

Virginia Legislative Record

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HJR 711: Joint Subcommittee to Study the Transportation Network of Hampton Roads

November 10, 2009

The joint subcommittee met at the Virginia Modeling, Analysis, and Simulation Center (VMASC) in Suffolk. Delegate Chris Jones, chairman, called the meeting to order.

Chairman Jones explained that when the Hampton Roads Metropolitan Planning Organization (MPO) began seeking to prioritize proposed transportation improvement projects for the region, he had discussed with VMASC and the joint subcommittee the possibility of developing a list of transportation metrics for assessing network benefits for improvements to the Hampton Roads Bridge-Tunnel and the following six proposed projects:

- Widening of I-64 on the Peninsula.
- Construction of the Third Crossing between the Peninsula and Southside Hampton Roads.
- The Southeast Parkway/Dominion Project from Virginia Beach to Chesapeake.
- Widening I-64 in Southside from Battlefield Boulevard in Chesapeake to Bowers Hill in Suffolk.
- Widening the Midtown Tunnel and extending the MLK Freeway to I-264.
- Improving U.S. 460.

This was done with the goal of providing for an objective analysis that allows a comparison of each of the assessed alternatives.

Presentation

Mike Robinson, VMASC Senior Project Scientist

Mr. Robinson explained that metrics would most likely be employed in VMASC's analysis and presented a draft timeline for the project:

- December 1, 2009: official project start.
- February 10, 2010: briefing on proposed metrics.
- May 2010: accident-incident forecast complete.
- August 2010: peak-hour matrix complete.
- September 2010: congestion analysis.
- October 2010: accident-incident predictions integrated into model.
- December 2010: final report.

Final Recommendation

The Chairman will offer legislation during the 2010 Session to extend the joint subcommittee's mandate for an additional year to monitor VMASC's work and its impact on the Hampton Roads MPO's transportation project priorities.

HJR 711

Joint Subcommittee to Study the Transportation Network of Hampton Roads

Delegate S. Chris Jones, Chair

Alan Wambold and Caroline Stalker, DLS Staff

(804) 786-3591

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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.

HJR 91: Joint Subcommittee Studying Ways in which the Commonwealth May Work More Closely with Virginia's Private, Nonprofit Colleges to Meet State Higher Education Needs

November 16, 2009

For 2009-2010, the award amounts for Tuition Assistance Grants were \$3,200 per year for undergraduate students and \$2,200 per year for graduate students.

The joint subcommittee met in Richmond with Senator Frank M. Ruff, Jr., the joint subcommittee's vice-chairman, presiding. The purpose of the final meeting was to consider and discuss potential final recommendations.

Potential Final Recommendations

State-supported student loan program

This potential legislative proposal would create an updated or "hybrid" Virginia Education Loan Authority (VELA), or could involve Virginia buying into an existing program in another state. The hybrid program would offer federal and alternative loans to students attending Virginia institutions of higher education. A guaranty fund would be created to cover losses and the program would be authorized to accept federal, state, or private funds.

Support for capital projects

This proposal would provide direct support for institutions, or create a fund from which projects can be chosen, based on criteria set by the state. This could be structured similar to Maryland or New York's current program. Maryland's program provides for coordinated budget requests through an independent college authority. The proposed projects must meet certain higher education goals set by the state of Maryland in order to be considered and a 1:1 match by the institution is required. In 2010 three member institutions are to receive \$9 million. New York's program provides for a state contribution of one dollar of support for every three dollars spent by the independent college. Grants are awarded by the Higher Education Capital Matching Grant Board consisting of three members, and as of August 6th, 2009, 48 capital projects at 39 colleges had been approved for 2009-2010.

Credit enhancement programs/incentive grants

Based on Mr. Pope's presentation in August 2009, the Commonwealth could lend its credit

through a program similar to the Virginia Resources Authority (VRA), as well as set up incentive grants for preferred projects to lower borrowing costs for private colleges. The credit enhancement program would be a little stronger than the Virginia College Building Authority, currently available to nonprofit institutions, as it would allow private colleges to take advantage of bond financing at very affordable low interest rates, through the Commonwealth's subject-to-appropriation undertaking to provide funds necessary to pay bonds if, and only if, the basic payment sources are inadequate. The subject-to-appropriation language provides the necessary assurance to national ratings agencies that the bonds will be paid, but legislation would need to impose standards that would reduce to an absolute minimum the chances that the Commonwealth's subject-to-appropriation obligation would ever be called on. In addition, incentive grants could be utilized to promote capital projects, increase enrollment of Virginia students, or increase financial assistance to Virginia residents.

Shortage area funding

Virginia has two existing programs, for teachers and nurses; these could be expanded, or new programs added based on need.

Tuition Assistance Grant expansion/promotion

This could involve an increase in the award amount or creation of a TAG website or promotional campaign. The 2009-2010 award amounts provide \$3,200/year for undergraduate students and \$2,200/year for graduate students. Currently, the award amount represents roughly 51 percent of the average state tuition subsidy to public institutions for in-state students.

Direct per capita funding

Direct appropriations to nonprivate colleges and universities could be based on the number of students enrolled, degrees granted, minorities or special needs students enrolled, or the number of Virginia residents enrolled.

State matching program for either federal or private research grants.

There was little discussion regarding this item due to state budget concerns.

Final Recommendations

The joint subcommittee voted to put forth one legislative recommendation during the 2010 Regular Session of the General Assembly. The recommendation would create a credit enhancement program modeled after the VRA to allow the nonprofit private institutions to take advantage of the Commonwealth's credit rating in obtaining bond financing. The program would impose a moral obligation on the Commonwealth to step in if a private college or university defaults at any time. The members emphasized that strict criteria should be imposed in order for a private institution to be eligible to participate and to further minimize risk to the Commonwealth.

In addition, lengthy discussion established the desire of the joint subcommittee to include language in the final report that is supportive of several of the other proposed recommendations for which the current economic conditions in the Commonwealth make implementation difficult. An executive summary of the joint subcommittee's

findings and recommendations will be submitted no later than the first day of the 2010 Regular Session of the General Assembly and a final report will be submitted to the General Assembly and to the Governor in 2010.

HJR 91

Joint Subcommittee Studying Ways in which the Commonwealth May, Work More Closely with Virginia's Private, Nonprofit Colleges to Meet State Higher Education Needs

Delegate Phillip A. Hamilton, Chair

Jessica Eades, Nicole Cheuk

DLS Staff

[study website](#)

<http://dls.virginia.gov/nonprofitedu.htm>

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The joint subcommittee voted to put forth one recommendation for the 2010 Session: the creation of a credit enhancement program.

HJR 72: Joint Subcommittee Studying Public-Private Partnerships Related to Seaports in Virginia

November 20, 2009

The joint subcommittee studying public-private partnerships related to seaports in Virginia held its seventh meeting at Old Dominion University in Norfolk, Virginia.

Presentations

The Honorable Patrick O. Gottschalk,
VA Secretary of Commerce and Trade

Secretary Gottschalk's presentation focused on the economic impact of the Port of Virginia (Port), its major competitors, and its strengths. He explained that the Port is a major economic engine for the state and a key factor in attracting business to Virginia and allows Virginia to be highly competitive in the global economy. For many companies, proximity to the Port has been an important contributing factor in the decision to locate or expand in Virginia. Regarding the economic impact of the Port, there are 343,000 port and port-related jobs statewide and \$41.1 billion in business revenues. The Port generates \$720.4 million in state and local tax revenue.

In terms of competition, Secretary Gottschalk explained that the Port competes primarily with the Ports of New York and New Jersey, Savannah, and Charleston. Smaller competitors include Baltimore, Wilmington, and Jacksonville.

Secretary Gottschalk next looked at the Port's strengths and stated that regardless of ownership structure, the following strengths must be preserved or enhanced:

- Competitive rates.
- Modern terminals.
- An historically strong relationship with the International Longshoremen's Association.
- An outstanding track record in safety and security.
- The capacity to expand.
- The excellent freight capacity.
- The intermodal access.
- The deepest commercial shipping channels on the East Coast.
- No overhead obstructions.
- Being home to the world's largest and fastest container cranes.
- Being 18 miles from open ocean.

Shipping volumes
are not expected
to increase to the
2007 levels until
2011.

Joseph Dorto, President & CEO, Virginia International Terminals, Inc.

Mr. Dorto explained that the Heartland Corridor is expected to open in the second half of 2010 and the International Longshoremen's Association's contract was extended for another three years. In addition, negotiations with APM Terminals continue. All of these developments can only make the Port more attractive to companies.

Jerry Bridges, Executive Director,
Virginia Port Authority

Mr. Bridges provided some brief remarks. Mr. Bridges stated that he is hearing from shippers that in the second half of 2010, the industry will be in full recovery, though volumes will not increase to the 2007 levels until 2011. Virginia is an attractive gateway.

Jo Anne Maxwell, Sr. Assistant Atty.
Gen./Section Chief for Transportation,
Office of the Attorney General

Ms. Maxwell answered questions about the Public-Private Partnership Act.

December 3, 2009

The joint subcommittee held its eighth and final meeting at the Virginia Aquarium & Marine Science Center in Virginia Beach. After an introduction by Chairman Purkey, Lynn Clements, Executive Director of the Virginia Aquarium & Marine Science Center, provided welcoming remarks to the members and audience.

The joint subcommittee then heard testimony from the Carlyle Group, Carrix, Inc./Goldman Sachs, and CenterPoint Properties. The testimonies relate to the aforementioned companies' unsolicited proposals to operate Virginia's publicly operated seaports.

Barry Gold, Managing Director, The Carlyle Group

Mr. Gold provided a private equity snapshot as well as an overview of The Carlyle Group. A copy of his presentation can be found at: <http://dls.virginia.gov/GROUPS/ports/MEETINGS/120309/Carlyle.pdf>.

Bob Watters, Vice-President & Director,
Business Development for Carrix, Inc.

Mr. Watters provided an overview of Carrix and Goldman Sachs as well as a summary of

their proposal. A copy of his presentation can be found at: <http://dls.virginia.gov/GROUPS/ports/MEETINGS/120309/Carrix.pdf>.

Paul Fisher, President, CenterPoint Properties

Mr. Fisher provided an overview of CenterPoint Properties and reviewed the case for a strategic partnership and CenterPoint's strategic partnership proposal. A copy of his presentation can be found at: <http://dls.virginia.gov/GROUPS/ports/MEETINGS/120309/CenterPoint.pdf>.

Final Recommendations

After the presentations, Chairman Purkey asked the members to provide final comments. He also asked that the members send written findings and recommendations to staff for inclusion in the final report. Chairman Purkey thanked the presenters and members for their hard work.

HJR 72

Joint Subcommittee Studying Public-Private Partnerships Related to Seaports in Virginia

Delegate Harry R. Purkey, Chairman

Caroline Stalker, Kevin Stokes

DLS Staff

study website

<http://dls.virginia.gov/ports.htm>

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

Did You Know?

"Did You Know?" will appear in each issue of the *Virginia Legislative Record*. The article will feature important topics or interesting facts that are relevant to the Virginia legislature. For general questions or suggestions for a future issue, please contact DLS at (804) 786-3591 or emiller@dls.virginia.gov.

New Bill Request System and Prefiling

Thank you to all who participated in our new online bill request system. By the time we hit the 5 p.m. deadline on Monday, December 7, we had received 956 requests electronically. This represents approximately 33 percent of all prefiled requests and is beyond our estimates for the first year of operation. We will continue to use the system for original bill requests filed with us, but it will not be available for substitutes and amendments during the Session. They must be requested through the Legislative Services staff assigned to the Committee where the bill is to be heard.

Remember, the new system is a great tool for managing your patron report throughout the Session. Contact Diane Seaborn or Laura Willborn at the DLAS Help Desk ((804) 786-9631) to obtain your user ID and initial password. For security purposes, this will be a different user ID and password than you use for other applications in LIS. If you or your legislative assistant need help, please call my assistant, Tricia Hagan, or Mary Kate Felch.

Thanks again for your support of our efforts. We are confident that the advances we are making will save time and state resources and, most importantly, provide you with better service.

E.M. Miller, Jr.
Director



DLS BULLETIN BOARD

- Joint subcommittees on studies should submit an executive summary including findings and recommendations to DLAS by the first day of the General Assembly's Regular Session.
- All requests for drafts of legislation for prefiling to be submitted to DLS by 5:00 p.m. on December 7, 2009.
- All drafts of legislation to be prefiled returned by DLS for requester's review by midnight January 1, 2010.
- All requests for drafts, redrafts, and corrections of legislation creating or continuing a study to DLS by 5:00 p.m. on January 8, 2010.
- All requests for redrafts and corrections for legislation to be prefiled to DLS by 5:00 p.m. on January 8, 2010.
- Covered drafts of legislation to be prefiled available at DLS by noon on January 12, 2010.
- All requests for drafts, redrafts, and corrections for first-day introduction bills to be submitted to DLS by 5:00 p.m. on January 12, 2010.
- Prefiling for the 2010 Session ends at 10:00 a.m. on January 13, 2010.
- The 2010 General Assembly convenes on January 13, 2010, at noon.

Virginia Sesquicentennial of the American Civil War Commission

11/9/09

Speaker Howell, Chairman, welcomed everyone and highlighted a number of successes of the past year: the first Signature Conference, a joint kickoff event at Harpers' Ferry, and the distribution of an educational DVD to every public school in Virginia.

Staff Reports

DVD for Schools - *Virginia in the Civil War: A Sesquicentennial Remembrance*

Ms. Jackson reported that the DVD, *Virginia in the Civil War: A Sesquicentennial Remembrance*, along with an accompanying content outline and a flier outlining sesquicentennial programs that may have special interest to educators, was distributed the week of November 2 to every public elementary, middle, and high school throughout the Commonwealth.

Ms. Jackson mentioned that staff has received numerous inquiries from private school teachers and others who would like to obtain copies of the DVD, and requested guidance from the Commission on selling the DVD through the Commission's website, and at a discount to educators. A motion passed that the Commission approve the sale of the DVD, *Virginia in the Civil War: A Sesquicentennial Remembrance*, at a cost of \$20.00 plus shipping and handling, with a special discount for educators.

Ms. Jackson requested further guidance from the Commission on whether or not local committees would be allowed to air the DVD on local access channels. No consensus was reached, but the Commission agreed to revisit the question in six months. The Commission also deferred the decision of whether or not to make the DVD accessible to educators on a password-protected area of the Commission's website.

National Endowment for the Humanities Grant

Ms. Jackson reported that the Commission and its project partner, the Virginia Historical Society, had recently received a Chairman's Special Award grant in the amount of \$950,000 from the National Endowment for the Humanities: \$500,000 was allocated to the VHS gallery museum exhibition and \$450,000 to the HistoryMobile.

2009 Kickoff Events

Ms. Jackson briefly reviewed the 2009 sesquicentennial commemoration kickoff events. The first program in the Commission's Signature Conference Series was held this past April and was an overwhelming success. Sales of the conference DVD have been brisk. Ms. Jackson praised the efforts of Dr. Ayers and the University of Richmond staff for producing a manuscript that has been accepted by UVA Press for publication. Ms. Jackson introduced Elizabeth Chenery, who helped coordinate logistics for the conference in April and has subsequently become familiar with the editorial process required for producing the conference publication. For the sake of continuity and efficiency, it was the consensus of the Commission to engage Ms. Chenery as an editorial assistant and logistics advisor throughout the conference series.

Ms. Jackson also reported on the success of the joint event held by the Virginia and the West Virginia Civil War Sesquicentennial Commissions in June. Attendees were treated to a screening of clips from *Virginia in the Civil War: A Sesquicentennial Remembrance*, as well as a pilot vodcast tour developed by the Commission in partnership with the National Park Service. In addition, a panel of noted historians held a discussion on the opportunities of the sesquicentennial.

Local Sesquicentennial Committees

Staff held regional informational meetings for local sesquicentennial committees over the summer and found there is a lot of energy and interest being generated for the commemoration. Local committees continue to update information on the Then/Now interactive map on the Commission's website. Staff encouraged local committees to build on Commission projects when developing local programming and when submitting grant applications to the Commission's tourism marketing grant program. Review of local committee grant applications will be done mid-November 2009 with recommendations reported to the Executive Committee in December.

Project Review Team

A Project Review Team had been formed to advise the Commission on the development and build-out of the content for the *Civil War 150 HistoryMobile*. The Project Review Team is also consulting on the development of a Teacher Staff Ride program as well as a regimental history database tentatively titled, "Walk in Their Footsteps." Recommendations of the Project Review Team will be presented to the Commission in the coming months.

Federal Sesquicentennial Legislation

Legislation to create a sesquicentennial commemoration commission at the federal level has recently been introduced and will continue to be monitored by staff.

Development Report

Ms. Howell updated the Commission on development efforts. To date, the Commission has raised over \$1.2 million to offset the state's financial contribution for sesquicentennial programming. In addition to the \$950,000 NEH grant, substantial support has been committed by prominent corporations and foundations. A \$25,000 grant from the Roller-Bottimore Foundation purchased all of the servers, scanners, and required infrastructure for the Commission's document digitization effort, *The Legacy Project*, which is being developed in partnership with the Library of Virginia.

Presentations

THE LEGACY PROJECT: DOCUMENT DIGITIZATION AND ACCESS - LIBRARY OF VIRGINIA

Dr. Sandra G. Treadway, Librarian of Virginia Lyndon H. Hart, III, Director, Description Services Branch

Dr. Treadway and Mr. Hart provided a status update on *The Legacy Project: Document Digitization and Access*. Mr. Hart summarized the project objectives and reported that beta test visits to Danville and Winchester were successful, with over 800 images scanned. Further, a number of local committees have expressed interest in participating in the project. Based on this success, Library staff requested that the Commission allocate \$262,226 to fund Phase I of the project - collection of images statewide. A motion passed that the Commission approve funding for full implementation of Phase I in the amount of \$262,226.

Dr. Treadway thanked the Commission and indicated materials collected during the beta test visits can be accessed on the Library of Virginia's Virginia Memory web page at http://www.virginiamemory.com/collections/collections_a_to_z, under "Civil War Legacy Project."

SESQUICENTENNIAL MARKETING PROGRAM - VIRGINIA TOURISM CORPORATION

Richard Lewis, National Public Relations Mgr.
Sean McCarthy, Research Director

Staff from the Virginia Tourism Corporation (VTC) reported on Commission-funded marketing and

tourism research activities to date. Mr. Lewis reported that the main goal for the sesquicentennial marketing plan is to reach out to the general public as well as those interested in history and heritage tourism in general, and encourage them to come to Virginia for the sesquicentennial.

Mr. Lewis described the Civil War media tour held for 17 travel journalists in September, noting that it was a big success and has already generated several news stories. Mr. Lewis also reported that the VTC has received nine applications so far in the second round of sesquicentennial tourism marketing grants.

Mr. McCarthy reported on the marketing research conducted by the VTC and funded by the Commission. Survey results show that 22 percent of the target markets say that Civil War historic sites are significantly important when choosing travel destinations in Virginia. Additionally, one in seven tourism dollars come from travelers interested in Civil War history. Based on these and other figures, the VTC suggests a three-tiered marketing strategy aimed at Civil War Travelers, History & Heritage Travelers, and Leisure Travelers to capture the largest audience possible during the commemoration. Additional information on the VTC marketing research report can be viewed on the Commission's website.

2010 SIGNATURE CONFERENCE - "RACE, SLAVERY AND THE CIVIL WAR: THE TOUGH STUFF OF AMERICAN HISTORY"

Dr. Cassandra Newby-Alexander, Dr. Charles Ford, Dr. William Alexander, Norfolk State University Host Committee leaders

Ms. Jackson presented the program proposal for the second Signature Conference to be chaired by acclaimed historian, Dr. James O. Horton, and hosted by Norfolk State University (NSU) on September 24, 2010. The conference program will be divided into a morning and afternoon panel discussion with renowned Civil War historians, including Pulitzer Prize-winning author, Dr. James McPherson. Discussions in the morning will focus on the history of race, slavery and the Civil War, while afternoon discussions will focus on the memory and interpretation of the same. The NSU host committee representatives gave an overview of the university's goals for the conference program, which will be held in the L. Douglas Wilder Performing Arts Center, and described a number of exciting additional activities the committee is planning in partnership with area museums, historical sites, and tourism bureaus to highlight the university and the greater Norfolk area's Civil War assets. A motion passed to approve the 2010 conference proposal.

2011 SIGNATURE CONFERENCE - "AMERICAN MILITARY STRATEGY IN THE CIVIL WAR"

Dr. James I. Robertson, Jr., Conference Chair

Dr. Robertson reviewed plans for the Signature Conference to be held at Virginia Tech May 21, 2011. Dr. Robertson will serve as conference chair and planning is well underway. Thus far, seven historians have accepted the offer to participate. Additionally, the Stonewall Brigade Band has agreed to provide noontime entertainment for the conference, which will be held in Cassell Coliseum. A motion passed that the 2011 conference proposal be approved in concept.

PARTNERSHIP WITH VIRGINIA STATE PARKS AND CAPITOL-TO-CAPITOL TRAIL

Joe Elton, State Parks Director, Virginia Dept. of Conservation and Recreation

Mr. Elton briefly updated the Commission on the information kiosks developed and installed throughout the state for state park system visitor use. Mr. Elton offered to let the Commission add Civil War-related information to the existing kiosk system. Partnering with the state parks and using existing infrastructure, rather than developing new kiosks, will save approximately \$600,000.

A motion passed for the Commission to work collaboratively with the state parks and Imperial Multimedia to incorporate its web-based resources on the existing kiosks in the state park system, the Capitol Trail, and on www.virginiaoutdoors.net

At Speaker Howell's request, Richard Lewis agreed that the Virginia Tourism Corporation would collaborate with this partnership by sharing the VTC's hotel, restaurant, lodging, and reservation data.

More information on the park system information kiosks can be found at <http://www.virginiaoutdoors.net>.

ANNIVERSARY OF THE FIRST BATTLE OF MANASSAS (JULY 21, 2011) - LOCAL PLANNING

Ed Clark, Superintendent, Manassas National Battlefield Park
Creston Owen, Chairman, Virginia Civil War Events, Inc.

Mr. Clark reported on plans to commemorate the 150th anniversary of the First Battle of Manassas on July 21, 2011. The National Park Service (NPS) is coordinating with Commission staff and the Prince William County local sesquicentennial committee on plans for events and activities surrounding the anniversary. In

addition, each sixth grade student in Prince William County will visit the battlefield in 2011.

Mr. Clark invited the Commission to participate at the 150th anniversary event to be held at Manassas National Battlefield Park in July 2011, which will be national in scope. In response to questions, Mr. Clark affirmed that a request for funding was not attached to the invitation.

A motion passed that staff work with the National Park Service to develop a commemorative program at the Manassas National Battlefield Park to mark the 150th anniversary of the First Battle of Manassas

Mr. Owen reported on the activities of a new nonprofit corporation, Virginia Civil War Events, Inc. A sesquicentennial headquarters will be opening soon in downtown Manassas, and plans are underway for a weeklong event in July 2011. Mr. Owen indicated that it is imperative that Manassas take advantage of the opportunities to capitalize on its Civil War history and increase visitation to the area, much as Gettysburg has done. Additional details on this event and other related activities can be found at <http://www.manassascivilwar.org> and at <http://www.virginiacivilwarevents.org>.

Other Business

Mr. Ackerly asked that staff draft a letter of congratulations from the Commission to the Civil War Preservation Trust and the Shenandoah Valley Battlefield Foundation on the recent preservation of 209 acres at the site of the Third Battle of Winchester.

VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION

SPEAKER WILLIAM J. HOWELL, CHAIR

Cheryl Jackson, Brenda Edwards,
and Michele Howell, DLS Staff

Telephone (804) 786-3591

<http://dls.virginia.gov/civilwar.htm>

<http://www.virginiacivilwar.org>

State Water Commission 11/9/09

The State Water Commission met in Richmond with the meeting focused primarily on possible legislation for the 2010 Session.

Presentation

Scott Kudlas, Department of Environmental Quality (DEQ)

Mr. Kudlas followed up his presentation from the July 9, 2009, meeting of the State Water Commission with a discussion of the financial resources necessary to implement water resources programs. Mr. Kudlas detailed the fiscal needs of a water supply program divided into three scenarios: a basic, expanded, and optimal program. For each program, Mr. Kudlas noted the equipment and staff needed for such program. The basic program would require well-drilling equipment, three staff persons to operate the well-drilling equipment, four new staff persons to draft the backlog of groundwater permits, and one contracted station and two drilled stations per year. Additional personnel would also be needed to issue permits in the new management area. Observation wells are particularly needed in the Northern Neck and the Middle Peninsula, where existing data gaps should be closed. DEQ would contract out observation well stations in locations where water levels are lower than predicted and geophysical cores in locations where some aquifers appear to be missing. The contracting would be needed to supplement DEQ drilling. The minimal cost of a basic effort would require an upfront, initial investment of \$4 million. The expanded and optimal level programs include additional wells and gauges for more extensive data management.

Members asked about the relative cost effectiveness of private or government-owned drilling operations, which is affected by procurement laws and a dearth of interested, experienced contractors for this type of hard rock drilling. Members also expressed doubt in the ability to raise more funds in the current economic climate, though they hoped to provide adequate funds in the future. In response to a request by a member, Mr. Kudlas will prepare a funding strategy paper to elaborate on his presentation and provide such paper at the next scheduled meeting of the commission.

Legislative Proposals

Establishment of Technical Advisory Committee

Staff reviewed possible legislation before the Commission. The first piece of legislation establishes a Technical Advisory Committee (TAC) to assist with the review and implementation of water supply-related issues. The group would be facilitated by DEQ and composed of water users, water providers, conservationists, state and federal officials, and university faculty. Specific issues for the TAC to examine would include:

- Procedures for incorporating local and regional water supply plans into the state water resources plan and minimizing potential conflicts among various submitted plans.
- The development of methodologies for calculating actual and anticipated future water demand.
- The funding necessary to ensure that the needed technical data for development of a statewide planning process is available.
- The effectiveness of the planning process in encouraging the aggregation of users into common planning areas based on watershed or geographic boundaries.
- The impact of consumptive use and reuse on water resources.
- Opportunities for use of alternative water sources, including water reuse and rainwater harvesting.
- Environmental flows necessary for the protection of instream beneficial use of water for fish and wildlife habitat.
- Other policies and procedures that the Director of the Department of Environmental Quality determines may enhance the effectiveness of water supply and water resources planning in Virginia.

The members inquired about the appropriate selection of members and the cost to DEQ for assisting the TAC. The Commission voted to support the proposed legislation.

Limited Data Issues

The second draft addresses limited data that hinder the state's ability to manage its water resources. In an effort to mitigate this issue, a law was enacted in 1989 that requires any water user who withdraws one million gallons in a single month for crop irrigation, or whose daily average during a single month exceeds 10,000 gallons per day (300,000 per month) to report on their water withdrawal. However, no sanction accompanied this requirement and compliance has been minimal. The draft gives the State Water Control Board the authority to impose a civil penalty, not to exceed \$1,000, on those failing to report their withdrawals. The moneys collected would go into a special fund to be allocated

solely to fund the Department's water supply planning responsibilities. Members expressed interest in who would be affected by this change and how such person would be notified of the changes in legislation. A member suggested amendments that would not permit penalization for violations prior to notification that such a violation has occurred. The commission voted to support the draft proposal contingent upon changes consistent with the member's suggestion. Another member stated his intent to vote against the provision because of his concerns that farmers might be negatively impacted with regard to water access from farm ponds.

Memorandums of Agreement

The third draft requires that a memorandum of agreement be signed that provides for the timely transmission of private and community well construction records between the Department of Health and DEQ. The records are invaluable for tracking groundwater resources across the state and necessary to avoid subsidence—which is the nonreversible collapse of an aquifer from excessive water extraction—and incidents of saltwater intrusions. The Department of Health and DEQ are now involved in developing procedures for the sharing of well construction permit information. The Commission postponed action on this measure.

Increasing Funding for Water Supply Planning

The fourth draft aims to increase the funds available for water supply planning. The proposal would increase the cost of a groundwater withdrawal permit fee from \$6,000 to \$12,000 for a 10-year permit. Staff explained further that the fees for surface water withdrawal permits through a Virginia Water Protection Permit is \$25,000-\$35,000. According to figures provided by DEQ, staffing costs for the current groundwater program are nearly \$1.2 million. Groundwater withdrawal permit fees generate only \$148,000 in revenue, or 12.3 percent of the program's costs. It is hoped that the additional revenue would reduce permit application review time and reinvigorate water modeling and monitoring efforts, which have not been updated since 1990. The members were very interested in who would be affected by the increase in fees and how those costs might be allocated. DEQ noted that it did not take a position on the legislation. The Commission voted to support this measure. Delegate Wright, Senator Ruff, and Michael T. McEvoy voted against the measure. Staff offered to follow up on the financial impact to permittees at a final meeting of the Commission.

Virginia Water Protection Permits

The final draft requires that, when issuing a Virginia Water Protection Permit (VWWP), the State Water Control Board (the Board) shall determine whether the permit is consistent with the state water resources plan. Currently, the Board must ensure the proposed activity is consistent with the provisions of the Clean Water Act and the State Water Control Law, and will protect instream beneficial use. The members asked about the Board's current authority to look at issues outside the four corners of the permit. After suggestions from members, staff offered to provide amendments that would allow the Board to consider, but not mandate, review of the state water resources plan as part of its determination of whether to issue a VWWP. The public was encouraged to contact staff with suggestions.

Regulatory Update

Russell W. Baxter, Deputy Director,
Dept. of Conservation and Recreation

Mr. Baxter spoke to the Commission on the amendments to the Virginia Stormwater Management Program Regulations. The current standards have resulted in continuing declines in stream health, significant flooding, and channel erosion. The Environmental Protection Agency (EPA) will review the new regulations in light of its responsibility under the Clean Water Act to create new accountability measures for states for not meeting Chesapeake Bay pollution reduction milestones. Mr. Baxter described the development of the regulations as a four-year process that involved over 50 public meetings, two technical advisory committees, a series of design charrettes with over 400 attendees, a BMP clearinghouse with Virginia Water Resources Center at Virginia Tech, and collaboration with the Center for Watershed Protection and the Chesapeake Stormwater Network to develop Runoff Reduction Methodology. The Soil and Water Conservation Board (the Board) adopted the revised regulations at a meeting on October 5. The new programs would be administered by localities to address both water quality and water quantity issues. The fees assessed will be established at a level sufficient to support administration of local programs. The Board addressed numerous issues of significant concern to the public in its adoption of the revised regulations, such as:

- Separate standards for the Chesapeake Bay watershed and the Southern Rivers watershed.
- Different standards for small sites and redevelopment sites.
- Additional offsite compliance options.
- Increased flexibilities in urban development areas.

- Acknowledgement of vested rights for projects.
- Reduced inspection requirements.
- Adoption of a good pasture standard rather than the forest standard.

Mr. Baxter noted that the EPA has been interested and involved throughout the process. Members were interested in the approvals needed by local programs and grandfathering processes. Chairman Morgan raised the question about possible actions by the EPA that might be taken. Mr. Baxter characterized the EPA's position as "serious." He indicated that the agency is examining a range of possible sanctions if Virginia did not implement effective Bay clean-up measures, including the withdrawal of grant moneys or even possible revocation of program delegation.

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Joint Commission on Technology and Science *11/10/09*

The Joint Commission on Technology and Science (JCOTS) Executive Committee met in Richmond with Delegate May calling the meeting to order.

Presentations

UPDATE ON RENEWABLE ENERGY AND ENERGY EFFICIENCY PROJECTS IN THE COMMONWEALTH

Steve Walz, Director, Department of Mines, Minerals, and Energy (DMME)

Mr. Walz provided an overview of the American Recovery and Reinvestment Act (ARRA) funds for the Commonwealth. The State Energy Program received \$76.5 million, which was the most flexible portion of funds received by the state. DMME referred to the Virginia Energy Plan to help determine how to spend the funds. One of the projects DMME is working on is getting approval for three funds that will be used to support small clean energy businesses.

The question was asked if there was sufficient notice to citizens on the availability of rebates for energy

efficient appliances. Mr. Walz stated that with over half of the money already reserved, he felt the Governor has done a good job in generating press coverage for the program. Another member inquired about the total amount of ARRA funds and bonds dedicated to the Commonwealth. Mr. Walz estimated that the total for the Commonwealth exceeded \$500 million.

Another member discussed the Loudon County Energy Plan and its focus on greenhouse gas reduction rather than energy conservation.

Mr. Walz responded to the question of whether there were any barriers in Virginia state government to increased renewable energy and energy efficiency. He stated that educating state employees is an important first step. Another barrier in reducing energy use is the reduction in the state workforce, which has left some energy issues lacking oversight or responsibility. Mr. Walz also stated it is important to construct new buildings as efficiently as economically possible given the lifespan of HVAC and other systems in state buildings. Mr. Walz concluded that he would welcome JCOTS' and the General Assembly's input in the upcoming Virginia Energy Plan updates.

BRIEFING ON JLARC REVIEW OF VITA & IT GOVERNANCE IN THE COMMONWEALTH

Ashley Colvin, JLARC, Project Leader, Review of Information Technology Services in Virginia

Mr. Colvin's presentation is available on the JCOTS website. A member noted that prior to the formation of VITA, agencies were procuring IT infrastructure and services on an individualized basis. By forming VITA, the Commonwealth was better positioned to leverage its procurement of IT infrastructure and services. The member also noted that consolidating postprocurement activities would result in greater efficiency and cost savings. It was noted that VITA does not have purview over all IT infrastructure and services in the Commonwealth. Mr. Colvin did not have data on out-of-scope expenditures compared to in-scope expenditures.

The question was asked as to whether there was any authority in the Code of Virginia for the Secretary or Deputy Secretary of Technology to engage in contract negotiations on the part of the Chief Information Officer (CIO). Mr. Colvin stated that no statutory authority exists for that type of action.

In reference to funding changes in the existing VITA/NG contract, it was asked if the General Assembly had the 'final word' when it comes to appropriating money to fund the changes. Staff explained that the appropriation act contains language authorizing a 'sum sufficient' for IT

services, which complicates any increase in cost for contract negotiations. Because of the 'sum sufficient' language in the current budget, the CIO could obligate the Commonwealth to cost increases for increased services to agencies.

In response to the question about whether JLARC has any further data on severity level 1 incidents, Mr. Colvin responded that Northrop Grumman is going to look deeper to determine if there are any trends. Another member inquired if data was available on the amount of time these incidents last. Mr. Colvin stated that the data is available but he would have to get back to the Commission at a later date.

Mr. Colvin noted that VITA is the only state supervisory board that does not meet on a regular basis and act as the fulltime coordinating body of an agency with a director acting as its agency head.

UPDATE ON SEXTING

G. Stewart Petoe, Virginia State Crime Commission, Director of Legal Affairs

Mr. Petoe spoke on the issue of 'sexting.' The full presentation is available on the JCOTS website. Delegate May asked about the number of convictions under the current pornography law. Mr. Petoe stated he would provide this information to staff.

In response to the question of whether the Crime Commission looked at images being distributed against the will of one of the parties, Mr. Petoe stated the Commission did not look at that issue.

STAFF UPDATES

Delegate May requested that staff updates on Electronic Meetings; Intellectual Property: Development of State Employee Policy; and State eCycling Legislation be postponed until the final JCOTS meeting.



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Virginia Commission on Energy and Environment 11/24/09

The Energy Efficiency and Conservation Subcommittee met at the Virginia Welcome Center at Fredericksburg, with Senator Chap Petersen, Chair of the subcommittee, calling the meeting to order. All presentations are available on the Commission's website at <http://dls.virginia.gov/energy.htm>.

Presentations

Martin Krebs, Virginia Dept. of Transportation (VDOT)

Mr. Krebs provided a brief overview of the Virginia Welcome Center at Fredericksburg and the design and construction process that resulted in the building's LEED Gold rating. Senator Petersen asked Mr. Krebs if there was a cost differential in meeting the LEED Gold rating. Mr. Krebs responded that there was a cost differential, but he would have to follow up with the exact differential. Mr. Krebs stated that all of the materials and practices used to construct the building were widely available and easy to procure.

Dominion, APCO, and ODEC

The three utilities provided the subcommittee members with a brief update on stimulus funding that their respective companies have applied for and expect to receive. Of the three utilities, the co-ops have thus far received the most stimulus money: a total of \$20 million for two of the regional co-ops.

Cathie France, Virginia Natural Gas (VNG)
Cynthia Marple, American Gas Association

Ms. France provided a presentation on the Natural Gas Conservation and Ratemaking Efficiency Act. Ms. France reported that per capita natural gas use has dropped since implementation of the Act and her company views the new law as a success.

Ms. Marple spoke on natural gas trackers for infrastructure improvement and how such trackers can be used to improve energy efficiency in aging pipeline infrastructure. Ms. Marple reported that 13 states have implemented such trackers. At the conclusion of the presentation, Ms. France distributed draft legislation that would create a tracker for natural gas infrastructure improvements in Virginia. Senator Petersen and members of the subcommittee received the draft for review.

Dave Eichenlaub, State Corporation Commission (SCC)

Mr. Eichenlaub provided an overview of the SCC report examining realistic and cost-effective energy conservation and demand response targets for investor-owned utilities in the Commonwealth.

A member asked Mr. Eichenlaub to explain the DSM cost recovery provisions in the reregulation act. The member noted that he disagrees that utilities should be allowed to recover (i) a margin on their costs of operating DSM programs and (ii) loss profits due to a reduction in electricity sales. The member also asked if customer bills would increase as a result of DSM cost recoveries by the utilities. Mr. Eichenlaub noted that the SCC found that customer bills could increase, despite a decrease in the use of electricity.

Senator Petersen asked Mr. Eichenlaub for his personal opinion on which energy efficiency programs are the most effective. Mr. Eichenlaub responded that the SCC takes no position on the issue, but from his personal experience the price of electricity and a corresponding price signal are the most effective components of energy efficiency programs.

Possible Legislation

Staff introduced and reviewed two draft bills for consideration by the subcommittee. The first draft would require certain state buildings to be constructed to LEED Silver or Green Globes Two standards. The second draft would clarify that the SCC has the authority to regulate rate structure during the biennial review process. The subcommittee discussed both drafts and recommended reporting the drafts to the full Commission for consideration.

Public Comment

Bill Murray, Dominion, noted that he expects customer bills to decrease as a result of DSM programs implemented by Dominion. Cathie France, VNG, provided an explanation of the draft legislation creating a cost tracker for infrastructure improvements.

November 30, 2009

Senator Whipple, Chair of the Commission, called the meeting to order. Presentations made to the Commission can be found on the Commission's website at <http://dls.virginia.gov/energy.htm>.

Presentations

Offshore Wind Energy Development

Senator Frank Wagner gave an overview of offshore wind energy development along the Virginia coastline. The presentation included highlights of the report by the Virginia Coast Energy Research Consortium (VCERC) indicating commercially viable class 5 and class 6 winds within 30 miles of Virginia's coastline. VCERC determined wind class, wind location, wind rate, and water depth for potential turbine sites. VCERC also calculated that 25 of the offshore lease blocks could potentially produce 300 MW of power, six percent of the total wind power off the coast of Virginia. It was also noted that Virginia is the only mid-Atlantic state with a 500 kV substation off of its coast, which would allow for efficient distribution to the entire PJM grid. Senator Wagner underscored the long- and short-term employment opportunities created by the development of Virginia's offshore wind resources as wind-related manufacturing infrastructure is developed in Virginia.

Senator Wagner reported on efforts to redefine offshore wind energy in federal legislation in order to change its classification from a "mature renewable resource" to a "not mature renewable resource" to avoid the requirement that project construction begin by September 2011 to qualify for federal loan guarantees. Reclassification of offshore wind energy would extend the deadline for federal loan guarantees and allow more time for project research and development. Senator Whipple remarked that it could take 12 to 18 months just to build the meteorological towers and test the winds at specific sites.

As of July 1, 2009, offshore wind projects in competing areas are automatically delayed by two years while the projects are evaluated. Two offshore wind development applications before the Department of Mines, Minerals and Energy (DMME) are in noncompeting areas, allowing both to progress without triggering the automatic two-year delay. Senator Wagner explained that through the Minerals Management Service of the U.S. Department of the Interior, Virginia could apply for the leases, but that any competing applications would trigger the two-year delay.

The proposed legislation presented by Senator Wagner would establish the Virginia Offshore Wind Authority, a state-chartered entity similar in its makeup to the Chesapeake Bay Bridge-Tunnel Commission, which would facilitate multiple development projects by holding the lease to large

lease blocks off the coast of Virginia and granting subleases to different developers. The Authority would establish a program allowing projects from Virginia Beach to coastal New Jersey to develop their offshore resources.

In response to a question, Senator Wagner explained that the Authority would lay a buried, marine-grade cable parallel to an existing water treatment station to the 500 kV substation to connect the energy from the offshore wind farm to the PJM grid.

It was pointed out that Delaware development has avoided the need for federal loan guarantees by contracting with a Delaware utility to purchase the electricity generated by offshore winds. Senator Wagner agreed that finding a buyer would be ideal and considered the prospect of contracting with the U.S. Navy.

MANDATORY V. VOLUNTARY RENEWABLE PORTFOLIO STANDARD (RPS) PROGRAMS

Joe Gorberg, LS Power

Mr. Gorberg spoke on the potential benefits of a mandatory RPS program over a voluntary one. Mr. Gorberg focused on the role of an RPS program in securing financing to support renewable energy projects and develop a state's renewable energy market. RPS programs define long-term market objectives, promote job growth in the energy industry, reduce emissions, and encourage investment in renewable energy processes and technologies. He described defining RPS goals and targeted technologies, addressing energy efficiency and demand response, analyzing available resources, using effective incentives and compliance payments, and permitting as the keys to a successful RPS standard.

Mr. Gorberg stated that stable markets are crucial to the success of an RPS program. Long-term contracts can also ensure a purchaser of renewable energy. A mandatory RPS program increases the financing and investment available to renewable energy projects by guaranteeing a level of demand for renewable energy. Investors and lenders can participate in long-term projects without the fear that the market will evaporate. He reported that states with voluntary RPS programs fail to attract significant capital investment in renewable energy technologies and are not seeing the same benefits as states with mandatory RPS programs. Developers prioritize where to invest their resources and are choosing states with mandatory RPS programs. Mr. Gorberg encouraged the Commission to develop a mandatory RPS program for the Commonwealth.

The question was asked if increasing the voluntary RPS goals would increase the availability of financing

and investment in renewable energy technologies. Until a stable market is created, investors cannot be certain of revenue, and increasing the voluntary RPS goals will not attract a significant investment.

An inquiry was made as to whether the shortcomings of a voluntary RPS program would impede the development of offshore wind energy proposed by Senator Wagner. Senator Wagner's program will depend on securing financing and will rely on a long-term contract purchaser, such as the U.S. Navy or PJM.

In response to a question, Mr. Gorberg explained that renewable energy generation could result in a decline of jobs in the current energy industries, but would create jobs in construction and generation facilities. Also, as the total demand for energy increases, the number of jobs will increase proportionally.

The question was asked if renewable energy markets would develop and if renewable energy technologies would be viable in a market without government assistance or subsidy. In response, Senator Whipple underscored the importance of indigenous energy production to national security.

Senator Whipple commented that the Commission should consider whether Virginia is missing out on opportunities for investment and job growth because of the voluntary RPS program. She referred to a wind project that went to Pennsylvania as a direct result of the voluntary RPS program in Virginia.

It was noted that the U.S. Navy adopted aggressive RPS standards and the question was asked if a state with a mandatory RPS program would have an advantage in securing the U.S. Navy as a purchaser. Mr. Gorberg considered a state with a mandatory RPS program to be at an advantage in securing long-term contracts, and repeated that Virginia has less development than states with mandatory RPS programs.

IMPACTS OF BIODIESEL FUEL USE

Chelsea Jenkins, Virginia Clean Cities

Ms. Jenkins reported on the use of biodiesel fuels in Virginia. Ms. Jenkins gave a brief history of biodiesel use in Virginia and named several vehicle fleets that use biodiesel blends. James Madison University (JMU) began testing biodiesel and its effects on their bus fleet in 1996 and has experimented with very low levels up to B20. JMU and the City of Harrisonburg currently use B20 to project and demonstrate a green image in the community. VDOT has used biodiesel for the past nine years. Dominion used over 500,000 gallons of B20 in 2008.

Ms. Jenkins reported on some of the benefits of biodiesel: it is less toxic than table salt; is produced domestically; reduces dependency on foreign oil; reduces emissions; is NOX neutral; is the least expensive fuel alternative; requires no modifications to existing vehicles; and improves health. Biodiesel is flexible and reversible, allowing fleets to switch between biodiesel and diesel fuels as the price of biodiesel fluctuates. Disadvantages of biodiesel are that it has a limited shelf life, is less energy-dense than diesel fuel, and is in limited supply. Using biodiesel requires the cleaning of filters and fuel tanks because biodiesel is a solvent and will dissolve diesel residue.

Ms. Jenkins reported that fleets have experienced some difficulties in using biodiesel, but that many of these were related to improper blending of biodiesel or “splash blending” by distributors. Once biodiesel distributors were educated in proper blending techniques, these issues were resolved.

Ms. Jenkins also reported on a joint effort between the Virginia Clean Cities Commission and DEQ that would create demand for biodiesel. Their program has allocated \$25,000 to buy down the cost of biodiesel to that of ultra-low sulfur diesel.

Senator Whipple commented that in 2009, the Commission endorsed a two percent biodiesel requirement for Virginia that passed in the Senate but failed in the House after testimony from lobbyists that biodiesel may harm engines. B2 is a much lower concentration than the B20 that JMU and Clean Cities have used successfully over a period of years.

In response to questions, Ms. Jenkins reported that once blended, biodiesel does not separate. Also, several long-haul trucking companies use biodiesel blends and case studies show that fleets have travelled five million total miles on biodiesel. The frequency with which fleets must change their filters will depend on the fleet and the fleet’s fuel practice and the frequency with which they clean their tanks.

In response to an inquiry about the impact on distributors required to carry biodiesel, Ms. Jenkins responded that distributors would expect to spend between \$800 and \$1,000 to clean their storage tanks, but would not require any filters or other devices.

Staff Discussion

Response to Commission Inquiries

In response to a previous question relating to hydroelectric generation capacity, up to 15 percent of Virginia’s annual electricity is produced by hydropower.

SB1347 streamlined the DEQ permitting process, creating a general permit for any renewable generation facility producing up to 100 MW. Most facilities would be included in this, and a separate program for hydropower does not seem necessary.

In response to a previous inquiry, there are no standard ordinances on wind generation. There is no mandate under consideration and the Virginia Code does not usually include model ordinances. Larry Land of Virginia Counties (VACo) accepted the Commission’s suggestion that VACo create a model ordinance.

In response to a previous question raised by the Commission, 38 states, including Virginia, have a renewable fuel standard (RFS) providing incentives promoting ethanol production and biofuel use. Twelve states have a requirement mandating specific ethanol or biofuel use.

In response to a previous question raised by the Commission, information was provided on the difference between hybrid electric vehicles and plug-in hybrid electric vehicles (PHEVs): PHEVs plug in to standard 120 Vac sockets and do not require residential modification.

Proposed Legislation

Climate Change Action Plan

This legislation would empower the Commission to update and review changes to the Climate Change Action Plan. Senator Whipple noted that the Plan contained detailed information specific to Virginia, showing the impact of climate change on Virginia’s citizens and its economy. The proposed legislation would not duplicate the previous work completed by the Governor’s commission, but would track the follow-up and oversight of the initial study, review reports of relevant agencies, and consider important consequences.

Final Disposition: After discussion, the Commission determined that the appropriate course of action would be to expand the Virginia Energy Plan (Va. Code § 67-100 et seq.) and have DMME track and report issues relating to climate change to the Commission.

Minimum Biodiesel Content

This legislation requires state public bodies to procure B2 biodiesel. The requirement does not apply if the cost of biodiesel exceeds five percent of the cost of diesel.

Final Disposition: After discussion, the Commission endorsed this bill, subject to the amendment that the biodiesel be sufficiently available.

Clean Energy Manufacturing Incentive Grant Program

This legislation expands and repeals the solar/photovoltaic manufacturing incentive grant program, and creates a fund to provide incentives to any clean energy company that will invest at least \$50 million and create at least 200 jobs in a location with an unemployment rate that is at least 1.25 times the state average.

Final Disposition: After discussion, the Commission chose not to endorse this bill.

Green Buildings Act

This legislation requires certain state public buildings to meet LEED or Green Globes standards. The standard does not apply to local government buildings.

Final Disposition: After discussion, the Commission endorsed this bill.

Inclined Block Rate and Dynamic Pricing

This legislation grants the SCC the explicit statutory authority to regulate price structures, including inclining block rates and dynamic pricing.

Final Disposition: After discussion, the Commission endorsed this bill.

Rate Recovery Options Removed for Pricing KWh

This legislation was requested to ensure that the SCC only approves efficiency programs that will reduce the bill for and show net savings for consumers. The bill also removes profit and lost profit recovery by investor-owned utilities for DSM programs.

Final Disposition: After discussion, the Commission determined that the appropriate course of action would be to meet prior to the legislative session to further discuss the merits of this bill.

Fuel Efficient Driver Education Curriculum

This legislation adds fuel efficient driving techniques to the existing driver education curriculum.

Final Disposition: After discussion, the Commission endorsed this bill.

Mandatory RPS

This bill changes Virginia's existing RPS program from voluntary to mandatory, while preserving the existing RPS goals.

Final Disposition: After discussion, the Commission determined that the appropriate course of action would be to meet prior to the legislative session to further discuss the merits of this bill.

Public Comment

Cathie France of Virginia Natural Gas presented the Commission with a model bill that would allow natural gas companies to recover the costs of infrastructure and investment improvements. Infrastructure repair could reduce up to 7,000 tons of carbon emissions annually. Ms. France had presented the Energy Efficiency and Conservation Subcommittee with the same legislation at their November 24 meeting in Fredericksburg.

Ann Flandermeyer of the Virginia Offshore Wind Coalition gave the Commission further information relating to the development of the offshore wind energy industry.

The Commission agreed to meet prior to the legislative session to continue the discussion on the remaining legislation and Senator Whipple adjourned the meeting.

Commission on
Energy and Environment

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Virginia Commission on Coal and Energy *12/3/09*

The Virginia Commission on Coal and Energy met in Richmond. Chairman Terry G. Kilgore welcomed the members and called the meeting to order.

Presentations

Al Christopher, Department of Mines, Minerals and Energy

Mr. Christopher provided the Commission with an overview of the Virginia Energy Plan and the status of recommendations from the Plan. Mr. Christopher noted a number of actions taken to increase energy independence resulting in a 40 percent reduction in the rate of energy growth base case and a 20 percent increase of in-state energy production base case. Reductions in energy consumption have been achieved through a range of government and utility-sponsored efficiency programs. Energy education is in the process of being expanded by the SCC in response to the legislative requirement to institute a Consumer Education Plan. Environmentally related advancements include the Governor's Commission on Climate Change, the development by the EPA of greenhouse gas regulations, and transportation standards for land use. Additional energy research and development investment have been made by the Tobacco Indemnification and Community Revitalization Commission, the Virginia Coastal Energy Research Consortium, the Center for Innovative Technology, and the Virginia Center for Coal and Energy Research. These groups have reported difficulties in matching federal funds. Overall, Mr. Christopher's presentation shows the progress that has been made towards the many recommendations of the Virginia Energy Plan. An update to the plan is due July 1, 2010.

Thomas Steinhauser, Department of Social Services (DSS)

Mr. Steinhauser provided the Commission with the biennial reporting for the Low-Income Energy Assistance Program (LIHEAP). The program is 100 percent federally funded through a block grant, and consists of four components: fuel assistance, crisis assistance, cooling assistance, and weatherization (which is administered by the Department of Housing and Community Development). To be eligible, a recipient must earn less than 130 percent of the federal poverty limit. There may be an increased benefit for households with members that are elderly, disabled, or

have children under six. In 2009, the Commonwealth received \$127.7 million in total funding: \$118.1 million in a block grant and \$9.6 million in contingency funds. This was more than triple Virginia's typical allocation of \$38 million when the program was funded at \$2.1 billion. With the additional funding, the DSS was able to increase historically low benefit amounts while serving more households. The vast majority of benefit subsidies are paid directly to the household's energy provider. With Virginia's Fuel Assistance benefit only covering about 47 percent of a household's heating costs, it is reasonable to assume many of the same households will seek assistance through another source. DSS collaborates with other nongovernmental programs such as Dominion's EnergyShare Program or American Electric Power's (AEP) Neighbor-to-Neighbor Program. Many of the utility-sponsored programs require the household to exhaust their Fuel Assistance benefit before they are eligible to receive assistance through their program. Though fuel prices are projected to drop, there has been a 24 percent increase in applications for Fuel Assistance. Members asked about the status of seniors under the program and the classification of assets for the purpose of determining eligibility under the poverty guidelines. Members were also interested in whether federal funding would continue at 2009 levels.

Shea Hollifield, Department of Housing and Community Development (DHCD)

Ms. Hollifield provided the Commission with an overview of the Weatherization Assistance Program. The program is funded from two federal sources: the U.S. Department of Energy's Weatherization Assistance Program and the U.S. Department of Health and Human Services' Low Income Home Energy Assistance Program. The U.S. Department of Energy (DOE) initiated the Weatherization Assistance Program in 1976 to reduce dependency on foreign oil and decrease energy costs for low-income families while improving health and safety. Annual cost savings are approximately \$350 for a low-income family after weatherization. Assistance is provided regionally by 22 nonprofit organizations and funds are allocated to providers based on the federal guidelines. Eligibility for assistance is determined through an intake process and priority is given to the elderly, disabled, and households with children. Both rental and homeowner units are eligible. The weatherization process includes an energy audit, prioritized work specifications (which may be accomplished directly through providers or subcontractors), and a postproject assessment to document the energy savings accomplished. The

program has received \$94.1 million in additional funding from the American Recovery and Reinvestment Act (ARRA). Members were also interested in the level of future federal funding. Ms. Hollifield responded that the spending of ARRA funds would continue for two and a half years. It was also asked about the number of providers and whether enough providers were qualified to properly weatherize homes.

Rita Randolph, Dominion

Ms. Randolph provided the Commission with an overview of EnergyShare, Dominion's year-round energy assistance program. The program is a public-private partnership that provides both heating assistance and cooling assistance. A citizen steering committee determines eligibility criteria and sets guidelines. The assistance takes the form of payment for any type of heating or cooling bill. Recipients must have a disconnection notice (unless over age 60) and live in Dominion's service area. The income guideline is 50 percent of local area median income. Maximum assistance is \$600 for heating and \$300 for cooling. Like the government-administered programs, payments go directly to energy vendors. Dominion funds agency administrative expenses and every cent donated goes to help people in need. The United Way of Greater Richmond and Petersburg is the managing agency that collects and distributes funds as directed by the formula developed by EnergyShare committees. Approximately 70 health and human service agencies screen clients for eligibility and administer EnergyShare throughout Virginia. EnergyShare has helped more than 20,000 families with more than \$35 million since its inception. Members complimented Dominion on the success of its program.

Ronald J. Jefferson, Appalachian Power

Mr. Jefferson discussed the newly enhanced Neighbor-to-Neighbor Program, which is partnered with Dollar Energy Fund, a nonprofit organization dedicated to providing low-income households with utility assistance. Appalachian Power has contributed \$500,000 to help low-income customers pay their electric bills—an increase of 500 percent over last year's \$100,000 contribution. Approximately 40 community-based agencies in Appalachian Power's service area are taking applications for the program. Because of Dollar Energy Fund's nonprofit status and fundraising expertise, the new partnership will expand the reach of potential contributors to include corporations and foundations, thus potentially increasing the number of households helped by the program. Eligible households are customers of Appalachian Power in Virginia who

are at or below 150 percent of the Federal Poverty Income Guidelines. A network of community-based organizations throughout Virginia provides application intake services to clients. Members expressed interest in the eligibility guidelines and partnership with Dollar Energy Fund.

Dr. Michael Karmis, Virginia Center for Coal and Energy Research (VCCER)

Dr. Karmis provided the Commission with an update to the status of carbon sequestration research and implementation with the Southeast Regional Carbon Sequestration Partnership (SECARB) in Virginia and Central Appalachia. The partnership has applied for funding from the U.S. Department of Energy Clean Coal Power Initiative (CCPI) for the demonstration of advanced carbon capture and storage at the Dominion Virginia City Hybrid Energy Center in Wise County, Virginia. Carbon dioxide removed from the station's air emissions at the Virginia City Hybrid Energy Center would be moved by pipeline for permanent storage in unmineable coal seams and underground saline formations in the region. Dr. Karmis stated that large deployment tests are necessary to demonstrate and confirm technologies. Large tests will also provide sequestration "assurance" to the investor community seeking to fund an energy project that can be impacted by CO₂-limiting legislation—absence of such tests in a region, or on a specific geologic formation, may delay sequestration demonstration and clean coal deployment. A side benefit may be enhanced production of methane, the primary component of natural gas, from the coal seams. The project proposes to have numerous economic development benefits to the region including a \$162.8 million annual overall economic benefit to the region; \$420 million spent in construction costs for the capture facility and pipeline; 35.5 equivalent full-time employees operating the carbon capture and storage facilities; \$29 million in direct state and local revenues from the storage operations; 2.5 Bcf of ECBM production, valued at \$17 million, estimated from the demonstration project injection; and development of coal research infrastructure in the region. The question of liability remains a major barrier for carbon capture and sequestration. Legislation is needed to reduce risks and liability, define responsibility and jurisdiction during operation and postclosure of facilities, insure long-term responsibility for geologic storage of CO₂, and resolve questions of ownership of the geologic storage resource. Mr. Martin stated that the liability legislation was key to receiving federal funds for the project.

Subcommittee Update

Delegate R. Lee Ware provided the full commission with an update of the activities of the Uranium Mining Subcommittee, which was created by the Coal & Energy Commission by motion on November 6, 2008.

Since that meeting just over a year ago, the subcommittee met four times to develop and finalize a scope for the study that would be used to execute the contract with the National Academy of Sciences or, more specifically, with the National Research Council (NRC), which is under the same umbrella organization as the National Academy of Sciences.

Delegate Ware reports that the public comment at each meeting was robust, extensive, and thoughtful. After receiving public comment, the scope of study was finalized and adopted by the subcommittee at the meeting on May 21, 2009. The Governing Board Executive Committee of the NRC met on November 11, 2009, to review the scope and determine whether the study would be accepted. As a result of that meeting, the NRC has asked for clarification on several issues.

First, it is critical that NRC maintain its independence in carrying out the study. The request to perform the study emanates from the Coal and Energy Commission—which would be considered the study sponsor, notwithstanding that funding for the study might be provided by a for-profit entity, and that the signatory for the study would be the Virginia Center for Coal and Energy Research at Virginia Tech, acting as an agent for the Commonwealth.

Second, the NRC is committed to providing a completely objective, high-quality scientific assessment of the issues. To that end, any funding must be guaranteed as fully available throughout the course of the contract term and there should be no contingencies save the production of deliverables under the contract. The NRC committee undertaking the study would seek information from all interested parties, but would operate with complete independence from Virginia Uranium and from the study's sponsor, the Commonwealth of Virginia.

Finally, the NRC would like to amend or delete the last item in the scope of study. The amendment would limit that item to a nontechnical summary of the report for public education and outreach purposes. It should also be noted by the Commission that, while the study would provide independent, expert advice to inform decisions about the future of uranium mining, the study would not make recommendations about

whether or not uranium mining should be permitted, nor would the study include site-specific assessments. If the NRC were to accept the modifications and enter into the contract to perform the study, Delegate Ware anticipated that the next step of the subcommittee would be to hold public hearings to determine the scope of the socio-economic study and the entity best suited to perform that study.

Members of the Uranium Mining Subcommittee unanimously voted to accept the scope as recommended by the NRC. Delegate Ware hopes that the socio-economic study could take place contemporaneously with the study by the NRC. The Commission thought that staff might prepare an informal query to determine which institutions might be interested in performing the socio-economic study.

Public Comment

The Commission received public comment expressing concern about the treatment of communities living around mining operations and dust exposure, particularly at the hands of Canadian mining corporations.

Coal and Energy Commission

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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 8. EDUCATION GEORGE MASON UNIVERSITY

REGISTRAR'S NOTICE: George Mason University is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

8VAC35-30. Space Utilization and Scheduling Policies and Procedures (repealing 8VAC35-30-10 through 8VAC35-30-240).

8VAC35-31. Space Use (adding 8VAC35-31-10 through 8VAC35-31-50).

Summary:

This action repeals the current space use regulation and promulgates a new space use regulation to incorporate university policies within designated areas.

For more information please contact Kenneth W. Hubble, Agency Regulatory Coordinator, George Mason University, Fairfax, VA, telephone (703) 993-3091, or email khubble@gmu.edu.

8VAC35-50. Poster Posting Policy and Procedures (repealing 8VAC35-50-10 through 8VAC35-50-180).

Summary:

The proposed action repeals the Poster Posting Policy and Procedures regulation. Activity proscribed in the regulation is either subject to other regulation or governed by contract.

For more information please contact Kenneth W. Hubble, Agency Regulatory Coordinator, George Mason University, Fairfax, VA, telephone (703) 993-3091, or email khubble@gmu.edu.

TITLE 9. ENVIRONMENT STATE WATER CONTROL BOARD

9VAC25-580. Underground Storage Tanks: Technical Standards and Corrective Action Requirements (amending 9VAC25-580-10, 9VAC25-580-20, 9VAC25-580-50, 9VAC25-580-120, 9VAC25-580-130, 9VAC25-580-140; adding 9VAC25-580-125, 9VAC25-580-370).

A public hearing will be held on December 17, 2009, at 1 p.m. at the Department of Environmental Quality, Richmond, VA. Written public comment may be submitted until January 8, 2010.

Summary:

Pursuant to the requirements of the federal Energy Policy Act of 2005, the board is amending the regulation to accomplish the following: (i) require secondary containment of all new and replacement underground storage tanks (USTs) and associated piping within 1,000 feet of an existing community water system (this includes the piping distribution system) or other potable drinking water well; (ii) develop criteria for determining what tanks are ineligible for petroleum delivery, the methods for marking the tanks, providing notice to owners/operators and delivery companies that the tanks are ineligible, and for developing criteria for reclassifying ineligible tanks as eligible; and (iii) require training for certain classes of UST operators. The goal of the amendments is to reduce the number and severity of petroleum leaks from UST systems by strengthening pollution prevention requirements and encouraging UST owners and operators to maintain compliant UST systems. The full text of this new federal legislation can be found at http://www.epa.gov/oust/fedlaws/nrg05_01.htm. This proposal consolidates two Notices of Intended Regulatory Action: Amendment Regarding Operator Training for Owners and Operators (24:14 VA.R. 1887 March 17, 2008) and Incorporation of Requirements of Federal Energy Policy Act of 2005 (23:25 VA.R. 4100 August 20, 2007).

For more information please contact Russell Ellison, Department of Environmental Quality, Richmond, VA, telephone (804) 698-4269, FAX (804) 698-4266, or email russell.ellison@deq.virginia.gov.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

12VAC5-90. Regulations for Disease Reporting and Control (amending 12VAC5-90-10, 12VAC5-90-30, 12VAC5-90-80, 12VAC5-90-90, 12VAC5-90-100, 12VAC5-90-103, 12VAC5-90-107, 12VAC5-90-110, 12VAC5-90-130, 12VAC5-90-140, 12VAC5-90-225, 12VAC5-90-370).

Written public comment may be submitted until February 5, 2010.

Summary:

The proposed amendments update the regulation to conform to recent changes in the Code of Virginia, add or remove diseases from the list of reportable diseases, expand the list of conditions for which laboratories are required to submit specimens, and clarify current requirements and definitions.

For more information please contact Diane Woolard, Ph.D., Director, Disease Surveillance, Department of Health, Richmond, VA, telephone (804) 864-8124, or email diane.woolard@vdh.virginia.gov.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

13VAC10-180. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13VAC10-180-60; repealing 13VAC10-180-80).

Summary:

The proposed amendments (i) add a source of financing to the subsidized funding category, (ii) add a negative point category to discourage construction of new rental space in areas anticipated to have little or no increase in rent-burdened households, (iii) add a point category to encourage new rental space in urban development growth areas or zoned areas with an affordable dwelling unit bonus, (iv) revise the amenity category for high efficiency heat pumps and gas furnaces, (v) add a point amenity category for geothermal heat pump systems, (vi) add a point

amenity category for solar electric systems, (vii) revise the point category for units for persons with disabilities with federal project-based subsidy, (viii) delete the point category for a LEED-certified design team member, (ix) suspend the preservation pool for credit year 2010, and (x) make other miscellaneous administrative clarification changes.

For more information please contact J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, Richmond, VA, telephone (804) 343-5540 or email judson.mckellar@vhda.com.

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.

14VAC5-90. Rules Governing Advertisement of Accident and Sickness Insurance (amending 14VAC5-90-170).

Summary:

The proposed amendment eliminates the requirement for insurers to file a Certificate of Advertising Compliance with its Annual Statement filing. Subsection B of 14VAC5-90-170 is being deleted, as well as accompanying Form R04.

For more information please contact Jacqueline Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission, Richmond, VA, telephone (804) 371-9074, FAX (804) 371-9944, or email jackie.cunningham@scc.virginia.gov.

14VAC5-310. Rules Governing Actuarial Opinions and Memoranda (amending 14VAC5-310-90).

14VAC5-321. Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits (amending 14VAC5-321-30).

A public hearing will be scheduled upon request.

Summary:

The revisions allow the Bureau of Insurance to authorize insurance companies to use the 2001 CSO Mortality Table for policies issued on or after January 1, 2004 (14VAC5-321), the current provision is applicable for policies issued on or after July 1, 2004. The proposed revisions also require an appointed actuary to produce a report attesting to the fact that a company has booked reserves satisfying the minimum reserve requirements and describing how they reached their conclusion regarding adequacy (14VAC5-

310). The proposed revisions to the rules are based on the National Association of Insurance Commissioner's (NAIC) revisions to its Actuarial Opinion and Memorandum Regulation Model, which was adopted by the NAIC on September 23, 2009, and its Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits Model Regulation, which was adopted by the NAIC in 2002.

For more information please contact Raquel C. Pino-Moreno, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, Richmond, VA, telephone (804) 371-9499, FAX (804) 371-9511, or email raquel.pino-moreno@scc.virginia.gov.

14VAC5-395. Rules Governing Settlement Agents (amending 14VAC5-395-30, 14VAC5-395-40).

A public hearing will be held upon request. Written public comment may be submitted until December 21, 2009.

Summary:

The amendments incorporate statutory changes made to § 6.1-2.26 of the Code of Virginia that shift the duty to register settlement agents from the Virginia State Bar to the appropriate licensing authority. The proposed amendments incorporate these statutory changes by making the Bureau of Insurance responsible for registering title insurance agents and title insurance companies that conduct settlements.

For more information please contact Scott White, Senior Counsel, Office of General Counsel, State Corporation Commission, Richmond, VA 23218, telephone (804) 371-9671, FAX (804) 371-9240, or email scott.white@scc.virginia.gov.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD OF PHARMACY

18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-10, 18VAC110-20-400; adding 18VAC110-20-740 through 18VAC110-20-800).

A public hearing will held on December 16, 2009, at 9 a.m. at the Department of Health Professions, Richmond, VA. Written public comments may be submitted until January 22, 2010.

Summary:

Pursuant to Chapter 429 of the 2008 Acts of Assembly, the Board of Pharmacy proposes to establish a prescription drug donation program. The proposed regulations set forth requirements for pharmacies to register as a drug donation site; criteria for drugs eligible for donation; procedures for collecting donated drugs, including specification of

information on a donor form for each drug donated; procedures for transferring and redispensing donated drugs; procedures for disposing of any unused donated drugs; and recordkeeping requirements associated with the program.

For more information please contact Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Richmond, VA, telephone (804) 367-4456, FAX (804) 527-4472, or email scotti.russell@dhp.virginia.gov.

BOARD OF SOCIAL WORK

18VAC140-20. Regulations Governing the Practice of Social Work (amending 18VAC140-20-40, 18VAC140-20-45, 18VAC140-20-50; adding 18VAC140-20-49).

Written public comments may be submitted until February 5, 2010.

Summary:

The proposed regulatory action specifies the educational requirements necessary to qualify a candidate to sit for the licensed clinical social work examination in Virginia and incorporates language currently adopted as Guidance Document 140-6, effective April 17, 2009. It specifies the specific clinical course requirements by general categories, the minimum number of field placement/practicum hours, and the accreditation standard for master's level clinical programs.

For more information please contact Evelyn B. Brown, Executive Director, Board of Social Work, Richmond, VA, telephone (804) 367-4488, FAX (804) 527-4435, or email evelyn.brown@dhp.virginia.gov.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS 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.

20VAC5-315. Regulations Governing Net Energy Metering (amending 20VAC5-315-10, 20VAC5-315-20, 20VAC5-315-40, 20VAC5-315-50, 20VAC5-315-70).

A public hearing will be held upon request. Written public comment may be submitted until December 21, 2009.

Summary:

Pursuant to Chapter 804 of the 2009 Acts of Assembly, § 56-594 of the Code of Virginia was amended to (i) authorize utilities to elect a capacity limit for participation

by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW; (ii) permit customers who are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariff to participate as customer-generators; and (iii) provide that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity, and provides for a one-time option to sell the certificates to its supplier at a rate established by the State Corporation Commission, with the utility's costs of acquiring the certificates recoverable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause. The proposed amendments reflect the statutory increase of allowable total capacity of net metering customers, permit certain time-of-use customers to participate as customer-generators, and establish a mechanism for eligible customer-generators to sell renewable energy certificates to their electric distribution company at rates established by the State Corporation Commission.

For more information please contact Kelli Gravely, Utility Analyst-Energy Division, State Corporation Commission, Richmond, VA, telephone (804) 371-9765, FAX (804) 371-9350, or email kelli.gravely@sc.virginia.gov.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

22VAC40-200. Foster Care - Guiding Principles (repealing 22VAC40-200-10, 22VAC40-200-20).

22VAC40-201. Permanency Services - Prevention, Foster Care, Adoption and Independent Living (adding 22VAC40-201-10 through 22VAC40-201-200).

22VAC40-210. Foster Care - Assessing the Client's Service Needs (repealing 22VAC40-210-10 through 22VAC40-210-40).

22VAC40-240. Nonagency Placement for Adoption - Consent (repealing 22VAC40-240-10, 22VAC40-240-20, 22VAC40-240-30).

22VAC40-250. Agency Placement Adoptions - AREVA (repealing 22VAC40-250-10, 22VAC40-250-20).

22VAC40-260. Agency Placement Adoptions - Subsidy (repealing 22VAC40-260-10, 22VAC40-260-20).

22VAC40-280. Nonagency Placements for Adoption - Adoptive Home Study (repealing 22VAC40-280-10, 22VAC40-280-20).

22VAC40-800. Family Based Social Services (repealing 22VAC40-800-10 through 22VAC40-800-170).

22VAC40-810. Fees for Court Services Provided by Local Departments of Social Services (repealing 22VAC40-810-10 through 22VAC40-810-50).

A public hearing will be held on December 15, 2009, at 6 p.m. at the Twin Hickory Area Library, Glen Allen, VA. Written public comments may be submitted until January 22, 2010.

Summary:

This joint action repeals eight regulations and replaces them with one comprehensive new Permanency Services regulation that will encompass the full range of services for providing a child with a safe home with his family or in the most familylike setting possible while maintaining family connections. The regulation incorporates provisions including (i) how local departments of social services (LDSS) address the provision of services to prevent children from coming into foster care; (ii) the process for assessing children entering foster care, establishing goals for those children, engaging in concurrent planning, and ensuring children are in the most appropriate and least restrictive placement; (iii) development of service plans, service delivery, court hearings, and case reviews; (iv) provision of independent living services, and closing of foster care cases; and (v) adoption processes, adoption assistance, and the putative father registry. In addition, the regulation requires LDSS workers and supervisors to attend training in accordance with the Department of Social Services' guidance.

For more information please contact Phyl Parrish, Policy Team Leader, Department of Social Services, Division of Family Services, Richmond, VA, telephone (804) 726-7926, FAX (804) 726-7895, TTY 1-800-828-1120, or email phyl.parrish@dss.virginia.gov.

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