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Manufacturing Development Commission

June 22, 2010

The Manufacturing Development Commission held its first meeting of the 2010 interim at the McKee Foods facility in Stuarts Draft. The Commission is charged with assessing manufacturing needs and formulating legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia. In his opening remarks, Senator Frank Wagner, chair, observed that the greatest challenge to manufacturing may be government policies. The purpose of the Commission remains to ensure that Virginia ranks as the best state for doing business, and he vowed that the Commission will continue to do all it can to ensure Virginia is the most competitive state.

The members of the Commission were welcomed by Randy Smith and Connie Vaughan of McKee Foods. The Stuarts Draft plant is one of four facilities operated by Tennessee-based McKee Foods. Mr. Smith noted that while Virginia remains an attractive state in which to do business, the firm has relocated the baking of its individually wrapped honey buns to its Arkansas plant for reasons that included lower labor costs.

Former state Senator Frank Nolen greeted the members of the Commis-

sion with observations that were critical of government-imposed mandates on manufacturers. As an example, he noted that while the manufacturing community supports the goal of reducing energy usage, an approach that uses incentives is much more acceptable than mandating across-the-board reductions. He remarked that benchmarked goals that are tailored to particular types of energy consumers should be favored over mandating that everyone reduce usage by a certain percentage.

Presentations

Energy Mandate Impact Assessment Legislation

Two bills were introduced in the 2010 Session to require the State Corporation Commission (SCC) or the Joint Legislative Audit and Review Commission (JLARC) to prepare an assessment of the economic impact of proposed mandates that affect the use, delivery, availability, or regulation of energy. House Bill 1274 and Senate Bill 647 were both carried over to the 2011 Session.

The bills addressed an issue that the Commission began examining in 2009. At previous meetings, the Commission received briefings on the

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For more information, visit study and commission websites. DLS staff members maintain comprehensive study and commission websites that contain complete summaries of meetings and links to additional information, handouts, and resources.

Commission members

have observed
widespread
frustration with the
Environmental
Protection Agency
over total maximum
daily load limits for
the Chesapeake Bay.

SCC's role in preparing fiscal impact statements and on reviews of proposed health insurance mandate bills conducted by the Special Advisory Commission on Mandated Health Insurance Benefits.

Cathie France, Virginia Natural Gas/AGL Resources
Bill Murray, Dominion Resources

Both Ms. France and Mr. Murray expressed concerns with the 2010 legislation. Ms. France questioned whether the SCC staff was the appropriate body to conduct the analyses of energy bills. Mr. Murray acknowledged the difficulty in defining the scope of energy-related legislation that should be subject to the proposed analysis process, and cautioned that requiring all energy bills to be analyzed may have adverse, unintended consequences. Both praised proposed amendments to the bills during the Session that narrowed the scope of the legislation that would be subject to the required analysis and agreed to work with the Commission on outstanding issues.

Jeff Smith IV, Coalition for Fair Utility Rates

Mr. Smith described the ability to evaluate the impact of pending legislation on energy costs as significant. He recommended that the legislation require a cost analysis of any proposed legislation that would change how energy is regulated in the Commonwealth. He stated that information about the effect of a bill on a utility's rates on consumers should be available to the members of the General Assembly before they vote on the measure.

A Commission member noted that disagreements over policy issues remain but praised the inclusion of a provision that would bar the use of proprietary data obtained by the SCC staff in the course of the conduct of its analyses in future proceedings. One unresolved question is who should conduct the analyses. While JLARC has an excellent reputation for

conducting assessments, it has expressed the inability to conduct the studies that would be required by this legislation without hiring additional staff, which is unlikely in the current fiscal situation. The chairman urged interested parties to meet and work to resolve areas of disagreement.

Environmental Permitting Regulations

The Commission is monitoring proposed changes to regulatory requirements involving environmental permitting in areas of water quality, air pollution, and waste disposal fees. With regard to water pollution, members observed widespread frustration with the Environmental Protection Agency (EPA) over total maximum daily load limits for the Chesapeake Bay. Proposed limits on nonpoint sources and other discharges will affect existing programs that are held in high regard.

Sidney Harrison, Industrial TurnAround Corporation

Mr. Harrison briefed the Commission on pending EPA air regulations. In order to obtain discharge permits in some nonattainment areas, applicants may be required to purchase pollution offsets from within the affected area. Proposed rules are expected, among other things, to:

- Cause permitting delays.
- Impede the funding of new projects (as lenders deal with uncertainty).
- Increase administrative costs associated with reporting requirements.
- Increase capital costs.

One example of the potential impact of proposed regulations involves the selection of the baseline year. Choosing 2011 rather than 2008 as the base year would make it much more difficult and expensive to obtain a permit. Another issue yet to be determined is the base level for determining what will constitute a nonattainment area in

Virginia. Options being discussed include 0.070 ppm, 0.065 ppm, and 0.060 ppm. Mr. Harrison suggested that the Virginia Department of Environmental Quality (DEQ) push for a level of 0.070 ppm.

Mr. Harrison also voiced concerns with proposed greenhouse gas regulations. Much uncertainty exists because the EPA has not resolved such issues as whether biomass-burning facilities will be treated as carbon neutral and how mandating the use of maximum available control technologies for carbon dioxide will be administered when no such technologies currently exist.

Meade Spotts, Spotts Fain

Mr. Spotts addressed the issue of increased waste disposal fees. As part of efforts to balance the state's budget, language in the appropriation act adopted in the 2010 legislative session (Item 354 B 2) requires the Waste Management Board (Board) to adopt regulations ensuring that general funds not be required to cover at least 60 percent of the direct costs of issuing, reissuing, amending, or modifying permits and performing inspections and enforcement actions regarding permits for sanitary landfills and other nonhazardous solid waste. The Board's proposed regulations call for a 79 percent increase in the base fee for municipal solid waste facilities and a 400 percent increase in base fees, plus a sliding scale/per ton fee, for construction and demolition debris landfills. The new regulations will take effect July 1, 2010, and have a term of one year, which affords the General Assembly the opportunity to review relevant issues in the 2011 Session.

The scheduled increase in permitting fees raises several policy questions. For example, if DEQ is assured of recovering 100 percent of its expenses through permit fees, the agency will lose the incentive to be efficient. In addition, the importation of out-of-state waste has been declining, and fees paid by importers have in effect subsidized the disposal costs of Virginia's

manufacturing community. Moreover, some fear that new EPA rules regarding the disposal of coal ash will increase operating costs during a period of historic lows for volume, while providing even more reason to expand the use of captive landfills. Mr. Spotts observed that language in the appropriation act requires DEQ to report on efficiencies in containing permit costs. This study may provide an opportunity for lower fees and timelier permit issuance. A Commission member added that it may also provide an opportunity to define what constitutes the "direct" costs of DEQ that must be funded through permit fees.

Clean Energy Funds

Jessica Morey, Clean Energy States Alliance

Ms. Morey from Clean Energy States Alliance, a multistate coalition of more than 20 clean energy programs, provided the Commission with an overview of state clean energy funds. These state funds, which are principally composed of money collected through surcharges on electric rates, are used to support energy efficiency and renewable energy programs. Other funding sources include:

- A pollution charge on generators and utilities.
- Bonds.
- General tax revenue.
- Lottery funds.
- Renewable portfolio standard compliance payments.
- Regional carbon allowances.

The funds collectively are expected to provide \$6 billion for the next 10 years that can be invested in clean energy projects. Funds can be allocated through:

- Direct subsidies for projects.
- Loans and equity investments in companies and projects.
- Investments in industry infrastructure.
- Research and development.
- Any combination of these approaches.

State clean energy funds are principally composed of money collected through surcharges on electric rates.

State clean energy funds are expected to provide \$6 billion over the next 10 years that can be invested in clean energy projects.

Ms. Morey described the renewable energy funds as a viable economic development tool. She provided members with alternative models for administration of the funds, including oversight by utilities, government agencies, and independent nongovernmental organizations.

Senator Wagner remarked that he has been active in attempts to get renewable energy projects underway in Virginia, and criticized the length of time required to obtain permits for off-shore wind energy projects. In response to the chairman's observations that delays in renewable projects can, in the current capital markets, frustrate renewable projects, Ms. Morey observed that clean energy funds can provide a source of funding for predevelopment costs.

Other

Senator Wagner expressed appreciation on behalf of the Commission to McKee Foods for hosting the meeting. Copies of materials provided by speakers are available at the Commission's web page at <http://dls.virginia.gov/groups/manufacturing/meetings/062210/materials.htm>.

Next Meeting

The next meeting date will be posted on the Commission's website and the General Assembly website as soon as information is available.

[Manufacturing Development Commission](#)

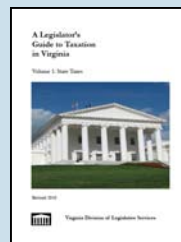
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Award Announcement



The Virginia Division of Legislative Services was honored recently when *A Legislator's Guide to Taxation in Virginia, Volume 1: State Taxes* received a Notable Document Award from the National Conference of State Legislatures' Legislative Research Librarians Section. *A Legislator's Guide to Taxation in Virginia, Volume 1: State Taxes* was one of 15 documents selected to receive the prestigious award, which recognizes excellence in documents in exploring topics of current interest to legislators.

John Garka, Joan Putney, David Rosenberg, and Mark Vucci from the Finance and Government Section of the Division authored the *Guide* while other staff members involved in review, production, and editing included E.M. Miller, Jack Austin, Darlene Jordan, and Mindy Tanner.

Did You Know?

"Did You Know?" appears in each issue of the *Virginia Legislative Record*. The column features important topics or interesting facts relevant to the Virginia legislature. For general questions or issue suggestions, please contact DLS at (804) 786-3591 or emiller@dls.virginia.gov.

HB 428 (2010)

Did you know that House Bill 428, which passed last Session, will make future Sessions a little easier for members and their aides? The bill repealed statutes requiring members to introduce certain bills on or before the first day of a Session, unless unanimous consent was obtained.

The statutes governed a hodgepodge of specific subject matters and were passed piecemeal over the years long before the procedures restricting the number of bills a member could file after the first day of a Session (prefiling procedures) were first adopted in 2001. The types of bills included:

- Charter bills.
- Claims bills.
- Bills establishing or increasing the punishment for crimes punishable by incarceration.
- Bills having a local fiscal impact.
- Bills relating to an optional county form of government.
- Bills granting or extending sales tax exemptions.
- Study resolutions.
- Bills affecting the retirement systems administered by the Virginia Retirement System.

In general, the statutes arose when certain committee chairmen wanted their committees, appropriate state agencies, and other interested parties to begin their work on the bills as soon as a Session began. Prior to the current prefiling procedures, only around 20 percent of bills were filed on or before the first day. Now, with the prefiling procedures, about 80 percent or more of bills are filed on or before the first day. As a result, committees and others have more than enough bills to work on right from the start. The relatively few bills that then come in during the next 10 days or so do not create a backlog, and likely would not be dealt with any sooner, given the time needed to

handle the 80 percent of bills that were prefiled. In light of this, it was concluded that the current prefiling procedures rendered the statutes basically obsolete.

Assuming that the scheduling resolution does not reestablish the substance of any of the repealed statutes, members and their aides no longer will have to deal with "first day bills" running on two separate tracks – one governing the number of bills and the other based on subject matter, one requiring introduction by 10:00 a.m. on the first day and the other requiring introduction by the time the Governor ends his address to members on the first day, one where a member may introduce after the first day without unanimous consent (provided it is within the allotted number) and one in which no member can introduce without unanimous consent.

*David Rosenberg, Senior Attorney
Finance and Government Section*

For multiple copies of the *Virginia Legislative Record* or other DLS publications, please contact the House or Senate Clerks Office.

Joint Commission on Technology and Science - 6/23/10

Delegate May, chair, began the meeting by reminding members and the audience of the important work that the Joint Commission on Technology and Science (JCOTS) has undertaken in the past in providing background and investigational work on technology-related issues for the General Assembly and stated that he looked forward to the Commission continuing this work during the 2010 interim.

Delegate May also welcomed Delegate Kathy J. Byron to the Commission, who fills the seat left vacant by Delegate Sam Nixon. Delegate May and Senator Locke were then re-elected chair and vice-chair, respectively.

Staff Update

2010 Legislation

Staff provided the membership with an overview of technology and science-related legislation that was adopted by the 2010 Session of the General Assembly. Of particular note were:

- HB 1 - Addresses constitutional concerns in Virginia's "spam" law.
- HB 433 - Addresses collection of social security numbers by government agencies.
- HB 676/SB 23 - Removes sunset on the Aerospace Advisory Council, as well as changes membership and responsibilities.
- HB 709 - Requires contracts and purchase orders for textbooks to allow for the purchase of electronic textbooks.
- HB 1034/SB 236 - Reorganizes IT governance in the Commonwealth by making the Chief Information Officer a gubernatorial appointee, abolishing the Information Technology Investment Board and replacing it with an advisory council comprised primarily of agency representatives, and making other changes to IT governance.
- HB 1039 - Requires notification to residents of the Commonwealth of a database breach involving medical information held by a state or local government entity.
- SB 241 - Establishes an Open Education Curriculum Board.

A complete list of technology and science-related legislation and bill summaries are available on the JCOTS website along with the meeting materials from this meeting.

Referred Bills and Advisory Committees

The General Assembly referred five bills to JCOTS for study during the interim:

- HB 670/SB 599 - Addresses installation of electronic tracking devices on motor vehicles without an owner's consent.
- HB 716/SB 242 - Addresses ownership of intellectual property created by state employees.
- HB 920 - Amends definition of a computer in the Virginia Computer Crimes Act to include cellular phones and other wireless telecommunications devices.

In light of these bills, and other topics of study suggested by members of JCOTS, the following five advisory committees will be assembled during the 2010 interim:

- Privacy Advisory Committee.
- Intellectual Property Advisory Committee.
- Computer Crimes Advisory Committee.
- Energy Advisory Committee.
- Intelligent Transportation Advisory Committee.

The Privacy Advisory Committee will review the electronic tracking devices bills, as well as survey the current state of the law of privacy in Virginia and address any lingering social security number issues stemming from legislation to go into effect July 1, 2010, regarding the collection of social security numbers by government agencies.

The Intellectual Property Advisory Committee will seek to continue the work begun last year with the Secretary of Administration to establish guidelines regarding ownership of intellectual property created by state employees.

The Computer Crimes Advisory Committee will review the technical definitions set forth in the Virginia Computer Crimes Act, including but not limited to the definition of a computer, and ensure that the definitions are keeping up with changes in technology.

The Energy Advisory Committee will seek to explore clean and renewable energy sources.

Finally, an Intelligent Transportation Advisory Committee will seek to find ways that intelligent transportation technologies can be used to improve transportation in the Commonwealth.

A solicitation for applications for participation on each of these advisory committees was distrib-

uted after the meeting to the JCOTS mailing list and notice was posted on the JCOTS website.

In addition to monitoring these advisory committees, JCOTS staff will also continue to monitor the activities of the Virginia Information Technologies Agency (VITA), the Virginia Aerospace Advisory Council, and the Virginia Broadband Advisory Council. Presentations at JCOTS meetings during the interim will include an update on the state of electronic medical records in the Commonwealth, the state of broadband deployment in the Commonwealth, and an update on cybersecurity in the public and private sectors.

Presentation

Ken Daley, President of International Development, Transurban USA

Mr. Daley provided an overview and update on electronic tolling technologies. A copy of the entire presentation is available on the JCOTS website.

Next Meeting

The next meeting date will be posted on the Commission's website and the General Assembly website as soon as information is available.



DELEGATE JOE MAY, CHAIR
LISA WALLMEYER, EXECUTIVE DIRECTOR

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

Meeting Calendar for August - September 2010

<i>Study/Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Civil War Commission Executive Committee	9:30 a.m., Wednesday, August 11, 2010 General Assembly Building, 6th Floor Speaker's Conference Room	Cheryl Jackson
Citizen Advisory Council Virginia Bicentennial of the American War of 1812	10:00 a.m., Tuesday, August 17, 2010 General Assembly Building, House Room C	Brenda Edwards Jeff Sharp Rebecca Young
Virginia Bicentennial of the American War of 1812 Commission	1:30 p.m., Tuesday, August 17, 2010 General Assembly Building, House Room C	Brenda Edwards Jeff Sharp Rebecca Young
Code Commission	10:00 a.m., Wednesday, August 18, 2010 General Assembly Building	Jane Chaffin
Joint Subcommittee on Substance Abuse Prevention and Treatment	10:00 a.m., Wednesday, August 18, 2010 General Assembly Building, Senate Room A	Sarah Stanton
Freedom of Information Advisory Council	1:30 p.m., Monday, September 13, 2010 General Assembly Building, House Room C	Maria Everett Alan Gernhardt
Virginia Housing Commission	See website for ongoing meeting information http://dls.virginia.gov/VHC.HTM	Elizabeth Palen

Meetings may be added at anytime, so please check the General Assembly and DLS websites for updates.

REGULATORY ALERT

A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

The Regulatory Alert is intended to assist General Assembly members as they keep up with the myriad regulations being proposed by agencies in the Commonwealth. The goal of this project is to provide a timely, simple, and accurate summary of the rules that are being proposed by agencies, boards, and commissions. Highlighting regulations when they are published as "proposed regulations" gives General Assembly members notice that the critical public participation phase of the rulemaking process is well underway. It is during the public participation process that the questions of an Assembly member or constituent may be most effectively communicated to the agency and examined by the individuals crafting the regulatory proposal.

The Regulatory Alert is not intended to be a substitute for the comprehensive information on agency rulemaking activity that is currently published biweekly in the *Virginia Register of Regulations* or the notification services offered by the Regulatory Town Hall website maintained by the Department of Planning and Budget. It is hoped that the *Legislative Record* will assist all members as they monitor the development, modification, and repeal of administrative rules in the Commonwealth. Access the *Virginia Register of Regulations* online at <http://register.dls.virginia.gov> or contact epalen@dls.virginia.gov or the Code Commission staff at (804) 786-3591 for further information.

TITLE 9. ENVIRONMENT STATE WATER CONTROL BOARD

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

9VAC25-110. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day (amending 9VAC25-110-10, 9VAC25-110-20, 9VAC25-110-60, 9VAC25-110-70, 9VAC25-110-80).

A public hearing will be held on August 26, 2010, at 1 p.m. at the Department of Environmental Quality, Richmond, Virginia. Written public comments may be submitted until September 17, 2010.

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community, and any impacts of the regulation on farm and forest land preservation. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping, and other administrative costs, (ii) probable effect of the regulation on affected small businesses, and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail, email, or fax to George Cosby,

Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4067, fax (804) 698-4032, email george.cosby@deq.virginia.gov. Comments may also be submitted through the public forum feature of the Virginia Regulatory Town Hall website at www.townhall.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 p.m. on the date established as the close of the comment period.

Summary:

The proposed regulation amends and reissues the existing general permit for domestic sewage discharges of less than or equal to 1,000 GPD (VAG40) that will expire on August 1, 2011. The significant revisions to the regulation are as follows:

1. Authorization to Discharge (9VAC25-110-60). Added two reasons why the Department of Environmental Quality (DEQ) would deny coverage under the general permit.

2. Registration Statement (9VAC25-110-70). Added a provision that allows owners of treatment works that were authorized under the expiring general permit, and who intend to continue coverage under this general permit, to be automatically covered without requiring the owner to submit a new registration statement. Clarified that maintenance contracts are required for treatment works serving individual single family dwellings.

3. General Permit (9VAC25-110-80).

Part I - Effluent Limitations, Monitoring Requirements, and Special Conditions. Identified the two effluent limitation and monitoring requirements sections as Part I.A (Receiving waters where the 7Q10 flows are < 0.2 MGD) and Part I.B (Receiving waters where the 7Q10 flows are >= 0.2 MGD) and made the following revisions: (i) modified the bacteria effluent limits to address the recent changes to the Virginia Water Quality Standards; and (ii) added clarifications to the footnotes for the effluent limits table to explain where to find the classes of water and boundary designations and the

description of what are "shellfish waters" in the Virginia Water Quality Standards. Renumbered the special conditions section to Part I.C and made the following changes: (i) deleted the schedule of compliance special condition; (ii) clarified the maintenance contract special condition for treatment works serving individual single family dwellings to indicate that maintenance contracts are required for these treatment works; (iii) clarified that the previous permit maintenance contract special condition applies to treatment works serving nonsingle family dwellings; (iv) clarified that the operation and maintenance plan special condition applies to treatment works serving nonsingle family dwellings and added a requirement that all results of testing and sampling must be kept with the maintenance log; (v) added compliance recordkeeping special conditions containing recordkeeping instructions for the permittee regarding quantification levels and significant digits; and (vi) added a water quality standards special condition requiring discharges authorized by the permit to meet water quality standards.

Part II - Conditions Applicable To All VPDES Permits. Modified the duty to reapply section to indicate that permittees that are required to submit a new registration statement to reapply for permit coverage must submit the new registration statement at least 60 days prior to the expiration date of the permit. Added an explanation of automatic permit coverage renewal and how a facility qualifies. Clarified that the automatic transfer of permit provision applies when the current permittee notifies the DEQ within 30 days of the transfer of property title.

For more information, please contact George Cosby, Department of Environmental Quality, Richmond, VA, telephone (804) 698-4067, FAX (804) 698-4032, or email george.cosby@deq.virginia.gov.

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

9VAC25-115. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities (amending 9VAC25-115-10 through 9VAC25-115-50).

A public hearing will be held on August 26, 2010, at 1 p.m. at the Department of Environmental Quality, Richmond, Virginia. Written public comments may be submitted until September 17, 2010.

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community, and any impacts of the regulation on farm and forest land preservation. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping, and other administrative costs, (ii) probable effect of the regulation on affected small businesses, and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail, email, or fax to George Cosby, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4067, fax (804) 698-4032, email george.cosby@deq.virginia.gov. Comments may also be submitted through the public forum feature of the Virginia Regulatory Town Hall website at www.townhall.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 p.m. on the date established as the close of the comment period.

Summary:

The proposed changes amend and reissue the general permit that expires on July 23, 2011. The general permit that establishes limitations and monitoring requirements for wastewater discharges from seafood processing facilities is continued. As with an individual VPDES permit, the effluent limits in the general permit are set to protect the quality of the waters receiving the discharges. The proposed changes (i) add two reasons authorization to discharge cannot be granted, (ii) add language to allow for administrative continuances of coverage, (iii) add three new special conditions, (iv) update the stormwater pollution prevention plan section, and (v) modify due dates in the conditions applicable to all permits section.

For more information, please contact George Cosby, Department of Environmental Quality, Richmond, VA, telephone (804) 698-4067, FAX (804) 698-4032, or email george.cosby@deq.virginia.gov.

TITLE 11. GAMING

CHARITABLE GAMING BOARD

11VAC15-22. Charitable Gaming Rules and Regulations (amending 11VAC15-22-10, 11VAC15-22-40, 11VAC15-22-50, 11VAC15-22-80).

11VAC15-31. Supplier Regulations (amending 11VAC15-31-10).

Notice is hereby given that the Charitable Gaming Board has WITHDRAWN the proposed regulations entitled 11VAC15-22, Charitable Gaming Rules and Regulations, and 11VAC15-31, Supplier Regulations, which were published in 25:22 VA.R. 4051 and 4059 July 6, 2009. In lieu of moving forward with this action, the board approved a motion to promulgate a new regulation consisting of three parts. Part I will deal with the conduct of charitable gaming as currently provided in 11VAC15-22, Part II will deal with supplier issues as currently provided in 11VAC15-31, and Part III will deal with electronic pull-tab regulations.

For more information, please contact Betty Bowman, Director, Division of Charitable Gaming, Richmond, VA, telephone (804) 786-3015, FAX (804) 786-1079, or email betty.bowman@dca.virginia.gov.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

14VAC5-211. Rules Governing Health Maintenance Organizations (amending 14VAC5-211-70, 14VAC5-211-160).

A public hearing will be held upon request. Written public comments may be submitted until August 16, 2010.

Summary:

This action conforms the regulation to amendments made to (i) § 38.2-3541 of the Code of Virginia regarding group health insurance continuation and conversion requirements and (ii) § 38.2-3412.1 of the Code of Virginia regarding mental health parity.

For more information, please contact Althelia Battle, Chief Insurance Market Examiner, Bureau of Insurance, State Corporation Commission, Richmond, VA, telephone (804) 371-9154, FAX (804) 371-9944, or email al.battle@scc.virginia.gov.

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