VIRGINIA REGISTER OF REGULATIONS

VOL. 35 ISS. 26 PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION AUGUST 19, 2019

TABLE OF CONTENTS

Register Information Page 3137

Publication Schedule and Deadlines 3138

Notices of Intended Regulatory Action 3139

Regulations 3140

3VAC5-70. Other Provisions (Final) 3140
8VAC20-760. Regulations Governing the Designation of School Divisions of Innovation (Final) 3142
12VAC5-135. Recreational Advisories (Fast-Track) 3144
18VAC150-20. Regulations Governing the Practice of Veterinary Medicine (Final) 3146
24VAC30-610. List of Differentiated Speed Limits (Final) 3148

Governor 3149

Guidance Documents 3150

General Notices/Errata 3152

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

VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

FAST-TRACK RULEMAKING PROCESS

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE *VIRGINIA REGISTER*

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

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

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

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

PUBLICATION SCHEDULE AND DEADLINES

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

September 2019 through August 2020

Volume: Issue	Material Submitted By Noon*	Will Be Published On
36:2	August 28, 2019	September 16, 2019
36:3	September 11, 2019	September 30, 2019
36:4	September 25, 2019	October 14, 2019
36:5	October 9, 2019	October 28, 2019
36:6	October 23, 2019	November 11, 2019
36:7	November 6, 2019	November 25, 2019
36:8	November 18, 2019 **(Monday)**	December 9, 2019
36:9	December 4, 2019	December 23, 2019
36:10	December 18, 2019	January 6, 2020
36:11	January 1, 2020	January 20, 2020
36:12	January 15, 2020	February 3, 2020
36:13	January 29, 2020	February 17, 2020
36:14	February 12. 2020	March 2, 2020
36:15	February 26, 2020	March 16, 2020
36:16	March 11, 2020	March 30, 2020
36:17	March 25, 2020	April 13, 2020
36:18	April 8, 2020	April 27, 2020
36:19	April 22. 2020	May 11, 2020
36:20	May 6, 2020	May 25, 2020
36:21	May 20, 2020	June 8, 2020
36:22	June 3, 2020	June 22, 2020
36:23	June 17, 2020	July 6, 2020
36:24	July 1, 2020	July 20, 2020
36:25	July 15, 2020	August 3, 2020
36:26	July 29, 2020	August 17, 2020

*Filing deadlines are Wednesdays unless otherwise specified.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF COUNSELING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Counseling intends to consider amending **18VAC115-20, Regulations Governing the Practice of Professional Counseling; 18VAC115-50, Regulations Governing the Practice of Marriage and Family Therapy;** and **18VAC115-60, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners**. The purpose of the proposed action is to implement the results of a periodic review and includes updating regulations, clarifying language, achieving consistency among requirements for licensees, and facilitating obtaining a license by examination or by endorsement. Additional standards of practice and grounds for disciplinary action are being considered for amendment for consistency with other behavioral health professional regulations. Amendments specific to 18VAC115-50 and 18VAC115-60 include elimination of the waiver of a licensing examination in marriage and family therapy or substance abuse treatment for counselors who want to obtain those specialized licenses.

This Notice of Intended Regulatory Action serves as the report of the findings of the regulatory review pursuant to § 2.2-4007.1 of the Code of Virginia.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

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

Public Comment Deadline: September 18, 2019.

Agency Contact: Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4406, FAX (804) 527-4435, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. R19-5799; Filed July 25, 2019, 4:44 p.m.

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL AUTHORITY

Final Regulation

Title of Regulation: **3VAC5-70. Other Provisions (amending 3VAC5-70-210).**

Statutory Authority: §§ 4.1-111 and 4.1-227 of the Code of Virginia.

Effective Date: September 21, 2019.

Agency Contact: LaTonya D. Hucks-Watkins, Legal Liaison, Virginia Alcoholic Beverage Control Authority, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 213-4698, FAX (804) 213-4574, or email latonya.hucks-watkins@abc.virginia.gov.

Summary:

The amendments increase the civil penalty amounts charged in lieu of suspension for first-offense violations for a licensee that has no other pending charges, has not had a violation in three years, and enters a written waiver of hearing. The increases reflect maximums effective July 2017 in § 4.1-227 of the Code of Virginia.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

3VAC5-70-210. Schedule of penalties for first-offense violations.

A. Any licensee charged with any violation of board regulations or statutes listed ~~below~~ in this subsection, if the licensee has no other pending charges and has not had any substantiated violations of regulation or statute within the three years immediately preceding the date of the violation, may enter a written waiver of hearing and (i) accept the period of license suspension set forth ~~below~~ in this subsection for the violation, or (ii) pay the civil charge set forth [~~below~~ in this subsection] for the violation in lieu of suspension. In the case of a violation involving the sale of beer, wine, or mixed beverages to a person at least 18 but ~~under~~ younger than 21 years of age, or to an intoxicated person, or allowing consumption of such beverages by such person, any retail licensee that can demonstrate that it provided alcohol ~~seller/server~~ seller or server training certified in advance by the board to the employee responsible for such violation within the 12 months immediately preceding the alleged violation may accept the lesser period of license suspension or pay the lesser civil charge listed ~~below~~ for the violation in lieu of suspension. Any notice of hearing served on a licensee for a violation covered by this section shall contain a notice of the licensee's options under this section. Any licensee who fails to notify the board of its intent to exercise one of the options provided for under this section within 20 days after the date of mailing of the notice of hearing shall be deemed to have waived the right to exercise such options, and the case shall proceed to hearing. For good cause shown, the board may, in its discretion, allow a licensee to exercise the options provided for under this section beyond the 20-day period.

VIOLATION	SUSPENSION	CIVIL CHARGE	SUSPENSION WITH CERTIFIED TRAINING	CIVIL CHARGE WITH CERTIFIED TRAINING
Sale of beer, wine, or mixed beverages to a person at least 18 but ~~under~~ younger than 21 years of age.	25 days	~~$2,000~~ $2,500	5 days	~~$1,000~~ $1,500
Allowing consumption of beer, wine, or mixed beverages by a person at least 18 but ~~under~~ younger than 21 years of age.	25 days	~~$2,000~~ $2,500	5 days	~~$1,000~~ $1,500
Aiding and abetting the purchase of alcoholic beverages by a person at least 18 but ~~under~~ younger than 21 years of age.	10 days	~~$1,000~~ $1,250		

Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have been paid.	7 days	~~$500~~ $750		
Allow an intoxicated person to loiter on the premises.	7 days	~~$500~~ $750		
Sale to an intoxicated person.	25 days	~~$2,000~~ $2,500	5 days	~~$1,000~~ $1,500
Allow consumption by an intoxicated person.	25 days	~~$2,000~~ $2,500	5 days	~~$1,000~~ $1,500
After hours sales or consumption of alcoholic beverages.	10 days	~~$1,000~~ $1,250		
No designated manager on premises.	7 days	~~$500~~ $750		
Invalid check to wholesaler or board.	7 days	~~$250~~ $500		
Inadequate illumination.	7 days	~~$500~~ $750		
ABC license not posted.	7 days	~~$500~~ $750		
Not timely submitting report required by statute or regulation.	7 days	~~$500~~ $750		
Designated manager not posted.	7 days	~~$500~~ $750		
Person ~~less~~ younger than 18 years of age serving alcoholic beverages; ~~less~~ younger than 21 years of age acting as bartender.	7 days	~~$500~~ $750		
Sale of alcoholic beverages in unauthorized place or manner.	10 days	~~$1,000~~ $1,250		
Consumption of alcoholic beverages in unauthorized area.	7 days	~~$500~~ $750		
Removal of alcoholic beverages from authorized area.	7 days	~~$500~~ $750		
Failure to obliterate mixed beverage stamps.	7 days	~~$500~~ $750		
Employee on duty consuming alcoholic beverages.	7 days	~~$500~~ $750		
Conducting illegal happy hour.	7 days	~~$500~~ $750		
Illegally advertising happy hour.	7 days	~~$500~~ $750		
Unauthorized advertising.	7 days	~~$500~~ $750		
Failure to remit state ~~beer/wine~~ beer or wine tax (if deficiency has been corrected).	10 days	~~$1,000~~ $1,250		
Wholesaler sale of ~~wine/beer~~ beer or wine in unauthorized manner.	10 days	~~$1,000~~ $1,250		
Wholesaler sale of ~~wine/beer~~ beer or wine to unauthorized person.	10 days	~~$1,000~~ $1,250		

B. For purposes of this section, the Virginia ~~Department of~~ Alcoholic Beverage Control Authority will certify alcohol ~~seller/server~~ seller or server training courses that provide instruction on all the topics listed on the Seller/Server Training Evaluation form. The following steps should be completed to submit a training program for approval:

1. Complete the Alcohol Seller/Server Training Data Sheet and review the Seller/Server Training Evaluation form to make sure the program will meet the listed criteria; and

2. Submit the Alcohol Seller/Server Training Data Sheet and a copy of the proposed training program materials for review. Materials submitted should include copies of any

lesson plans and instructional materials used in the training program.

Requests for certification of training courses should be sent to:

Virginia ~~Department of~~ Alcoholic Beverage Control Authority

Education Section

P.O. Box 27491

Richmond, VA 23261

Email ~~correspondences~~: education@abc.virginia.gov

Persons in charge of any certified alcohol server training course shall maintain complete records of all training classes conducted, including the date and location of each class~~,~~ and the identity of all those successfully completing the course.

C. For a licensee that operates more than one retail establishment, each such establishment shall be considered a separate licensee for the purpose of this section.

VA.R. Doc. No. R18-5365; Filed July 26, 2019, 9:00 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Final Regulation

Title of Regulation: **8VAC20-760. Regulations Governing the Designation of School Divisions of Innovation (adding 8VAC20-760-10 through 8VAC20-760-50).**

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

Effective Date: September 19, 2019.

Agency Contact: Emily V. Webb, Director for Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, FAX (804) 225-2524, or email emily.webb@doe.virginia.gov.

Summary:

The regulation establishes the School Division of Innovation (SDI) designation process and timeline, expectations for a plan of innovation, procedures for ongoing evaluation of an SDI, and regulations that may be waived in conjunction with an SDI application.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

CHAPTER 760
REGULATIONS GOVERNING THE DESIGNATION OF SCHOOL DIVISIONS OF INNOVATION

8VAC20-760-10. Definitions.

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

"Board of Education" or "board" means the board responsible for the general supervision of the public school system in Virginia as prescribed in Section 4 of Article VIII of the Constitution of Virginia and § 22.1-8 of the Code of Virginia.

"Innovation" means a new or creative alternative to existing instructional or administrative practices or school structures that evidence-based practice suggests will be effective in improving student learning and educational performance.

"School Division of Innovation" or "SDI" means a school division in which the local school board has developed and for which the board has approved a plan of innovation to improve student learning; educational performance; and college, career, and citizenship readiness skills in one or more schools, for the benefit of all schools in the school division.

8VAC20-760-20. School Division of Innovation designation.

A. Any local school board may apply to the board for the local school division to be designated as an SDI.

B. Pursuant to a plan of innovation, an SDI shall be exempted from selected regulatory provisions and permitted to adopt alternative policies for school administrators, teachers, and staff to meet the diverse needs of students.

C. An application for an SDI designation shall consist of a plan of innovation for the local school division, following a format prescribed by the Superintendent of Public Instruction. The plan of innovation shall include:

1. Goals and performance targets that may include:

a. Reducing achievement and opportunity gaps among groups of public school students by expanding the range of engaging and relevant learning experiences for students who are identified as academically low-achieving;

b. Increasing student learning through the implementation of high, rigorous standards for student performance and balanced assessments that measure both student growth and achievement;

c. Creating opportunities for students to demonstrate mastery of learning at different points in the learning process based on readiness;

d. Increasing student participation in opportunities that enhance students' preparation for college, career, and citizenship;

e. Increasing the number of students who are college, career, and citizenship ready;

f. Increasing opportunities for students to learn from content experts through integrated course opportunities; or

g. Motivating students at all levels by offering additional curricular choices, personalized learning opportunities, and relevant student learning experiences such as community service projects, internship opportunities, and job shadowing;

2. Divisionwide and school-level policies that will lead students to be better prepared for success in work and life;

3. A description of the ways in which designated schools will incorporate innovative practices;

4. A description of how schools in the division will benefit from innovative practices and share experiences and practices for application in other schools;

5. The incorporation of relevant professional development;

6. Evidence of collaboration, support, and shared leadership among teachers in the school division;

7. Evidence of the support and engagement of educators, parents, the local community, and the local business community in the development of the plan of innovation and of the capacity of such individuals and entities to support the implementation of innovation;

8. Any requests for exemptions from regulatory provisions as provided in 8VAC20-760-30, including the rationale for such exemptions and alternative policies; and

9. Specific measures of student success that may include alternate assessments or approved substitute tests that will be used to determine if students have met graduation requirements, as applicable.

D. Applications for SDI designation shall conform to a format and timeline prescribed by the Superintendent of Public Instruction. The timeline shall include deadlines for (i) a preapplication conference to be held with staff if any exemptions are requested and (ii) submission for consideration by the board.

8VAC20-760-30. Exemption from regulatory provisions.

A. In conjunction with the designation of an SDI, the board may exempt a local school board from board regulations as requested in a school division's plan of innovation. However, the board shall not grant exemptions from the following provisions:

1. Regulations mandated by state or federal law;

2. Regulations designed to promote health or safety;

3. Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8VAC20-81);

4. Student achievement expectations (8VAC20-131-30);

5. Requirements for graduation (8VAC20-131-50 and 8VAC20-131-51);

6. Program of instruction and learning objectives (8VAC20-131-70); or

7. Part VIII of the Regulations Establishing Standards for Accrediting Public Schools in Virginia, School Accreditation (8VAC20-131-370 through 8VAC20-131-430).

B. The board may grant all or a portion of any request for such an exemption and designate conditions as appropriate.

8VAC20-760-40. Approval, amendment, and renewal.

A. The designation of an SDI shall be for a five-year period beginning with the school year following the board's approval.

B. SDI designations may be renewed for subsequent periods not to exceed five years each.

C. School boards seeking to amend a plan of innovation shall be required to seek board approval following the same procedure as provided in 8VAC20-760-20.

8VAC20-760-50. Evaluation.

A. Each SDI shall annually submit to the Department of Education, prior to a date designated by the Superintendent of Public Instruction, information demonstrating progress toward meeting the goals and performance targets included in the approved plan of innovation.

B. Such information shall be considered by the board when possible SDI designation renewals are being reviewed.

C. The board may revoke an SDI designation prior to the end of the five-year approval period in circumstances where it deems appropriate, including:

1. Continued failure to meet goals and performance targets established in the plan of innovation.

2. Continued failure to maintain accredited status for any school subject to the SDI designation.

VA.R. Doc. No. R18-5324; Filed July 26, 2019, 9:52 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Fast-Track Regulation

Title of Regulation: **12VAC5-135. Recreational Advisories (adding 12VAC5-135-10 through 12VAC5-135-40).**

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

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: September 18, 2019.

Effective Date: October 3, 2019.

Agency Contact: Joseph Hilbert, Deputy Commissioner, Governmental and Regulatory Affairs, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7001, FAX (804) 864-7022, or email joe.hilbert@vdh.virginia.gov.

Basis: Statutory authority to promulgate this regulation is granted to the State Board of Health pursuant to §§ 32.1-2, 32.1-12, and 32.1-23 of the Code of Virginia.

Purpose: This regulation is necessary to ensure continued public notification whenever there is a higher risk of illness when swimming in public beach water. The Virginia Department of Health (VDH) participated in a regulatory advisory panel (RAP) with the Department of Environmental Quality (DEQ) to amend regulations in 9VAC25-260-170. The RAP participants came to the consensus that DEQ would eliminate regulatory language related to issuing beach advisories and closures, given this is a primary function of VDH's Beach Monitoring and Notification Program. In order for VDH to continue to manage beach advisories in recreational water, promulgation of a new VDH regulation is necessary.

Rationale for Using Fast-Track Rulemaking Process: This regulatory action was initiated as the result of a board decision in response to an action by DEQ. The DEQ RAP, which included representatives of VDH, other local and state agencies, and nonprofit organizations, reached consensus on the removal of the beach advisory and closure language from DEQ regulation provided VDH promulgates a regulation to manage beach advisories in recreational water. VDH does not expect this rulemaking to be controversial. Further, promulgation of this regulation will not result in any changes to the current practice of issuing and lifting recreational water advisories. This regulatory action moves requirements from one title of the Virginia Administrative Code to another and adds procedures for issuing and lifting beach advisories.

Substance: DEQ is repealing 9VAC25-260-170 A 5, which reads: "For beach advisories or closures, a single sample maximum of 235 E. coli cfu/100 ml in freshwater and a single sample maximum of 104 enterococci cfu/100 ml in saltwater and transition zones shall apply." For VDH to continue to manage beach advisories in recreational water, a new VDH regulation with these provisions is necessary. While VDH is maintaining the principle of the DEQ regulation, there are some minor differences. Substantive changes include the removal of individual reference values for the single sample maximum (235 E. coli cfu/100 ml in freshwater and 104 enterococci cfu/100 ml in saltwater and transition zones). The VDH regulation uses a beach action value (BAV). The BAV is set at 104 enterococci mpn/100 mL in saltwater and transition zones. There is no established VDH monitoring protocol for E. coli in recreational freshwater for the issuance of advisories. Further, through this regulation, VDH establishes procedures for issuing and lifting beach advisories. The VDH Beach Monitoring and Notification Program, funded by the U.S. Environmental Protection Agency BEACH Act Grant, requires the use of a BAV. The BAV is contained within the VDH Beach Monitoring and Notification Protocol. The proposed regulation directs readers to the protocol.

Issues: The primary advantage to the public is that VDH currently has this authority through 9VAC25-260-170 A 5 and therefore, there will be no additional impact to the management of recreational water advisories. There are no known disadvantages to the public or agency to promulgating this regulation.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The State Board of Health (Board) proposes to promulgate a new regulation concerning the issuance and lifting of beach advisories and beach warnings for public beaches.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The Virginia Department of Health (VDH) Beach Monitoring and Notification Program is funded by the United States Environmental Protection Agency (EPA)'s BEACH Act Grant.[1] Under the program, staff from VDH regional offices collect public beach water samples on a weekly basis from mid-May through September at the various public beaches[2] in the Commonwealth. The samples are tested for the presence of enterococci.[3] If the concentration of enterococci is equal to or above 104 colony forming units per 100 milliliter (beach action value), VDH issues a beach advisory for the tested beach. A beach advisory is a public announcement that the beach action value of enterococci has been met or exceeded, and that there is a higher risk of illness when swimming. After the issuing of the beach advisory, if the results of subsequent testing of samples are below the beach action value, the agency lifts the beach advisory.

VDH issues beach warnings whenever it is not possible for agency staff to collect samples of the public beach water on the scheduled day as a result of practical or safety concerns, or if the proximity of other imminent hazards, such as those of a chemical spill, pose a health risk to public beach water users. A beach warning is a public announcement issued as a result of VDH suspecting a public beach water hazard to be present, such as during extreme weather events or chemical spills, or when the agency staff have been unable to test public beach water as scheduled. When the event or imminent health hazard has passed or public beach water sampling has resumed, the warning is lifted.

Currently, these specifications and other details of the program are in neither statute nor regulation. The Board proposes to put these specifications, procedures for monitoring, definitions, and other information in regulation. According to VDH, promulgation of this regulation would not result in any changes to the current practice of issuing and lifting advisories and warnings. Further, the proposed regulation contains no requirements for local governments, private entities, or anyone else outside of VDH. Thus, the proposed regulation is beneficial in that it provides clarity to the public, but otherwise would not likely have a significant effect.

Businesses and Entities Affected. Beach advisories and beach warnings affect businesses that are dependent on beach attendance, such as nearby restaurants and retail stores. Placing specifications and other details of the VDH Beach Monitoring and Notification Program in regulation, but not changing the actual practice of issuing and lifting advisories and warning, does not significantly affect these entities, though.

Localities Particularly Affected. The proposed regulation particularly applies to Gloucester, Mathews, Hampton, Newport News, York, Norfolk, Virginia Beach, Northumberland, and Accomack.[4]

Projected Impact on Employment. The proposed regulation would not likely affect employment.

Effects on the Use and Value of Private Property. The proposed regulation would not likely significantly affect the use and value of private property.

Real Estate Development Costs. The proposed regulation would not likely affect real estate development costs.

Small Businesses.

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

Costs and Other Effects. The proposed regulation would not likely significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact. The proposed regulation does not adversely affect small businesses.

Adverse Impacts:

Businesses. The proposed regulation does not adversely affect businesses.

Localities. The proposed regulation does not adversely affect localities.

Other Entities. The proposed regulation does not adversely affect other entities.

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[1]https://www.epa.gov/beach-tech/about-beach-act

[2]"Public Beach" is defined as "a sandy beach located on a tidal shoreline adjacent to water that is suitable for swimming and that remains open and accessible for public use."

[3]See https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3510518/

[4]Source: Virginia Department of Health

Agency's Response to Economic Impact Analysis: The Virginia Department of Health concurs with the findings of the economic impact analysis.

Summary:

The regulation establishes the Virginia Department of Health's role in issuing and lifting recreational water advisories based on the beach action value, including procedures for issuing and lifting beach advisories.

CHAPTER 135
RECREATIONAL ADVISORIES

12VAC5-135-10. Definitions.

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

"Beach action value" or "BAV" means the concentration of an indicator organism that shall determine whether a beach advisory is issued or lifted.

"Beach advisory" means a public announcement that the beach action value has been met or exceeded and informing the public of a higher risk of illness when swimming.

"Beach warning" means a public announcement issued as a result of the department suspecting a public beach water hazard to be present, such as during extreme weather events or chemical spills or when the department has been unable to test public beach water as scheduled.

"Commissioner" means the State Health Commissioner or the commissioner's designee.

"Department" means the Virginia Department of Health.

"Public beach" means a sandy beach located on a tidal shoreline adjacent to water that is suitable for swimming and that remains open and accessible for public use.

"Public beach water" means the water adjacent to a public beach.

12VAC5-135-20. Beach Monitoring and Notification Program.

Through the Virginia Department of Health Beach Monitoring and Notification Program, funded by the U.S. Environmental Protection Agency BEACH Act Grant, the commissioner issues and lifts beach advisories and beach warnings for public beach water.

12VAC5-135-30. Issuance and lifting of beach advisories and beach warnings.

A. The BAV value that determines issuance or lifting of a beach advisory equals 104 most probable number (MPN) per 100 mL enterococci.

B. The commissioner shall issue beach advisories whenever public beach water samples are equal to or greater than the BAV. After the issuing of the beach advisory, if the results of subsequent testing of public beach water samples are less than the BAV, the commissioner shall lift the beach advisory.

C. The commissioner shall issue beach warnings whenever it is not possible for department staff to collect samples of the public beach water on the scheduled day as a result of practical or safety concerns, or if the proximity of other imminent hazards, such as those of a chemical spill, pose a health risk to public beach water users. The commissioner shall lift beach warnings when the event or imminent health hazard has passed or public beach water sampling has resumed. The appropriate laboratory analysis for the hazard shall be used when available to demonstrate public beach water conditions are safe for public use.

D. Acceptable means of public notification of beach advisories and beach warnings include public beach signage, press releases, contacting of local government officials, social media posts, and other forms of communication to convey a beach advisory or beach warning.

12VAC5-135-40. Procedures for beach monitoring.

The procedures for beach monitoring are as follows:

1. The department shall collect public beach water samples on a weekly basis from the middle of May through September or as otherwise determined by the department based on factors such as the size of the beach-going population and the climate at any particular public beach.

2. The department shall analyze public beach water samples using methods approved by the U.S. Environmental Protection Agency.

3. If the department does not collect and test a public beach water sample as scheduled, the commissioner shall issue a beach warning, or if there is an existing beach advisory, the commissioner shall continue the beach advisory.

4. If multiple public beach water samples are taken at several sites within public beach water, the department may average and compare the samples with the BAV. If the average result of the public beach water samples is equal to or greater than the BAV, then the commissioner shall issue a beach advisory.

5. If a public beach water sample is equal to or greater than the BAV, the commissioner-issued beach advisory shall remain in effect until follow-up samples can be taken that demonstrate that levels are less than the BAV.

6. In the event of the issuance of a beach advisory, the department shall collect and analyze follow-up public beach water samples as soon as reasonably possible. Follow-up public beach water samples that are equal to or greater than the BAV shall result in a continuation of the beach advisory.

VA.R. Doc. No. R19-5588; Filed July 26, 2019, 10:03 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF VETERINARY MEDICINE

Final Regulation

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

Title of Regulation: **18VAC150-20. Regulations Governing the Practice of Veterinary Medicine (amending 18VAC150-20-190).**

Statutory Authority: §§ 54.1-2400 and 54.1-3804 of the Code of Virginia.

Effective Date: September 18, 2019.

Agency Contact: Leslie L. Knachel, Executive Director, Board of Veterinary Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 597-4130, FAX (804) 527-4471, or email leslie.knachel@dhp.virginia.gov.

Summary:

The amendment adds requirements mandated by Chapter 686 of the 2019 Acts of Assembly that every veterinary establishment licensed by the Board of Veterinary Medicine (i) maintain records of the dispensing of feline buprenorphine and canine butorphanol, (ii) reconcile such records monthly, and (iii) make such records available for inspection upon request.

18VAC150-20-190. Requirements for drug storage, dispensing, destruction, and records for all establishments.

A. All drugs shall be maintained, administered, dispensed, prescribed, and destroyed in compliance with state and federal laws, which include § 54.1-3303 of the Code of Virginia, the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia), applicable parts of the federal Food, Drug, and Cosmetic Control Act (21 USC § 301 et seq.), the Prescription Drug Marketing Act (21 USC § 301 et seq.), and the Controlled Substances Act (21 USC § 801 et seq.), as well as applicable portions of Title 21 of the Code of Federal Regulations.

B. All repackaged tablets and capsules dispensed for companion animals shall be in approved safety closure containers, except safety caps shall not be required when any person who requests that the medication not have a safety cap~~,~~ or in such cases in which the medication is of such form or size that it cannot be reasonably dispensed in such containers (e.g., topical medications, ophthalmic, or otic). An owner request for nonsafety packaging shall be documented in the patient record.

C. All drugs dispensed for companion animals shall be labeled with the following:

1. Name and address of the facility;

2. First and last name of owner;

3. Animal identification and species;

4. Date dispensed;

5. Directions for use;

6. Name, strength (if more than one dosage form exists), and quantity of the drug; and

7. Name of the prescribing veterinarian.

D. All veterinary establishments shall maintain drugs in a secure manner with precaution taken to prevent theft or diversion. Only the veterinarian, veterinary technician, pharmacist, or pharmacy technician shall have access to Schedules II through V drugs, with the exception provided in subdivision 6 of this subsection.

1. In a stationary establishment, the general stock of Schedules II through V drugs shall be stored in a securely locked cabinet or safe that is not easily movable.

2. The establishment may also have a working stock of Schedules II through V drugs that shall be kept in (i) a securely locked container, cabinet, or safe when not in use or (ii) direct possession of a veterinarian or veterinary technician. A working stock shall consist of only those drugs that are necessary for use during a normal business day or 24 hours, whichever is less.

3. Whenever the establishment is closed, all general and working stock of Schedules II through V drugs and any dispensed prescriptions that were not delivered during normal business hours shall be securely stored as required for the general stock.

4. Prescriptions that have been dispensed and prepared for delivery shall be maintained under lock or in an area that is not readily accessible to the public and may be delivered to an owner by an unlicensed person, as designated by the veterinarian.

5. Whenever a theft or any unusual loss of Schedules II through V drugs is discovered, the veterinarian-in-charge, or in his absence, his designee, shall immediately report such theft or loss to the Board of Veterinary Medicine and the Board of Pharmacy and to the DEA. The report to the boards shall be in writing and sent electronically or by regular mail. The report to the DEA shall be in accordance with 21 CFR 1301.76(b). If the veterinarian-in-charge is unable to determine the exact kind and quantity of the drug loss, he shall immediately take a complete inventory of all Schedules II through V drugs.

6. Access to drugs by unlicensed persons shall be allowed only under the following conditions:

a. An animal is being kept at the establishment outside of the normal hours of operation, and a licensed practitioner is not present in the facility;

b. The drugs are limited to those dispensed to a specific patient; and

c. The drugs are maintained separately from the establishment's general drug stock and kept in such a manner so they are not readily available to the public.

E. Schedules II through V drugs shall be destroyed by (i) transferring the drugs to another entity authorized to possess or provide for proper disposal of such drugs or (ii) destroying the drugs in compliance with applicable local, state, and federal laws and regulations. If Schedules II through V drugs are to be destroyed, a DEA drug destruction form shall be fully completed and used as the record of all drugs to be destroyed. A copy of the destruction form shall be retained at the veterinarian practice site with other inventory records.

F. The drug storage area shall have appropriate provision for temperature control for all drugs and biologics. If drugs requiring refrigeration are maintained at the facility, ~~they~~ the drugs shall be kept in a refrigerator with the interior thermometer maintained between 36°F and 46°F. If a refrigerated drug is in Schedules II through V, the drug shall be kept in a locked container secured to the refrigerator, or the refrigerator shall be locked. Drugs stored at room temperature shall be maintained between 59°F and 86°F.

G. The stock of drugs shall be reviewed frequently, and expired drugs shall be removed from the working stock of drugs at the expiration date and shall not be administered or dispensed.

H. A distribution record shall be maintained in addition to the patient's record, in chronological order, for the administration and dispensing of all Schedules II through V drugs.

This record is to be maintained for a period of three years from the date of transaction. This distribution record shall include the following:

1. Date of transaction;

2. Drug name, strength, and the amount dispensed, administered, and wasted;

3. Owner and animal identification; and

4. Identification of the veterinarian authorizing the administration or dispensing of the drug.

I. Original invoices for all Schedules II through V drugs received shall be maintained in chronological order on the premises where the stock of drugs is held, and the actual date of receipt shall be noted. All drug records shall be maintained for a period of three years from the date of transaction.

J. A complete and accurate inventory of all Schedules II through V drugs shall be taken, dated, and signed on any date that is within two years of the previous biennial inventory. Drug strength must be specified. This inventory shall indicate if it was made at the opening or closing of business and shall be maintained on the premises where the drugs are held for three years from the date of taking the inventory.

K. Inventories and records, including original invoices, of Schedule II drugs shall be maintained separately from all other records, and the establishment shall maintain a continuous inventory of all Schedule II drugs received, administered, or dispensed, with reconciliation at least monthly. Reconciliation requires an explanation noted on the inventory for any difference between the actual physical count and the theoretical count indicated by the distribution record. A continuous inventory shall accurately indicate the physical count of each Schedule II drug in the general and working stocks at the time of performing the inventory.

L. Veterinary establishments shall (i) maintain records of the dispensing of feline buprenorphine and canine butorphanol, (ii) reconcile such records monthly, and (iii) make such records available for inspection upon request.

~~L.~~ M. Veterinary establishments in which bulk reconstitution of injectable, bulk compounding, or the prepackaging of drugs is performed shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the drugs used; strength, if any; date repackaged; quantity prepared; initials of the veterinarian verifying the process; the assigned lot or control number; the manufacturer's or distributor's name and lot or control number; and an expiration date.

~~M.~~ N. If a limited stationary or ambulatory practice uses the facilities of another veterinary establishment, the drug distribution log shall clearly reveal whose Schedules II through V drugs were used. If the establishment's drug stock is used, the distribution record shall show that the procedure was performed by a visiting veterinarian who has the patient record. If the visiting veterinarian uses his own stock of drugs, he shall make entries in his own distribution record and in the patient record and shall leave a copy of the patient record at the other establishment.

VA.R. Doc. No. R19-6065; Filed July 29, 2019, 7:59 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Final Regulation

REGISTRAR'S NOTICE: The Commonwealth Transportation Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 11 of the Code of Virginia, which exempts regulations relating to traffic signs, markers, or control devices.

Title of Regulation: **24VAC30-610. List of Differentiated Speed Limits (repealing 24VAC30-610-10).**

Statutory Authority: § 33.2-210 of the Code of Virginia.

Effective Date: September 18, 2019.

Agency Contact: Vanloan Nguyen, Assistant Division Administrator, Traffic Engineering Division, Department of Transportation, 1401 East Broad Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-2918, FAX (804) 225-4978, or email vanloan.nguyen@vdot.virginia.gov.

Summary:

The action repeals List of Differentiated Speed Limits (24VAC30-610) because the chapter is duplicative of the requirements in § 46.2-878 of the Code of Virginia.

VA.R. Doc. No. R19-6089; Filed August 5, 2019, 11:49 a.m.

EXECUTIVE ORDER NUMBER THIRTY-SEVEN (2019)

Transfer of the Virginia Board of Accountancy to the Secretary of Finance

Importance of the Initiative/Issue

The Virginia Board of Accountancy's (VBOA) mission is to protect the citizens of the Commonwealth through a regulatory program of examination, licensure for individuals and firms, consumer protection, professional education audits and peer review oversight. This mission provides assurance to the citizens of the Commonwealth that the individuals and firms we entrust to practice in public accounting meet certain professional standards.

The Secretary of Finance safeguards the Commonwealth's fiscal assets and oversees the allocation of its financial resources. Accordingly, the Secretary has a fiduciary responsibility to the citizens of the Commonwealth to protect the public.

The Virginia Board of Accountancy carries out its mission through a program of regulation development, oversight, and investigations. Transfer of the VBOA to the Secretary of Finance will more closely align the responsibilities of the VBOA and Secretary of Finance.

Directive

By virtue of the authority vested in me as Governor under § 2.2-211 of the Code of Virginia, I hereby authorize the transfer of administrative authority of the Virginia Board of Accountancy from the Secretary of Commerce and Trade to the Secretary of Finance.

Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 1st day of August, 2019.

/s/ Ralph S. Northam
Governor

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

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

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

DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Titles of Documents:

Registered Dietitian Nutritionist Services.

State Plan for Independent Living (SPIL) for Virginia for 2017-2019 with Proposed Technical Amendments to Extend through FY2020.

Virginia State Plan for Aging (October 1, 2019 - September 30, 2023).

Public Comment Deadline: September 18, 2019.

Effective Date: October 1, 2019.

Agency Contact: Charlotte Arbogast, Senior Policy Advisor, Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, telephone (804) 662-7093, or email charlotte.arbogast@dars.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL AUTHORITY

Titles of Documents:

Manufacturing on Brewery Premises.

Wine and Beer Wholesalers Circular Letter regarding Tastings.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: LaTonya D. Hucks-Watkins, Legal Liaison, Alcoholic Beverage Control Authority, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 213-4698, or email latonya.hucks-watkins@abc.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Document: Guidance for Telepractice.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

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

BOARD FOR CONTRACTORS

Title of Document: Board for Contractors Policies and Interpretations.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Mary Broz-Vaughan, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8537, or email mary.broz-vaughan@dpor.virginia.gov.

STATE BOARD OF EDUCATION

Title of Document: Guidelines for Considering and Approving Requests for Year-Round Instructional Program Waivers Pursuant to § 22.1-79.1.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Zachary Robbins, Director of Policy, Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2092, or email zachary.robbins@doe.virginia.gov.

* * *

Title of Document: Guidelines for Providing Loan Interest Rate Subsidy Grant Payments for the Virginia Public School Authority Pooled Bond Program.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Kent Dickey, Deputy Superintendent for Budget, Finance and Operations, Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2025, or email kent.dickey@doe.virginia.gov.

* * *

Title of Document: STEM Competition Team Grant Initiative: A State-funded Initiative for Elementary and Middle Schools.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

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

STATE BOARD OF HEALTH

Title of Document: House Bill 1663 Certified Food Protection Manager Exemption Implementation Procedures.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Julie Henderson, Director of Food and General Environmental Services, Virginia Department of Health, 109 Governor Street, Richmond, VA 23235, telephone (804) 864-7455, or email julie.henderson@vdh.virginia.gov.

OFFICE OF THE STATE INSPECTOR GENERAL

Title of Document: Investigative Authority of the Office of the State Inspector General.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Mark Courtney, Regulatory Coordinator, Office of the State Inspector General, P.O. Box 1151, Richmond, VA 23218, telephone (804) 625-3255, or email mark.courtney@osig.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Titles of Documents:

Authorization of Personal Assistance Services in the Developmental Disability Waiver.

DMAS Recognition of Certified Substance Abuse Counselor Supervisees.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Emily McClellan, Regulatory Supervisor, Policy and Research Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-6043, or email emily.mcclellan@dmas.virginia.gov.

SAFETY AND HEALTH CODES BOARD

Title of Document: State and Local Government Penalties.

Public Comment Deadline: September 18, 2019.

Effective Date: September 19, 2019.

Agency Contact: Holly Trice, Attorney, Department of Labor and Industry, Main Street Centre, 600 East Main Street, Richmond, VA 23219, telephone (804) 786-2641, or email holly.trice@doli.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Environmental Quality is conducting a periodic review and small business impact review of **9VAC5-210, Regulation for Dispute Resolution**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

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

Public comment period begins August 19, 2019, and ends September 9, 2019.

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, Department of Environmental Quality, 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.

AUCTIONEERS BOARD

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Auctioneers Board is conducting a periodic review and small business impact review of each listed regulation. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

18VAC25-11, Public Participation Guidelines

18VAC25-21, Regulations of the Virginia Auctioneers Board

The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to 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.

Public comment period begins August 19, 2019, and ends September 9, 2019.

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 Kathleen R. Nosbisch, Executive Director, Auctioneers Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email auctioneers@dpor.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 the review 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.

BOARD FOR BRANCH PILOTS

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Branch Pilots is conducting a periodic review and small business impact review of each listed regulation. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

18VAC45-11, Public Participation Guidelines

18VAC45-20, Board for Branch Pilots Regulations

The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to 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.

Public comment period begins August 19, 2019, and ends September 9, 2019.

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 Kathleen R. Nosbisch, Executive Director, Board for Branch Pilots, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email branchpilots@dpor.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 the review 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.

COMMONWEALTH TRANSPORTATION BOARD

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Commonwealth Transportation Board conducted a small business impact review of **24VAC30-91, Subdivision Street Requirements**, and determined that this regulation should be retained in its current form. The Commonwealth Transportation Board is publishing its report of findings dated June 28, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The Subdivision Street Requirements regulation has a positive impact on state resources as well as small businesses. This regulation helps reduce long-term traffic congestion and supports and promotes more economic activity and better transportations systems.

Contact Information: Steven Jack, Policy Regulatory Manager, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, or email steven.jack@vdot.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Commonwealth Transportation Board conducted a small business impact review of **24VAC30-92, Secondary Street Acceptance Requirements**, and determined that this regulation should be retained in its current form. The Commonwealth Transportation Board is publishing its report of findings dated April 19, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The Secondary Street Acceptance Requirements regulation has a positive impact on state resources as well as small businesses. This regulation helps reduce long-term traffic congestion and supports and promotes more economic activity and better transportations systems.

Contact Information: Steven Jack, Policy Regulatory Manager, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, or email steven.jack@vdot.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Commonwealth Transportation Board conducted a small business impact review of **24VAC30-155, Traffic Impact Analysis Regulations**, and determined that this regulation should be retained in its current form. The Commonwealth Transportation Board is publishing its report of findings dated March 26, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

There is a continued need for the regulation as it provides the most cost-effective means of analyzing and mitigating any potential adverse impacts on state-controlled highways with regards to comprehensive plans, amendments to comprehensive plans, and rezoning proposals. There have been no complaints received from the public to date. The Department of Transportation (VDOT) believes the regulation is not overly complex, and there is no overlap, duplication, or conflict with federal or state laws or regulations. Although this is the first full evaluation since the regulation was codified in 2007, there were amendments to the regulation in 2008, 2010, 2011, and 2014. Through the examination of the regulation, especially the thresholds set for site trip generation that trigger the need for a submission, VDOT has determined that the regulatory requirements currently minimize the economic impact of regulation on small businesses and thereby minimize the impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the Commonwealth.

Contact Information: Steven Jack, Policy Regulatory Manager, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, or email steven.jack@vdot.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Commonwealth Transportation Board conducted a small business impact review of **24VAC30-325, Urban Maintenance and Construction Policy**, and determined that this regulation should be retained in its current form. The Commonwealth Transportation Board is publishing its report of findings dated June 28, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

There is a continued need for this regulation because it specifies the appropriate design standards to which urban highways should be constructed and maintained in order for the cities and towns in which those urban highways are located to be eligible for certain state funds and provides internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns. The regulation is not overly complex. There is no overlap, duplication, or conflict with federal or state law or

regulation. The regulation does not impact small businesses, other than by promoting the efficient movement of people and commercial goods on urban highways.

Contact Information: Steven Jack, Policy Regulatory Manager, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, or email steven.jack@vdot.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Commonwealth Transportation Board conducted a small business impact review of **24VAC30-380, Public Hearings for Location and Design of Highway Construction Projects**, and determined that this regulation should be retained in its current form. The Commonwealth Transportation Board is publishing its report of findings dated June 28, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The regulation is needed for purposes of complying with state and federal laws and regulations regarding public involvement in transportation projects that are developed using public funds and where there are impacts to the natural and human environment resulting from these. The longevity of the regulation and the general awareness of its nature and purpose lead the Commonwealth Transportation Board to determine that it is sufficiently narrow and not overly complex. The regulation is seamlessly interwoven with federal and state laws and regulations and is structured to support their policy goals and objectives. In 2008, the regulation received a review resulting in some significant substantive changes, but the most recent periodic review was conducted in 2000. Technology that impacts the implementation and execution of activities required to comply with this regulation is constantly evolving and, in turn, may sometimes modify discrete public involvement procedures. These technology changes and improvements can make public involvement processes and activities easier to administer and more accommodating and meaningful to the public constituency that participates in them. However, in and of themselves, technology changes do not and should not serve as substitutes for the requirement to conduct said public involvement activities for publicly funded transportation projects as required by underlying federal and state laws and regulations.

Contact Information: Steven Jack, Policy Regulatory Manager, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, or email steven.jack@vdot.virginia.gov.

BOARD OF CORRECTIONS

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Corrections is conducting a periodic review and small business impact review of each listed regulation. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

6VAC15-26, Regulations for Human Subject Research

6VAC15-40, Minimum Standards for Jails and Lockups

The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to 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.

Public comment period begins August 19, 2019, and ends September 19, 2019.

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 James Bruce, Regulatory Coordinator, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 887-8215, or email james.bruce@vadoc.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 the review 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Department of Environmental Quality conducted a small business impact review of **9VAC15-20, Guidelines for the Preparation of Environmental Impact Assessments for Oil or Gas Well Drilling Operations in Tidewater Virginia**, and determined that this regulation should be retained in its current form. The Department of Environmental Quality (DEQ) is publishing its report of findings dated July 8, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

This regulation continues to be needed. The regulation identifies information to be submitted as part of the environmental impact assessment (EIA) prepared for oil and gas drilling projects in Tidewater, Virginia. This regulation assists the applicant with preparing an EIA that contains all of the required information to be reviewed.

The Southern Environmental Law Center submitted comments in support of retaining the regulation and encouraged DEQ to further strengthen the regulation to protect the environment and public health, safety, and welfare. The agency is retaining the regulation without changes.

The regulation details specific information to be included in the EIA. Some of this information is complex and technical in nature; however, entities developing and reviewing the EIA are familiar with the technical information required by the regulation.

This regulation is a state-only regulation, and there is no equivalent federal regulation. This regulation was last amended in 2014 to update references to statutes and regulations. The requirement for the EIA to be submitted for these projects is a state mandate. The components of the EIA are required to evaluate the impact these activities have on the environment and are equally applicable to small businesses.

Contact Information: Melissa Porterfield, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4019, or email melissa.porterfield@deq.virginia.gov.

BOARD OF PHARMACY

Placement of Chemicals in Schedule I of the Drug Control Act

Pursuant to § 54.1-3443 D of the Code of Virginia, the Board of Pharmacy is giving notice of a public hearing to consider placement of chemical substances in Schedule I of the Drug Control Act. The public hearing will be conducted at 9:05 a.m. on September 25, 2019, at the Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, VA 23233. Public comment may also be submitted electronically or in writing prior to September 11, 2019, to Caroline Juran, Executive Director of the Board of Pharmacy, at caroline.juran@dhp.virginia.gov.

Pursuant to § 54.1-3443 D of the Code of Virginia, the Virginia Department of Forensic Science (DFS) has identified nine compounds for recommended inclusion into the Code of Virginia. The Board of Pharmacy has provided a brief description, chemical name, and common name for each compound.

The following compounds are classified as powerful synthetic opioids. Compounds of this type have been placed in Schedule I (subdivision 1 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions:

1. N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

2. N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

The following compounds are classified as research chemicals. Compounds of this type have been placed in Schedule I (subdivision 3 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions:

1. 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT), its optical, position, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

2. 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other name: Eutylone, bk-EBDB), its optical, position, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3. 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone), its optical, position, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

4. N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA), its optical, position, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

5. 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP), its optical, position, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The following compounds are classified as cannabimimetic agents. Compounds of this type have been placed in Schedule I (subdivision 6 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions:

1. Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name: EMB-FUBINACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

2. Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTINACA), its salts, isomers, and salts of

isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Contact Information: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4456, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Professional and Occupational Regulation is conducting a periodic review and small business impact review of **18VAC120-40, Virginia Professional Boxing and Wrestling Events Regulations**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

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

Public comment period begins August 19, 2019, and ends September 9, 2019.

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 Kathleen R. Nosbisch, Executive Director, Boxing, Martial Arts, and Professional Wrestling Advisory Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email apelscidla@dpor.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.

REAL ESTATE APPRAISER BOARD

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Real Estate Appraiser Board is conducting a periodic review and small business impact review of each listed regulation. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

18VAC130-11, Public Participation Guidelines

18VAC130-20, Real Estate Appraiser Board Rules and Regulations

18VAC130-30, Appraisal Management Company Regulations

The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to 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.

Public comment period begins August 19, 2019, and ends September 9, 2019.

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 Christine Martine, Executive Director, Real Estate Appraiser Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (866) 826-8863, or email reappraisers@dpor.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 the review 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 WASTE MANAGEMENT BOARD

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Environmental Quality is conducting a periodic review and small business impact review of **9VAC20-15, Regulation for Dispute Resolution**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health,

safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins August 19, 2019, and ends September 9, 2019.

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, Department of Environmental Quality, 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.

STATE WATER CONTROL BOARD

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Environmental Quality is conducting a periodic review and small business impact review of **9VAC25-15, Regulation for Dispute Resolution**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

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

Public comment period begins August 19, 2019, and ends September 9, 2019.

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, Department of Environmental Quality, 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.

Proposed Consent Special Order for Auto Connection Inc.

An enforcement action is proposed for Auto Connection Inc. for alleged violations that occurred at 5300 Midlothian Turnpike, Richmond, Virginia. The State Water Control Board proposes to issue a consent special order to Auto Connection Inc. to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Jeff Reynolds will accept comments by email at jefferson.reynolds@deq.virginia.gov or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 19, 2019, to September 19, 2019.

Proposed Consent Order for Nelson County Service Authority

An enforcement action has been proposed for Nelson County Service Authority (NCSA) for violations at the Schuyler sewage treatment plant. The State Water Control Board proposes to issue a consent order with penalty and injunctive relief to NCSA to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Tiffany Severs will accept comments by email at tiffany.severs@deq.virginia.gov, FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, from August 19, 2019, to September 18, 2019.

Proposed Consent Special Order for S.B. Ballard Construction Company

An enforcement action is proposed for S.B. Ballard Construction Company for alleged violations of the State Water Control Law occurring at the Training Support Facility, Fort Lee, Virginia. The State Water Control Board proposes to issue a consent special order that is available for review and comment at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Comments can be made from August 19, 2019, to September 19, 2019 by email to jefferson.reynolds@deq.virginia.gov or postal mail to Department of Environmental Quality,

Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060.

Proposed Consent Order for Scott-II Solar LLC

The State Water Control Board has proposed an enforcement action for Scott-II Solar LLC for property (ID#038-28) located in Powhatan County, Virginia. The board proposes to issue a consent order to address noncompliance with State Water Control Law and regulations. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov, FAX at (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, from August 19, 2019, to September 20, 2019.

Proposed Consent Order for Sumner Hood LLC

An enforcement action has been proposed for Sumner Hood LLC for violations of the State Water Control Law and regulations at the Royal Farms Route One and Hood Drive construction site located in Spotsylvania County, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Jim Datko will accept comments by email at james.datko@deq.virginia.gov or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from August 20, 2019, through September 19, 2019.

Proposed Consent Special Order for Tarrington Holdings LLC

An enforcement action is proposed for Tarrington Holdings LLC for alleged violations of the State Water Control Law occurring at the Tarrington on the James subdivision in Chesterfield County, Virginia. The State Water Control Board proposes to issue a consent special order to Tarrington Holdings LLC that is available for review and comment at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Comments can be made from August 19, 2019, to September 19, 2019, by email at jefferson.reynolds@deq.virginia.gov or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060.

Proposed Consent Order for the Sentara RMH Medical Center

An enforcement action has been proposed for the Sentara RMH Medical Center (Sentara) facility in Harrisonburg, Virginia. The Virginia Waste Management Board proposes to issue a consent order to Sentara to address compliance matters associated with Virginia Hazardous Waste Management Regulations. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Tiffany Severs will accept comments by email at tiffany.severs@deq.virginia.gov, FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, from August 19, 2019, to September 18, 2019.

Public Meeting and Notice of Public Comment for a TMDL Implementation Plan for the Mattaponi River Watershed in Caroline, King and Queen, King William, Orange, and Spotsylvania Counties, Virginia

Public meeting: A public meeting to present a draft total maximum daily load (TMDL) implementation plan (IP) will be held on Tuesday, September 10, 2019, from 4:30 p.m. until 6:30 p.m. in the Bowling Green Town Hall, 117 Butler Street, Bowling Green, VA 22427. The IP contains implementation strategies to address excess bacteria in local area streams.

Purpose of notice: The Department of Environmental Quality (DEQ) will present and discuss with community members a draft TMDL IP for the Mattaponi River Watershed. The plan explains the pollutant reductions needed to meet the targets contained in a 2016 TMDL report prepared for the watershed. The IP report recommends a specific set of voluntary best management practices for agricultural lands, residential septic systems, and developed lands to reduce bacteria entering area streams. There will be a 30-day public comment period for interested stakeholders to comment on the draft plan. Written comments will be accepted from September 11, 2019, to October 11, 2019. Directions for how to submit a comment are provided at the end of this notice. Throughout the 30-day public comment period, the draft IP can be found online at https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs /TMDL/TMDLImplementation/TMDLImplementationPlans.aspx.

Description of study: Portions of Brock Run, Chapel Creek, Doctors Creek, Glady Run, Maracossic Creek, Mat River, Matta River, Mattaponi River, Motto River, Po River, Polecat Creek, Poni River, Reedy Creek, and Root Swamp do not meet their "recreational use" water quality standards. Accordingly, these streams are listed on the § 303(d) TMDL Priority List and Report as impaired due to violations of Virginia's recreational use water quality standards from excess levels of E. coli bacteria. The recommended set of management practices included in the TMDL IP are designed to reduce bacteria levels by the amount needed to allow attainment of the water quality standard. The IP satisfies a requirement of Virginia's 1997 Water Quality Monitoring, Information, and Restoration Act (§§ 62.1-44.19:4 through 62.1-44.19:8 of the Code of Virginia).

How to comment and participate: This meeting is open to the public and all interested parties are welcome. A public comment period on the TMDL IP will begin on September

11, 2019, and end October 11, 2019. All comments must be written and submitted via postal mail or email by 11:59 p.m. on October 11, 2019. Comments must include the name, address, and telephone number of the person submitting them. Please submit written comments to David Evans, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3835, or email david.evans@deq.virginia.gov.

For more information on this study, please contact David Evans via phone, email, or postal mail at the contact information listed. All materials related to this project will be posted on the DEQ website under the "Mattaponi River TMDL Implementation Plan" section.

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

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals is conducting a periodic review and small business impact review of **18VAC160-11, Public Participation Guidelines**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

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

Public comment period begins August 19, 2019, and ends September 9, 2019.

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 Trisha Henshaw, Executive Director, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (866) 350-5354, or email waterwasteoper@dpor.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 WORKERS' COMPENSATION COMMISSION

Public Comment on Proposed 2020 Medical Fee Schedules and Ground Rules and Proposed Amendments to the Medical Fee Schedule Regulation

The Virginia Workers' Compensation Commission is accepting public comment on (i) the proposed 2020 medical fee schedules and ground rules that will establish the maximum fees for fee scheduled medical services rendered to injured workers pursuant to the Virginia Workers' Compensation Act (§ 65.2-100 et seq. of Title 65.2 of the Code of Virginia) during the period from January 1, 2020, through December 31, 2021 and (ii) amendments to Medical Fee Schedules Regulations (16VAC30-110) that will implement the 2020 medical fee schedules and ground rules.

A summary of the changes made to the 2018 fee schedules that resulted in the proposed 2020 fee schedules may be accessed at http://websiteqa/documents/2020-medical-fee-schedules-summary-changes.

The proposed 2020 fee schedules may be accessed at http://websiteqa/content/2020-virginia-medical-fee-schedules.

The proposed 2020 ground rules may be accessed at http://websiteqa/documents/2020-medical-fee-schedules-ground-rules.

The proposed regulation amendments to 16VAC20-110 may be accessed at http://websiteqa/documents/proposed-amended-mfs-regulations.

Persons wishing to provide written comment are encouraged to do so electronically at http://www.workcomp.virginia.gov/content/Medical-Fee-Schedule-Special-Notice. Written comments also may be submitted via email to drema.thompson@workcomp.virginia.gov or by mail to Drema Thompson, Medical Fee Services Manager, Virginia Workers' Compensation Commission, 333 East Franklin Street, Richmond, VA 23219. Written comments will be accepted through August 30. 2019.

Contact Information: Drema Thompson, Medical Fee Services Manager, Virginia Workers' Compensation Commission, 333 East Franklin Street, Richmond, VA 23219, telephone (804) 774-4169, FAX (804) 823-6932, or email drema.thompson@workcomp.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

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

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

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

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