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VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

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

FAST-TRACK RULEMAKING PROCESS

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

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*. During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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

Members of the Virginia Code Commission: **John S. Edwards**, Chairman; **Gregory D. Habeeb**; **James M. LeMunyon**; **Ryan T. McDougle**; **Robert L. Calhoun**; **Carlos L. Hopkins**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Robert L. Tavenner**.

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

PUBLICATION SCHEDULE AND DEADLINES

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

June 2014 through June 2015

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
30:21	May 28, 2014	June 16, 2014
30:22	June 11, 2014	June 30, 2014
30:23	June 25, 2014	July 14, 2014
30:24	July 9, 2014	July 28, 2014
30:25	July 23, 2014	August 11, 2014
30:26	August 6, 2014	August 25, 2014
31:1	August 20, 2014	September 8, 2014
31:2	September 3, 2014	September 22, 2014
31:3	September 17, 2014	October 6, 2014
31:4	October 1, 2014	October 20, 2014
31:5	October 15, 2014	November 3, 2014
31:6	October 29, 2014	November 17, 2014
31:7	November 12, 2014	December 1, 2014
31:8	November 25, 2014 (Tuesday)	December 15, 2014
31:9	December 10, 2014	December 29, 2014
31:10	December 23, 2014 (Tuesday)	January 12, 2015
31:11	January 7, 2015	January 26, 2015
31:12	January 21, 2015	February 9, 2015
31:13	February 4, 2015	February 23, 2015
31:14	February 18, 2015	March 9, 2015
31:15	March 4, 2015	March 23, 2015
31:16	March 18, 2015	April 6, 2015
31:17	April 1, 2015	April 20, 2015
31:18	April 15, 2015	May 4, 2015
31:19	April 29, 2015	May 18, 2015
31:20	May 13, 2015	June 1, 2015
31:21	May 27, 2015	June 15, 2015

*Filing deadlines are Wednesdays unless otherwise specified.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Contractors intends to consider amending **18VAC50-22, Board for Contractors Regulations**. The Board for Contractors will conduct a comprehensive review of the specialties to determine if a specific specialty should be added or a current specialty amended to provide a less burdensome way for contractors to become licensed, without compromising public protection. The last comprehensive review of the specialties was conducted in 2001.

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

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public Comment Deadline: July 16, 2014.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email contractors@dpor.virginia.gov.

VA.R. Doc. No. R14-4047; Filed May 28, 2014, 8:52 a.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to consider promulgating **18VAC120-50, Regulations for Natural Gas Motor Vehicle Mechanics and Technicians**. The purpose of the proposed action is to establish a regulatory program for the certification of natural gas automobile mechanics and technicians in accordance with Chapter 763 of the 2014 Acts of Assembly. The new chapter will include certification requirements, standards of practice, grounds for disciplinary actions, and recordkeeping requirements.

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

Statutory Authority: § 54.1-2356 of the Code of Virginia (effective July 1, 2014).

Public Comment Deadline: July 16, 2014.

Agency Contact: Eric L. Olson, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email cnmech@dpor.virginia.gov.

VA.R. Doc. No. R14-4029; Filed May 27, 2014, 4:53 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Social Services intends to consider amending **22VAC40-295, Temporary Assistance for Needy Families (TANF)**. The purpose of the proposed action is to make the penalties for intentional program violations (IPV) consistent between the TANF Program and the Supplemental Nutrition Assistance Program (SNAP). Currently, IPV penalty periods for TANF are six months for the first offense, 12 months for the second offense, and permanently for the third offense. The amendments will change the TANF IPV regulation to make the exclusion period consistent with SNAP, that is 12 months for first offense, 24 months for the second offense, and permanently for a third offense.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 63.2-217 of the Code of Virginia.

Public Comment Deadline: July 16, 2014.

Agency Contact: Bridget Shelmet, Program Consultant, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7144, FAX (804) 726-7357, or email bridget.shelmet@dss.virginia.gov.

VA.R. Doc. No. R14-4065; Filed May 15, 2014, 8:36 a.m.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Final Regulation

Title of Regulation: 4VAC20-490. Pertaining to Sharks (amending 4VAC20-490-42).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: June 1, 2014.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email betty.warren@mrc.virginia.gov.

Summary:

The amendments establish the commercial landings spiny dogfish quota for May 1, 2014, through April 30, 2015, as 5,329,492 pounds.

4VAC20-490-42. Spiny dogfish commercial quota and catch limitations.

A. For the 12-month period of ~~May 1, 2013~~ May 1, 2014, through ~~April 30, 2014~~ April 30, 2015, the spiny dogfish commercial landings quota shall be limited to ~~4,408,894~~ 5,329,492 pounds.

B. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

C. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia more than 4,000 pounds of spiny dogfish per day for commercial purposes.

D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.

E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.

F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

VA.R. Doc. No. R14-4061; Filed May 29, 2014, 2:11 p.m.

Final Regulation

Title of Regulation: 4VAC20-910. Pertaining to Scup (Porgy) (amending 4VAC20-910-45).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: June 1, 2014.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email betty.warren@mrc.virginia.gov.

Summary:

The amendment establishes the summer period commercial scup quota for Virginia as 14,105 pounds.

4VAC20-910-45. Possession limits and harvest quotas.

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than 50,000 pounds of scup.
2. Land in Virginia more than a total of 50,000 pounds of scup during each consecutive seven-day landing period, with the first seven-day period beginning on January 1.

B. When it is projected and announced that 80% of the coastwide quota for this period has been attained, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than a total of 1,000 pounds of scup.

C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 8,000 pounds of scup.

D. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to ~~13,085~~ 14,105 pounds.

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any

person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig, or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R14-4062; Filed May 29, 2014, 2:04 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Extension of Emergency Regulation

Title of Regulation: **8VAC20-131. Regulations Establishing Standards for Accrediting Public Schools in Virginia (amending 8VAC20-131-5, 8VAC20-131-50, 8VAC20-131-60, 8VAC20-131-110, 8VAC20-131-270, 8VAC20-131-280, 8VAC20-131-360).**

Statutory Authority: §§ 22.1-19 and 22.1-253.13:3 of the Code of Virginia.

Expiration Date Extended Through: December 3, 2014.

On May 28, 2014, the Governor approved the State Board of Education's request to extend the expiration date of the above-referenced emergency regulation as provided in § 2.2-4011 D of the Code of Virginia. The emergency regulation was published in [29:18 VA.R. 2207-2218 May 6, 2013](#). The board approved proposed permanent regulations, which are exactly the same as the emergency regulations, at its July 2013 board meeting, and additional time is needed to complete the requirements of the Administrative Process Act before the emergency regulations expire. If the emergency regulations are not extended and the permanent regulations not adopted, graduation requirements will revert back to the 2012 requirements. This will result in confusion for school divisions and families, a lowering of graduation requirements, and denial of certain students with disabilities to earn a Standard Diploma.

Agency Contact: Anne Wescott, Assistant Superintendent, Policy and Communications, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-

2403, FAX (804) 225-2524, or email anne.wescott@doe.virginia.gov.

VA.R. Doc. No. R13-3304; Filed May 28, 2014, 4:18 p.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Suspension and Readoption

Title of Regulation: **13VAC5-63. Virginia Uniform Statewide Building Code.**

Statutory Authority: § 36-98 of the Code of Virginia.

Effective Date: July 14, 2014.

On May 19, 2014, the Board of Housing and Community Development suspended **subdivision S 40 of 13VAC5-63-210** as published in [30:16 VA.R. 2071-2232 April 7, 2014](#), and readopted subdivision S 40 of 13VAC5-63-210 as amended below. The action suspending and readopting subdivision S 40 of 13VAC5-63-210 is authorized by § 2.2-4015 of the Code of Virginia.

During the 15-day period following the publication of this notice, if the department receives requests from at least 25 persons for the opportunity to comment on the action, the department shall suspend the regulation pursuant to § 2.2-4007.06 of the Code of Virginia.

13VAC5-63-210 S 40

~~42. 37. 40.~~ Add Section R408.3.1 to read [as follows and delete Section R501.3 in its entirety]:

R408.3.1 Termite inspection. Where an unvented crawl space is installed and meets the criteria in Section R408, the vertical face of the sill plate shall be clear and unobstructed and an inspection gap shall be provided below the sill plate along the top of any interior foundation wall covering. The gap shall be a minimum of one inch (25.4 mm) and a maximum of two inches (50.8 mm) in width and shall extend throughout all parts of any foundation that is enclosed. Joints between the sill plate and the top of any interior wall covering may be sealed.

Exceptions:

1. In areas not subject to damage by termites as indicated by Table R301.2(1).
2. Where other approved means are provided to inspect for potential damage.

Where pier and curtain foundations are installed as depicted in Figure R404.1.5(1), the inside face of the rim joist and sill plate shall be clear and unobstructed except for construction joints which may be sealed.

Exception: Fiberglass or similar insulation may be installed if easily removable.

Regulations

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R12-3159; Filed May 7, 2014, 10:33 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 15 (2014)

Continuing the Virginia Statewide Traffic Incident Management Committee

Importance of the Initiative

Traffic incidents present a tremendous hazard for first responders. According to the National Traffic Incident Management Coalition (NTIMC), traffic crashes and "struck-by" incidents are leading causes of on-duty injuries and deaths for law enforcement, firefighters, emergency medical personnel, and towing and recovery personnel. Reducing incident clearance times will improve first responder safety. In Virginia, it is estimated that more than half of all congestion is "non-recurring" caused by crashes, disabled vehicles, adverse weather, work zones, special events, and other temporary disruptions to the transportation system. Compounding the problem is the issue of secondary crashes.

First responder incident management procedures have been focused on responder safety at the scene with limited consideration for the benefits derived through the utilization of quick clearance strategies. In response to these concerns, the Virginia Statewide Traffic Incident Management Committee ("Committee") was established in 2013. The Committee began by reviewing the National Unified Goals ("NUG") of responder safety, quick clearance of incidents, and improved interoperable communications between responding agencies. It unanimously agreed that these principles should be promoted and employed in any traffic incident management strategy, training, or policy the Commonwealth adopts. The Committee, working in conjunction with Traffic Incident Management groups ("TIMs") of first responders throughout the Commonwealth, has proven to be a productive and efficient method of managing and coordinating the important issue of traffic safety.

Consequently, as Governor, in accordance with the authority vested in me by Article V of the Constitution of Virginia and by §§ 2.2-134 and 2.2-135 of the Code of Virginia, I hereby issue this Executive Order to continue the work of the Virginia Statewide Traffic Incident Management Committee.

Formalization of the Committee

The Virginia Statewide Traffic Incident Management Committee shall consist of the following individuals or their designee:

Chair

Superintendent, Virginia State Police

Members

Commissioner, Virginia Department of Transportation;
State Coordinator, Virginia Department of Emergency Management;
Executive Director, Virginia Department of Fire Programs;

Director, Department of Criminal Justice Services;
Representative, Virginia Department of Health, Office of Emergency Medical Services;
Executive Director, Virginia Association of Chiefs of Police;
Executive Director, Virginia Sheriffs Association;
President, Virginia Association of Volunteer Rescue Squads;
President, Virginia Fire Chiefs Association;
President, Virginia Professional Fire Fighters Association;
President, Virginia Association of Towing and Recovery;
President, Virginia Association of Public-Safety Communications Officials;
President, Major Incident Heavy Recovery Operators Association; and
President of the Virginia Association of Governmental EMS Administrators.

The Governor may appoint any other person(s) and support staff deemed necessary and proper to carry out the assigned functions.

Roles and Responsibilities of Committee

- Serves in an advisory role for public safety leaders and transportation experts committed to the management of traffic incidents.
- Supports activities that include disseminating and promoting the comprehensive Traffic Incident Management Plan.
- Promotes and provides multidisciplinary TIMs training to all first responders and stakeholders using the Strategic Highway Research Program ("SHRP2") TIMs curriculum developed by the Federal Highway Administration.
- Supports traffic incident management by 1) promoting the National Uniform Goals for TIMs, including responder safety, safe, quick clearance, and interoperable communications; 2) encouraging the development of TIMs regional teams, promoting collaboration and communication among the Commonwealth's emergency responders; and 3) keeping emergency responders up to date on national rules, regulations and trends regarding safe roadway incident operations.
- Solicits best practices to improve the response of Virginia agencies charged with the prevention and mitigation of traffic incidents. These guidelines should be used to create local and regional traffic incident management plans consistent with the NUG objectives of responder safety, safe, quick clearance, and prompt, reliable incident communications.

Staffing and Funding

Staff necessary for the Committee will be provided by the respective agencies participating with the Committee. The estimated direct cost of the Committee is \$1,000. Funding necessary to support the Committee shall be provided from funds authorized by § 2.2-135 of the Code of Virginia.

Governor

Effective Date of the Executive Order

This Executive Order replaces Executive Order 58 (2013) issued on February 4, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the Code of Virginia, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 27th day of May, 2014.

/s/ Terence R. McAuliffe
Governor

GENERAL NOTICES/ERRATA

STATE AIR POLLUTION CONTROL BOARD

Proposed State Implementation Plan Revision - Revision A14

Notice of action: The Department of Environmental Quality (DEQ) is announcing an opportunity for public comment on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The SIP is a plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act. The Commonwealth intends to submit the regulation to EPA as a revision to the SIP in accordance with the requirements of § 110(a) of the federal Clean Air Act.

Regulations affected: The regulation of the board affected by this action is Article 8 (Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas) of 9VAC5-80 (Permits for Stationary Sources), Revision A14.

Purpose of notice: DEQ is seeking comment on the issue of whether the regulation amendments should be submitted as a revision to the SIP.

Public comment period: June 16, 2014, to July 16, 2014.

Public hearing: A public hearing may be conducted if a request is made in writing to the contact listed below. In order to be considered, the request must include the full name, address, and telephone number of the person requesting the hearing and be received by DEQ by the last day of the comment period. Notice of the date, time, and location of any requested public hearing will be announced in a separate notice, and another 30-day comment period will be conducted.

Public comment stage: The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 c of the Administrative Process Act because they are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent EPA regulations. Since the amendments have been adopted and are exempt from administrative procedures for the adoption of regulations, DEQ is accepting comment only on the issue cited above under "purpose of notice" and not on the content of the regulation amendments.

Description of proposal: The proposed revision consists of modifying provisions in the prevention of significant deterioration (PSD) new source review regulation relative to significant impact levels (SILs) and a significant monitoring concentration (SMC) for particulate matter less than 2.5 micrometers (PM_{2.5}). On January 22, 2013, the United States Court of Appeals for the District of Columbia Circuit granted

a request from the EPA to vacate and remand to EPA portions of the PSD new source review regulations establishing the SILs for PM_{2.5}. The court further vacated the portions of the PSD regulations establishing a PM_{2.5} SMC. EPA modified its regulations accordingly on December 9, 2013, (78 FR 73698). In Virginia, where the state administers the NSR program under an approved SIP, the state must adopt and submit revisions to the SIP to reflect the rule revisions.

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102) and not any provision of state law. The proposal will be submitted as a revision to the Commonwealth of Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104. It is planned to submit all provisions of the proposal as a revision to the SIP.

How to comment: DEQ accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DEQ by the last day of the comment period. All materials received are part of the public record.

To review regulation documents: The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans website at <http://www.deq.state.va.us/Programs/Air/PublicNotices/airplansandprograms.aspx>. The documents may also be obtained by contacting the DEQ representative listed below. The public may review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the following DEQ locations:

- 1) Main Street Office, 8th Floor, 629 East Main Street, Richmond, VA, telephone (804) 698-4070,
- 2) Southwest Regional Office, 355 Deadmore Street, Abingdon, VA, telephone (276) 676-4800,
- 3) Blue Ridge Regional Office, Roanoke Location, 3019 Peters Creek Road, Roanoke, VA, telephone (540) 562-6700,
- 4) Blue Ridge Regional Office, Lynchburg Location, 7705 Timberlake Road, Lynchburg, VA, telephone (434) 582-5120,
- 5) Valley Regional Office, 4411 Early Road, Harrisonburg, VA, telephone (540) 574-7800,
- 6) Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA, telephone (804) 527-5020,
- 7) Northern Regional Office, 13901 Crown Court, Woodbridge, VA, telephone (703) 583-3800, and
- 8) Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA, telephone (757) 518-2000.

General Notices/Errata

Contact Information: Karen G. Sabasteanski, 629 East Main Street, P.O. Box 1105, Richmond, VA 232118, telephone (804) 698-4426, FAX (804) 698-4510, or email karen.sabasteanski@deq.virginia.gov.

STATE BOARD OF EDUCATION

Additional Public Comment Period Regarding Revisions to Amending the Regulations Governing Driver Education and Repealing the Regulations Governing the Approval of Correspondence Courses for Home Instruction (Final Stage)

The Board of Education is in the final stage of amending the Regulations Governing Driver Education (8VAC20-340) and repealing the Regulations Governing the Approval of Correspondence Courses for Home Instruction (8VAC20-60).

The 2008 General Assembly adopted amendments that eliminated the requirement for the Superintendent of Public Instruction to approve correspondence courses for parents who homeschool their children. However, the Code of Virginia still requires that the Board of Education approve driver education correspondence courses for parents who homeschool their children. As a result of this action by the General Assembly, the Regulations Governing the Approval of Correspondence Courses for Home Instruction are no longer necessary, and the board proposed to move provisions about driver education correspondence courses to the Regulations Governing Driver Education. The board received no public comment on the proposed regulatory action.

However, during the executive review process, the board was advised that changes were needed regarding due process if a correspondence school's application is denied, or if the approval is revoked for good cause. The proposed amendments make changes to the due process provisions. Instead of a fact-finding conference and a hearing before a hearing officer, the amendments would provide for the Board of Education to review and reconsider the decision. To view the proposed amendments, please see http://www.doe.virginia.gov/boe/meetings/2014/05_agenda_items/item_h.pdf.

As the proposed changes are substantive, public comment is being sought through June 30, 2014. The board plans to take final action of the regulatory action at its July 24, 2014, meeting. For questions about this regulatory action, please contact the Department of Education's policy office at policy@doe.virginia.gov or (804) 225-2403. Comments may be submitted to policy@doe.virginia.gov or Virginia Board of Education, P.O. Box 2120, Richmond, VA 23218.

Contact Information: Melissa Luchau, Director for Board Relations, State Board of Education, P.O. Box 2120, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, FAX (804) 225-2524, or email melissa.luchau@doe.virginia.gov.

STATE BOARD OF HEALTH

Periodic and Small Business Impact Review

Pursuant to Executive Order 14 (2010), §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, and Executive Directive ED-01 (May 12, 2014) the Board of Health is conducting a periodic review and small business impact review of **12VAC5-412, Regulations for the Licensure of Abortion Facilities.**

The review of this regulation will be guided by the principles in Executive Order 14 (2010). <http://dpb.virginia.gov/regs/eo14.pdf>. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins June 16, 2014, and ends July 31, 2014.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Erik Bodin, Director, Virginia Department of Health, Office of Licensure and Certification, 9960 Mayland Drive, Suite 401, Richmond, VA 23233, telephone (804) 367-2102, FAX (804) 527-4502, or email healthcommissioner@vdh.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on May 22, 2014. The orders may be viewed at the State Lottery Department, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 201 North 9th Street, 2nd Floor, Richmond, VA.

Director's Order Number Fifty-Three (14)

Virginia's Instant Game Lottery 1462 "Blackjack" Final Rules for Game Operation (effective April 22, 2014)

Director's Order Number Fifty-Four (14)

Virginia's Instant Game Lottery 1478 "\$5,000,000 Cash Blowout!" Final Rules for Game Operation (effective April 22, 2014)

Director's Order Number Fifty-Five (14)

Virginia's Instant Game Lottery 1481 "Extreme 13" Final Rules for Game Operation (effective May 9, 2014)

Director's Order Number Fifty-Seven (14)

Virginia's Instant Game Lottery 1482 "5X the Money" Final Rules for Game Operation (effective May 9, 2014)

Director's Order Number Fifty-Nine (14)

Virginia Lottery's "Rev Up for RIR" Final Rules for Operation (This Director's Order becomes effective on Friday, April 25, 2014, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number Sixty (14)

Virginia Lottery's "RIR Torque Club Ticket Giveaway" Promotion Final Rules for Operation (This Director's Order becomes effective on Friday, April 25, 2014, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number Sixty-Four (14)

Virginia Lottery's "We're Game Promotion" Final Rules for Operation (This Director's Order becomes effective on Tuesday, June 3, 2014, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number Sixty-Six (14)

"Mega Power Grocery Sweepstakes Promotion" Virginia Lottery Final Rules for Game Operation (This Director's Order amends and replaces Director's Order Three (14) and is effective on Sunday, June 1, 2014. This Director's Order shall remain in full force and effect, unless amended or rescinded by further Director's Order.)

Director's Order Number Sixty-Eight (14)

Virginia Lottery's "Epic Vegas Jackpot" Promotion Final Rules for Game Operation (This Director's Order amends and replaces Director's Order Thirty-Six (14) and is effective nunc pro tunc to Tuesday, April 8, 2014. This Director's Order shall remain in full force and effect unless amended or rescinded by further Director's Order.)

Director's Order Number Seventy (14)

Virginia Lottery's "Epic Vegas Scratcher" Promotion Final Rules for Game Operation (This Director's Order amends and replaces Director's Order Number Forty-Two (14) and is effective nunc pro tunc to Tuesday, April 8, 2014. This

Director's Order shall remain in full force and effect unless amended or rescinded by further Director's Order.)

Director's Order Number Seventy-One (14)

Virginia's Instant Game Lottery 1495 "We're Game" Final Rules for Game Operation (effective May 12, 2014)

Director's Order Number Seventy-Two (14)

Virginia's Instant Game Lottery 1497 "All About The Benjamins" Final Rules for Game Operation (effective May 12, 2014)

Director's Order Number Seventy-Three (14)

Virginia's Instant Game Lottery 1486 "Find the 9's" Final Rules for Game Operation (effective May 12, 2014)

Director's Order Number Seventy-Four (14)

Virginia's Instant Game Lottery 1485 "7-11-21®" Final Rules for Game Operation (effective May 12, 2014)

Director's Order Number Seventy-Five (14)

Virginia's Instant Game Lottery 1489 "Big Winning Numbers" Final Rules for Game Operation (effective May 14, 2014)

Director's Order Number Seventy-Six (14)

This order rescinds Director's Order Number Fifty-Six (14): "On a Roll!" Final Rules for Game Operation (effective May 14, 2014)

Director's Order Number Seventy-Seven (14)

Virginia's Instant Game Lottery 1476 "High Voltage" Final Rules for Game Operation (This Director's Order amends and replaces Director's Order Number Sixty-Two (14) and is effective nunc pro tunc to Tuesday, May 6, 2014. This Director's Order shall remain in full force and effect unless amended or rescinded by further Director's Order.)

Director's Order Number Seventy-Eight (14)

Virginia's Instant Game Lottery 1406 "Double Deuces" Final Rules for Game Operation (This Director's Order amends and replaces Director's Order Number Sixty-One (14) and is effective nunc pro tunc to Tuesday, May 6, 2014. This Director's Order shall remain in full force and effect unless amended or rescinded by further Director's Order.)

STATE BOARD OF SOCIAL SERVICES

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Social Services is conducting a periodic review and small business impact review of **22VAC40-400, Funding Limitations for the Refugee Resettlement Program.**

General Notices/Errata

The review of this regulation will be guided by the principles in Executive Order 14 (2010) and § 2.2-4007.1 of the Code of Virginia. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins June 16, 2014, and ends July 7, 2014.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Penelope Boyd, Refugee Program Consultant, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7933, FAX (804) 726-7088, or email penny.boyd@dss.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

STATE WATER CONTROL BOARD

Proposed Enforcement Action for Riggins Company, L.C.

An enforcement action has been proposed for Riggins Company, L.C., Hampton, Virginia, for alleged violations of the State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Mr. Robin Schuhmann will accept comments by email at robin.schuhmann@deq.virginia.gov, FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, from June 16, 2014, through July 16, 2014.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/connect/commonwealth-calendar>.

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

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