

# Virginia Legislative Record

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July 2012



Virginia Division of Legislative Services

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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.*

## Virginia Freedom of Information Advisory Council

July 2, 2012

The Virginia Freedom of Information Advisory Council (the Council) held its second meeting of the 2012 interim in Richmond. The meeting was held to elect a chair and vice chair and to hear subcommittee reports.

### Election of Chair and Vice Chair

As the first order of business, the Council elected Senator Stuart as chair and Delegate Iaquinto as vice chair.

### Subcommittee Reports

#### Electronic Meetings Subcommittee

Mr. Craig Fifer, the chair of the Electronic Meetings Subcommittee (Subcommittee), reported that the Subcommittee held its first meeting on June 28, 2012, to consider HB 1105 (2012) and HB 1149 (2012). He observed that the Subcommittee met periodically to review questions regarding electronic meetings, and that there were two schools of thought, one favoring the status quo, the other favoring expansion of electronic meetings. In response to an inquiry, Mr. Fifer elaborated that the first view reflects a preference for face-to-face meetings, while the second reflects practical considerations where technology may allow participation when it is difficult to get together physically. The Subcommittee asked staff to query stakeholders who used

electronic meetings to identify problems based on their experience. The Subcommittee will meet again to continue its discussions. It was noted that the Joint Committee on Technology and Science (JCOTS) also had a subcommittee on electronic meetings, but it had not yet met.

#### Criminal Investigative Records Subcommittee

Mr. Fifer, chair of the Criminal Investigative Records Subcommittee (Subcommittee), reported that the Subcommittee also held its first meeting on June 28, 2012, to continue the work it began in 2010 and 2011 considering access to criminal investigative files and other law-enforcement records. Mr. Fifer identified four major issues considered by the Subcommittee, in descending order of the likelihood of achieving a consensus:

- Rewriting existing § 2.2-3706 of the *Code of Virginia* for clarity without substantive changes.
- Amending existing law to address 9-1-1 records explicitly.
- Establishing a clear time limit to produce criminal incident information, as there are conflicting interpretations of the current law.
- Addressing whether criminal case files should ever be opened, and if so, under what circumstances and to what extent.

He further reported that the Subcommittee had asked the interested stakeholders to poll their constituents for practical examples and suggestions regarding these issues, to be considered at the next meeting of the Subcommittee. Mr. Fifer also encouraged other Council members to consider participating in the work of the Electronic Meetings and Criminal Investigative

The FOIA Council  
heard reports from the  
Electronic Meetings  
Subcommittee,  
Criminal Investigative  
Records  
Subcommittee, and  
Parole Board  
Subcommittee.

Records Subcommittees, as his second term on the Council had expired July 1, 2012, and he was therefore term limited. Mr. Fifer was thanked for his service.

#### Parole Board Subcommittee

Mr. Landon, chair of the Parole Board Subcommittee (Subcommittee), reported that the Subcommittee had held its first meeting earlier that morning (July 2, 2012) to consider HB 397 (2012). The Subcommittee heard from representatives from the Parole Board, the Virginia Coalition for Open Government (VCOG), and the Virginia Press Association, but the patron and advocates for HB 397 were not present. The Subcommittee decided it would be best if the patron, representatives of the Parole Board, and interested parties would meet together to discuss the goals and intent of the bill and then report back to the Subcommittee. Mr. Landon reported that based on today's meeting, it appears that there already is access to the Parole Board's policies and procedures and that the objectives of HB 397 are therefore unclear. Additionally, the exemption for parole boards has existed since FOIA was first enacted in 1968, and it was not clear to the Subcommittee why change is needed now.

### Other Business

Staff noted that the 2012 version of FOIA, which went into effect July 1, 2012, has been posted on the FOIA Council website. Megan Rhyne from VCOG stated that the new FOIA is also available on the VCOG website.

### Public Comment

Mark Flynn, Virginia Municipal League

Mr. Flynn stated that he had spoken with Delegate Dudenhefer regarding HB 1149 and as a result, the Virginia Municipal League (VML) was working on a survey considering the electronic meetings provisions for regional public bodies. He indicated that VML did not support HB 1149 as written, but was considering an expansion for local public bodies similar to the existing provision that allows members of regional public bodies to participate

electronically if they are 60 or more miles away from the central meeting location. As an example, Mr. Flynn pointed out that a member of a local public body on a business trip 100 miles or more away from a meeting could not participate electronically under the current law, even if the means to do so were available. In response to an inquiry, Mr. Flynn indicated he had not spoken with members of the Stafford Board of Supervisors, on whose behalf Delegate Dudenhefer had introduced HB 1149, but that he would do so.

Patrick Cushing, Williams Mullen

Mr. Cushing stated that he was working with Stafford County and Delegate Dudenhefer, and that he would ensure someone representing Stafford County would come to the next Electronic Meetings Subcommittee meeting. He noted that the bill seeks to put local governments on parity with the state regarding the conduct of electronic meetings, and stated that he would work with VML and the Virginia Association of Counties on it.

### Discussion

Ms. Hamlett, a FOIA Council member, observed that based on her experience representing state agencies, there was a problem in the current electronic meetings law in that if an electronic meeting was scheduled, but a member did not call in from a remote location, it stops the meeting, based on advice from the Office of the Attorney General. Mr. Fifer noted that the issue had been raised at the Electronic Meetings Subcommittee meeting; he suggested asking staff for a formal opinion on the matter, as there may be some misunderstanding of the requirements of current law.

## Next Meeting

As a reminder, the next two meetings of the Council will be held on Wednesday, September 5, 2012, at 1:30 p.m. in House Room D of the General Assembly Building and Monday, December 17, 2012, at 1:30 p.m. in House Room C of the General Assembly Building.



## VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

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*The 2012 version of FOIA, which became effective July 1, 2012, can be viewed on the FOIA Council website.*

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## Meeting Calendar for August 2012

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MLK Commission—Sesquicentennial of the  
Emancipation Proclamation Music Work Group  
Brenda Edwards

10:30 a.m., Friday, August 3, 2012—Senate Room A, GAB

Virginia Housing Commission  
Timeshare Sub-Work Group  
Elizabeth Palen

10:00 a.m., Tuesday, August 14, 2012—House Room C, GAB

Virginia Code Commission  
Jane Chaffin

10:00 a.m., Monday, August 20, 2012—6th Floor Speaker's  
Conference Room, GAB

Commission on Unemployment Compensation  
Frank Munyan

2:00 p.m., Monday, August 20, 2012—Senate Room A, GAB

JCOTS/Cyber Security Advisory Committee  
Lisa Wallmeyer

10:00 a.m., Tuesday, August 21, 2012—6th Floor Speaker's  
Conference Room, GAB

Virginia Housing Commission/Housing and  
Environmental Standards Work Group  
Elizabeth Palen

10:00 a.m., Wednesday, August 22, 2012—Senate Room B, GAB

### Work Group #3 Publicly Funded Services

10:00 a.m., Wednesday, August 22, 2012—4th Floor West Conference  
Room, GAB

Virginia Disability Commission  
Work Group #1 Housing and Transportation  
Work Group #2 Education and Employment  
Work Group #3 Publicly Funded Services  
Sarah Stanton/Tom Stevens

### Work Group #1 Housing and Transportation

12:00 p.m., Wednesday, August 22, 2012—5th Floor East  
Conference Room, GAB

### Work Group #2 Education and Employment

12:00 p.m., Wednesday, August 22, 2012—5th Floor West  
Conference Room, GAB

### Full Commission Meeting

2:00 p.m., Wednesday, August 22, 2012—House Room D, GAB

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## Meeting Calendar for September 2012

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JCOTS/Energy Advisory Committee  
Lisa Wallmeyer

1:00 p.m., Tuesday, September 4, 2012—House Room C, GAB

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Virginia Housing Commission/Continuing Care  
Retirement Communities Work Group  
Elizabeth Palen

**Full Commission Meeting**  
10:00 a.m., Wednesday, September 5, 2012—House Room C, GAB  
**Continuing Care Retirement Communities Work Group**  
1:30 p.m., Wednesday, September 5, 2012—House Room C, GAB

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JCOTS/Electronic Meetings Advisory Committee  
Lisa Wallmeyer

10:00 a.m., Wednesday, September 5, 2012—6th Floor Speaker's  
Conference Room, GAB

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FOIA Advisory Council  
Maria Everett/Alan Gernhardt

1:30 p.m., Wednesday, September 5, 2012—House Room D, GAB

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Virginia Code Commission  
Jane Chaffin

10:00 a.m., Monday, September 17, 2012—6th Floor Speaker's  
Conference Room, GAB

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JCOTS/Electronic Identity Management  
Advisory Committee  
Lisa Wallmeyer

**Full Commission Meeting**  
10:00 a.m., Monday, September 17, 2012—House Room C, GAB  
**Electronic Identity Management Advisory Committee Meeting**  
1:00 p.m., Monday, September 17, 2012—House Room 1, Capitol

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Virginia Bicentennial of the American War of  
1812 Commission  
Brenda Edwards and Jeff Sharp

**Advisory Council Meeting**  
10:00 a.m., Wednesday, September 19, 2012—House Room C, GAB  
**Full Commission Meeting**  
2:00 p.m., Wednesday, September 19, 2012—House Room C, GAB

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

# Joint Commission on Technology and Science

## Electronic Meetings Advisory Committee

July 16, 2012

The Electronic Meetings Advisory Committee (Advisory Committee) of the Joint Commission on Technology and Science (JCOTS) held its first meeting in Richmond. Delegate Joe May, Advisory Committee chair, noted that JCOTS had not looked at the issue of electronic meetings of public bodies in quite some time. He noted that technology has improved, and he would like to study how electronic meetings conducted pursuant to the Virginia Freedom of Information Act can be improved.

Mr. Fifer, chair of FOIA's Electronic Meetings Subcommittee, indicated that the FOIA Council had been studying bills seeking to amend electronic meetings for the past five years. He noted that the FOIA Council had adopted a policy that meetings should be held face-to-face whenever possible in order to allow the public to witness the deliberative process. He said he thought that the policies surrounding electronic meetings were not related to technology; he suggested that instead of seeking to expand the law, JCOTS should encourage state agencies to use the existing law.

### Background

Staff provided a brief overview of the existing law governing electronic meetings (§§ 2.2-3708 and 2.2-3708.1 of the *Code of Virginia*) and a history of electronic meeting laws in Virginia. Electronic meeting provisions were initially adopted in 1989. Staff explained that JCOTS has been involved in the development of electronic meeting laws since 1998, when it recommended a pilot program to the General Assembly that would allow for relaxed legal requirements in the conduct of electronic meetings in certain circumstances. The pilot

program has since expired, but JCOTS was actively involved in revisions to electronic meeting laws in 2005. The law was further amended in 2007, at the recommendation of the FOIA Council, to add certain exceptions to the requirements for electronic meetings in circumstances of personal emergencies and permanent or temporary disabilities of members of a public body.

Current law allows for state (but not local) public bodies to hold electronic meetings if certain requirements are met. A quorum of the public body must be present in one physical location in order for other members to meet electronically. The remote sites used for the meeting must be open to the public, and the location must be provided in the meeting notice. The meeting notice must include a phone number to be used in the event that the remote sites experience technical difficulties, and if the electronic connection is lost at any point during the meeting, the entire meeting must be suspended. Roll call votes must be taken for all votes during an electronic meeting, and the minutes of the meeting must reflect the roll call vote, as well as indicate the remote locations. Every public body that conducts an electronic meeting must have at least one meeting each year that is not conducted using electronic meetings, and every public body that conducts an electronic meeting must make an annual report to JCOTS and the FOIA Council.

Staff also provided a brief survey of electronic meeting laws in other states. Three other states—Louisiana, Massachusetts, and Oklahoma—do not allow electronic meetings under any circumstances, and Texas only allows electronic meetings in emergency situations. Many states allow electronic meetings without any special requirements, so long as the electronic meeting is not used to circumvent FOIA and public access to meetings. Of the states that have additional requirements, the most common are that all of the locations of the meeting be provided in the meeting notice, that all locations be open to the public, and that

*The Electronic Meetings Advisory Committee heard an overview of existing laws regarding electronic meetings.*

roll call votes be taken. Staff indicated that a more detailed memo outlining the 50-state survey would be compiled after the meeting.

Julian Phillips, Vice President,  
Whitlock

Mr. Phillips provided an overview of current technology and issues related to use of audiovisual (AV) technologies. Whitlock is a private corporation, headquartered in the metro Richmond area, that provides AV solutions to its customers. A copy of Mr. Phillips' presentation is available on the JCOTS website. His presentation began with a broad overview of how the digital world is evolving and changing. He provided an overview of a variety of types of AV technology. He indicated that AV meetings can be held in such a way that it seems as if all participants are seated around the table, even if some are joining the meeting from remote locations. However, he cautioned that to be successful, AV meetings and communications must be well planned for positive results.

#### Discussion

After the presentation ended, the members of the Advisory Committee and members of the public engaged in a general discussion. Much of the discussion focused on ways that technology could be used to augment public participation in meetings of public bodies. One issue that was mentioned is that if policies were adopted to provide more public access via technology solutions, marketing of the availability would be key.

A question was posed as to whether a public body was required to provide public access via audio or audiovisual means upon request. It was discussed that FOIA does not prohibit the use of technology to expand public participation (and public participation is not subject to any of the requirements noted above), but FOIA does not require a public body to provide an electronic connection upon request.

Members of the Advisory Committee directed staff to put together a framework of ideas related to electronic meetings and public participation to be discussed at the next meeting. Senator Miller requested that the Advisory Committee review the policy that currently prohibits local public bodies from utilizing electronic meetings. It was also requested that staff compile a matrix showing what activities are currently allowed under current law. Finally, it was decided that staff should try to set up a teleconference for the next meeting of the Advisory Committee.

#### Next Meeting

The next meeting of the Electronic Meetings Advisory Committee will be Wednesday, September 5, 2012, at 10:00 a.m. The meeting is currently scheduled to be held in the General Assembly Building, but this is subject to change if an electronic meeting is conducted.

## Electronic Identity Management Advisory Committee

*July 17, 2012*

The first meeting of the Electronic Identity Management Advisory Committee (Advisory Committee) of the Joint Commission on Technology and Science was held in Richmond. In addition to the members of the Advisory Committee, many interested parties from the private sector were present and actively participated in the Advisory Committee discussions. A call-in number was also set up to allow members of the public to participate in the meeting remotely.

The Electronic Identity Management Advisory Committee was established as a result of Senate Joint (SJ) Resolution 15 (2012). SJ 15 was introduced at the recommendation of JCOTS. SJ 15 stemmed from discussions last year concerning electronic identity management and related liability issues. The resolution directs JCOTS to review the state's role in authenticating an individual's identity as

*The Electronic Meetings Advisory Committee discussed ways that technology could be used to augment public participation in meetings of public bodies.*

well as the state's role in providing identification documentation. Additionally, JCOTS is directed to review issues regarding third-party liability of electronic credentials issued by private entities. In addition to the mandates of the study resolution, JCOTS also directed the Advisory Committee to review issues related to data sharing among government agencies, an issue highlighted by a proposed amendment by the Governor to the biennial budget that failed to pass the General Assembly.

The Honorable Bill Hazel, Secretary of Health and Human Resources

Secretary Hazel provided an overview of a current initiative in his Secretariat called eHHR. A copy of his presentation, and an overview of the eHHR program, is available on the JCOTS website. On a very high level, the goals of eHHR are to modernize eligibility and enrollment services, using a framework that could be easily used for other functions. The project is helmed by the Secretary of Health and Human Resources and the Secretary of Technology and involves several agency heads.

Of particular interest to the Advisory Committee is the collaboration with the Department of Motor Vehicles (DMV) to assist in authenticating that persons who apply for certain services are who they say they are. Because DMV has the most documentation concerning individuals, part of the program involves the establishment of an "Enterprise Services Bus" that uses enterprise data management software to verify that an applicant is who he says he is. It is important to note that by comparing data with DMV and other sources, case information is not shared (such as medications, medical history, etc.)—instead demographic attributes, such as date of birth, address, etc., that help to establish an individual's unique identity are compared.

John Biccum, Security Strategist, Microsoft

Mr. Biccum provided a conversational overview of authentication and authorization. In online transactions, it is important to be able to authenticate that a person is who he says he is. Once transactions are moved online, the pool of potential imposters is greatly expanded. There are several online transactions that are technologically feasible, but without being able to authenticate a user to a high degree of probability, they are not conducted online. Title transfers are an example. These transactions are not conducted online today because we lack the ability to authenticate that a person transferring a title is indeed that person.

Standards exist to provide for authentication of individuals. National Institute of Standards and Technology standards range from Level One (the lowest level, self-authentication) to Level Four (virtually certain authentication). The costs and complexity increase from level to level. There are private vendors that would be interested in selling authentication credentials. However, liability is a key concern. Mr. Biccum indicated that Virginia's study of this issue is trendsetting, and that Virginia has the opportunity to become a magnet for the Internet-based economy. One of the potential solutions is the establishment of a trust framework. With such a framework in place, a credential provider's liability could be capped if he operated according to the provisions of the framework, and an entity accepting the credential would be on notice as to what standards the provider has adhered to. Secretary Hazel noted that this is not unlike the enhanced memorandum of understanding used by the various agencies participating in the eHHR program.

#### Discussion

The members of the Committee and the members of the public posed many different questions and issues during the discussion portion of the meeting. Future meeting topics include a presentation

*The National Institute of Standards and Technology has levels of standards that provide for authentication of individuals.*

concerning Virginia's credentialing efforts for first responders, as well as presentations from the private sector regarding credentialing efforts.

#### Next Meeting

The next meeting of the Electronic Identity Management Advisory Committee is scheduled for September 17, 2012, at 1:00 p.m. in House Room 1 at the Capitol.

*The Electronic Identity Management Advisory Committee will review the state's role in authenticating an individual's identity and the state's role in providing identification documentation.*



#### JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

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**Prefiling  
for the 2013 Regular Session  
began on Monday, July 16, 2012.**

**The last day to act on continued  
legislation is Thursday,  
November 29, 2012.**

**Members of the General  
Assembly requesting multiple  
copies of Division of  
Legislative Services  
publications should email  
[mtanner@dls.virginia.gov](mailto:mtanner@dls.virginia.gov).**



## *Did You Know?*

“*Did You Know?*” appears in each issue of the *Virginia Legislative Record*. The article features important topics or interesting facts relevant to the Virginia legislature. For general questions or issue suggestions, please contact the Division at (804) 786-3591 or email [mtanner@dls.virginia.gov](mailto:mtanner@dls.virginia.gov).

### **Legislative Role in Virginia’s Regulatory Process**

Members of the legislature are involved in the regulatory process through various commissions and committees.

The **Virginia Code Commission**, staffed by the Division of Legislative Services, appoints a Registrar of Regulations to oversee the:

- Central repository for state agency regulations.
- Publication of the biweekly *Virginia Register of Regulations*.
- Compilation of regulations into the *Virginia Administrative Code*.

In addition, the Code Commission monitors the Administrative Process Act (APA) through the Administrative Law Advisory Committee, which studies rulemaking issues.

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

The **Joint Commission on Administrative Rules (JCAR)** may:

- Review existing regulations or the failure of an agency to adopt a regulation and recommend to the Governor and the General Assembly that a regulation be modified, repealed, or adopted.
- Review regulations during the promulgation or final adoption process and make recommendations to the Governor and General Assembly for action based on its review.

JCAR receives copies of economic impact analyses on proposed and fast-track regulations prepared by the Department of Planning and Budget and is notified by agencies when regulations might have an effect on small businesses.

<http://dls.virginia.gov/commissions/car.htm>

**Applicable legislative standing committees or JCAR** may:

- Object to regulations going through the APA, resulting in a delay in the regulatory process.
- Suspend the effective date of a regulation with the concurrence of the Governor until the end of the next regular legislative session.
- Object to any rulemaking that the Governor has determined to be noncontroversial and that is being promulgated through the fast-track rulemaking process, which will require the agency to conduct the rulemaking under the provisions of the APA.

The **Joint Legislative Audit and Review Commission** conducts a periodic review of the exemptions authorized by the APA to assess whether there are any exemptions that should be discontinued or modified.

<http://jlarc.virginia.gov/>

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*Jane D. Chaffin, Registrar of Regulations*

## 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 this section of the *Virginia Legislative Record* will assist 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](mailto:epalen@dls.virginia.gov) or the Code Commission staff at (804) 786-3591 for further information.

## TITLE 1. ADMINISTRATION

### STATE BOARD OF ELECTIONS

**1VAC20-70. Absentee Voting (amending 1VAC20-70-10).**

A public hearing will be held at 2 p.m. on August 23, 2012, at the General Assembly Building in Richmond. Written public comments may be submitted until August 17, 2012.

Summary:

*The amendment removes “temporary” from the definition of “Federal only ballot overseas voter.”*

For more information, please contact Martha Brissette, Policy Analyst, State Board of Elections, Richmond, VA 23219, telephone (800) 552-9745 ext. 8925, fax (804) 786-0760, TTY (800) 260-3466, or email [martha.brissette@sbe.virginia.gov](mailto:martha.brissette@sbe.virginia.gov).

## TITLE 2. AGRICULTURE

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

**2VAC5-320. Regulations for the Enforcement of the Endangered Plant and Insect Species Act (amending 2VAC5-320-10).**

A public hearing will be held at 2 p.m. on August 7, 2012, at the Alson H. Smith, Jr. Agricultural Research & Extension Center in Winchester. Written public comments may be submitted until August 31, 2012.

Summary:

*The proposed regulatory action amends the regulation to (i) remove the species that are no longer considered globally rare and (ii) add those threatened or endangered plant and insect species that are considered to be globally rare.*

For more information, please contact Erin Williams, Policy and Planning Coordinator, Department of Agriculture and Consumer Services, Richmond, VA, 23218, telephone (804) 786-1308, fax (804) 371-7479, TTY (800) 828-1120, or email [erin.williams@vdacs.virginia.gov](mailto:erin.williams@vdacs.virginia.gov).

## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### VIRGINIA SOIL AND WATER CONSERVATION BOARD

**REGISTRAR'S NOTICE:** The Virginia Soil and Water Conservation Board is claiming an exemption from the Administrative Process Act pursuant to § 10.1-104.9 of the *Code of Virginia*, which establishes a regulatory process for the promulgation of regulations for the enforcement of Article 1.1 (§ 10.1-104.7 et seq.) of Title 10.1 of the *Code of Virginia* relating to resource management plans.

#### **4VAC50-70. Resource Management Plans (adding 4VAC50-70-10 through 4VAC50-70-150).**

Public hearings will be held as follows:

August 13, 2012, 7 p.m. - Bland Hall, Room 104, Wytheville Community College, 1000 East Main Street, Wytheville, VA

August 14, 2012, 7 p.m. - Smith Transfer Room West, Augusta County Government Center, 18 Government Center Lane, Verona, VA

August 15, 2012, 7 p.m. - Community Room A, James City County Community Center, 5301 Longhill Road, Williamsburg, VA

Written public comments may be submitted until September 14, 2012.

#### Summary:

*In accordance with Chapter 781 of the 2011 Virginia Acts of Assembly (HB 1830), this action establishes a new regulation related to resource management plans (RMPs) that represents a balanced process by which farmers may voluntarily implement a high level of best management practices that are protective of water quality and that may be applied toward necessary nutrient and sediment reductions associated with the Chesapeake Bay Watershed Implementation Plan and other total maximum daily loads.*

*Substantive elements of this proposed regulatory action include (i) establishment of minimum standards of an RMP; (ii) processes for the development, updating, and approval of an RMP by RMP reviewers; (iii) processes to ensure the implementation of an RMP and for issuance of a Certificate of RMP Implementation; (iv) processes associated with conducting inspections by the RMP reviewer and ensuring RMP compliance after certificate issuance by the Department of Conservation and Recreation, including issuance of deficiency notices and development and implementation of corrective action agreements; (v) procedures for the review of duties performed by local soil and water conservation districts; and (vi) establishment of qualifications and certification processes for RMP developers and the issuance or revocation of an RMP developer certificate by the Department of Conservation and Recreation.*

For more information, please contact David C. Dowling, Policy and Planning Director, Department of Conservation and Recreation, Richmond, VA 23219, telephone (804) 786-2291, fax (804) 786-6141, or email [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).



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