rules in 1992. These legislative and rulemaking efforts followed the National Association of Insurance Commissioners' ("NAIC") adoption of a Model Act and Model Regulation governing long-term care insurance in 1986 and 1988, respectively. Additionally, as emerging long-term care insurance experience developed and new information became available in the latter part of the 1990s, Virginia adopted "rate stabilization" revisions to the Rules in 2000. These revisions created a bifurcated set of rate review standards applicable to long-term care insurance policies issued before October 1, 2003 ("pre-rate stability policies") and those issued on or after that date ("post-rate stability policies"). In particular, pre-rate stability policies were priced using a loss-ratio standard that, in many cases, resulted in lower initial premiums and higher subsequent rate increases, while post-rate stability policies were priced using rate stabilization standards that strove to produce higher initial premiums but lower and less frequent subsequent rate increases.

In its Response, the Bureau went on to recommend that the Commission amend the Rules to incorporate several of the changes set forth by the NAIC in its Model Regulation #641 ("Model Regulation"), as well as its Model Bulletin of Alternative Filing Requirements for Long-term Care Premium Rate Increases ("Model Bulletin"). Among other things recommended by the Bureau[4] was the requirement that insurers limit any rate increase to a recommended loss ratio that is the greater of 60% or the lifetime loss ratio used in the original pricing, plus 80% on any premium increase in the individual market for pre-rate stability policies. In addition, the Bureau recommended that the Commission require long-term care insurers to take a more active role in managing long-term care insurance rates and to adopt a more conservative approach for the initial pricing of policies by requiring that premiums for initial filings contain a composite

margin for moderately adverse experience of no less than 10% of lifetime claims. While the majority of the recommendations made by the Bureau closely mirrored those set forth in the Model Regulation and Model Bulletin, the Bureau went beyond the NAIC in recommending that the provisions found in the Model Bulletin be included as part of the proposed amendments to the Rules to ensure that the Bureau would have explicit authority to enforce such provisions and in requiring that insurers provide an annual rate report showing a complete analysis and review of premium rates not only for post-rate stability policies but for pre-rate stability policies as well.

On May 1, 2014, the Commission scheduled a hearing to receive comments on the Bureau's Response.[5] The hearing was held on June 19, 2014, at which time public oral comments were received.[6] Based on the Report, written and oral comments, and the Response, the Bureau submitted to the Commission proposed amendments to the Rules. The proposed amendments largely mirrored the recommendations made by the Bureau in its Response.

The Commission issued an Order to Take Notice on October 14, 2014, providing an opportunity for the filing of comments or requests for hearing on the proposed amendments to the Rules.[7] The Bureau received 11 written comments from consumers. The majority of these consumer comments were similar to those previously received by the Commission in connection with the Bureau's Report and expressed long-term care insurance policyholders' continued frustration with and concern regarding the rising costs of their policies. No requests for a hearing were filed with the Clerk of the Commission ("Clerk").

In addition to these consumer comments, the American Council of Life Insurers ("ACLI") and America's Health Insurance Plans ("AHIP") jointly filed comments.[8] The ACLI and AHIP offered several technical comments that, in most cases, aligned the Rules more closely with the Model Regulation and Model Bulletin, specifically with regard to notice requirements and annual rate report filings. The ACLI and AHIP also asserted that the proposed Rules should be revised to require use of the maximum valuation interest rate in the calculation of rate increases for long-term care insurance policies, and that the proposed Rules regarding the calculation of benefits in the event of a reduction in coverage should be revised to make exception for long-term care insurance policies issued prior to the effective date of the regulation. Further, the ACLI and AHIP reserved their right to request a hearing at a later date if the Bureau's response to comments and the Commission's decision regarding the Rules were not agreeable to them.

On January 12, 2015, the Bureau filed its Statement of Position on the filed comments ("Statement"). In its Statement, the Bureau addressed several technical comments made by the ACLI and AHIP and agreed to withdraw its proposed amendment regarding interest rates for post-rate stability policies that are already in existence. However, the Bureau maintained that the maximum valuation interest rate should not be used to calculate rate increases for pre-rate stability policies.

Subsequent to the Bureau's Statement, the ACLI and AHIP filed a letter with the Clerk on January 28, 2015. In their letter, the ACLI and AHIP restated their position that the proposed Rules should be amended to require use of the maximum valuation interest rate in the calculation of rate increases for not only post-rate stability policies, but also for pre-rate stability policies and new issues. In addition, their letter addressed the application of the proposed Rules' calculation of benefits in the event of a reduction in coverage provision to existing contracts.

The Bureau filed a Reply to Industry Comments ("Reply") on February 13, 2015, in which it agreed that it would be appropriate to use the maximum valuation interest rate in the calculation of all future premium rate increases since this approach was consistent with the NAIC Model Regulation and would likely have a minimal effect on rate increases going forward. The Bureau also agreed not to recommend that the Rule regarding the calculation of benefits in the event of a reduction in coverage be applied to existing contracts with contrary language since these contracts were priced based on such language.

Based on the Bureau's Reply, the ACLI and AHIP withdrew their reserved right to request a hearing on February 23, 2015, via e-mail to the Commission's Office of General Counsel.

The Bureau has submitted the Rules, as amended, to the Commission and the Bureau recommends that the Rules be adopted as revised, to become effective September 1, 2015, which will allow insurers approximately six months to comply with the new provisions of these Rules.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion that the attached revisions, amendments and modifications to the Rules should be adopted as final, to become effective September 1, 2015.

As various filings made in this docket have demonstrated, significant premium rate increases have continued to impact long-term care insurance policyholders in Virginia. The Commission has sought over the last several years to identify more clearly the drivers of these increases and to clarify if, and to what extent, the current regulatory framework applicable to long-term care insurance rate review may have become insufficient to address effectively the numerous consumer complaints the Bureau has received. The Commission recognizes the extremely difficult nature of this issue and the need to consider numerous factors – including the significant premium rate increases experienced by long-term care insurance policyholders, the ability of the insurers issuing long-term care insurance policies to pay claims in the future and meet their contractual obligations, the equitable and fair treatment of all policyholders, both new and existing, and the sustainability of the long-term care insurance market

in Virginia – in adopting changes to the current regulatory framework.

The Commission finds that the amendments proposed by the Bureau address many of the concerns expressed not only by consumers, but by the Commission as well, regarding long-term care insurance premium rate increases in Virginia. These proposed amendments, which are discussed in more detail in the Bureau's Response and Reply and attached as Exhibit A, strive to both protect consumers and place heightened scrutiny on long-term care insurers seeking to raise premium rates. In addition, as discussed above, the Bureau's proposed amendments to the Rules are substantially similar to certain revisions to the NAIC Model Regulation or contained in the NAIC Model Bulletin,[9] which the NAIC spent a considerable amount of time and effort developing based on extensive national discussion and collaboration with a broad set of stakeholders, including state insurance regulators, industry groups and consumer groups. The Commission finds that while the Bureau's proposed amendments to the Rules will not eliminate long-term care insurance premium rate increases, such proposed amendments adopt a more conservative approach for the initial pricing of long-term care policies, require insurers to take a more active role in managing long-term care insurance rates, and provide additional and necessary protections to long-term care insurance policyholders in Virginia.

Accordingly, IT IS ORDERED THAT:

(1) The amendments and revisions to the Rules Governing Long-Term Care Insurance at Chapter 200 of Title 14 of the Virginia Administrative Code, which amend the Rules at 14 VAC 5-200-30, 14 VAC 5-200-40, 14 VAC 5-200-70, 14 VAC 5-200-75, 14 VAC 5-200-77, 14 VAC 5-200-100, 14 VAC 5-200-120, 14 VAC 5-200-150, 14 VAC 5-200-153, 14 VAC 5-200-183, and 14 VAC 5-200-185 and add new Rules at 14 VAC 5-200-125, 14 VAC 5-200-154, and 14 VAC 5-200-195, and are attached hereto and made a part hereof, are hereby ADOPTED to be effective September 1, 2015.

(2) AN ATTESTED COPY hereof, together with a copy of the adopted Rules, shall be sent by the Clerk of the Commission to the Bureau in care of Deputy Commissioner Althelia P. Battle, who forthwith shall give further notice of the adoption of the amendments to the Rules to all insurers licensed by the Commission to sell long-term care insurance in Virginia, and to all interested persons.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the final amended Rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(4) The Commission's Division of Information Resources shall make available this Order and the attached amendments to the Rules on the Commission's website: http://www.scc.virginia.gov/case.

(5) The Bureau shall file with the Clerk an affidavit of compliance with the notice requirements in Ordering Paragraph (2) above.

(6) This case is dismissed, and the papers herein shall be placed in the file for ended causes.

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[1]The Rules can be found at: http://law.lis.virginia.gov/admincode/title14/agency5/chapter200.

[2]Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: In the matter of investigating long-term care insurance premium rates, Case No. INS-2012-00282, Doc. Con. Cen. 121130186, Order Directing Report (Nov. 26, 2012).

[3]Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: In the matter of revising the Rules Governing Long-term Care Insurance, Case No. INS-2013-00238, Doc. Con. Cen. No. 131130115, Order Initiating Proceeding (Nov. 25, 2013); and Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: In the matter of revising the Rules Governing Long-term Care Insurance, Case No. INS-2013-00238, Doc. Con. Cen. No. 140120003, Amending Order (Jan. 13, 2014).

[4]See Bureau's Response, pp. 11-15, Doc. Con. Cen. No. 140510018 (May 1, 2014).

[5]Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: In the matter of revising the Rules Governing Long-term Care Insurance, Case No. INS-2013-00238, Doc. Con. Cen. No. 140510027, Order Scheduling Hearing (May 1, 2014).

[6]A transcript of the hearing can be found at: http://docket.scc.virginia.gov/vaprod/main.asp by using the "Search Cases" feature and searching for Case No. INS-2013-00238.

[7]Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: In the matter of revising the Rules Governing Long-term Care Insurance, Case No. INS-2013-00238, Doc. Con. Cen. No. 141040086, Order to Take Notice (Oct. 14, 2014).

[8]Doc. Con. Cen. No. 141210034.

[9]Code of Virginia § 38.2-5206 A (requiring that long-term care insurance regulations pertaining to filing requirements and premium rate increases be "similar to those set forth in the model regulation for long-term care insurance developed by the National Association of Insurance Commissioners.").

EXHIBIT A

Revision	Citation 14 VAC 5-200:	Applicability
Effective date of regulation: September 1, 2015	30	All policies
Increased consumer disclosure regarding premium rate practices	70 A 2 75 B 75 D	All policies (75 B only applies to new issues)

Extend current 60-day rate increase notification to 75 days	75 D 185 D 3 and 4	All policies
Require insurers to file the notice insurers will use to notify policyholders of rate increase	75 D	All policies
For initial filings, require that premiums contain a composite margin for moderately adverse experience of no less than 10% of lifetime claims; actuarial memorandum contents	77	New issues
Annual certification, monitoring, and reporting	125	All policies
Implement new standards for pre-rate stability policies (greater of 60% or the lifetime LR used in original pricing, plus 80% applied to premium increase for individual or 75% for group)	150 B	Pre-rate stability policies
Establish standards for allowance of single rate increase or scheduled rate increases	150 C 153 B 154 A	All policies
Require use of maximum valuation interest rate in the calculation of future premium rate increases	150 B 153 C 4 154 B 5	All policies (only a change to the pre-rate stability policies)
Require an offer of contingent benefit on lapse (CBL) for pre-rate stability policies (same standards as for post-rate stability policies)	150 D	Pre-rate stability policies
Allow for lower rate increases than necessary under rate stabilization if disclosed and determined to be in best interest of policyholders	153 B	Post-rate stability policies
Greater of 58%/85% or original lifetime loss ratio rate increase requirements	154 B 2	New issues
Except for policies with language to the contrary, in the event of a reduction or elimination of the inflation protection option requires the insurer to allow the policyholder to continue the benefit amount in effect at the time of the reduction	183 A 3	Requirement applies to all policies. Exception applies only to pre-rate stability and post-rate stability policies
Policyholder eligibility for a CBL	185 D 3 and 7	All policies
Addition of rate hearing provision	195	All policies
Definitions of Various Blocks Pre-rate stability policies - Policies issued prior to October 1, 2003 Post-rate stability policies - Policies issued on or after October 1, 2003, but prior to September 1, 2015 New issues - Policies issued after September 1, 2015		

14VAC5-200-30. Applicability and scope.

Except as otherwise specifically provided, this chapter applies to all long-term care ~~Insurance~~ insurance policies delivered ~~or~~, issued for delivery, or renewed in this Commonwealth, on or after ~~September 1, 2007~~ [~~(insert effective date of regulation)~~ September 1, 2015], by insurers, fraternal benefit societies, health services plans, health maintenance organizations, ~~cooperative nonprofit life benefit companies or mutual assessment life, accident and sickness insurers~~ or any other similar organization.

14VAC5-200-40. Definitions.

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

"Applicant" means in the case of an individual long-term care insurance policy, the person who seeks to contract for such benefits, or in the case of a group long-term care insurance policy, the proposed certificateholder.

"Certificate" means any certificate or evidence of coverage issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this Commonwealth.

"Commission" means the Virginia State Corporation Commission.

"Exceptional increase" means only those increases filed by an insurer and identified as exceptional for which the commission determines the need for the premium rate increase is justified (i) due to changes in laws or regulations applicable to long-term care coverage in this Commonwealth, or (ii) due to increased and unexpected utilization that affects the majority of insurers of similar products. Except as provided in 14VAC5-200-153, exceptional increases are

subject to the same requirements as other premium rate schedule increases. The commission, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

"Expected loss ratio" means the ratio of the present value of future benefits to the present value of future premiums over the entire period of the contract.

"Group long-term care insurance" means a long-term care insurance policy which complies with § 38.2-3521.1 or § 38.2-3522.1 of the Code of Virginia delivered or issued for delivery in this Commonwealth.

"Incidental," as used in 14VAC5-200-153 J, means that the value of the long-term care benefits provided is less than 10% of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

"Insurer" means any insurance company, health services plan, fraternal benefit society, health maintenance organization, ~~cooperative nonprofit life benefit company, or mutual assessment life, accident and sickness insurer~~ or any other similar organization.

"Long-term care insurance" means any insurance policy or rider primarily advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, personal care, mental health or substance abuse services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance issued by insurers. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. With regard to life insurance, this term does not include life insurance policies which accelerate the death benefit [in accordance with § 38.2-3115.1 of the Code of Virginia] specifically for one or more of the qualifying events of terminal illness, medical conditions requiring extraordinary medical intervention, or permanent institutional confinement, and which provide the option of a lump-sum payment for those benefits and in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care. Notwithstanding any other provision contained herein, any product advertised, marketed or offered as long-term care insurance shall be subject to the provisions of this chapter. Health maintenance organizations, cooperative nonprofit life benefit companies and mutual assessment life, accident and sickness insurers shall apply to the commission for approval to provide long-term care insurance prior to issuing this type of coverage.

"Policy" means any individual or group policy of insurance, contract, subscriber agreement, certificate, rider or endorsement delivered or issued for delivery in this Commonwealth by an insurer.

"Qualified actuary" means a member ~~in good standing~~ of the American Academy of Actuaries.

"Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means:

1. An individual or group insurance contract that meets the requirements of § 7702B(b) of the Internal Revenue Code of 1986 (26 USC § 7702B(b)), as follows:

a. The only insurance protection provided under the contract is coverage of qualified long-term care services. A contract shall not fail to satisfy the requirements of this subdivision by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

b. The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act (42 USC § 1395 et seq.), or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this subdivision do not apply to expenses that are reimbursable under Title XVIII of the Social Security Act only as a secondary payor. A contract shall not fail to satisfy the requirements of the subdivision by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

c. The contract is guaranteed renewable within the meaning of § 7702B(b)(1)(C) of the Internal Revenue Code of 1986;

d. The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in subdivision 1 e of this definition.

e. All refunds of premiums and all policyholder dividends or similar amounts under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract; and

f. The contract meets the consumer protection provisions set forth in § 7702B(g) of the Internal Revenue Code of 1986 and this chapter; or

2. The portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract that satisfies the requirements of § 7702B(b) and (e) of the Internal Revenue Code of 1986.

"Similar policy forms" means all of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered. Certificates of groups as set forth in subsections A and C of § 38.2-3521.1 of the Code of Virginia are not considered similar to certificates or policies otherwise issued as long-term care insurance, but are similar to other comparable certificates with the same long-term care benefit classifications. For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows: institutional long-term care benefits only, noninstitutional long-term care benefits only, or comprehensive long-term care benefits.

14VAC5-200-70. Required disclosure provisions.

A. Renewability. Individual long-term care insurance policies shall contain a renewability provision.

1. The provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state that the coverage is guaranteed renewable or noncancellable. This subsection shall not apply to policies that do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.

2. A long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a clear and prominent statement in bold type and all capital letters that the premium rates may ~~change~~ be increased.

B. Riders and endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

C. Payment of benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

D. Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

E. Other limitations or conditions on eligibility for benefits. A long-term care insurance policy or certificate containing post-confinement, post-acute care or recuperative benefits, or any limitations or conditions for eligibility other than those prohibited in § 38.2-5205 A of the Code of Virginia shall set forth a description of such limitations or conditions, including any required number of days of confinement prior to receipt of benefits, in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

F. Disclosure of tax consequences. With regard to life insurance policies which provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

G. Benefit triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

H. A qualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in 14VAC5-200-200 that the policy is a qualified long-term care insurance contract under § 7702B(b) of the Internal Revenue Code of 1986.

I. A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in 14VAC5-200-200 that the policy is not intended to be a qualified long-term care insurance contract.

14VAC5-200-75. Required disclosure of rating practices to consumer.

A. Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this subsection to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such a case, an insurer shall provide all of the information listed in

this section to the applicant no later than at the time of delivery of the policy or certificate.

1. A statement that the policy may be subject to rate increases in the future;

2. An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;

3. The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;

4. A general explanation for applying premium rate or rate schedule adjustments that shall include:

a. A description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.); and

b. The right to a revised premium rate or rate schedule as provided in subdivision 2 of this subsection if the premium rate or rate schedule is changed;

5. a. Information regarding each premium rate increase on this policy form or similar policy forms over the past 10 years for this Commonwealth or any other state that, at a minimum, identifies:

(1) The policy forms for which premium rates have been increased;

(2) The calendar years when the form was available for purchase; and

(3) The amount or percentage of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

b. The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.

c. An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.

d. If an acquiring insurer files for a rate increase on a long-term care policy form or a block of policy forms acquired from nonaffiliated insurers 24 months or more following the acquisition of the policy form or the block of policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subdivision 5 a of this subsection.

e. If the acquiring insurer in subdivision 5 d of this subsection files for a subsequent rate increase, even within the 24-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subdivision 5 d of this subsection, the acquiring insurer shall make all disclosures required by subdivision 5 of this subsection, including disclosure of the earlier rate increase referenced in subdivision 5 d of this subsection.

B. An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subdivisions A 1 and 5 of this section. If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate. The insurer shall maintain copies of the signed acknowledgement for the duration of the policy or certificate.

C. An insurer shall use Forms B and F to comply with the requirements of subsections A and B of this section.

D. An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least ~~60~~ 75 days prior to the implementation of the premium rate schedule increase by the insurer. Such notice shall be filed with the commission at the time the premium rate increase is filed. The notice shall include at least the following information ~~required by:~~

1. All applicable information identified in subsection A of this section when the rate increase is implemented~~.~~;

2. A clear explanation of [~~any and all~~] options available to the policyholder as alternatives to paying the increased premium amount, including:

a. An offer to reduce policy benefits provided by the current coverage consistent with the requirements of 14VAC5-200-183;

b. A disclosure stating that all options available to the policyholder may not be of equal value; [~~and~~]

c. In the case of a partnership policy, a disclosure that some benefit reduction options may result in a loss in partnership status that may reduce policyholder protections; [and

d. Contact information that will allow the policyholder to contact the insurer for additional options available;]

3. A clear identification of the driving factors of the premium rate increase; and

4. A statement substantially similar to the following:

The rate increase request was reviewed by the commission and was found to be compliant with applicable Virginia laws and regulations addressing long-term care insurance. All premium rate filings are available for public inspection and may be accessed online through the Virginia Bureau of Insurance's webpage at www.scc.virginia.gov/BOI.

14VAC5-200-77. Initial filing requirements.

A. This section shall apply to any long-term care policy form filed with the commission on or after [~~(insert effective date of regulation)~~ September 1, 2015].

B. An insurer shall provide the information listed in this section to the commission and receive approval of the form prior to making a long-term care insurance form available for sale.

1. A copy of the disclosure documents required in 14VAC5-200-75; and

2. An actuarial certification consisting of at least the following:

a. A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

b. An explanation for supporting subdivision 2 a of this subsection, including (i) a description of the margin for moderately adverse experience that is included in the premium rates and (ii) a description of the testing of pricing assumptions that was done to support the conclusion that the filed premium rates are sustainable over the life of the form;

c. A statement that the policy design and coverage provided have been reviewed and taken into consideration;

d. A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

~~e. A complete description of the basis for contract reserves that are anticipated to be held under the form, to include:~~

~~(1) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;~~

~~(2) A statement that the assumptions used for reserves contain reasonable margins for adverse experience;~~

~~(3) A statement that the net valuation premium for renewal years does not increase (except for attained age rating); and~~

~~(4) A statement that the difference, in aggregate, between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur. When the difference between the gross premium and the renewal net valuation premiums is not sufficient to cover expected renewal expenses, the description provided should demonstrate the type and level of change in the reserve assumptions that would be necessary for the difference to be sufficient.~~

~~(a) An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship;~~

~~(b) If the gross premiums for certain age groups appear to be inconsistent with this requirement, the commission may request a demonstration based on a standard age distribution; and~~

e. A statement that the premiums contain at least the minimum margin for moderately adverse experience defined in subdivision 2 e (1) of this subsection or the specification of and justification for a lower margin required by subdivision 2 e (2) of this subsection.

(1) A composite margin shall not be less than 10% of lifetime claims.

(2) A composite margin that is less than 10% may be justified in uncommon circumstances. The proposed amount, full justification of the proposed amount, and methods to monitor developing experience that would be the basis for withdrawal of approval for such lower margins shall be submitted.

(3) A composite margin lower than otherwise considered appropriate for the stand-alone long-term care policy may be justified for long-term care benefits provided through a life policy or an annuity contract. Such lower composite margin, if utilized, shall be justified by appropriate actuarial demonstration addressing margins and volatility when considering the entirety of the product.

(4) A greater margin may be appropriate in circumstances where the company has less credible experience to support its assumptions used to determine the premium rates.

f. (1) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

(2) A comparison of the premium rate schedules for similar policy forms that are currently available from the insurer with an explanation of the differences. It is not expected that the insurer will need to provide a comparison of every age and set of benefits, period of payment or elimination period. A broad range of expected combinations is to be provided in a manner designed to provide a fair presentation for review by the commission.

g. A statement that reserve requirements have been reviewed and considered. Support for this statement shall include: (i) sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held; and (ii) a statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement

cannot be made, a complete description of the situations where this does not occur. An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship.

3. An actuarial memorandum ~~that includes~~ prepared, dated, and signed by a qualified actuary shall be included and shall address and support each specific item required as part of the actuarial certification and provide at least the following information:

a. A description of the basis on which the long-term care insurance premium rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age; ~~and~~

g. A statement that includes a description of the types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs;

h. An explanation of the review performed by the actuary prior to making the statements in subdivisions B 2 c and d of this section;

i. A complete description of pricing assumptions;

j. Sources and levels of margins incorporated into the gross premiums that are the basis for the statement in subdivision B 2 a of this section of the actuarial certification and an explanation of the analysis and testing performed in determining the sufficiency of the margins. Deviations in margins between ages, sexes, plans, or states shall be clearly described. Deviations in margins required to be described are other than those produced utilizing generally accepted actuarial methods for smoothing and interpolating gross premium scales;

k. A demonstration that the gross premiums include the minimum composite margin specified in subdivision B 2 e of this section; and

l. The anticipated loss ratio and a description of how it was calculated.

14VAC5-200-100. Requirement to offer inflation protection.

A. No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder in addition to any other inflation protection offers the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:

1. Increases benefit levels annually, in a manner so that the increases are compounded annually, at a rate not less than 5.0%;

2. Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status; so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least 5.0% for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

3. Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

B. Where the policy is issued to a group, the required offer in subsection A ~~above~~ of this section shall be made to each proposed certificateholder; except if the policy is issued to a continuing care retirement community the offering shall be made to the group policyholder.

C. The offer in ~~Subsection~~ subsection A ~~above~~ of this section shall not be required of life insurance policies or riders containing accelerated long-term care benefits.

D. Insurers shall include the following information in or with the outline of coverage:

1. A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a ~~20 year~~ 20-year period.

2. Any expected premium increases or additional premiums to pay for automatic or optional benefit increases. If premium increases or additional premiums will be based on the attained age of the applicant at the time of the increase, the insurer shall also disclose the magnitude of the potential premiums the applicant would need to pay at ages 75 and 85 for benefit increases. An insurer may use a reasonable hypothetical, or a graphic demonstration, for the purposes of this disclosure.

14VAC5-200-120. Reporting requirements.

A. Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

B. Every insurer shall report annually by June 30 the 10% of its agents with the greatest percentages of lapses and replacements as measured by subsection A of this section (Form G).

C. Reported replacement and lapse rates do not alone constitute a violation of the insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

D. Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year (Form G).

E. Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year (Form G).

F. Every insurer shall report annually by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied (Form E).

G. For purposes of this section:

1. Subject to subdivision 2 of this subsection, "claim" means a request for payment of benefits under an in-force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

2. "Denied" means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition;

3. "Policy" means only long-term care insurance; and

4. "Report" means on a statewide basis.

H. Reports required under this section shall be based on the previous calendar year data and filed with the commission.

14VAC5-200-125. Annual rate reports.

A. Every insurer shall report to the commission annually by June 30 premium rates for all long-term care insurance policies. The commission shall post this report to the Bureau of Insurance's webpage. The rate report shall include:

1. For policies issued on or after October 1, 2003, an actuarial certification prepared, dated, and signed by a qualified actuary that provides at least the following information:

a. A statement of the sufficiency of the current premium rate schedule including:

(1) For policies currently marketed:

(a) The premium rate schedule continues to be sufficient to cover anticipated costs under moderately adverse experience, consistent with the margins as defined in the original rate filing or any subsequent rate filing, and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated; or

(b) If the statement in subdivision 1 a (1) (a) of this subsection cannot be made, a statement that margins for moderately adverse experience, consistent with the margins as defined in the original rate filing or any subsequent rate filing, may no longer be sufficient. In this situation, the insurer shall submit to the commission within 60 days of the date of the actuarial certification a plan of action, including a timeframe, for the reestablishment of adequate margins for moderately adverse experience so that the ultimate premium rate schedule would be reasonably expected to be sustainable over the future life of the form with no future premium increases anticipated. Failure to submit a plan of action to the commission within 60 days or to comply with the timeframe stated in the plan of action constitutes grounds for withdrawal or modification of approval of the form for future sales.

(2) For policies that are no longer marketed:

(a) A statement that the premium rate schedule continues to be sufficient to cover anticipated costs under best estimate assumptions; or

(b) A statement that the premium rate schedule may no longer be sufficient. The insurer shall submit to the commission within 60 days of the date of the actuarial certification a plan of action, including a timeframe for the reestablishment of adequate margins for moderately adverse experience.

b. A description of the review performed that led to the statement.

c. At least once every three years, an actuarial memorandum dated and signed by a qualified actuary that supports the actuarial certification and provides at least the following information:

(1) A detailed explanation of the data sources and review performed by the actuary prior to making the statement in subdivision 1 a (1) of this subsection;

(2) A complete description of experience assumptions and their relationship to the initial pricing assumptions;

(3) A description of the credibility of the experience data; and

(4) An explanation of the analysis and testing performed in determining the current presence of margins.

2. For policies issued prior to October 1, 2003, the report shall include a statement signed by a qualified actuary that a complete analysis and review of the premium rates was conducted, a description of the analysis, the date on which the analysis was completed, and any rate action found to be necessary as a result of the analysis.

B. Reports required in this section shall be based on the previous calendar year data and filed with the commission no later than June 30. The commission may request any additional information that will support the information required in this section.

14VAC5-200-150. ~~Loss ratio~~ Premium rate increases for policies issued before October 1, 2003.

A. This section ~~shall apply~~ applies to ~~all~~ any premium rate increase filed with the commission on or after [~~(insert effective date of regulation)~~ September 1, 2015,] for any long-term care insurance ~~policies or certificates except those covered under 14VAC5-200-77 and 14VAC5-200-153~~ policy issued in this Commonwealth before October 1, 2003.

B. Benefits under ~~individual~~ long-term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is ~~at least 60% calculated in a manner which provides for adequate reserving of the long-term care insurance risk~~ the greater of 60% or the lifetime loss ratio used in the original pricing applied to the current rate schedule plus: (i) 80% applied to any premium rate increase for individual policy forms or (ii) 75% applied to any premium rate increase on group policy forms.

In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including:

1. Statistical credibility of incurred claims experience and earned premiums;

2. The period for which rates are computed to provide coverage;

3. Experienced and projected trends;

4. Concentration of experience within early policy duration;

5. Expected claim fluctuation;

6. Experience refunds, adjustments or dividends;

7. Renewability features;

8. All appropriate expense factors;

9. Interest;

10. Experimental nature of the coverage;

11. Policy reserves;

12. Mix of business by risk classification; and

13. Product features such as long elimination periods, high deductibles and high maximum limits.

[~~Demonstrations~~ Notwithstanding the provisions of 14VAC5-130-50 with regard to interest, demonstrations] of loss ratios shall be made in compliance with the Rules Governing the Filing of Rates for Individual and Certain Group Accident and Sickness Insurance Policy Forms~~,~~ ~~Chapter 130~~ (14VAC5-130) ~~of this title~~. [All present and accumulated values used to determine rate increases, including the lifetime loss ratio used in the original pricing, shall use the maximum valuation interest rate for contract reserves as specified in § 38.2-1371 of the Code of Virginia.]

C. Any insurer may request a series of scheduled rate increases that are actuarially equivalent to a single amount requested over the lifetime of the policy. The entire series may be approved at one time as part of the current rate increase filing.

D. As a condition of approval of a rate increase for a block of business for which the contingent benefit upon lapse is not otherwise required, a contingent benefit upon lapse provision will be required in accordance with 14VAC5-200-185 D. If the rate increase is approved in a series of scheduled rate increases and the sum of all scheduled rate increases will trigger the offering of a contingent benefit upon lapse, the insurer shall be required to include contingent benefit upon lapse at the time of each scheduled increase.

E. All submissions shall include information required by 14VAC5-200-75.

F. Subsection B of this section shall not apply to life insurance policies that accelerate benefits for long-term care. A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

2. The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of Chapter 32 (§ 38.2-3200 et seq.) of Title 38.2 of the Code of Virginia;

3. If an application for a long-term care insurance contract or certificate is approved, the issuer shall deliver the contract or certificate of insurance to the applicant no later than 30 days after the date of approval;

4. At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy that provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

a. An explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;

b. An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits, if any, for each covered person;

c. Any exclusions, reductions and limitations on benefits of long-term care;

d. A statement that any long-term care inflation protection option required by 14VAC5-200-100 is not available under this policy;

e. If applicable to the policy type, the summary shall also include:

(1) A disclosure of the effects of exercising other rights under the policy;

(2) A disclosure of guarantees related to long-term care costs of insurance charges; and

(3) Current and projected maximum lifetime benefits; and

f. The provisions of the policy summary listed above may be incorporated into a basic illustration or into the life insurance policy summary;

5. Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. The report shall include:

a. Any long-term care benefits paid out during the month;

b. An explanation of any changes in the policy~~,~~ (e.g., death benefits or cash values~~,~~) due to long-term care benefits being paid out; and

c. The amount of long-term care benefits existing or remaining;

6. Any policy illustration that meets the applicable requirements of ~~14VAC5-40~~ 14VAC5-41; and

7. An actuarial memorandum is filed with the Bureau of Insurance that includes:

a. A description of the basis on which the long-term care rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age;

g. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

h. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

14VAC5-200-153. Premium rate ~~schedule~~ increases for policies issued on or after October 1, 2003, but prior to [~~(insert effective date of regulation)~~ September 1, 2015].

A. This section applies to any premium rate increase filed with the commission on or after [~~(insert effective date of regulation)~~ September 1, 2015,] for any long-term care insurance policy ~~or certificate~~ issued in this Commonwealth on or after October 1, 2003, but prior to [~~(insert effective date of regulation)~~ September 1, 2015].

B. An insurer shall request the commission's approval of a pending premium rate schedule increase, including an exceptional increase, prior to the notice to the policyholders and shall include:

1. Information required by 14VAC5-200-75;

2. Certification by a qualified actuary that:

a. If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated; and

b. The premium rate filing is in compliance with the provisions of this section;

3. An actuarial memorandum justifying the rate schedule change request that includes:

a. Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase~~;~~ and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale;

(1) Annual values for the five years preceding and the three years following the valuation date shall be provided separately;

(2) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

(3) The projections shall demonstrate compliance with subsection C of this section; and

(4) For exceptional increases,

(a) The projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(b) In the event the commission determines as provided in the definition of exceptional increase in 14VAC5-200-40 that offsets may exist, the insurer shall use appropriate net projected experience;

b. Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

c. Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;

d. A statement that policy design, underwriting, and claims adjudication practices have been taken into consideration; ~~and~~

e. In the event that it is necessary to maintain consistent premium rates for new policies and policies receiving a rate increase, the insurer will need to file composite rates reflecting projections of new policies; and

f. A demonstration that actual and projected costs exceed costs anticipated at the time of initial pricing under moderately adverse experience and that the composite margin is projected to be exhausted;

4. A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the commission; and

5. Sufficient information for review and approval of the premium rate schedule increase by the commission.

An insurer may request a series of scheduled rate increases that are actuarially equivalent to a single amount requested over the lifetime of the policy. The entire series may be approved at one time as part of the current rate increase filing. The insurer shall be required to include contingent benefit upon lapse at the time of each scheduled increase.

The insurer may request a premium rate schedule increase less than what is required under this section and the commission may approve such premium rate schedule increase, without submission of the certification in subdivision 2 a of this subsection, if the actuarial memorandum discloses the premium rate schedule increase necessary to make such certification required, the premium rate schedule increase filing satisfies all other requirements of this section, and is, in the opinion of the commission, in the best interest of policyholders.

C. All premium rate schedule increases shall be determined in accordance with the following requirements:

1. Exceptional increases shall provide that 70% of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

2. Premium rate schedule increases shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

a. The accumulated value of the initial earned premium times 58%;

b. ~~Eighty-five percent~~ 85% of the accumulated value of prior premium rate schedule increases on an earned basis;

c. The present value of future projected initial earned premiums times 58%; and

d. ~~Eighty-five percent~~ 85% of the present value of future projected premiums not in subdivision 2 c of this subsection on an earned basis;

3. In the event that a policy form has both exceptional and other increases, the values in subdivisions 2 b and d of this subsection will also include 70% for exceptional rate increase amounts; and

4. All present and accumulated values used to determine rate increases shall use the [~~greater of the~~] maximum valuation interest rate for contract reserves as specified in [~~14VAC5-320 or interest at a rate consistent with that assumed in the original determination of premiums~~ § 38.2-1371 of the Code of Virginia]. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

D. For each rate increase that is implemented, the insurer shall file for approval by the commission updated projections, as defined in subdivision B 3 a of this section, annually for the next three years and include a comparison of actual results to projected values. The commission may extend the period to greater than three years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in subsection K of this section, the projections required by subdivision B 3 a of this section shall be provided to the policyholder in lieu of filing with the commission.

E. If any increased premium rate in the revised premium rate schedule is greater than 200% of the comparable rate in the initial premium schedule, the premiums exceeding 200% shall be clearly identified and lifetime projections, as defined in subdivision B 3 a of this section, shall be filed for approval by the commission every five years following the end of the required period in subsection D of this section. For group insurance policies that meet the conditions in subsection K of this section, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the commission.

F. 1. If the commission has determined that the actual experience following a rate increase does not adequately

match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection C of this section, the commission may require the insurer to implement any of the following:

a. Premium rate schedule adjustments; or

b. Other measures to reduce the difference between the projected and actual experience.

It is to be expected that the actual experience will not exactly match the insurer's projections. During the period that projections are monitored as described in subsections D and E of this section, the commission should determine that there is not an adequate match if the differences in earned premiums and incurred claims are not in the same direction (both actual values higher or lower than projections) or the difference as a percentage of the projected is not of the same order.

2. In determining whether the actual experience adequately matches the projected experience, consideration should be given to subdivision B 3 e of this section, if applicable.

G. If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:

1. A plan, subject to commission approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the commission may impose the condition in subsection H of this section; and

2. The original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to subsection C of this section had the greater of the original anticipated lifetime loss ratio or 58% been used in the calculations described in subdivisions C 2 a and c of this section.

H. 1. For a rate increase filing that meets the following criteria, the commission shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

a. The rate increase is not the first rate increase requested for the specific policy form or forms;

b. The rate increase is not an exceptional increase; and

c. The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

2. In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the commission may determine that a rate spiral exists. Following the determination that a rate spiral exists, the commission may require the insurer to offer, without underwriting, to all in-force insureds subject to the rate increase the option to replace existing coverage with any other long-term care insurance product being offered by the insurer or its affiliates.

a. The offer shall:

(1) Be subject to the approval of the commission;

(2) Be based on actuarially sound principles, but not be based on attained age; and

(3) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

b. The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(1) The maximum rate increase determined based on the combined experience; or

(2) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10%.

I. If the commission determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the commission may, in addition to the provisions of subsection H of this section, prohibit the insurer from either of the following:

1. Filing and marketing comparable coverage for a period of up to five years; or

2. Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

J. Subsections A through I of this section shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in 14VAC5-200-40, if the policy complies with all of the following provisions:

1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

2. The portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

a. Sections 38.2-3200 through 38.2-3218 of the Code of Virginia~~, and~~; or

b. Sections 38.2-3219 through 38.2-3229 of the Code of Virginia;

3. The policy meets the disclosure requirements of §§ 38.2-5207.1 and 38.2-5207.2 of the Code of Virginia;

4. The portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in ~~the following:~~ [14VAC5-20 and 14VAC5-41; and]

~~a. Policy illustrations as required by 14VAC5-41; [14VAC5-20 and]~~

~~b. Disclosure requirements in 14VAC5-41;~~

5. An actuarial memorandum is filed with the commission that includes:

a. A description of the basis on which the long-term care rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer shall include percent of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age;

g. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

h. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

K. Subsections F and H of this section shall not apply to group insurance policies as defined in subsections A and C of § 38.2-3521.1 of the Code of Virginia where:

1. The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

2. The policyholder, and not the certificateholders, pays a material portion of the premium, which shall not be less than 20% of the total premium for the group in the calendar year prior to the year a rate increase is filed.

14VAC5-200-154. Premium rate increases for policies issued after [~~(insert effective date of regulation)~~ September 1, 2015].

A. An insurer shall request the commission's approval of a pending premium rate schedule increase, including an exceptional increase, prior to the notice to the policyholders and shall include:

1. Information required by 14VAC5-200-75;

2. Certification by a qualified actuary that:

a. If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated; and

b. The premium rate filing is in compliance with the provisions of this section;

3. An actuarial memorandum justifying the rate schedule change request that includes:

a. Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale;

(1) Annual values for the five years preceding and the three years following the valuation date shall be provided separately;

(2) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

(3) The projections shall demonstrate compliance with subsection B of this section; and

(4) For exceptional increases:

(a) The projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(b) In the event the commission determines as provided in the definition of exceptional increase in 14VAC5-200-40 that offsets may exist, the insurer shall use appropriate net projected experience;

b. Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

c. Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;

d. A statement that policy design, underwriting, and claims adjudication practices have been taken into consideration;

e. In the event that it is necessary to maintain consistent premium rates for new policies and policies receiving a rate increase, the insurer will need to file composite rates reflecting projections of new policies; and

f. A demonstration that actual and projected costs exceed costs anticipated at the time of initial pricing under moderately adverse experience and that the composite margin is projected to be exhausted;

4. A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the commission; and

5. Sufficient information for review and approval of the premium rate schedule increase by the commission.

An insurer may request a series of scheduled rate increases that are actuarially equivalent to a single amount requested over the lifetime of the policy. The entire series may be approved at one time as part of the current rate increase filing. The insurer shall be required to include contingent benefit upon lapse at the time of each scheduled increase.

The insurer may request a premium rate schedule increase less than what is required under this section and the commission may approve such premium rate schedule increase, without submission of the certification in subdivision 2 a of this subsection, if the actuarial memorandum discloses the premium rate schedule increase necessary to make such certification required, the premium rate schedule increase filing satisfies all other requirements of this section, and is, in the opinion of the commission, in the best interest of policyholders.

B. All premium rate schedule increases shall be determined in accordance with the following requirements:

1. Exceptional increases shall provide that 70% of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

2. Premium rate schedule increases shall be calculated such that the sum of the lesser of (i) the accumulated value of actual incurred claims, without the inclusion of active life reserves, or (ii) the accumulated value of historic expected claims without the inclusion of active life reserves, plus the present value of the future expected incurred claims, projected without the inclusion of actual life reserves, will not be less than the sum of the following:

a. The accumulated value of the initial earned premium times the greater of (i) 58% and (ii) the lifetime loss ratio consistent with the original filing including margins for moderately adverse experience;

b. 85% of the accumulated value of prior premium rate schedule increases on an earned basis;

c. The present value of future projected initial earned premiums times the greater of (i) 58% and (ii) the lifetime loss ratio consistent with the original filing including margins for moderately adverse experience; and

d. 85% of the present value of future projected premiums not in subdivision 2 c of this subsection on an earned basis.

3. Expected claims shall be calculated based on the original filing assumptions assumed until new assumptions are filed as part of a rate increase. New assumptions shall be used for all periods beyond each requested effective date of a rate increase. Expected claims are calculated for each calendar year based on the in-force policies at the beginning of the calendar year. Expected claims shall include margins for moderately adverse experience; either amounts included in the claims that were used to determine the lifetime loss ratio consistent with the original filing or as modified in any rate increase filing;

4. In the event that a policy form has both exceptional and other increases, the values in subdivisions 2 b and d of this subsection will also include 70% for exceptional rate increase amounts; and

5. All present and accumulated values used to determine rate increases, including the lifetime loss ratio consistent with the original filing reflecting margins for moderately adverse experience, shall use the [~~greater of the~~] maximum valuation interest rate for contract reserves as specified in [~~14VAC5-320 or interest at a rate consistent with that assumed in the original determination of premiums~~ § 38.2-1371 of the Code of Virginia]. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

C. For each rate increase that is implemented, the insurer shall file for approval by the commission updated projections, as defined in subdivision A 3 a of this section, annually for the next three years and include a comparison of actual results to projected values. The commission may extend the period to greater than three years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in subsection J of this section, the projections required by subdivision A 3 a of this section shall be provided to the policyholder in lieu of filing with the commission.

D. If any increased premium rate in the revised premium rate schedule is greater than 200% of the comparable rate in the initial premium schedule, the premiums exceeding 200% shall be clearly identified and lifetime projections, as defined in subdivision A 3 a of this section, shall be filed for approval by the commission every five years following the end of the required period in subsection C of this section. For group insurance policies that meet the conditions in subsection J of this section, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the commission.

E. 1. If the commission has determined that the actual experience following a rate increase does not adequately

match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection B of this section, the commission may require the insurer to implement any of the following:

a. Premium rate schedule adjustments; or

b. Other measures to reduce the difference between the projected and actual experience.

It is to be expected that the actual experience will not exactly match the insurer's projections. During the period that projections are monitored as described in subsections C and D of this section, the commission may determine that there is not an adequate match if the differences in earned premiums and incurred claims are not in the same direction (both actual values higher or lower than projections) or the difference as a percentage of the projected is not of the same order.

2. In determining whether the actual experience adequately matches the projected experience, consideration should be given to subdivision A 3 e of this section, if applicable.

F. If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file a plan, subject to commission approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the commission may impose the condition in subsection G of this section.

G. 1. For a rate increase filing that meets the following criteria, the commission shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

a. The rate increase is not the first rate increase requested for the specific policy form or forms;

b. The rate increase is not an exceptional increase; and

c. The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

2. In the event significant adverse lapsation has occurred, is anticipated in the filing, or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the commission may determine that a rate spiral exists. Following the determination that a rate spiral exists, the commission may require the insurer to offer, without underwriting, to all in-force insureds subject to the rate increase the option to replace existing coverage with any other long-term care insurance product being offered by the insurer or its affiliates.

a. The offer shall:

(1) Be subject to the approval of the commission;

(2) Be based on actuarially sound principles, but not be based on attained age; and

(3) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

b. The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(1) The maximum rate increase determined based on the combined experience; or

(2) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10%.

H. If the commission determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the commission may, in addition to the provisions of subsection G of this section, prohibit the insurer from either of the following:

1. Filing and marketing comparable coverage for a period of up to five years; or

2. Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

I. Subsections A through H of this section shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in 14VAC5-200-40, if the policy complies with all of the following provisions:

1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

2. The portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

a. Sections 38.2-3200 through 38.2-3218 of the Code of Virginia; or

b. Sections 38.2-3219 through 38.2-3229 of the Code of Virginia;

3. The policy meets the disclosure requirements of §§ 38.2-5207.1 and 38.2-5207.2 of the Code of Virginia;

4. The portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in 14VAC5-20 and 14VAC5-41; [and]

5. An actuarial memorandum is filed with the commission that includes:

a. A description of the basis on which the long-term care rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer shall include percent of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age;

g. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

h. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

J. Subsections E and G of this section shall not apply to group insurance policies as defined in subsections A and C of § 38.2-3521.1 of the Code of Virginia where:

1. The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

2. The policyholder, and not the certificateholders, pays a material portion of the premium, which shall not be less than 20% of the total premium for the group in the calendar year prior to the year a rate increase is filed.

14VAC5-200-183. Right to reduce coverage and lower premiums.

A. 1. Every long-term care insurance policy and certificate shall include a provision that allows the policyholder or certificateholder to reduce coverage and lower the policy or certificate premium in at least one of the following ways:

a. Reducing the maximum benefit; or

b. Reducing the daily, weekly or monthly benefit amount.

2. The insurer may also offer other reduction options that are consistent with the policy or certificate design or the carrier's administrative processes.

3. [~~In~~ Except for a long-term care policy issued prior to September 1, 2015, that contains language to the contrary, in] the event the reduction in coverage involves the reduction or elimination of the inflation protection provision, the insurer shall allow the policyholder to continue the benefit amount in effect at the time of the reduction.

B. The provision shall include a description of the ~~ways in which coverage may be reduced and the~~ process for requesting and implementing a reduction in coverage.

C. ~~The age to determine the premium for the reduced coverage shall be based on the age used to determine the premiums for the coverage currently in force~~ The premium for the reduced coverage shall be:

1. Based on the same age and underwriting class used to determine the premium for the coverage currently in force; and

2. Consistent with the approved rate table.

D. The insurer may limit any reduction in coverage to plans or options available for that policy form and to those for which benefits will be available after consideration of claims paid or payable.

E. If a policy or certificate is about to lapse, the insurer shall provide a written reminder to the policyholder or certificateholder of his right to reduce coverage and premiums in the notice required by 14VAC5-200-65 A 3.

F. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

14VAC5-200-185. Nonforfeiture benefit requirement.

A. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

B. To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of § 38.2-5210 of the Code of Virginia:

1. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection E of this section; and

2. The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the Outline of Coverage or other materials given to the prospective policyholder.

When a group long-term care insurance policy is issued, the offer required in § 38.2-5210 of the Code of Virginia shall be made to the group policyholder. However, if the policy is issued as group long-term care insurance as defined in § 38.2-3522.1 of the Code of Virginia other than to a continuing care retirement community or other similar entity, the offer shall be made to each proposed certificateholder.

C. If the offer required to be made under § 38.2-5210 of the Code of Virginia is rejected, the insurer shall provide the contingent benefit upon lapse described in this section. Even if this offer is accepted for a policy with a fixed or limited premium paying period, the contingent benefit upon lapse in subdivision D 4 of this section shall still apply.

D. 1. After rejection of the offer required under § 38.2-5210 of the Code of Virginia, for individual and group policies without nonforfeiture benefits, the insurer shall provide a contingent benefit upon lapse.

2. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

3. A contingent benefit ~~on~~ upon lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least ~~60~~ 75 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

Issue Age	Percent Increase Over Initial Premium
~~29~~ 54 and under	~~200%~~ 100%
~~30-34~~	~~190%~~
~~35-39~~	~~170%~~
~~40-44~~	~~150%~~
~~45-49~~	~~130%~~
~~50-54~~	~~110%~~
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

4. A contingent benefit on lapse shall also be triggered for policies with a fixed or limited premium paying period every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, the policy or certificate lapses within 120 days of the due date of the premium so increased, and the ratio in subdivision 6 b of this subsection is 40% or more. Unless otherwise required, policyholders shall be notified at least ~~60~~ 75 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

Issue Age	Percent Increase Over Initial Premium
Under 65	50%
65-80	30%
Over 80	10%

This provision shall be in addition to the contingent benefit provided by subdivision 3 of this subsection, and where both are triggered, the benefit provided shall be at the option of the insured.

5. On or before the effective date of a substantial premium increase as defined in subdivision 3 of this subsection, the insurer shall:

a. Offer to reduce policy benefits provided by the current coverage ~~without the requirement of additional underwriting~~ consistent with 14VAC5-200-183 so that required premium payments are not increased;

b. Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection E of this section. This option may be elected at any time during the 120-day period referenced in subdivision 3 of this subsection; and

c. Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in subdivision 3 of this subsection shall be deemed to be the election of the offer to convert in subdivision 5 b of this subsection unless the automatic option in subdivision 6 c of this subsection applies.

6. On or before the effective date of a substantial premium increase as defined in subdivision 4 of this subsection, the insurer shall:

a. Offer to reduce policy benefits provided by the current coverage ~~without the requirement of additional underwriting~~ consistent with the requirements of 14VAC5-200-183 so that required premium payments are not increased;

b. Offer to convert the coverage to a paid-up status where the amount payable for each benefit is 90% of the amount payable in effect immediately prior to lapse times the ratio of the number of completed months of paid premiums divided by the number of months in the premium paying period. This option may be elected at any time during the 120-day period referenced in subdivision 4 of this subsection; and

c. Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in subdivision 4 of this subsection shall be deemed to be the election of the offer to convert in subdivision 6 b of this subsection if the ratio is 40% or more.

7. In the event the policy was issued at least 20 years prior to the effective date of the premium rate increase, a value of 0% shall be used in place of all values in the tables in subdivision 3 or 4 of this subsection.

E. Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse in accordance with subdivision D 3 but not subdivision D 4 of this section, are described in this subsection:

1. For purposes of this subsection, attained age rating is defined as a schedule of premiums starting from the issue date which increases age at least 1.0% per year prior to age 50, and at least 3.0% per year ~~beyond~~ at age 50 and beyond.

2. For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subdivision 3 of this subsection.

3. The standard nonforfeiture credit will be equal to 100% of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection F of this section.

4. a. The nonforfeiture benefit shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three years as well as thereafter.

b. Notwithstanding subdivision 4 a of this subsection, except that for a policy or certificate with a contingent benefit upon lapse or a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of: (i) the end of the tenth year following the policy or certificate issue date; or (ii) the end of the second year following the date the policy or certificate is no longer subject to attained age rating.

5. Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

F. All benefits paid by the insurer while the policy or certificate is in premium paying status and in the ~~paid-up~~ paid-up status will not exceed the maximum benefits which would be payable if the policy or certificate had remained in premium paying status.

G. There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

H. Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of 14VAC5-200-150 ~~or~~, 14VAC5-200-153, or 14VAC5-200-154, whichever is applicable, treating the policy as a whole.

I. To determine whether contingent nonforfeiture upon lapse provisions are triggered under subdivision D 3 or D 4 of this section, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

J. A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

1. The nonforfeiture provision shall be appropriately captioned;

2. The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the commission for the same contract form; and

3. The nonforfeiture provision shall provide at least one of the following:

a. Reduced paid-up insurance;

b. Extended term insurance;

c. Shortened benefit period; or

d. Other similar offerings approved by the commission.

14VAC5-200-195. Rate increase hearings.

The commission may, at its sole discretion and as a condition of approval, conduct a public hearing or order an insurer to present information concerning its premium rate increase submission before the commission if it determines that a hearing or presentation is in the public interest. One consideration for a hearing may be the percentage or level of premium rate increase requested.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (14VAC5-200)

Rescission Reporting Form, Form A (eff. 2/02)

~~Long-Term Care Insurance Personal Worksheet, Form B (rev. 2/02).~~

Long-Term Care Insurance Personal Worksheet, Form B (rev. 4/15)

Things You Should Know Before You Buy Long-Term Care Insurance, Form (rev. 9/07)

Long-Term Care Insurance Suitability Letter, Form D (rev. 2/02)

~~Claims Denial Reporting, Form E (eff. 9/07).~~

Claims Denial Reporting Form, Form E (rev. 4/15)

Potential Rate Increase Disclosure Form, Form F (rev. 9/07)

Replacement and Lapse Reporting Form, Form G (eff. 9/07)

Partnership Program Notice, Form 200-A (eff. 9/07)

Partnership Disclosure Notice, Form 200-B (eff. 9/07)

~~Partnership Certification Form, Form 200-C (eff. 9/07).~~

Long-Term Care Partnership Certification Form, Form 200-C (rev. 4/15)

VA.R. Doc. No. R15-4149; Filed April 1, 2015, 1:31 p.m.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Department of Agriculture and Consumer Services conducted a small business impact review of **2VAC5-170, Rules and Regulations for the Registration of Poultry Dealers** and determined that this regulation should be retained in its current form. The Department of Agriculture and Consumer Services is publishing its report of findings dated March 17, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

This regulation is important for the poultry industry in Virginia. Many farms that have poultry are small businesses. Without the safeguards this regulation provides, these small businesses take on a great amount of risk. Without this regulation, the risk of disease spread becomes significantly higher and that risk may greatly decrease Virginia's poultry farms and the small businesses that rely on them. There have been no complaints from the public, and the regulation is not complicated. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors.

Contact Information: Dr. Charles Broaddus, Program Manager, Veterinary Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-4560, FAX (804) 371-2380, or email charles.broaddus@vdacs.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Department of Agriculture and Consumer Services conducted a small business impact review of **2VAC5-206, Regulation for Scrapie Eradication** and determined that this regulation should be retained in its current form. The Department of Agriculture and Consumer Services is publishing its report of findings dated March 17, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

This regulation is important for the sheep and goat industries in Virginia. Many farms that have sheep and goats are small businesses. Without the safeguards this regulation provides, these small businesses take on a great amount of risk. If Virginia's "scrapie-free status" is compromised, other states and countries will not purchase Virginia sheep or goats, which will negatively impact sheep and goat farms and the businesses that rely on them and could cause some sheep and goat farms to go out of business. There have been no complaints from the public, and the regulation is not unnecessarily complicated. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation, and it is supportive of USDA requirements that each state have a state regulation addressing scrapie that is consistent with the federal rules. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors.

Contact Information: Dr. Charles Broaddus, Program Manager, Veterinary Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-4560, FAX (804) 371-2380, or email charles.broaddus@vdacs.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Department of Agriculture and Consumer Services conducted a small business impact review of **2VAC5-315, Virginia Imported Fire Ant Quarantine for Enforcement of the Virginia Pest Law** and determined that this regulation should be retained in its current form. The Department of Agriculture and Consumer Services is publishing its report of findings dated March 23, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The agency has determined that this regulation is necessary in order to continue to slow the artificial spread of the fire ant from infested areas to noninfested areas. This regulation has an economic impact on small businesses that are located in the regulated area. These small businesses are required to survey for fire ants and treat regulated articles in an effort to prevent the artificial spread of the fire ant. The agency has determined that the regulation is not unnecessarily burdensome or complex. The agency has not received any complaints or comments from the public regarding the regulation.

Section 3.2-703 of the Code of Virginia provides the Commissioner of Agriculture and Consumer Services with the authority to expand or reduce a quarantine's regulated area. The regulation was established in 2009 and has not been expanded since that time, as fire ant populations outside of the quarantined area have remained at low levels indicating that the regulation is succeeding at reducing the artificial movement of the fire ant. No significant changes to technology, economic conditions, or other factors have occurred that would necessitate amendments to this regulation.

The fire ant is a federally regulated pest. Currently, the regulated areas under the federal fire ant quarantine mirror the regulated areas included in Virginia's quarantine. Without this regulation, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service may elect to issue a federal quarantine that would encompass all of Virginia and would place restrictions on businesses in noninfested areas of Virginia that are not currently subject to the provisions of this regulation. As such, the agency recommends that the regulation stay in effect without change.

Contact Information: Andres Alvarez, Director, Division of Consumer Protection, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 225-3821, FAX (804) 371-7479, or email andres.alvarez@vdacs.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Department of Agriculture and Consumer Services conducted a small business impact review of **2VAC5-620, Regulations Pertaining to the Establishment of the Dangerous Dog Registry** and determined that this regulation should be retained in its current form. The Department of Agriculture and Consumer Services is publishing its report of findings dated March 16, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The agency has determined that there is a continued need for this regulation to stay in effect in order to protect citizens, pets, and other animals in the Commonwealth. This regulation does not place any regulatory burden on small businesses but assists the agency in providing information to the public that enables small businesses to have knowledge of dangerous dogs in their area and to take necessary precautions to protect their businesses and customers. The agency has not received any complaints or comments concerning this regulation from the public. The regulation is clear and uncomplicated. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation. In the period since this regulation was last evaluated, there have been no significant changes in technology, economic conditions, or other factors

Contact Information: Dr. Carolynn Bissett, Acting Program Manager, Office of Animal Care and Emergency Response, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2483, FAX (804) 371-2380, or email carolynn.bissett@vdacs.virginia.gov.

STATE CORPORATION COMMISSION

Bureau of Insurance

Administrative Letter 2015-08

To: All Companies Licensed to Write Accident and Sickness Insurance in Virginia, All Health Services Plans and Health Maintenance Organizations Licensed in Virginia

RE: Withdrawal of Administrative Letter 2015-01
Code of Virginia § 38.2-3418.17 – Coverage for Autism Spectrum Disorder

This letter serves as notice that Administrative Letter 2015-01 is hereby withdrawn.

The 2015 Virginia General Assembly passed HB 1940, which has been enrolled and signed by the Governor. Its provisions will go into effect July 1, 2015. Contained in this bill is an amendment to subsection F of § 38.2-3418.17, that eliminates a reference to employers in the small group market as having 50 or fewer employees. As a result of this amendment, a health benefit plan that will be issued in the small group market on or after January 1, 2016 will be exempt from the requirement to provide the coverage as described in § 38.2-3418.17 for diagnosis and treatment of autism spectrum disorder.

Administrative Letter 2015-01 is therefore withdrawn. Questions relating to this matter should be referred to Julie Blauvelt, Insurance Policy Advisor, Bureau of Insurance, Life and Health Division, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9865, or email julie.blauvelt@scc.virginia.gov.

/s/ Jacqueline K. Cunningham
Commissioner of Insurance

BOARD OF JUVENILE JUSTICE

Notice of Periodic Review and Small Business Impact Review

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department (Board) of Juvenile Justice is currently reviewing each of the regulations listed below to determine whether the regulation should be repealed, amended, or retained in its current form. The review of each regulation will be guided by the principles in Executive Order 17 (2014). Public comment is sought on the review of any issue relating to each regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

6VAC35-11, Public Participation Guidelines

6VAC35-190, Regulations Governing Juvenile Work and Educational Release Programs

The comment period begins May 4, 2015, and ends May 29, 2015.

Agency Contact: Barbara Peterson-Wilson, Regulatory and Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 588-3902, FAX (804) 371-6490, or email barbara.peterson-wilson@djj.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall, and a report of the small business

impact review will be published in the Virginia Register of Regulations.

COMMISSION ON LOCAL GOVERNMENT

Schedule for the Assessment of State and Federal Mandates on Local Governments

Pursuant to the provisions of §§ 2.2-613 and 15.2-2903(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Commerce and Trade and Governor McAuliffe, represents the timetable that the listed executive agencies will follow in conducting their assessments of certain state and federal mandates that they administer that are imposed on local governments. Such mandates are either new (in effect for at least 24 months) or newly identified. In conducting these assessments, agencies will follow the process established by Executive Order 58 (2007). These mandates are abstracted in the Catalog of State and Federal Mandates on Local Governments published by the Commission on Local Government.

For further information contact J. David Conmy, Senior Policy Analyst, Commission on Local Government, email david.conmy@dhcd.virginia.gov, or telephone (804) 371-8010, or visit the Commission's website at www.dhcd.virginia.gov.

STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS

Approved Schedule of Assessment Periods – July 2015 through June 2016

For Executive Agency Assessment of Cataloged Mandates

AGENCY Mandate Short Title	**CATALOG NUMBER**	**ASSESSMENT PERIOD**
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF		
Control of Dangerous and Vicious Dogs	SAF.VDACS009	7/1/15 to 9/30/15
CRIMINAL JUSTICE SERVICES, DEPARTMENT OF		
Training Standards for Criminal Justice Personnel	SPSHS.DCJS008	8/1/15 to 10/31/15
De-Certification of Law Enforcement Officers	SPSHS.DCJS032	8/1/15 to 10/31/15
Prevention of Internet Crimes Against Children	SPSHS.DCJS034	8/1/15 to 10/31/15
EDUCATION, DEPARTMENT OF		
Programs for Educationally At-Risk Students	SOE.DOE053	7/1/15 to 8/31/15
Competency-Based Career and Technical Education Program and Standards	SOE.DOE062	7/1/15 to 8/31/15
Prevention of Violence and Crime on School Property	SOE.DOE086	7/1/15 to 8/31/15
School Crisis, Emergency Management, and Medical Emergency Response Plan	SOE.DOE090	9/1/15 to 10/31/15
Evaluation of Superintendent, Teachers, and Principals	SOE.DOE111	9/1/15 to 10/31/15
Asthma and Anaphylaxis Medication Policy	SOE.DOE112	9/1/15 to 10/31/15
ELECTIONS, DEPARTMENT OF		
Cancellation of Voter Registration	SOA.ELECT005	7/1/15 to 8/31/15
EMERGENCY MANAGEMENT, DEPARTMENT OF		
Localities Participation in Statewide Mutual Aid	SPSHS.VDEM015	12/1/15 to 2/29/16
HEALTH, VIRGINIA DEPARTMENT OF		
Emergency Medical Services Criminal History Record Information	SHHR.VDH032	10/1/15 to 12/31/15

LABOR AND INDUSTRY, DEPARTMENT OF		
Providing Local Government Statistical Information	SCT.DOLI006	7/1/15 to 9/30/15
MARINE RESOURCES COMMISSION, VIRGINIA		
Comprehensive Plan to Include Coastal Resource Management	SNR.MRC003	10/1/15 to 12/31/15
SOCIAL SERVICES, DEPARTMENT OF		
Social Worker Degree Requirements	SHHR.DSS074	9/1/15 to 11/30/15
TAXATION, DEPARTMENT OF		
Board of Equalization Appeals Process	SFIN.TAX011	9/1/15 to 11/30/15
Payment Agreements for Delinquent Real Property	SFIN.TAX017	7/1/15 to 9/30/15
Northern Virginia Transportation Authority Must Deposit Certain Funds	SFIN.TAX018	7/1/15 to 9/30/15
Regional Transient Occupancy Tax in Northern Virginia	SFIN.TAX019	8/1/15 to 10/31/15
TRANSPORTATION, DEPARTMENT OF		
Removal or Relocation of Outdoor Advertising	STO.VDOT015	7/1/15 to 9/30/15
Vegetation Control for Outdoor Advertising Signs	STO.VDOT032	7/1/15 to 9/30/15

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Public Comment Concerning Three-Year Extension of Waiver for FAMIS MOMS and FAMIS *Select*

Virginia's Title XXI Child Health Insurance Plan (CHIP) covers children with family income from 143% to 200% of the federal poverty level (FPL) under a separate child health plan known as the Family Access to Medical Insurance Security Plan (FAMIS). Virginia's Title XXI Health Insurance Flexibility and Accountability **(**HIFA) Demonstration has two objectives. First, it expands Title XXI coverage to uninsured pregnant women with family income up to 200% of the FPL, who are not eligible for Medicaid, through a program known as FAMIS MOMS. Second, it uses Title XXI funds to support a health insurance premium assistance program known as FAMIS *Select*. Virginia's current HIFA Demonstration ends June 30, 2016. The Department of Medical Assistance Services (DMAS) proposes to extend the HIFA Demonstration for three additional years, through June 30, 2019, and is seeking public comment on this proposal.

FAMIS MOMS

The purpose of the FAMIS MOMS program is to provide prenatal care to uninsured women living within the Title XXI income range and likely to give birth to a FAMIS-eligible child. Consistent with Title XXI requirements, to be eligible for FAMIS MOMS, a pregnant woman must be uninsured, a citizen, or lawfully residing immigrant, and not be an inpatient in an institution for mental diseases or an inmate in an institution that is not a medical facility. The FAMIS MOMS program provides eligible pregnant women the same comprehensive coverage that pregnant women receive from the Virginia Medicaid program. There is no difference in covered services, service limitations, or pre-authorization requirements. Like Medicaid, there are no premiums of copayments required. FAMIS MOMS uses the same health care services delivery systems (fee-for-service and managed care organizations) as FAMIS.

FAMIS *Select*

The Code of Virginia provides an option for children eligible for FAMIS to be enrolled in employer-sponsored health insurance (ESHI) and for DMAS to contribute to the cost of ESHI for eligible dependent children if deemed cost effective to the Commonwealth. With FAMIS *Select*, the family of a FAMIS enrolled child may enroll the child in their employer's health insurance program or a private health insurance plan and be reimbursed up to $100 per month per eligible child, not to exceed the amount of the premium. The child then receives the health care services provided by the private or employer-sponsored health plan, using that health plan's provider network, and the family is responsible for any costs associated with that policy.

Public Review and Comment

The full public notice and the preliminary HIFA Demonstration Extension Application will be available for public review on April 25, 2015, from the Department of Medical Assistance Services, Division of Maternal and Child Health, 600 East Broad Street, 7th floor, Richmond, VA 23219 and on the Department of Medical Assistance Services

website at http://dmasva.dmas.virginia.gov/ through a link in the *What's New* column and from the Cover Virginia website at www.coverva.org.

DMAS is seeking comments on the preliminary application. Anyone wishing to submit comments may do so to Joanne Boise by mail at Department of Medical Assistance Services, Division of Maternal and Child Health, 600 East Broad Street, Richmond, VA 23219 or by email to joanne.boise@dmas.virginia.gov. In order to be considered, comments must be received by June 5, 2015.

DMAS will convene two public hearings to seek public input on the HIFA Demonstration Extension Application. Both oral and written comments may be submitted at that time.

Public Hearing 1:

When: May 7, 2015, 10:00 a.m.
Where: Virginia Department of Medical Assistance Services
600 East Broad Street
Richmond, Virginia 23219
Conference Call Option: 1-866-842-5779
Passcode: 2761019567

Public Hearing 2:

When: June 4, 2015, 1:00 p.m.
Where: Quarterly Children's Health Insurance Advisory Committee Meeting
Virginia Community Healthcare Association
Westerre Conference Center
3831 Westerre Parkway
Henrico, VA 23233

Contact Information: Joanne Boise, Senior Policy Analyst, Department of Medical Assistance Services, Maternal and Child Health Division, 600 East Broad Street, Richmond, VA 23219, telephone (804) 225-2334, or email joanne.boise@dmas.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Consent Order for Highlands Swim and Tennis Club, Inc.

An enforcement action has been proposed for Highlands Swim and Tennis Club, Inc. for violations of the State Water Control Law and State Water Control Board regulations at the Highlands Swim and Tennis Club located in McLean, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the Highlands Swim and Tennis Club. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Stephanie Bellotti will accept comments by email at stephanie.bellotti@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from May 5, 2015, through June 4, 2015.

Proposed Consent Order for Moothru, LLC

An enforcement action has been proposed for Moothru, LLC, for violations of the State Water Control Law and State Water Control Board regulations in Fauquier County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the Moothru Wastewater Treatment Plant. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Stephanie Bellotti will accept comments by email at stephanie.bellotti@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from May 5, 2015, through June 4, 2015.

Notice of Periodic Review and Small Business Impact Review

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Environmental Quality, on behalf of the State Water Control Board, is conducting a periodic review and small business impact review of **9VAC25-220, Surface Water Management Area Regulation**.

The review of this regulation will be guided by the principles in Executive Order 17 (2014).

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

The comment period begins May 4, 2015, and ends May 26, 2015.

Comments may be submitted online to the Virginia Regulatory Town Hall at http://www.townhall.virginia.gov/L/Forums.cfm. Comments may also be sent to Melissa Porterfield, Office of Regulatory Affairs, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4019, or email melissa.porterfield@deq.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall, and a report of the small business

impact review will be published in the Virginia Register of Regulations.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at http://www.virginia.gov/connect/commonwealth-calendar.

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

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